

LICENSING SUB COMMITTEE

Tuesday, 6 February 2018 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

SUPPLEMENTAL AGENDA 3

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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For further information, see the main agenda.

	PAGE NUMBER(S)	WARD(S) AFFECTED
3 .1 Application for a New Premises Licence for (OSM Ltd) Open Market Space, Old Spitalfields Market, London E1 6AA	3 - 8	Spitalfields & Banglatown

Further supporting documents submitted on behalf of the
Applicant.

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Simmi Yesmin

From: Clare Eames <[REDACTED]>
Sent: 04 February 2018 22:35
To: Simmi Yesmin
Cc: Kathy Driver; Clare Eames
Subject: OLD SPITALFIELDS MARKET - FINAL CONDITIONS DOCUMENT
Attachments: FINAL CONDITIONS.pdf

Importance: High

Dear Simmi

Please find attached the final document that sets out the conditions submitted with the application with proposed amends – this is an updated version of the document contained in the supplementary agenda – our page 13 – 15. This is being sent to all interested parties via email. It contains some additional amends following discussions with the residents this weekend.

I sent you on Friday the email referred to in our evidence bundle at point 10 which was the email from Nicola Cadzow.

Any questions please call.

Best

Clare

Clare Eames | Partner

Poppleston Allen

[REDACTED]
London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG

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Simmi Yesmin

From: Clare Eames [REDACTED]
Sent: 30 January 2018 11:40
To: Nicola Cadzow
Cc: Clare Eames
Subject: Old Spitalfields Market – Setting of the Noise Limiter

Dear Nicola,

As you are aware, in the event that the Old Spitalfields Market Premises Licence which is due to be determined on the 6th February is granted, condition 22 of the application requires a Noise Limiter to be installed at the premises. The wording of the condition is as follows:

“A Noise Limiter with a traffic light indicator must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an Acoustic Consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the Noise Limiter shall then be secured by a key or password to the satisfaction of the Acoustic Consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an Acoustic Consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.”

I am aware that my client's Acoustic Consultant has contacted you as my client wants to ensure that the Noise Limiter is set, taking into account the sensitivity of the location and the request from the local Community that they are involved.

As with all scenarios involving the setting of a Noise Limiter, my client will defer to the knowledge and experience of yourself and the Acoustic Consultant. Therefore, we are happy that the Noise Limiter should be set at a level which you, as EHO, require upon consultation with the Acoustic Consultant. We acknowledge that you will wish to take in to account the views of Residents and, of course, if you feel that any attendance within any of the residential properties will be of assistance then from my client's discussion with the Community, I am sure that is something that will be happily provided.

I would wish to be able to circulate this email to the Community, if you agree with our proposals.

Kind regards

Clare

Old Spitalfields Market – Open Market Space

Operating Schedule submitted with the Application

The prevention of crime and disorder

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. At all times the licence is in operation, security staff will be on duty in Old Spitalfields Market and any additional security required as a result of the Premises Licence being in operation will be subject to written risk assessment.
4. Areas where alcohol is dispensed from shall not exceed 5% of the total area licensed under this Premises Licence, save for Special Events where the area will increase to a maximum of 10%.
5. There shall be a duty member of OSM staff on duty, on the premises, at all times when the authorised sale of alcohol takes place.
6. There shall be no sales of alcohol for consumption off the premises.
7. Food should be available at all times when the authorised sale of alcohol takes place.
8. The Designated Premises Supervisor shall ensure that an incident log is maintained within the premises and details of all known incidents are recorded within the log. This log shall be kept on the premises and made available on request to a Police Officer or an Authorised Officer of LBTH.
9. The Premises shall be used primarily as a retail market and the provision of alcohol shall remain ancillary to that use.

Additional conditions for Special Events

Special Events are defined as an organised and prearranged cultural, musical or commercial events taking place in the whole open market space of a public or private nature which replace the daily stall market, are prearranged and booked at least 28 days in advance.

10. There shall be no special events between 25th December 2017 and 1st January 2018.
11. There will be no more than 91 days of special events in any calendar year
12. An advance notice event calendar will be circulated to the Statutory Authorities and local residents providing a minimum of 28 days notice of any special event.
13. The Premises Licence Holder will maintain an accurate record of the times and dates of the special events.
14. No event operator will be allowed amplification equipment that is not fitted with a noise limiter approved OSM Management.

