

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.40 P.M. ON TUESDAY, 5 AUGUST 2014**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Amy Whitelock Gibbs (Chair)

Councillor Andrew Cregan  
Councillor Candida Ronald

**Other Councillors Present:**

None

**Officers Present:**

Luke Elford – (Lawyer – Enforcement and Litigation Team)  
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Gary Grant - Item 3.1  
Damian Sanvil - Item 3.1  
Rosalind Foley - Item 3.1  
Niall Healy - Item 3.1  
Gwendolyn Leick - Item 3.1  
Jack Spiegler - Item 3.2  
Ricahrd Seldon - Item 3.2

**Objectors In Attendance:**

Matthew Day - Item 3.1  
PC Mark Perry - Item 3.1  
Margaret Gordon - Item 3.2

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application for a New Premises Licence for (Close Up Cinema), 97 - 99 Sclater Street, London E1 6HR**

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for Close Up Cinema, 97-99 Sclater Street, London E1 6HR. It was noted that objections have been received from local residents and the Metropolitan Police.

At the request of the Chair, Mr Gary Grant, Legal Representative on behalf of the Applicant referred Members to the supporting documents submitted by the Applicant which had photos of the premises, premises licence plans, letters of support, website pages etc. It was noted that they would specialise in the promotion, distribution and exhibition of classics, world cinema, documentaries, and artists' films, alongside a film library. It was noted that the cinema would become a unique resource for the local community and also for the wide regional and international audience.

It was further noted that the premise had been there for 9 years with all the facilities mentioned except for screening of films. Mr Grant stated that the nature of the premises, was art led which would educate and entertain users, and have screenings of Art House movies with question and answer sessions afterwards.

Mr Grant stated that the Applicant was happy to accept the reduced hours suggested by the Police and also offered conditions so that alcohol is to be sold only to patrons who attend the venue for film related purposes.

Mr Grant explained that the two resident objections had been addressed as one objection was regarding planning issues and the other objection related to refuse being put out late at night and therefore they were happy to have a condition to restrict the times when refuse could be put out and collected.

Mr Grant then introduced Ms Gwendolyn Leick, freeholder and resident who lived above the venue, Ms Leick explained the benefits of having the venue and expressed her support for the premises.

Members then heard from Mr Matthew Day who stated that the granting of the application would affect his quality of life. He showed photographs showing the close proximity of this venue to his flat. Mr Day stated that he had problems sleeping with the noise from the venue and explained how this affected him in the mornings when getting work.

He emphasised the fact that this premises was within the Saturation Zone and that the premises did cause disturbance. It was also noted that the lack of representation from residents was because there were no permanent residents in the area, as tenants did not stay long enough to object.

Members then heard from PC Mark Perry, Metropolitan Police who stated that another licenced venue would impact local residents, he welcomed the reduction in hours and the conditions proposed but the fact was that people still stood outside the premises causing noise nuisance and the policy was there to protect residents.

In response to questions the following was noted;

- That the capacity of the premises was for a maximum of 40 people.
- That the main objection was against the sale of alcohol as it fuelled anti-social behaviour.
- That CCTV cameras would be operational
- That the Applicants had not had any complaints of anti-social behaviour
- That staff would be trained in how to sell alcohol responsibly.
- That the Applicant had offered a number of conditions such as;
  - no smoking or drinking outside the premises,
  - the courtyard to be restricted to 22:00 hours,
  - a limit on the number of smokers outside in the courtyard,
  - suitable signage to be displayed, and
  - contact details of management to be available to residents for any complaints or concerns they may have.

Members retired to consider their decision at 7.25 pm and reconvened at 7.35 pm.

### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before

them and had heard representations and taken account of the evidence submitted by both the objectors and the applicant.

Members had reached a decision and this decision was unanimous. Members decided to grant the application as amended and add all the conditions offered by the applicant and those agreed with responsible authorities prior to the hearing. Members noted that the premises was within the cumulative impact zone, however, Members were satisfied that having seen the evidence prior to and at committee, the Applicant had done everything they could to mitigate further impact within the cumulative impact zone and Members were content that the conditions proposed would promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Close-Up Cinema, 97-99 Sclater Street, London E1 6HR be **GRANTED with conditions**.

#### Sale of Alcohol (on sales only)

Monday to Sunday from 10:00 hours to 23:30 hours

#### The Provision of Regulated Entertainment - Films (indoors)

Monday to Sunday from 10:00 hours to 23:30 hours

#### The Provision for Late Night Refreshments

Monday to Sunday from 23:00 hours to 23:30 hours

#### Hours Premises is open to the Public

Monday to Sunday from 08:00 hours to 00:00 hours (midnight)

#### Conditions

1. Regulated entertainment shall not be audible inside any affected residential premise so as to cause a nuisance
2. Limit the number of smokers in the courtyard to a maximum of 5 at any one time after 22:00 hours.
3. An incident log shall be kept at the premises and made available on request to the Police or an authorised officer of the Council

The log will record the following

- (a) all crimes reported to the venue

(b) all ejections of customers

(c) any incidents of disorder (disturbance caused either by one person or a group of people)

[There is no requirement to record the above incidents (a), (b) or (c) where they do not relate to a licensable activity]

4. Alcohol to be sold only to patrons who attend the venue for film related purposes.
5. No drinks to be consumed outside the front of the premises and no smokers to be allowed outside the front of the premises.
6. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. No refuse to be put outside during the hours of 21:00 hours to 07:00 hours.
8. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
9. CCTV camera system covering both internal and external to the premises is to be installed.
10. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
11. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.

