

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 29 SEPTEMBER 2015

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

Members Present:

Councillor Candida Ronald (Chair)
Councillor Khaled Uddin Ahmed
Councillor Gulam Kibria Choudhury

Officers Present:

Kathy Driver	– (Principal Licensing Officer)	
Vivienne Walker	– (Senior Prosecution Lawyer)	
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)	

Applicants In Attendance:

Gary Grant	(Item 3.1)
Richard Clark	(Item 3.1)
Lindsay Moran	(Item 3.2)
Adriana Cerne	(Item 3.2)
Abdul Rauf	(Item 5.1)

Objectors In Attendance:

David Leonard	(Item 3.1)
Michael Wilshire	(Item 3.1)
Heather Wilshire	(Item 3.1)
Robert Breslin	(Item 3.2)
PC Mark Perry	(Item 5.1)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (External Terrace Outside Cau Restaurant 1), Commodity Quay, St Katharine Dock, London E1W 1AZ

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the new application for Cau Restaurant, (External Cau Restaurant 1) Commodity Quay, St Katherine Dock, London E1W 1AZ. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Gary Grant, Legal Representative on behalf of the Applicant explained that Cau was part of a large chain of restaurants, and also part of the Gaucho Group and was professionally run by experienced staff. He said that it was a modest application and that the restaurant had been trading without any complaints.

He referred Members to page 17 of the supplemental agenda which showed the area applied for licensable activities, he said that the Applicant had permission to use this area for customers to dine outside. He said that all representations wrongly made reference to the existing seating area outside the premises and he confirmed that this area was already licenced and therefore not subject to the application.

He said that there were general complaints at St Katharine's Dock but the premise was 75 metres away from any residential homes. It was noted that there were other premises in the local vicinity which had provisions for outside dining and those premises were located under flats/Ivory House.

Mr Grant acknowledged there may be noise nuisance, as St Katherine Docks was a mixed use area but he stressed the fact that it was not from the premises itself. He emphasised that the hours applied for were below the framework hours. He said that the sale of alcohol would only be available to those who were dining at the premises and that the area would have a maximum of 34 covers and would be supervised by management.

Members heard from Ms Heather Wilshire and Mr Michael Wilshire, local residents who expressed similar concerns around noise breakout and public nuisance, it was also noted that noise travelled across water and would impact on the residents living in Ivory House. Mr & Mrs Wilshire also stated that they had been assured by the Landlord that they would not allow seating outside the premises.

Members then heard from Mr David Leonard representing the Friends of St Katherine Docks who expressed concerns about sufficient access and egress on the walkway, and the obstruction of fire exits. He acknowledged that the premise was 75 meters away from residents' homes. However, it was noted that that noise travelled across water and therefore there would be an increase in noise. He said that the other premises had strict conditions and

suggested reduced hours of operation, serving of alcohol to cease at 9.00pm and the area closed by 9.30pm.

In response to questions from Members the following was noted;

- The objectors stated that the previous Landlords had promised Ivory House residents that restaurants would have no seating outside.
- The Applicant stated that the Landlords said that they would not object to outside dining as long as there was sufficient walkway and fire exits were not obstructed.
- That alcohol would only be supplied with a meal
- That there would be no more than 34 covers outside in the external area.
- That no responsible authorities had objected to the application.
- That the Applicant had offered to reduce their hours to 9.30pm for the sale of alcohol and the area to be cleared by 10pm.
- The Applicant also offered to exclude a part of the licenced area (hatched black on the plan) so not to obstruct the walkway.

Members retired to consider their decision at 7.15pm and reconvened at 7.40pm.

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 representation from the Applicant's representative and objectors.

Members recognised that the area was a mixed commercial and residential area and that Ivory House was directly opposite the premises and that noise did travel over water and therefore accepted that this could cause nuisance for residents.

Members also welcomed the efforts made by the Applicant to alleviate the concerns of residents by offering a reduction in hours and restricting a part of the licensed area to allow access and egress.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help prevent public nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Application for a New Premise Licence for (External Terrace Outside CAU Restaurant 1), Commodity Quay, St Katherine Dock, London E1w 1AZ be **GRANTED with conditions**.

Sale of Alcohol (On and Off Sales)

Monday to Sunday from 09:00 hours to 21:00 hours

The Opening Hours of the Premises

Monday to Sunday from 07:00 hours to 21:30 hours

Conditions

1. There will be no more than 34 external covers
2. The area shown as hatched black on the plan is excluded from the license area.
3. The sale by retail of alcohol shall be ancillary to persons dining in the external area.

3.2 Application for a New Premises Licence for Leyden Gallery, 9-9a Leyden Street, London E1 7LE

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the new application for Leyden Gallery, 9-9a Leyden Street, London E1 7LE. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Lindsay Moran, Applicant, explained that they had written to the sole objector wishing to mediate however there had been no response from him. He explained that they had been operating as a gallery for the past 2 years, without any problems. It was noted that it was a new business, new way to get art lovers to celebrate art. He said that they have had events previously where they have served wine for free and have had no problems. Mr Moran then listed names of esteemed guests who have used or visited the premises in the past.

Mr Moran said that the application was to simply enable them to serve drinks during events which would also financially help them. He said that they could not envisage an increase in the footfall as it was mostly invite only customers or ticketed events.

Members then heard from Mr Robert Berslin, local resident, who said that not many people were made aware of the application hence why not a lot of people objected. He said his main concerns were noise nuisance and the impact it would have to his living conditions. He said he loved the diversity in the area but was concerned about the noise pollution. He said the premise was only 10 yards away from his home. He also expressed concerns that if the financial circumstances of the Applicants were to change then it could potentially turn into wine bar.

In response to questions from Members the following was noted;

- That the basement had a seating capacity for 12 people.
- That in total there was a capacity for 80-90 people on both floors
- That current events caused minor problems but the objector was concerned that once alcohol is available there may be problems.
- That the Applicants currently offered free alcohol at events and have had no problems.
- That there were no other objections from residents or responsible authorities.
- That any licence granted would be subject to reviews and enforcement actions.
- The Applicants gave assurance that the premises would always remain as an art gallery.

Members retired to consider their decision at 8.10.pm and reconvened at 8.15pm.

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 representation from both the applicant and objector.

Members noted the resident's concerns about noise pollution, however also noted the fact that no responsible authorities had objected to the application. Members made a decision and the decision was unanimous, Members decided to grant the application and imposed a condition to not allow drinks to be taken outside the premises, this would help alleviate the concerns of the local resident in terms of noise nuisance.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for the Leyden Gallery, 9-9a Leyden Street, London E1 7LE be **GRANTED with conditions.**

Sale of Alcohol (On Sales Only)

Monday to Saturday from 12:00 hours to 23:00 hours

The Provision for Regulated Entertainment (anything of a similar description to live music, recorded music and performance of dance)

Monday to Saturday from 12:00 hours to 23:00 hours

Hours the premise is open to the public

Monday to Saturday from 11:00 hours to 23:30 hours

Conditions

- 1) No drinks to be taken outside the premises.

4. EXCLUSION OF PRESS AND PUBLIC**Resolved**

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

5. EXEMPT / CONFIDENTIAL REPORTS FOR CONSIDERATION**5.1 Application for a Variation of Designated Premises Supervisor for Cinnamon, 134 Brick Lane, London E1 6RU****Decision**

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Variation of Designated Premises Supervisor for Cinnamon, 134 Brick Lane, London E1 6RU be **REFUSED**.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.10 p.m.

Chair, Councillor Candida Ronald
Licensing Sub Committee