

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.35 P.M. ON THURSDAY, 24 APRIL 2008**

**ROOM C1, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)  
Councillor Azizur Rahman Khan  
Councillor M. Mamun Rashid

**Other Councillors Present:**

Councillor Phil Briscoe  
Councillor Shirley Houghton

**Officers Present:**

Emyr Thomas	- Sharpe Pritchard Solicitors (for LBTH)
Mohshin Ali	- (Licensing Officer)
John Cruse	- (Team Leader, Licensing)
Alan Ingram	- (Democratic Services)
Paul Ward	- (Democratic Services)

**Applicants In Attendance:**

Mike Costain  
Kevin Doherty

**Objectors In Attendance:**

Steve Alderton  
P Beresford  
Ishila Bhattacharya  
Albert Blackall  
Mr C Damiani  
Mrs C Damiani  
Julie East  
Mark Hart  
Paul Juch  
Lorraine Kavanagh  
Doris Landerkin  
George Landerkin  
Grace Lay  
Indraneel Majumdar  
Catherine Palmer  
Amanda Smith

Brian Smith  
Margaret Stevens  
Pat Ward  
Roy Williams  
Doreen Wootton  
Ernest Wootton

**Members of the Public In Attendance:**

None

On opening the meeting, the Chair arranged for introductions of those present and apologised for the fact that meetings of the Licensing Sub-Committee to consider the current application had twice been adjourned.

**1. APOLOGIES FOR ABSENCE**

None.

**2. DECLARATIONS OF INTEREST**

None.

**3. RULES OF PROCEDURE**

The Rules of Procedure were noted.

**4. UNRESTRICTED MINUTES**

None.

**5. ITEMS FOR CONSIDERATION****5.1 Application for a Club Premises Certificate: Millwall RFC, Arch 3, Beside Island Gardens DLR Station, Manchester Road, Poplar, London E14 3ND (LSC039/708)**

The Chair asked if any of the residents present were in support of the application: there were no supporters. She then explained the procedure to be adopted for the meeting and stressed that none of the parties would be permitted cross-examination.

At the request of the Chair, Mr John Cruse, Team Leader, Licensing, introduced the report and indicated that additional documents comprising appendices 45 and 46 had been circulated. He commented that not all copies of the agenda contained full copies of photographs from the Millwall RFC website, as these were not appropriate for public circulation. He added that clubs were not required to have a Designated Premises Supervisor and explained the basis upon which alcohol was supplied to club members.

The days and hours sought for the supply of alcohol on behalf of the club to, or to the order of, a member of the club and the sale by retail of alcohol by or on behalf of the club to a guest of a member of the club for consumption on the premises where the sale took place were:

- Monday to Saturday from 11.00 hours to 23.00 hours
- Sunday from 11.00 hours to 23.30 hours.

Hours sought for provision of regulated entertainment (recorded music) were:

- Monday to Friday from 19.00 hours to 22.30 hours
- Saturday from 15.00 hours to 22.30 hours
- Sunday from 13.00 hours to 21.30 hours

The hours the premises would be open to the public were Monday to Saturday from 11.00 hours to 23.00 hours and Sunday from 11.00 hours to 22.30 hours.

Mr Cruse further commented that the times for the supply/sale of alcohol was the same as when the premises would be in use, which would present difficulties in ensuring that the licence conditions could be met.

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 premise was in use; access and egress problems; close proximity to residential properties; noise leakage from the premises; safety problems.

In response to the Chair, Emyr Thomas, Solicitor for the Council, indicated that he had no matters to raise at that point.

The Chair invited the applicants to put their case and Mr Kevin Doherty stated that he was aware the application was not welcomed but the hours requested in the application were to ensure that, if awarded the licence, no further application would be needed, as the current lease imposed restrictions on the hours for the sale of alcohol. He added that the club had been based on the Isle of Dogs since 1995 and most of its users were Isle of Dogs residents. He stressed that the premises was not a pub but a clubhouse and the application was to help support the primary goal of the club, namely, to enhance rugby football in the Borough.

