

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 24 JULY 2008

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

Members Present:

Councillor Alexander Heslop (Chair)
Councillor Azizur Rahman Khan
Councillor M. Mamun Rashid

Officers Present:

Zakir Hussain	- Legal Officer
Jackie Randall	- Licensing Officer
Margaret Sampson	- Democratic Services

Applicants In Attendance:

Mr S. Alam	- Masala Restaurant
Mr A. Sattar	- Masala Restaurant
Mr M. Ahmed	- Masala Restaurant
Ms P. Markri	- Masala Restaurant
Ms R. Beck	- Jamboree

Objectors In Attendance:

Derrick Harrington	- (Environmental Protection)
Mrs J. Curtis	- Wilkes Street
Mrs V. Parks	- Edward Mann Close

Members of the Public In Attendance:

There were no members of the public in attendance.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Harper-Penman who was unable to attend. Councillor Rashid replaced Councillor Harper-Penman on the Sub-Committee and Councillor Heslop chaired the meeting.

2. DECLARATIONS OF INTEREST

Councillor Rashid advised that he was a Ward Member for Shadwell but had no interest in the application falling within that Ward (Jamboree).

3. RULES OF PROCEDURE

Noted.

4. UNRESTRICTED MINUTES

The minutes of the meetings held on 8th and 21st May 2008, were approved as a correct record of the proceedings.

5. ITEMS FOR CONSIDERATION

5.1 Application for New Premises Licence: Masala Restaurant, 88 Brick Lane, London E1 6RL (LSC006/809)

Ms Randall reported that the application had been amended following discussion with EH and that recorded music had now been withdrawn. The opening hours had also been revised to close at midnight on Mondays to Saturdays and 11.30pm on Sundays with all licensable activities to end 30 minutes before closing. The Police had no objections but had put forward conditions.

The applicant confirmed Ms Randall's report and also that they would be happy to accept the Police conditions. Music was intended as background music only. Mr Alam was an experienced licensee and restaurant owner who was aware of his licensing responsibilities and would train his staff accordingly.

The premises would blend in with the other restaurants in the area and the hours applied for were conservative. The premises already had CCTV, a dedicated taxi service would be available and appropriate signage asking patrons to leave quietly, would be posted. It was not felt appropriate to have a door supervisor throughout all the opening hours and the Committee were asked to consider setting a condition to apply this in the evenings only.

There had only been one objection to the application which was felt to be low, given the number of residential properties in close proximity. It was believed that the management of the premises and the conditions put forward would be sufficient.

As the objector was not present, Mr Hussain drew attention to the letter of objection that had been submitted and its contents. There being no questions from Members, the Sub Committee adjourned at 7.10pm to consider the evidence presented.

On reconvening at 7.30pm, the Chair reported that the Sub Committee had resolved:

That the application for a new Premises Licence for Masala Restaurant, 88 Brick Lane, London E1 6RL, be **GRANTED** subject to the following conditions:

Hours premises are open to the public: 12:00 to 24:00 Monday to Saturday, 12:00 to 23:30 on Sunday

Hours for the sale of alcohol: 12:00 to 23:30 Monday to Saturday, 12:00 to 23:00 on Sunday

Provision of Late Night Refreshment: Monday to Saturday until 23:30

The premises will not knowingly allow any person, by payment or otherwise, to solicit custom for that premises by offering inducements or other concessions.

CCTV to be installed at the premises to the satisfaction of the police prior to the premises licence being issued and the premises trading.

Challenge 21 signage and signage asking patrons to be respectful of residential neighbours and to leave quietly, to be posted within the premises.

No bottling up or deliveries before 08:00.

The Chair advised that Members were aware that there had been several other issues on which they could have applied conditions and asked that the applicant employ his best endeavours to ensure that no cars blocked the junction by the premises or caused nuisance.

5.2 Application to Vary the Premises Licence: Rootmaster Ltd., Ely's Yard, Old Truman Brewery, London E1 6QR (LSC007/809)

It was noted that whilst the objectors were present, the applicant was not. Mr Hussain accordingly advised that it was for Members to determine whether or not they wished to proceed to hear the application. The Sub Committee determined to proceed.

Ms Randall advised that the report was as detailed and she would be happy to take any questions.

Mr Harrington, Environmental Health, advised that he had believed the applicant was to apply for planning permission for a new extractor and ventilation system following the original application. However, the applicant had subsequently not followed this through. He had met with the applicant and a ventilation engineer to try and assist resolving his concerns regarding the inadequacy of the existing system but was not aware that any additional work had been carried out or was planned to be so. Although there had been no complaints from residents to date, the extraction system in place was very poor and his concerns remained that the fume and smell nuisance would increase.

Mr Harrington also reported his concern that the increased hours sought would increase the likelihood of public nuisance to residents as he had already received complaints regarding the general level of activities in Ely's Yard.

Mrs Curtis reported that she had objected to the original application though the hours of operation had worked. She had reservations regarding the increased hours due to the noise nuisance emanating from Ely's Yard late at night. The geography of the yard and the adjoining local residential streets was such that noise travelled a long way and caused disturbance to all.

Mr Harrington confirmed for Members that the premises operated approximately 80 covers externally plus the seating available on the bus.

There being no further questions from Members, the Sub Committee adjourned at 7.55pm to consider the evidence presented.

On reconvening at 8.05pm, the Chair reported that the Sub Committee had resolved:

That the application to vary the Premises Licence for Rootmaster Ltd., Ely's Yard, Old Truman Brewery, London E1 6QR be **REFUSED** as the Sub Committee had not been convinced that the application would support the licensing objective relating to the Prevention of Public Nuisance.

5.3 Application for New Premises Licence: Jamboree, Gallery West, 566 Cable Street, London E1W 3HB (LSC008/809)

Ms Randall presented the report which was as detailed in the agenda and advised that any films shown must carry certification. Any films certified beyond normal classification categories would require a special licence.

The applicant advised that they had operated 15 Temporary Event Notices with no complaints from either residents or the Responsible Authorities. The premises intended to operate as a small European style bar with independent artists, musicians, and film makers presenting their work. She empathised with residents and was willing to act to ameliorate the issues raised and abide by any conditions put on the licence. The main source of noise and nuisance was believed to come from the three large venues on site.

Ms Randall advised that irrespective of this information, all films shown would require certification and this would be a matter of condition.

In response to questions from Members, Ms Beck advised that the capacity of the premises was 100 persons and there was no external area. There was no connection with other venues, only that the site was shared between a number of units. Several of the units were looking to work together to manage security of the buildings. A door supervisor would be employed Friday and Saturday evenings.

Mrs Parks, local resident, reported that residents were caught between the noise and raves from this site and the large parties held at the Troxy site on Commercial Road. Residents suffered serious noise nuisance every weekend night and Sunday afternoon. At this point, Mr Hussain advised Mrs Parks that her comments should only relate to this particular premise.

Mrs Parks reported that the noise nuisance from this site was constant as it operated every day until late and even into the following day. The only parking in the area was on local streets and many of the bedrooms faced onto the street. The primary concern related to yet another premise operating every day until late causing noise to residents from the operation of the premises and from people leaving. This disturbed both her and her epileptic son.

For the benefit of Members, Mrs Parks showed on the local map where her house was in relation to the premise.

There being no further questions, the Sub Committee adjourned at 8.22pm to consider the evidence presented. On reconvening at 8.45pm the Chair reported that the Sub Committee had resolved:

That the application for a new Premises Licence for Jamboree, Gallery West, 566 Cable Street, London E1W 3HB, be **GRANTED** subject to amendment and the following conditions:

Hours Premises are open to the public: 08:00 to 23:00 Sunday to Thursday, 08:00 to 24:00 Friday and Saturday

Sale of Alcohol (on sales only): Noon to terminal hour of the premises on all days

Late Night Refreshment: 23:00 to 24:00 Friday and Saturday

Plays and Performance of Dance: 18:00 to 23:00 on all days

Live music and anything of a similar description to live music, recorded music and performance of dance: 18:00 to 23:00 Sunday to Wednesday, 18:00 to 23:30 Thursday, 18:00 to 24:00 Friday and Saturday

Recorded music and provision of facilities for making music: 11:00 to terminal hour of the premises on all days

Provision of facilities for dancing: 20:00 to terminal hour of the premises on all days

Provision of facilities for entertainment of a similar description to making music and dancing: 18:00 to terminal hour of the premises on all days

Non-standard timings: Sunday until midnight

Films: refused.

The meeting ended at 8.50 p.m.

Chair, Councillor Carli Harper-Penman
Licensing Sub Committee