

PREMISES LICENCE APPLICATION

PROPOSAL TO LICENSING COMMITTEE

Issuing Licensing Authority	London Borough of Tower Hamlets
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PREMISES ADDRESS

Name	Lofthouse Square		
Address	Ground Floor, Laterna Building Fish Island Village, Wyke Road		
	London	Postcode	E3 3PL

We have been asked to represent 4 residents, who are all owner occupiers of Laterna Court, 2 Wyke Road; essentially living immediately above the proposed premises.

We represent:

- Asheesh Bhatia & Nadja Goldbach
- Inderjit Dhani
- Freddie Camrass & Nurilya Alymbekova
- Benjamin Huddleston

While it is acknowledged that there have been some efforts by the applicant to reach out to residents, the residents we represent do not feel that these measures go far enough, nor do they feel that the offers which have been made have been sufficiently safeguarded by the introduction of a suitable set of binding conditions; which would compel the applicant to abide by the assurances they have given.

We are therefore taking this opportunity to put a proposed set of conditions forward to deal with the concerns raised by the group we represent. Their concerns relate particularly to:

- The Prevention of Public Nuisance
- The Prevention of Crime & Disorder
- Public Safety

It will be our intention at the hearing not to speak against the application in its entirety, but rather to urge the committee to grant the application. However we would only support this position if the hours granted reflect more reasonable operating hours for a premises at this location and that our concerns are addressed through the imposition of a suitable set of conditions. We have proposed such conditions in this document in order to provide clarity at the hearing for an outcome we feel is fair to both parties.

HOURS

The hours originally applied for were totally unacceptable for a premises at this location and even the hours which have now been curtailed, seem excessive for a location which is surrounded on each side by very many residential properties; some of which lie immediately above the proposed premises.

We note that the agreed opening hours for the premises are exactly the same as those for the Sale of Alcohol and feel that this does not allow for a controlled dispersal from the premises. As such the hours for the Sale of Alcohol should be reduced accordingly.

The Hours on Sundays should better reflect the night before a new work / school week.

We would ask that the Licensing Committee give consideration to restricting the hours for the sale of alcohol to:

Sale of Alcohol			
	From	To	Notes
Monday	10.00	22.30	Those hours in red are the ones which differ from the hours agreed with the Police.
Tuesday	10.00	22.30	
Wednesday	10.00	22.30	
Thursday	10.00	22.30	
Friday	10.00	23.00	
Saturday	10.00	23.00	
Sunday	10.00	22.00	

On-Sales	<input type="checkbox"/>	Off-Sales	<input type="checkbox"/>	Both	<input checked="" type="checkbox"/>
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Opening Hours			
	From	To	Notes
Monday	10.00	23.00	Those hours in red are the ones which differ from the hours agreed with the Police.
Tuesday	10.00	23.00	
Wednesday	10.00	23.00	
Thursday	10.00	23.00	
Friday	10.00	23.30	
Saturday	10.00	23.30	
Sunday	10.00	22.30	

Late Night Refreshment						
	From	To	Notes			
Monday			Those hours in red are the ones which differ from the hours agreed with the Police.			
Tuesday						
Wednesday						
Thursday						
Friday	23.00	23.30				
Saturday	23.00	23.30				
Sunday						
	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>

The opening hours for Friday and Saturday reflect those suggested to the residents by the applicant for the weekend, in the email dated 13/05/2021 a copy of which is attached.

The following are a list of concerns raised by the group in relation to the Licensing Objectives and our proposals on conditions which would mitigate the risks from the Licensable Activities.

NOISE FROM THE MUSIC

There is concern that noise generated at the premises will result in disturbance to the people living in the building, especially those living immediately above the premises. There are also concerns that vibrations from the amplification and speakers will impact on those living immediately above the premises.

Suggested Conditions

1. Windows and doors shall be kept shut after 22.00 on each day, except for entrance and egress, to avoid any public nuisance being caused.
2. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
3. No amplification system or speakers shall be placed or used in the vicinity of the entrances or exits, nor shall any be placed or used in the external areas of the premises.
4. Amplified music shall be limited to background levels at all times.
5. Telephone contact details for the Designated Premises Supervisor and the duty manager working in their absence, shall be provided to residents and the Responsible Authorities on request.

6. No speakers shall be hung directly from the ceiling inside the premises
7. All speakers shall be hung using dampers, to prevent vibrations being transmitted through the walls and ceiling..

NOISE FROM THE EXTERNAL AREA

The external area shown on the plans as the seating area, sits immediately under the windows of the residents' properties. No consideration seems to have been given to this in the application, which suggests they see no issue with having people in this area until midnight on weekends.

This will ruin the enjoyment of the resident's property, as they will no longer be able to open their windows without the noise of 70+ seated customers and countless potentially standing.

As well as the noise, the potential nuisance caused by smoke from smokers using that area will inevitably rise and travel into those properties.

Suggested Conditions

8. The external area shall be closed to customers after 22.00 on every day.
9. There shall be no vertical drinking in the external areas of the premises, all patrons in the external areas must be seated on the seating provided.
10. All tables and chairs located in the external areas of the premises shall be rendered unusable after 22.00 on each day.
11. A suitably robust Dispersal Policy will be adopted by the premises and all relevant staff shall receive training in the implementation of the policy. A copy of the policy will be kept at the premises and made available to the Police or Environmental Health Officer on request.

OFF-SALES OF ALCOHOL

Under the current application, off-sales have been applied for without any restrictions being in place. The concern of the residents we represent, is that without suitable restrictions being in place, the premises is able to sell open drinking vessels to patrons who could then take them away from the premises and drink then throughout the courtyard between the buildings.

There is a potential therefore on weekends and especially on match days, for the area to become a magnet for drinkers and football fans stopping off for a drink on their way to the stadium and spilling out to cover the whole area.

The impression the residents were given by the applicant was that off-sales would be limited to the Deli and as such we would suggest this be resolved by condition.

Suggested Conditions

12. Alcoholic drinks sold for consumption on the premises, shall not be permitted to leave the licensed area of the premises (as delineated within the red lines on the associated plans) at any time, including those leaving temporarily for the purpose of smoking.
13. Off-sales shall be restricted to wines and sparkling wines only.
14. Only manufacturer sealed containers of Alcohol, which have not been opened, shall be sold for off-sale.
15. Alcohol shall only be sold for consumption off the premises from the deli area of the premises.
16. Alcohol shall not be sold for consumption off the premises after 22.30 on any day.
17. A clear legible sign shall be displayed where it can be easily seen, requesting that alcohol sold as 'off sales', should not be opened and consumed in the vicinity of the premises
18. The Premises Licence Holder shall maintain the area in the immediate vicinity of the premises, to ensure that customers are aware that 'off sales' of alcohol may not be opened & consumed in this area.

SMOKING AREA

As mentioned previously, there is concern that smoke from smokers will result in residents living above the premises being unable to open their windows and enjoy the fresh air and that they will constantly be impacted by those smoking in the external seating area.

Suggested Conditions

19. No smoking shall be permitted on the tables placed in the external areas of the premises, nor within the red lines which delineate the licensed area of the premises.
20. A suitable area shall be set aside for smokers *[at a location to be agreed]* situated away from any area where their smoke will cause a nuisance to other occupants of the building.
21. A sign requesting customers to respect local residents and keep noise to a minimum, will be displayed in the designated Smoking Area.
22. No more than five (5) smokers shall be permitted outside to smoke after 22.00 at any one time.
23. No open drinking vessels shall be permitted in the external areas of the premises after 22.00.

DOOR SUPERVISORS / SECURITY

There are concerns about the potential for the safety of residents, parents and their children walking by and using the area when customers will be able to drink from 10.00 to midnight unabated.

The concern that people will be drunk in the local area which also encompasses a children's playground are significant and should be addressed; which they are not in the application submitted.

Most surprisingly to the residents, is that despite the proximity to the London Stadium, no special provision has been made for match days and the potential for supporters both going to and leaving the game to congregate in the area.

Some of the concerns can be mitigated by conditions described earlier, however that no conditions relating to Door Supervisors have been included is surprising.

Suggested Conditions

24. Door Supervisors will be employed at the premises when licensable activities are taking place under the following criteria:
 - a. On Friday & Saturdays from 21.00 until the last patron has left the premises and dispersed from the area immediately to the front of the premises.
 - b. When door supervisors are required, a minimum of one SIA Registered Door Supervisor per 100 customers or part thereof shall be employed.
 - c. On any match day where the West Ham men's first team are playing at home or for any event where the stadium will be close to or at full capacity for an event a minimum of two (2) Door Supervisors shall be employed two hours prior to the scheduled kick-off or start of the event until such time as the last patron has left and dispersed from the immediate vicinity of the premises.

LATE NIGHT REFRESHMENT

There is a concern that take-away food will be purchased by those returning after a night out or a football match and consumed on the steps outside the premises and in the courtyard between the buildings. This would result in Public Nuisance from noise and potentially disorder as people congregate.

Suggested Conditions

25. No hot food or hot drinks (Late Night Refreshment) shall be sold for take-away after 23.00 on any day. Late night refreshment sold after 23.00 on any day, may only be consumed inside the premises.

GENERAL HOUSEKEEPING

There are a number of other concerns which have been raised in relation to potential noise concerns and protection for the general balance of the residents enjoyment of their properties and the business activities.

These could be easily addressed with a few common conditions being imposed on the premises licence.

Suggested Conditions

26. The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.
27. Commercial waste shall not be collected from the premises between the hours of 22.00 and 09.00 on any day
28. Glass set aside for recycling shall not be emptied from one receptacle into another in any internal or external area of the premises between the hours of 22.00 and 09.00 on any day
29. Deliveries related to the permissible Licensable Activities shall not take place between the hours of 22.00 and 09.00