In response to queries from the Chair, Mike Costain, Millwall RFC Development Officer, explained that the club's lease restricted the licensable activities times to much shorter hours than those being applied for. The Parks Department would have to approve any proposed extensions in hours. The current hours imposed by the lease were: Monday, Wednesday and Friday from 17.00 hours to 22.00 hours; Saturday from 11.00 hours to 20.00 hours; Sunday from 10.00 hours to 20.00 hours. Tuesday and Thursday were not included for the consumption of alcohol.

The Chair then invited representations from objectors.

Mr Indraneel Majumdar, a resident of Manchester Grove, stated that he had no objection to rugby as a sport but only to the contents of the application. Some Manchester Grove residents had lived there all their lives and would be affected in ways even the licence conditions could not resolve. The outcome of the licence, if granted, could impact not only residents but also users of the park and Docklands Light Railway.

The clubhouse wall comprised the boundary for some residential gardens and the planned fire exits for the club also led onto residential gardens. There was much concern about noise, although the club had sent out letters saying this would be kept to a minimum. However, if the licence were granted and guests could use the club, this would result in the presence of a significant number of people in a confined space that abutted residents' properties. Shutting windows might not be enough to address noise problems.

It was possible there would be other forms of pollution around the use of alcohol and proper toilet facilities would be required. It was understood that the club needed to raise funds but if this was to be achieved through the sale of alcohol there could be problems. There were also concerns about patrons' behaviour after leaving the club, which would have to be resolved by the Police.

In addition, smokers would have to go outside the club and this could also impact on disabled or elderly persons or other commuters using the park. There were obvious concerns for residents about parking problems, as controlled hours in Manchester Grove were 08.30 hours to 17.30 hours.

Mr Majumdar concluded that the objections to the application did not relate to any animosity against club members but reflected concerns that the licence conditions could not properly address problems to residents.

Pat Ward, General Secretary of the Dockland Settlements, stated that his organisation as a charity had a policy of no licensed bars in their centres. He also represented Millwall Park Users' Group and they agreed that the use of alcohol did not mix well with young people's activities. He was pleased that rugby took place in the park and welcomed the sporting element. He was not against any individuals or even the consumption of alcohol but the premises was in the wrong place, being only 30 feet from houses and much less from some patios. The location was also near an all-weather pitch used by children.

Rugby culture could have a darker side and this could spill outside of the clubhouse, as illustrated by some of the club's website entries. Members of the public should not be exposed to that, especially the young, whose safety was his organisation's main concern.

He added that drinking was part of rugby culture and residents would be subjected to an increasing level of nuisance as the number of drinkers would increase if the licence were granted.

Dr Ben Shankland, a Manchester Grove resident, stated that the area around the clubhouse was exclusively residential, with no commercial uses. The residents of Manchester Grove welcomed all new incumbents to the Isle of Dogs and were not simply opposed to change. However, there were major concerns to the residents as set out below.

- There would be direct impact on residents through noise from the club. Photographs showed the proximity of the premises to rear gardens and patios, sometimes not even six inches away and this would be more of a problem when summer came.
- Large numbers of people drinking and watching rugby in an enclosed space would also create noise and there tended to be echoes in the arches' environment. There was no noise assessment in the report and Environmental Health staff had not requested access to rear gardens to assess noise.
- There would be odours from the rooftop vents from the club's kitchen and toilet areas that would affect the rear of Manchester Grove, which was sheltered with still air. Residents felt real concern about this issue, together with the impact of people congregating on the fire escapes and smoking outside the club. There was other potential nuisance activity as the fire exit access was quite quiet and secluded, which could attract drug users.
- The requested hours were likely to cause light pollution for Manchester Grove as the clubhouse would be illuminated at night.
- It was felt that to increase licensing hours above the current lease would increase the commercial value of the club and the use of the facility for birthdays and other events would lead to more problems relating to drinkers. The requested hours did not seem to fit in with a lot of the stated objectives and it appeared little consideration had been given to the impact on local residents.
- The club management was made up of a semi-elected committee on a rolling basis. This could change in size and take more of a commercial direction over the years. The location of the club meant that conditions could not satisfy residents' concerns.

