

LONDON BOROUGH OF TOWER HAMLETS

RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 28 MARCH 2017

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

Members Present:

Councillor Dave Chesterton (Member)
Councillor Peter Golds (Chair)
Councillor Shah Alam (Member)

Officers Present:

Kathy Driver – Licensing Authority
Gurwinder Olive – Legal Services
Charles Yankiah – Democratic Services

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF PREVIOUS MEETING(S)

The minutes of the previous meetings as follows were agreed and approved as a correct record by the Sub Committee:

- 15th September 2016
- 27th September 2016
- 8th November 2016

4. ITEMS FOR CONSIDERATION

4.1 Licensing Act 2003: Application for a Premises Licence for Renegade London Wine, Arch 12, Gales Gardens, E2 0EJ

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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that "where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested".

Members heard from Mr John Warwick Smith (applicant) who informed the Sub Committee that he was not aware of the issues with the previous occupants regarding loud music, drugs and bottle throwing at the premises. As soon as he was made aware he withdrew the application for the provision of regulated entertainment licence. The Renegade London Wine makes wine in the heart of London using fruits from the UK and across Europe and sold to restaurants and wine bars with some online trade. Met with the Police, Environmental Health and local residents and discussed the issues from previous occupants as well as being able to satisfy local residents with the new premises licence. It is a new concept for a small business in the London area featuring a wine-maker and it has been replicated from business models around the world including Paris, New York and Hong Kong. It is a way of doing things differently, with new wines and modern methods of wine-making with some demand locally.

On questioning from members Mr Smith informed the Sub Committee that 80% of trade is with restaurants, wine bars and online sales and a small percentage of sales will be to customers coming in for wine tasting. There has been one objection and attempts were made to speak to the objector but it proved unsuccessful, but discussions were held with other community groups which resulted in the application for an entertainment licence being withdrawn.

Members considered the "off sales" and the impact it would have on the local residents outside of the premises. Consideration was also given to the capacity of the premises which was confirmed with the applicant that the premises would have no more than 50 persons at any one time.

It was noted that there had been an intention to apply for an outside area however this did not form part of the application and was not on the submitted plan therefore consideration was not given to an outside area as it did not legally form part of the application.

Therefore considering all of the above, Members decided to **GRANT** the application.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Renegade London Wine, Arch 12, Gales Garden, London, E2 0EJ be **GRANTED**.

Sale of Alcohol (both on and off sales)

- Monday to Friday from 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (midday) to 22:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

Hours premises is open to the public:

- Monday to Friday from 17:00hrs to 23:00hrs
- Saturday from 12:00hrs (midday) to 23:00hrs
- Sunday from 12:00hrs (midday) to 22:30hrs

Additional Conditions: -

1. CCTV – The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on

request by a Police Officer or other Responsible Authority (one camera to be placed outside the entrance and on entry).

2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. All sales of alcohol for consumption off the premise shall be in sealed containers only, and shall not be opened on the premises.
4. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 50 persons, and such number shall be prominently displayed by the entrance to the premises. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activity is in place.

All Conditions identified in the Operating Schedule shall be retained.

4.2 Licensing Act 2003: Application for a Premises Licence for Mile End Park (at Bow Common Lane Bus Stop (Stop MS), Burdett Road, London, E3 4TN

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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that "where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested".

Members heard from Mr Marvin Kluge (applicant) who informed the Sub Committee that the organisation has been hosting these types of events for

the last 9 years with over 500,000 visitors. The events involve beer gardens, traditional German folk music and a German Village festival which will run on the last weekend in April and the first weekend in May each year. The license is permanent and is not time limited and would allow the event to operate each year. Having consulted with the Police additional security has been hired to check individual persons and to search bags entering and exiting the site.

On questioning from members Mr Kluge informed the Sub Committee that the additional security would include 8 SIA officers at the entrance and exits (3 searching persons and bags and 5 patrolling the beer garden), 6 SIA officers will also be on the route between the site and the train station directing persons to the train station.

Members considered customers consuming alcohol outside of the fenced area and taking glassware off-site with them after the event. They were concerned that there were no toilet facilities being made available to customers who leave the event and the impact it would have on the local community and the park. The security plan agreed with police was referred to in the report but no copy was submitted as part of the application and therefore it was unclear to Members what had been agreed. The applicant gave a verbal account of the content of the security plan.

Therefore considering all of the above, Members decided to **GRANT** the application for a premises licence with additional conditions.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a Premises Licence for Mile End Park (at Bow Common Lane Bust Stop, Stop MS), Burdett Road, London, E3 4TN be **GRANTED** with additional conditions.

Sale of Alcohol (on sales only)

- Monday from 12:00hrs (midday) to 19:00hrs
- Thursday to Saturday from 12:00hrs (midday) to 22:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

The Provision of Regulated Entertainment in the form of Live Music (indoors):

- Monday from 12:00hrs (midday) to 18:30hrs
- Thursday to Saturday from 12:00hrs (midday) to 22:00hrs
- Sunday from 12:00 (midday) to 21:30hrs

The Provision of Regulated Entertainment in the form of Recorded Music (both indoors and outdoors):

- Monday from 12:00hrs (midday) to 19:15hrs
- Thursday to Saturday from 12:00hrs (midday) to 22:45hrs

- Sunday from 12:00hrs (midday) to 22:15hrs

(Recorded music will be provided by a German DJ playing German and International Pop Music, the DJ only plays during the set breaks of the traditional Bavarian folk band).

Hours premises is open to the public:

- Monday from 12:00hrs (midday) to 19:30hrs
- Thursday to Saturday from 12:00hrs (midday) to 23:00hrs
- Sunday from 12:00hrs (midday) to 23:30hrs

All Conditions identified in the Operating Schedule shall be retained in addition to the following conditions:

- This license is for “German Village Festival” only. This is a single event which will run on the last weekend in April and the first weekend in May.
- A Security Plan will be agreed with Police at least one month prior to the event taking place. The agreed Security Plan MUST be submitted one month prior to the event to the Licensing Authority. However, in respect of the last weekend in April 2017, the agreed Security Plan MUST be submitted 14 days prior to the event to the Licensing Authority.
- An Event Management Plan will be agreed at a planning meeting with Police and Tower Hamlets Council at least one month prior to the event taking place.
- All persons entering, re-entering and exiting the premises shall be searched by an SIA trained member of staff. Clearly visible notices shall be placed at each entrance to advise those attending that it is a condition of entry that customers agree to being searched upon entrance and exit and that the police will be informed if anyone is found in possession of controlled substances or weapons. In addition all glassware found on exit shall be confiscated.
- No alcohol in any vessel or container shall be allowed outside the fenced area.
- Agreement shall be sought with Tower Hamlets Council, Parks and Open Spaces Team, to place male and female toilets outside the fenced area and along the pedestrian route between the site and Mile End Station. The infrastructure will be provided by Oktoberfest and the authorisation for the location and siting of the toilet facilities will be provided by Tower Hamlets Council. The toilets will be in place one day prior to the first day of the event and will be maintained throughout the event.
- There will be adequate signage in respect of the additional toilets outside of the event location.

4.3 Licensing Act 2003: Application for a Time Limited Premises Licence for The London Shuffleboard Club, 1 Chance Street, London E1 6JT

The Sub Committee agreed having sought Legal advice, that upon request from Mr Hawkins (applicant's representative) that the Application for a Time Limited Premises Licence for the London Shuffleboard Club, 1 Chance Street, London, E1 6JT be adjourned due to a medical emergency.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed the following Extension of Decision Deadlines according to the Licensing Act 2003:

Premises	Type of Licence	Consultation deadline	Hearing date	Decision deadline	Decision deadline extended to
New Road Hotel 103/107 New Road E1 5HJ (KD)	New	02/03/17	11/04/17	30/03/17	11/04/17
Kafe 1788 Ltd 4 Vesey Path London, E14 6BT	New	06/03/17	25/04/17	28/03/17	25/04/17
Agah, 43 Commercial Street, London, E1 6BD (MA)	Variation	16/03/17	25/04/17	13/04/17	25/04/17
The London Shuffleboard Club, 1 Chance Street, London, E1 6JT	Time Limited	27/02/17	11/04/17	27/03/17	18/04/17

The meeting ended at 8.30 p.m.

Chair,
Licensing Sub Committee