

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 16 SEPTEMBER 2014

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

Members Present:

Councillor Amy Whitelock Gibbs (Chair)

Councillor Shah Alam

Councillor Gulam Kibria Choudhury

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. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on the 24th July, 5th & 19th August 2014 was agreed.

4. ITEMS FOR CONSIDERATION

**4.1 Application for a Variation of the Premises Licence for Ferry House, 26
Ferry Street, London E14 3DT**

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 Home Office 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 for all interested parties.

Members heard representations and considered the licensing objective for the prevention of public nuisance. It was noted that the objections mainly related to the use of the balcony area and its close proximity to residents homes and its impact. Members welcomed the withdrawal of the regulated entertainment and reduction in hours. Members believed that specific conditions restricting the sale of alcohol with food only and the restriction for the use of the balcony area would help address the concerns raised by residents.

Members had reached a decision and this decision was unanimous. Members decided to grant the application as amended and added conditions offered by the applicant and those agreed with Environmental Health.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of the Premises Licence for, Ferry House, First Floor, 26 Ferry Street, London E14 3DTbe **GRANTED with conditions.**

First Floor

Sale of Alcohol (on and off sales only)

Monday to Sunday from 11:00 hours to 23:00 hours

Hours Premises is open to the Public

Monday to Sunday from 11:00 hours to 23:20 hours

Non-standard times

New Years Eve from 23:00 hours to 11:00 on New Years Days

Conditions

1. Alcohol to be only served to seated customers and ancillary to a meal.
2. No access to the balcony at any time by customers or members of staff.
3. Maximum capacity on the 1st Floor to be 52 people at any one time.
4. Windows and doors to be closed after 21:30 hours

4.2 Application for a New Premises Licence for A Filo Limited, Unit 9 Ground Floor (Block B), 6 Richmix Square, London, E1 6LD

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 Home Office Guidance and the Council's Statement of Licensing Policy.

Ms Kirsty Panton, Senior Licensing Advocate, advised Members that a Cumulative Impact Policy was adopted by the Council on 18 September 2013. It was noted that where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. However, the effect of this special cumulative impact policy is to create a rebuttable presumption.

The applicant can rebut the presumption if they can demonstrate that their application for a new licence premises, as in this case would not undermine on the four licensing objectives. The main concerns raised by the objectors appear to be prevention of public nuisance. Therefore the applicant is expected to show this through the operating schedule and with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced.

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 from the Applicant's representative and from various objectors.

Members noted the concerns of public nuisance and noted the fact that the premises was within the cumulative impact zone. However Members noted how the Applicant had amended the application to address the concerns of residents by reducing the hours applied for.

Members were satisfied that the premises 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 and restrict the outdoor area helping alleviate the concerns of residents in relation to noise and public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for A Filo Limited, Unit 9, Ground Floor, (Block B), 6 Richmix Square, London E1 6LD be **GRANTED** with conditions.

Sale of Alcohol (on and off sales)

Monday to Thursday from 10:00 hours to 23:00 hours
Friday and Saturday from 10:00 hours to 23:30 hours
Sunday from 10:00 hours to 22:00 hours

The Provision of Late Night Refreshments

Friday and Saturday from 23:00 hours to 23:30 hours

Hours premises is open to the public

Monday to Thursday from 08:00 hours to 23:30 hours
Friday and Saturday from 08:00 hours to 00:00 hours (midnight)
Sunday from 09:30 hours to 22:30 hours

Conditions

1. The sale of alcohol shall be ancillary to the provision of food only
2. The outdoor area shall not be used for the consumption of food or drink past 20:00 hours on Sunday to Thursday and 21:00 hours on Friday and Saturday.
3. The outdoor area to be restricted to a maximum of 8 people for seating and dining.
4. Limit the number of smokers outside the premises to a maximum of 5 people at any one time.
5. A designated taxi number shall be available.
6. There will be no draught sales of alcohol.
7. There shall be no self-service of spirits on the premises except for spirit mixers below 5.5% Alcohol by Volume.
8. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
9. No alcohol shall be consumed more than 30 minutes after the permitted hour for the supply of alcohol.
10. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are

recognised photographic identification cards, such as a driving licence or passport.

11. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
12. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
13. All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
14. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
15. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the police or an authorised officer of the Council at all times whilst the premises are open.
16. No entertainment, performance, service, or exhibition involving nudity or sexual stimulation which would come within the definition of a sex establishment in Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as amended by the Greater London Council (General Powers) Act 1986 (whether or not locally adopted), shall be provided.
17. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
18. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any incidents of disorder
 - (d) all seizures of drugs or offensive weapons
 - (e) any faults in the CCTV system or searching equipment or scanning equipment
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a relevant authority or emergency service.
19. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
20. All sales of alcohol for consumption away from the immediate outside of the premises shall be in sealed containers only, and shall not be consumed on the premises.

21. The supply of alcohol shall be by waiter or waitress service only.
22. CCTV camera system covering both internal and external to the premises is to be installed.
23. 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.
24. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.

4.3 Application for a Temporary Event Notice for ICAN Studios, 33-35 Monier Road, London, E3 2PR.

This item was withdrawn from the agenda as an agreement had been reached between the Applicant and Objector prior to the meeting.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business considered urgent.

The meeting ended at 8.25 p.m.

Chair, **Councillor Amy Whitelock Gibbs**
Licensing Sub Committee