### **3.2 Application for a Variation to the Premises Licence for W B Spitalfields Ltd, 8-9 Lamb Street, London, E1 6EA.**

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for WB Spitalfields Ltd, 8-9 Lamb Street, London E1 6EA. It was noted that objections have been received from local residents.

It was noted that there had been a representation that has been omitted from the agenda. The Chair asked if the applicant was happy to accept this representation at late notice. The representation was accepted and noted by the Applicant and Members.

At the request of the Chair, Mr Jack Speigler, Legal Representative stated that the application was to vary the application to extend the outside area to allow for 4 tables and 8 chairs to be placed outside for dining. It was noted

that the premises was a premium sea food restaurant and amendments to the application had been made with a reduction in hours and conditions. It was noted that as a result of the conditions no responsible authorities had objected.

Members then heard from Robert Seldon, Applicant who gave a brief account of his experiences of managing restaurants for the past 25 years, he also explained that there would be two members of staff looking after the outside area, and had not had any problems or complaints from any of his other restaurants in Westminster and Soho.

It was noted that the whole purpose for licensing this extended area was for dining, there had not been any complaints so far and it was unlikely to have impact on policy area as it was not a late night premises, nor a new licence, it was a premium restaurant and not a bar.

Members then heard from Margaret Gordon, local resident who also spoke on behalf of residents who were unable to attend the meeting who had made objections. She expressed a number of concerns over the tables and chairs outside, access to the flats above the restaurant and general noise nuisance as a result of diners sitting outside the premises

Ms Gordon welcomed the reduced timings and stated that having 5-6 smokers outside the premises could get quite noisy. She asked if consideration can be made when putting out and putting in the chairs and tables.

Members raised concerns about the tables and chairs outside the premises, public safety and noise nuisance. It was noted that the size of tables and chairs would be determined by the Council's Streets and Markets Team.

Members retired to consider their decision at 8.30 pm and reconvened at 8.50 pm.

### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had taken account of the evidence submitted by both the objector and the applicant.

Members noted the concerns of public nuisance raised by the objectors and that the premises was within the cumulative impact zone. Members were able to consider cumulative impact because of an increase to capacity, however

small that increase was. Members noted the amendments to the application offered by the Applicant in the run up to the sub-committee hearing and the conditions proposed and agreed to by the Applicant at the hearing itself. Members were of the view that the application as amended promoted the licensing objectives and was sufficient to mitigate any potential impact in the cumulative impact zone in relation to the increase in capacity.

Members were satisfied that the variation would not have a detrimental cumulative impact in the area and therefore granted the application as amended with conditions which would promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Variation of the Premises Licence for Wright Brothers Spitalfields Ltd, 8-9 Lamb Street, London E1 6EA be **GRANTED** with conditions.

To extend the area allowed for the sale of alcohol to the pavement outside the premises.

#### Sale of Alcohol (on sales only)

Monday to Saturday from 10:00 hours to 21:00 hours  
Sunday from 12 noon to 21:00 hours

#### Conditions

1. Any patrons that smoke after 21:00 hours will not be permitted to take any drinks out with them.
2. No consumption of alcohol outside other than those seated and as part of a substantial meal.
3. A maximum of 8 patrons to dine in the extended area at any one time.
4. External dining to cease at 21:00 hours at which point the external dining area will be closed. The external dining area to be cleared of all furniture by 21:30 hours.

### **3.3 Application for a Temporary Event Notice for 3 Hancock Road, London, E3 3DA**

The Chair stated that the Temporary Event Notice Application had been withdrawn by the Applicant and therefore they did not require consideration.

**4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

The Chair stated that the Temporary Event Notice Applications had been withdrawn by the Applicants and therefore they did not require consideration.

**4.1 Licensing Act 2003 Temporary Event Notice for 3 Hancock Road, London, E3 3DA.**

The Chair stated that the Temporary Event Notice Application had been withdrawn by the Applicant and therefore they did not require consideration.

**4.2 Licensing Act 2003 Temporary Event Notice for 3 Hancock Road, London, E3 3DA.**

The Chair stated that the Temporary Event Notice Application had been withdrawn by the Applicant and therefore they did not require consideration.

The meeting ended at 9.00 p.m.

Chair, Councillor Amy Whitelock Gibbs  
Licensing Sub Committee