George Landerkin commented that he had been a Manchester Grove resident for 45 years and was particularly concerned about people urinating outside the club premises, near a children's park, due to inadequate toilet facilities.

Residents' queries were answered concerning window design and how disturbances could be managed. Mr Cruse gave a detailed response with regard to the supply and sale of alcohol, particularly around the point that there could be no casual sales to non-members walking in from the street.

Councillor Shirley Houghton, speaking for residents, commented that this was a particularly controversial application as it was so close to residential properties. She felt that the application was sparse and not properly thought through, being non-specific in terms of what the club hoped to achieve. At a meeting with the club, they had said that there would be no request for a music licence but this had not been the case and probably led to a lack of

trust by residents. Few letters of support for the club had been received. She further commented that the terms of Section 177 of the Licensing Act 2003 would apply to the premises and, if the licence were granted, there would be no further opportunity to set conditions relating to music, etc.

She expressed the view that conditions should be attached relating to: the provision of SIA regulated door staff on Friday and Saturday; doors and windows to be shut at all times; no drinking permitted outside; admissions to be 21 years plus only; CCTV to be provided with 30 day recording; sound proofing and sound limiter to be installed; a membership/signing-in book to be maintained.

Councillor Phil Briscoe, speaking for residents, stated that the licensing objectives relating to prevention of public nuisance and prevention of crime and disorder were likely to be under threat. There was the risk of noise from music and outside drinking, particularly due to the proximity of the arches to residents' gardens. He considered that the application should not be approved as it would have a massive impact on residents as the clubhouse was likely to attract activities and behaviour not suitable for a small residential estate. He added that the provisions of Section 177 were a real cause of concern in that there would be no comeback if the licence were granted and residents' lives would be blighted as they had a right to a peaceful life style.

The Chair made the point that the decision of the Licensing Sub-Committee was not necessarily binding as residents could have a licence reviewed later. The applicant could also appeal with regard to the hours requested, if these were not granted.

The Chair then invited Members to put questions to the applicants, who responded as follows:

- The maximum capacity of the clubhouse would be in the region of 140 – 142 persons, based on the formula used by the Fire Brigade, although that level of attendance would probably not occur often.
- Currently there was mixed adult training from 19.00 hours to 21.00 hours on Monday and the bar would be open after that. There was no training on Tuesday. The main men's training was on Wednesday, from 19.00 hours to 21.00 hours. Main women's training was on Thursday from 19.00 hours to 20.45 or 21.15 hours and the bar should be open then. There was no regular rugby activity on Friday but members might want to socialise in the club. Saturday was men's rugby, which was generally over by 17.00 hours but there was an obligation to entertain opposition teams with a plated meal and drinks. The opposition teams would usually be departing by 19.00 hours, with Millwall teams returning to the club by 19.00 or 20.00 hours. It was usual that some members would stay until 23.00 hours on Saturday. Sunday morning was for children and Sunday afternoon was the women's slot for playing that was usually finished by 17.00 hours. People tended not to stay late on Sunday because of work next day.