15. No dismantling or derigging that is audible outside the Central Market Hall shall be permitted after 10pm.
16. Security staff or stewards shall assist with the departure of guests or attendees from events and encourage them to depart quietly and safely from the premises.
17. Statutory Authorities and local residents to be advised with a minimum of 28 days' notice of any special events planned at the Premises beyond 7pm. The Premises Licence folder will provide full details of the event and the OSM event management plan will be subject to relevant comprehensive risk assessments so as to ensure residents are not disturbed.

Public safety

18. See Boxes a, b and d and in addition the following:

All relevant risk assessments will be undertaken so as to ensure that public safety is effectively monitored, managed and controlled at all times.

The prevention of public nuisance

19. Notices shall be prominently displayed at all gated exits requesting patrons to respect the need of local residents and leave the area quietly.
20. The premises will operate a written dispersal policy and such policy shall be made available to the Police and LBTH and local residents and amenity groups on request.
21. A Noise Limiter with a traffic light indicator must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
22. During the hours of operation of the premises the Premises Licence Holder shall ensure sufficient measures are in place to remove and prevent litter always deriving from OSM customers in the area outside the premises and that this area shall be swept as required, litter collected and stored in accordance with the approved refuse storage arrangements by close of business.
23. A dedicated telephone number for the Designated Premises Supervisor or the duty manager shall be maintained for use by any person who may wish to make a complaint during the operation of the licence, which shall be provided to the Licensing Authority and local residents' association. A log shall be kept of all complaints, which shall be available for inspection by Council Officers at all times when the premises are open to the public. Any change to the number shall be notified to the Licensing Authority and to local residents' associations within 7 days of the change.
24. The consumption of alcohol shall cease 30 minutes after the permitted hours for the sale and supply of alcohol.

The protection of children from harm

25. A Challenge 21 Proof of Age Scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographed identification cards.

26. Training shall be provided to all staff relating to the sale of alcohol and other relevant licensing matters.
27. Records detailing the initial training and refresher briefing provided shall be kept on the premises and be made available upon a request by a Police Officer or an authorised officer of the Council.

Agreed Amended Condition with Trading Standards

To replace condition 25 in the Operating Schedule submitted with the Application:

28. A Challenge 25 Proof of Age Scheme shall be operated at the premises where the only acceptable forms of identification are recognized photographic identification cards such as a driving licence, passport or proof of age card with the PASS holograph.

Proposed further amendments to the licence application as provided to local residents and community groups.

1. A new condition to be added to the premises licence that would read as follows:
“Save for 15 special events per annum, areas where alcohol is consumed shall not exceed 10% of the total area licensed under this premises licence and the perimeter of that area at the premises will be clearly delineated”.
2. The removal of indoor sports from the premises licence application.
3. Areas where food is available from shall form at least 3% of the total area licensed under this premises licence, save for special events when this condition shall not apply
4. The reduction of special event days to 20 days per year. The above condition to be inserted under additional conditions for special events to replace condition 11 that currently reads “There will be no more than 91 days of special events in any calendar year”.
5. The terminal hours for licensable activities will be reduced to 6pm on Sundays, 7pm Monday, Tuesday and Wednesday, with 30 minutes drinking up time.
Please note the hours for Thursday, Friday and Saturday will remain as per the application.
6. Save for special events, there shall be no draft beer permitted save for dispense from two market stalls.
7. The Premises Licence Holder shall install permanent sound recording equipment within the Open Market Space in a minimum of 3 locations.
8. In the event that the premises licence application is granted as applied for (subject to the amended conditions 1-6 above), a further 2 conditions would be added to the premises licence as follows:
 - 1) This premises licence shall not come in to effect until the following licences have been surrendered:
 - Licence number PL17354 – Open Market Space, 16 Horner Square, London E1 6EW
 - Licence number PL26084 – Smiths at 109 Commercial Street, London E1 6BG
 - Licence number PL26009 – Square Pie at 105c Commercial Street, London E1 6BG
 - 2) This premises licence shall not come in to effect until an application is made and granted to remove off sales from the premises licence for Taberna do Mercado, licence number PL17360.

Informative to be Noted at Committee Hearing and Placed on Minutes

1. The Premises Licence Holder shall not apply for Temporary Event Notices later than 9.30pm Thursday to Saturday, 7.30 Monday to Wednesday and 6.30pm on Sundays. (alcohol sales to end 30 minutes before the terminal hour)
2. The Premises will only apply for 15 Temporary Event Notices per annum to a maximum of 21 days.