

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON WEDNESDAY, 2 APRIL 2008

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

Members Present:

Councillor Carli Harper-Penman (Chair)

Councillor M. Shahid Ali

Councillor M. Mamun Rashid

Officers Present:

Mohshin Ali – (Licensing Officer)

Derrick Harrington – (Environmental Protection)

Zakir Hussain – Legal Officer

Alan Ingram – (Democratic Services)

Applicants In Attendance:

Stephen Foster – Sony (Barrister)

Roland Henry – Sony (T Block Manager)

Susan Pluckrose – Sony (Solicitor)

Sarah Goodchild – Sony (T Block Management Team)

Brian Cochlane – Hungerford Arms Representative

Olena Kovalchuk – Hungerford Arms DPS

Almaz Anteneh – McDonalds Applicant

Joshua Simons – McDonalds Representative

Objectors In Attendance:

Keith Bowler

John Critchley

Jane Curtis

Sheila Lawton

Members of the Public In Attendance:

Nil

1. APOLOGIES FOR ABSENCE

No apologies for absence were submitted.

2. DECLARATIONS OF INTEREST

The Chair declared a personal interest with regard to agenda item 5.3 (McDonalds) in that she was a Ward Councillor for the Bethnal Green South Ward.

3. RULES OF PROCEDURE

The Rules of Procedure were noted.

4. UNRESTRICTED MINUTES

The minutes of the meetings of the Licensing Sub-Committee held on 17th January and 24th January 2008 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION

5.1 Application for a Premises Licence: First and Second Floor, Block T, 13 Hanbury Street, London E1 6QR (LSC043/708)

The Chair welcomed those present and explained the procedure by which the application would be heard.

At the request of the Chair, Mohshin Ali, Licensing Officer, introduced the report and referred in particular to an amendment by the applicant relating to the removal of the requirement for playing of music outdoors; live music and provision of facilities for dancing. In addition, the hours of licensable activities might need revision to include a break prior to cessation thereof and the closure of the premises to the public.

The days and hours sought for the sale of alcohol and provision of regulated entertainment were Monday to Thursday from 10.00 hours to midnight; Friday and Saturday from 10.00 hours to 01.00 hours the following day and Sunday from 10.00 hours to 23.00 hours. Provision of recorded music was requested on Monday to Thursday from 08.30 hours to midnight; Friday and Saturday from 08.30 hours to 01.00 hours the following day and Sunday from 08.30 hours to 23.00 hours. The hours the premises was to open to the public were Monday to Thursday from 09.00 to midnight; Friday and Saturday from 09.00 to 01.00 hours the following day and Sunday from 09.00 hours to 23.00.

Appropriate consultation had been carried out, with objections received from local residents covering allegations of anti-social behaviour on the premises; anti-social behaviour from patrons leaving the premises; noise while the premises was in use; access and egress problems; close proximity to residential properties; noise leakage from the premises; safety problems.

Objections had also been submitted by the Environmental Protection Team with regard to concerns over plant noise, airborne noise breakout and noise/vibration transmitted through the structures.

As there were no questions from Officers, the Chair invited the applicants to present their case. Mr S. Foster, Barrister for Sony Computer Entertainment Europe Limited, indicated that the premises were intended principally as a brand space for Sony to display its products to business clients and partners. Its role would not be as a pub or club and would not be open to the public. It was anticipated that the premises would host a few meetings a week, usually during normal office hours, with some later functions. He confirmed that the application for the provision of live music had been removed, along with the provision of music or dancing on the roof area at any time. The requested hours for licensable activities had also been curtailed, as follows: Sunday to Thursday from 10.00 hours to 23.00 hours plus 30 minutes drinking-up time; Friday and Saturday from 10.00 hours to midnight plus 30 minutes drinking-up time. The Environmental Protection Team's condition regarding the provision of music would also be met in that only low-level recorded music would be provided and never live music.

Mr Foster commented that the main contention now lay with the Environmental Protection request that the premises be used only by Sony employees and their guests. The premises would be required for the use of other companies, which would be subject to a vetting procedure by Sony. The premises would be operated by a company known as 'Making Waves' and there would be a consistent Management Team in the building. There would not be a pay-bar provision and the premises were not intended to be a money-making concern. All use of the premises would be by advance booking, with guest lists controlled by door staff. There would normally be a ratio of one staff member per 10 customers, always with a minimum of three staff in attendance. Smoking was proposed on the roof area until 22.00 hours and at street level after that. Only two or three smokers would be allowed on the street at any time and this would be controlled by staff.