- No drinking at all would be permitted outside the club and this would be enforced by bar staff or regulated security. The DLR CCTV already covered the area around the arches, although consideration could be given to installing the club's own system.
- The area behind the arches was not part of the club's leased property. It was Council land and had been cleared by the Council for use as a fire escape route as the arches were now occupied and would also be used by the Dockland Settlements premises. Contractors were to install a gate to prevent access from outside but the club had no rights over the area. Only two windows faced the residents and these could be double or triple glazed as necessary and would be kept shut while the bar was in use. The vents on the roof were simply a relic of what had previously been there and were not an indication of where air from inside the club would be vented to – this could be towards the DLR.
- Despite the club having written to all objectors, only two residents had discussed the issues direct, so it had not been possible to put people's minds at ease.
- The club was not a business but a community sports club and if the application had not been prepared as professionally as possible, this reflected that fact. The initial use of the premises was likely to be small, as there was no pressure to generate a particular level of income.
- The Parks Department did not want the club to prevent other people from using the premises but the club would be happy to exclude access to the bar for outside users.
- The current lease of the building only permitted use of the bar until 22.00 hours, one hour after training sessions.
- There was no access to the rear of the premises except for fire exits, so smoking would not be allowed there: the smoking area would be on the road to the front of the clubhouse, which was owned by the DLR.
- The most people who had used the club on one occasion so far was 104, for a quiz afternoon. Membership and home details were on record and most members were from the Isle of Dogs, Poplar or the E14 postal district, although some did travel from further away.

The Chair then opened up questions to the resident objectors and asked if there were any circumstances they felt licenseable activities were acceptable and on what days. The consensus of the objectors was that no circumstances were acceptable.

In response to queries about the use of clubhouse toilets by children from the Dockland Settlements part of the arches, Mr Costain stated that there had been an agreement with the local Dockland Settlements manager that whoever secured the use of the larger two arches would provide toilets for the use of clients of the two smaller arches. The club had agreed to provide sealed doors at either access to the toilets, so that children would not have to walk through the bar area to reach them.

The meeting then adjourned at 8.00 p.m. and reconvened at 8.20 p.m., when the Chair indicated that Members had further questions for the applicants regarding the terms of their lease. The applicants replied that:

- The hours in the lease related to the consumption of alcohol and an attachment to the lease indicated that drinks could be provided if the licence were not granted.
- The lease stipulated club activities between 10.00 hours and 23.30 hours. However, a further side letter indicated that there could be 24 hour access for office work, cleaning, etc., but not for activities involving larger numbers of people.

The meeting further adjourned at 8.25 p.m. and reconvened at 8.48 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 Club Premises Certificate under the Licensing Act 2003, for Millwall RFC, Arch 3, Beside Island Gardens DLR Station, Manchester Road, London, E14 3ND be **GRANTED** for the following days and hours and subject to the following conditions:-

#### Supply of Alcohol

Monday to Friday 17.00 until 21.00 hours;  
Saturday 12.00 until 21.00 hours; and  
Sunday 12.00 until 20.00 hours

#### Regulated Entertainment (Recorded Music)

Monday to Friday 17.00 until 21.00 hours;  
Saturday 12.00 until 21.00 hours; and  
Sunday 12.00 until 20.00 hours

#### Hours Open to the Public

Monday to Saturday 11.00 until 23.00 hours; and  
Sunday 11.00 until 22.30 hours

#### CONDITIONS

- That there be CCTV inside the premise with footage kept for 30 days and made available to the Police upon request;
- That double glazing be installed throughout the entirety of the premise;
- That there be at least one SIA registered door staff present on Saturdays and Sundays from 19.00 hours;
- That there be no new admission to the premise after 21.00 hours Monday to Saturday and 20.00 hours Sunday;



- That there be no consumption of alcohol outside the premise at any time;
- That ashtrays or equivalent be supplied for patrons smoking outside the front of the premise and the contents disposed of accordingly;
- That there be no use of the fire exit except in the cases of emergency;
- That the certificate be surrendered immediately Millwall RFC vacate the premise; and
- That the certificate not be operable until all of the conditions have been met and works completed.

The Chair explained that the Sub-Committee would be exceeding its authority by rejecting the application outright but the conditions and significant reduction in the hours allowed would be beneficial to residents. She added that Mr Thomas would provide details of the procedure regarding appeals to the Magistrates' Court to anyone requiring the information.

The meeting ended at 8.56 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee