

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.40 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

Other Councillors Present:

Councillor Peter Golds

Councillor John Pierce

Officers Present:

Kathy Driver	- (Principal Licensing Officer)
Kirsty Panton	- (Legal Services)
Ian Wareing	- (Environmental Protection)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Ben Allali	- Item 4.1
Niall McCann	- Item 4.2
Elaina Sozi	- Item 4.2

Objectors In Attendance:

Phil Crier	- Item 4.1
Deni Butterfield	- Item 4.1
Saadami Allali	- Item 4.2
PC Mark Perry	- Item 4.2

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. MINUTES OF THE PREVIOUS MEETING(S)

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

4. ITEMS FOR CONSIDERATION**4.1 Application for a Variation of the Premises Licence for Ferry House, 26 Ferry Street, London E14 3DT**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Ferry House, 26 Ferry Street, London E14 3DT. It was noted that there had been objections from local residents, Environmental Health and a Freeholder. It was noted that the application was only for the 1st floor of the premises and that the application had been amended with a reduction in hours and some conditions had been agreed with Environmental Health.

At the request of the Chair, Mr Ben Allali, Applicant, briefly explained that he had an existing licence on the ground floor and wanted to extend the license to the first floor to primarily operate as a restaurant and therefore was happy to have a condition which restricted the sale of alcohol with food only. He also mentioned that he wished to reduce the hours applied for to Monday-Sunday 11am to 11pm and allowing 20 minutes drinking up time.

It was noted that regulated entertainment had been withdrawn and windows and doors would be shut after 9.30pm to address the noise concerns raised by residents.

Mr Allali, also explained that the premises was a listed building and had a balcony on the 1st floor and wanted that to be accessed by customers, when visiting the premises, it was noted that no consumption of alcohol or smoking would be allowed on the balcony and was happy to restrict the numbers to a maximum of 6-8 people at any one time and for use until 9.30pm.

Mr Allali concluded that there hadn't been any complaints from residents about noise in the last year and that there were other licensed premises in the local area and that he wanted to move more towards becoming a restaurant then a pub.

Members then heard from Mr Phil Crier, representing the Ferry House LLP Freeholders, Councillor Peter Golds, representing Deni Butterfield and Ian Wareing, Environmental Health who all expressed similar concerns of public nuisance and noise nuisance, and fears that it would become a drinking establishment the same as the ground floor and therefore strongly suggested that if a licence were to be granted conditions be set restricting the sale of alcohol with food only and to have no use of the balcony area. It was also noted that the premises had been closed since February 2014 hence why there had been no complaints.

In response to questions the following was noted;

- That the applicant was happy to have a condition that restricted the sale of alcohol to be only served to customers with a meal.
- That the balcony area would be policed by members of staff, ensuring there was no smoking or nuisance being caused.
- That the applicant was happy to reduce hours for the use of the balcony
- That there would be no vertical drinking on the first floor
- That only customers wishing to have a meal would be guided to the 1st floor area.
- It was noted that there was a capacity for 52 people on the 1st floor.

Members retired to consider their decision at 7.15pm and reconvened at 7.25 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 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

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for A Filo Limited, Unit 9, Block B. 6 Richmix Square, London E1 6LD. It was noted that there had been objections from local residents, local Councillors, and the Metropolitan Police.

At the request of the Chair, Mr Niall McCann, Legal Representative explained the nature and concept of the premises, he explained that it was a small retail

premises selling high end premium Italian food for people to taste the food and buy the ingredients to take home.

He accepted that the premises was within the Cumulative Impact Zone, however he stated that there were other premises in the area who had and applied for later hours. It was noted that the Applicant wanted to use the outdoor area for dining and would restrict the use of the area to 10pm.

He said that the CIZ but not add to the cumulative impact and as shown in plans very small only has 36 covers with only 700 square foot. Not very big area.

Mr McCann said that the outdoor area would only be used when there was good weather, that it was envisaged that the turnover of the business would comprise of 20% alcohol and 80% food and soft drinks. He further explained that it was a very small premises with 36 covers and that it was miles away from being a bar or vertical drinking establishment. Members were then referred to page 167 of the agenda which had a number of conditions offered by the Applicant to help promote the licensing objectives.

Members then heard from Councillor John Pierce, Ward Councillor, who explained how the continued development and increasing number of restaurants, late night takeaways and off licences and bars was impacting local residents with anti-social behaviour, noise nuisance and the potential to lead to public disorder. It was noted that it would place a considerable strain on police resources and other council resources.

Councillor Pierce concluded that this application and its proposal to sell alcohol in a seated area on Richmix Square would have a debilitating effect on the quality of life for the people that live on Richmix Square many of whom were families with young children living in Eddison Heights.

Members then heard from Mr Saadani Allali, local resident, who stated that the proposed tables and chairs to be put outside the premises would only be 5 meters away from residents bedroom windows and highlighted the growing concerns of anti-social behaviour and noise nuisance in the area.

Members also heard from PC Mark Perry, Metropolitan Police, who said that there was no real concerns specific to the premises, however, it was in close proximity to residential homes which was likely to cause public nuisance. He welcomed the reduction in hours and the agreement to conditions.

In response to questions the following was noted;

- That customers dining outside would finish before 10pm
- That there were 8-10 covers outside
- That the sale of alcohol would be with food only.
- That it was not a vertical drinking establishment
- That residents would be provided with a direct telephone number for the Designated Premises Supervisor

- That a number of conditions had been proposed by the applicant to help promote the licensing objectives

Members retired to consider their decision at 8.10pm and reconvened at 8.20 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 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 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