Mr Foster added that door security staff would chaperone patrons leaving the building to Commercial Street and taxis would be booked through a preferred firm. Disposal of rubbish and bottles would be carried out during the next working day, rather than late at night. He expressed the opinion that the requirement for the use of the premises only by Sony employees and their guests was not necessary or proportionate as the use would also be for presentations to other firms, with later socialising. There was no reason to consider that standards of control would slip in the future. Sony were also prepared to comply with the conditions that the premises licence would be surrendered in the event of their disposal. Phone numbers would be made available to residents, should they ever feel the need to address problems and there would not be loud talking outside the premises.

The Chair then invited presentation of the Environmental Protection case. Mr D. Harrington, Principal Environmental Health Officer, stated that there had been development since the preparation of his initial report. He first reiterated that the application had been defective in the request to sell alcohol up to the closing hours. The hours for sale of alcohol should be reduced by 30 minutes in order to allow that period for drinking-up time.

Following a site meeting with the applicants and an acoustician, two separate reports had been received concerning possible noise breakout and insulation for the air conditioning plant. He was accordingly satisfied that the air conditioning plant on the roof (which was still subject to planning and building regulations) would not give rise to high noise levels, assuming compliance with the acoustician's report recommendations. He was further satisfied that the premises would meet the new Tower Hamlets criteria including inaudibility to the next residential premises. Agreement had been obtained for no entertainment or licensable activities on the roof area after 22.00 hours, including no smoking, to avoid talking and laughter being conducted to nearby residential properties.

Conditions had also been agreed that all internal doors (including lobbies) would have self-closing mechanisms and brushes to prevent noise breakout. There should also be a condition that patrons should be escorted when leaving the premises and management assurances had been given in this respect. The clause in the application regarding proper stewardship and door control at all times, with dispersal of patrons to Commercial Street, should also be specifically applied. No licensable activities should be operative until all works/measures had been applied to the satisfaction of the Environmental Protection Team. He had withdrawn the requirement that the premises should be used for meetings only, but reiterated the recommendation that only Sony employees and their guests should use the premises, as deterioration in management control had been experienced in other instances.

The Chair commented that full account would be taken of all written objections submitted and invited comments from those in attendance who had made objections to the application.

Ms Jane Curtis, Wilkes Street resident, stated that speech could be heard clearly from Block T as noise was conducted through the narrow Georgian streets. The premises had been operating over the past 16-18 months, so there was a history of problems that had been experienced. The company website had indicated that the premises was to close last Christmas, so there was surprise that it was now to continue operations. Noise problems had occurred with people leaving the building and not dispersing and one occasion urinating in a doorway. She felt that the assurances given by the applicant were not feasible, with a capacity of 100-110 people who would have been socialising until 11.00 p.m. or midnight and it would not be possible to simply disperse them to Commercial Street which, in any event, also contained residential properties.

She added that people had left the premises one night during the previous week at 11.20 p.m. and there had been no attempt to lead them away: they had been standing around talking. The building was designed for offices, not parties, and there had been a history of problems, even with a closing time of around 11.00 p.m., including disposal of bottles at 11.30 p.m. The requested opening times were unreasonable, considering the requirement for her to rise at 6.00/6.30 a.m. for work and she had children who also needed quiet for schoolwork. She wished to retain her lifestyle and granting the application would be like an insult to people who wanted to live peacefully in their homes

in a residential area, which was not the right location for a potential constant party venue with noise at night.

She felt that the nature of the proposals would result in all users of the premises tending to leave all at the same time, unlike pub clientele. In addition, any activities on the roof area, including smoking, would present problems in that it was on an equal level to children's bedrooms. Smokers at street level could also be clearly heard through closed windows. With the agreement of all parties present, Ms Curtis circulated photographs showing the proximity of the premises to residential properties. She felt that the outside of the property was also disrespectful to the local community and the external hoarding had been in place for 14 months without any details of the link with Sony – merely graffiti-style decoration. It would also not be possible to prevent opportunist cabs from plying outside the venue.

Mr K. Bowler, Wilkes Street resident, also made points relating to the proximity of the premises to homes; noise caused by people entering and leaving the premises with the structure of local streets acting as an echo chamber. He added that he had lived at his home for 25 years and had made a considerable investment into the creation of a community. The proposals also appeared to conflict with the creation of the Fournier Street Conservation Area policy. All households in Wilkes Street had signed the petition opposing the application and the area was now being overwhelmed with drinking establishments.

Mr J. Critchley, Wilkes Street resident, endorsed what the other speakers had said and added that the comments of the Sony representative had seemed reasonable but noise had increased during events until complaints had to be made. The noise reverberated around the area and continued past 11.00 p.m.

Ms S. Lawton, Wilkes Street resident, stated that the premises were closer to residents than any of the other brewery site functions and detrimental effects were suffered due to noise.

In response to questions from Members, residents commented that problems had been linked to the Block T premises by direct visual experience; staff had tried to quieten clients but to no avail.

Questions were then directed to the applicants and Mr Foster replied that the issue of drinking-up time had been addressed by the proposed amendments to times of operation of licensable activities. He commented further on the vetting process for other companies and reiterated that the use of the venue was principally to demonstrate Sony products to similar firms and partners.

Ms S. Pluckrose stated that she was horrified to have heard of premises users urinating and shouting outside. She commented that the premises were not designed for parties and residents' issues would be addressed. The frontage of the building was intended to conceal the fact that a bar was included, so that the public would not attempt entry. Mr R. Henry added that the design of the frontage was currently under consideration.

Following further questions, the meeting adjourned at 7.35 p.m. and reconvened at 7.45 p.m.

The Chair reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a new Premises Licence under the Licensing Act 2003 for First and Second Floor, Block T, 13 Hanbury Street, London, E1 6QR be **GRANTED** for the following days and hours and subject to the conditions shown:-

**Sale of Alcohol (on sales) and provision of regulated entertainment
Films and provision of facilities for making music**

- Sunday to Thursday from 10:00 hours to 23.00 hours
- Friday and Saturday from 10.00 hours to 12 midnight

Late night refreshment

- Friday and Saturday from 23:00 hours to 12 midnight

Recorded music

- Sunday to Thursday from 08.30 hours to 23.00 hours
- Friday and Saturday from 08.30 hours to 12 midnight

Recorded music – Non standard timings

On New Year's Eve from the end of the standard permitted hours shown above to start of permitted hours on the following day.

NOTE: Following amendments by the applicant

- Facilities for the playing of music outdoors have been removed. Music will not be played in the outdoor area of the premises.
- Facilities for live music and dancing have been removed.

Hours premises are open to the public

- Sunday to Thursday from 09.00 hours to 23.30 hours
- Friday and Saturday from 10.00 hours to 00.30 hours the next day

CONDITIONS

- (1) All conditions agreed between the applicant and the Principal Environmental Health Officer to apply, namely,
 - The licence to be surrendered in the event that the applicant disposes of the premises.

- Only low level recorded music to be provided and never live music. Internal noise limiter to be installed to ensure that the premises meet the Tower Hamlets criterion of inaudibility to the next residential premises. All internal doors, including lobbies, to have self closing mechanisms and brushes to prevent noise breakout.
 - Noise insulation to be provided to the air conditioning plant in accordance with the acoustician's report.
 - No use of the roof terrace area to be permitted after 22.00 hours.
 - Proper measures for stewardship and control of the entrance and other areas of the premises to be implemented to monitor the behaviour of patrons using the premises, leaving the premises and patrons in the vicinity of the premises. Patrons leaving the premises after 19.00 hours to be escorted to Commercial Street.
 - No licensable activities to be conducted at the premises until all works/measures required have been completed to the satisfaction of the Environmental Protection Team.
- (2) No readmission to the premises to be permitted after 22.00 hours.
- (3) A minimum of two SIA regulated door staff to provided from 21.00 hours, to undertake chaperoning measures and minimise noise nuisance.
- (4) CCTV to be provided inside the foyer of the premises and also looking out from the Wilkes Street entrance.
- (5) Nominated out of hours contact details to be circulated (including Ms S. Pluckrose) to be circulated to residents for use in the event of any complaints, etc.

5.2 Application for a Variation of the Premises Licence: Hungerford Arms, 240 Commercial Road, London E1 2NB (LSC044/708)

At the request of the Chair, Mr Mohshin introduced the report, which sought a revised premises licence for the Hungerford Arms, 240 Commercial Road, London, E1 2NB. The days and hours sought for the sale of alcohol were Monday to Saturday from 09.00 hours to midnight; Sunday from 10.00 hours to midnight. Hours sought for the provision of regulated entertainment were Monday to Saturday from 09.00 hours to midnight; Sunday from 10.00 hours to midnight. The hours the premises was to be open to the public were Monday to Saturday from 09.00 hours to midnight; Sunday from 10.00 hours to midnight. Mr Mohshin added that the application had now been advertised satisfactorily.

Appropriate consultation had been carried out and representations had been received from a local resident on the grounds of prevention of crime and disorder and prevention of public nuisance.

As there were no questions from Officers, the Chair invited the applicants to present their case. Mr B. Cochlane, representing the applicants, stated that the variation was being requested to allow service for patrons who came to the premises earlier in the morning and those who wanted a drink on the way home at night after 11.00 p.m.

As there were no questions from Members, the Chair indicated that the objector was not present but full account would be taken of the written objections submitted.

The meeting adjourned at 7.50 p.m. and reconvened at 7.55 p.m.

The Chair reported that, after having considered the report and the evidence and comments provided, the Sub-Committee had **RESOLVED**

That the application for a variation of the Premises Licence under the Licensing Act 2003, for the Hungerford Arms, 240 Commercial Road, London, E1 2NB, be **GRANTED** for the following days and hours:

Sale of alcohol (on and off sales)

- Monday to Saturday from 09.00 hours to 12 midnight
- Sunday from 10.00 hours to 12 midnight

Provision of regulated entertainment

Recorded music and anything of a similar description

Monday to Saturday from 09.00 hours to 12 midnight
Sunday from 10.00 hours to 12 midnight

Hours premises are open to the public

- Monday to Saturday from 09.00 hours to 12 midnight
- Sunday from 10.00 hours to 12 midnight

The Chair asked that use of the external areas terminate at 22.00 hours, as a gesture of goodwill to resident and Mr Cochlane confirmed that only the area to the side of the premises would be used for outside activities.

5.3 Application for a New Premises Licence: McDonalds, 432-436 Bethnal Green Road, London E2 0DJ (LSC045/708)

The Chair again declared a personal interest in that she was a Ward Councillor for Bethnal Green South Ward.

Zakir Hussain, Solicitor, indicated that the objection to the application raised by a local resident had now been withdrawn.

At the request of the Chair, Mr Mohshin introduced the report, which sought a new premises licence for McDonalds, 432-436 Bethnal Green Road, London, E2 0DJ. The application was for late night refreshment and provision of recorded music until 02.00 all the nights of the week. The hours the premises was to be open to the public were from 07.00 hours until 02.00 hours the next day.

As there were no questions from Officers, the Chair invited the applicants to make their case.

Mr J. Simons, representing the applicants, indicated that following negotiations with the objector, the late night hours of operation were now to be amended as follows:

Sunday to Thursday from 23.00 hours to 00.30 hours
Friday and Saturday from 23.00 hours to 02.00 hours

As there were no further questions or objections, the meeting adjourned at 8.00 p.m. and reconvened at 8.03 p.m.

The Chair reported that, having considered the report and the evidence and comments presented, the Sub-Committee had **RESOLVED**

That the application for a new Premises Licence under the Licensing Act 2003, for McDonalds, 432-436 Bethnal Green Road, London, E2 0DJ, be **GRANTED** for the following days and hours:

Late Night Refreshment and Recorded Music

- Sunday to Thursday from 07.00 hours to 00.30 hours the next day
- Friday and Saturday from 07.00 hours to 02.00 hours the next day

Hours Premises are open to the Public

- Sunday to Thursday from 07.00 hours to 00.30 hours the next day
- Friday and Saturday from 07.00 hours to 02.00 hours the next day

Following additional queries from the Chair, Mr Simons indicated that all music would be low level background music except for children's parties.

The meeting ended at 8.05 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee