

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 25 MARCH 2014

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Khaled Uddin Ahmed
Councillor Ann Jackson

Other Councillors Present:

Councillor Marc Francis

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Antoinette Duhaney – (Interim Senior Committee Officer)
Michelle Terry – (Legal Services)

Applicants In Attendance:

Robert Sutherland - (Swan Wharf)
Timmy Sampson - (Swan Wharf)
Barney Sutton - (Swan Wharf)
Rufus Lawrence - (Swan Wharf)

Objectors In Attendance:

Vivienne Bellamy - (Resident)

Apologies

Councillor Peter Golds

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Swan Wharf, 60 Dace Road, London E3 2NQ

Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a premises licence for Swan Wharf, 60 Dace Road, London E3 2NQ. (including the ground floor, 1st floor, 2nd floor and 3rd floor of the premises). The Sub-Committee was advised that following discussions with the applicants, revised conditions had been agreed and in the light of this, the Environmental Protection Team were withdrawing their representations.

Robert Sutherland, Legal Representative for the applicant then addressed the Sub-Committee drawing attention to the agenda supplement in respect of this application. He stated that the main business would be the operation of a bistro in Event Space 1 together with an outdoor seating area on the ground floor. Event Space 2 on the 1st floor would be used by The Barbican and required a premises license. Event Spaces 3 & 4 on the 2nd floor would be hired out for private functions. In response to concerns raised by residents, the 3rd floor of the premises would be used as office space.

Key changes had also been made in respect of the hours of use of the outdoor areas which had now been restricted to

- 10.30pm Monday - Thursday
- 11.00pm Friday - Saturday
- 10.00pm on Sunday

Additional conditions had also been agreed with the police in respect of the operation of CCTV on the premises.

Vivienne Bellamy, local resident and member of Ironworks Residents Association addressed the meeting. She stated that the Ironworks was made up of 77 residential units directly adjoining Swan Wharf. She objected to the application on the following grounds:

- The Iron Works had a tile roof and double glazed windows.
- The sound tests carried out were inadequate and did not include the noise caused by patrons using the outdoor areas and when leaving the premises

- There were poor public transport links and limited parking so most patrons would use taxis to and from the venue. Dace Road was a narrow no through road and the taxis would cause congestion.
- The boundary wall separating the site from the residential units had been demolished recently and residents did not wish to see outdoor use at the expense of quiet enjoyment of residents.

Councillor Marc Francis, Ward Member for Bow East addressed the meeting endorsing the comments made by Vivienne Bellamy. Residents were not consulted about temporary events held during 2013 and were not formally consulted about this application until shortly the application was programmed for consideration at this meeting. He urged the sub-committee to reject the application to allow meaningful dialogue between the applicants and residents to reach a consensus on appropriate hours of operation.

In response to questions and comments from members, Mohshin Ali advised that no complaints had been made regarding licensing matters after the temporary events held last year. However he was able to confirm that a Members Enquiry from Councillor Marc Frances had been logged on 12 September 2013 and 25th September 2013.

- In response to questions and comments, Robert Sutherland stated that the Space 1 could accommodate up to 100 patrons indoors and 100-175 patrons outdoors. Space 2 could accommodate 200 people and Spaces 3 & 4 could hold 500 in each. Space 2 would not be used beyond 9pm except on the 24 special event days when it would be open until 1am.
- The boundary wall had been removed because it was deemed unsafe after being damaged by contractors. It would be reinstated in the coming weeks but the height could not be confirmed until after the outdoor terraces had been completed.
- The event spaces would be used primarily for product launches, exhibitions and private functions.
- There would be designated marshals to guide waiting patrons to taxis to prevent congestion minimise disturbance to residents.
- Extensive efforts had been made to engage with residents. Rufus Lawrence had been trying to arrange to meet residents since autumn 2013 with limited success.
- The applicants were unable to comment on the use of the venue prior to 31 August 2013 when they took over the management of the premises.

In response to further questions from the sub-committee, Vivienne Bellamy advised that conditions imposed during previous special events had been ineffective and that the only conditions which would satisfy residents were:

- No use of outdoor space
- Soundproofing of internal spaces
- Reinstating the boundary wall

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 after careful consideration the Chair stated that in the light of the objections made by residents, the application be approved in respect of the indoor operation of the premises. However the sub-committee felt that any outdoor use would have a detrimental impact on residents and would cause public nuisance.

Decision

RESOLVED

That the application for a new premises license for Swan Wharf, 60 Dace Road, London, E3 2NQ be granted in part with the following conditions:

The sale by retail of alcohol (On sales)

- Sunday to Thursday, from 08:00 hrs to 22:30 hrs
- Friday and Saturday, from 08:00 hrs to 00:30 hrs (the following day)

The provision of regulated entertainment

Films (Indoors), Live Music (indoors), Recorded Music, Performance of Dance (indoors) and anything of a similar description (indoors).

- Sunday to Thursday, from 09:00 hrs to 22:30 hrs
- Friday and Saturday, from 09:00 hrs to 00:00 hrs (midnight)

The provision of late night refreshment (Indoors)

- Friday and Saturday, from 23:00 hrs to 00:30 hrs (the following day)

Hours open to the public

- Sunday to Thursday, from 08:00 hrs to 23:00 hrs
- Friday and Saturday, from 08:00 hrs to 01:00 hrs (the following day)

Non-standards

On New Year's Eve the finish time shall be extended to 03:00 hours on New Year's Day

Conditions

- Outdoor space is not to be used for licensable activities;
- Music or other amplified sound played within the premises or the external areas must not be audible inside any residential premises with the window open at any time;
- Deliveries and servicing to take place between 8 am and 6 pm Monday-Friday and between 8 am and 1 pm Saturdays;
- The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements;
- There shall be no striptease or nudity, and all persons shall be decently attired at all times;
- Sunday to Thursday, terminal hour for all licensable activity 10.30 pm and closed at 11 pm; and Friday and Saturday, terminal hour for all licensable activity 12.30 am and closed at 1 am.
- A CCTV camera system covering both internal and external to the premise is to be installed.
- The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- At all times the premises is open for licensable activity, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a police officer or other responsible authority.

3.2 Application for a New Premises Licence for Tapas Revolution, Unit 8 Ground Floor, 58 Bethnal Green Road, London, E1 6JW

This meeting was adjourned because of a fire alarm. As a consequence this application was deferred to a future meeting.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 7.30 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee