

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 4.05 P.M. ON FRIDAY, 17 JUNE 2016

**MP404 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Rajib Ahmed
Councillor Peter Golds (Chair)
Councillor Khaled Uddin Ahmed

Officers Present:

Mohshin Ali – (Senior Licensing Officer)
Janet Grant – (Legal Advisor)
Antonella Burgio – (Democratic Services)

Applicants In Attendance:

Mr J Banton Applicant
Mr Wheales Supporter

Objectors In Attendance:

PC Alan Cruickshank Metropolitan Police
Nicola Cadzow Environmental Health (Noise)

Apologies

No apologies for absence were received.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

2. RULES OF PROCEDURE

The rules of procedure, as circulated at agenda item 2. were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Temporary Event Notice for Nomadic Community Gardens, Fleet Street Hill, London E1 5ES

Tuesday 14th June 2016 at 2.00pm

The Chair opened the meeting and noted that neither applicant nor responsible authorities had attended. He queried the situation with the clerk

who confirmed that the parties participating had been sent documents summoning them to the meeting in accordance with the procedure.

The Chair considered the situation and **resolved** that in the interests of natural justice the meeting should be adjourned, the parties contacted and offered an opportunity to attend at a later date to enable them to make their representations. The meeting was adjourned at 2:05 p.m. to reconvene at 4.00p.m. Friday 17 June 2016 and officers asked to investigate why the parties had not attended the hearing.

Friday 17th June 4:05 p.m.

The Chair opened the reconvened meeting. He introduced himself to the parties present and at his invitation all parties present also introduce themselves. He then enquired and the parties responded that they had not attended on the notified date as they had not received papers. The clerk confirmed that in the absence of a postal address an electronic copy of the agenda had been sent to the applicant in accordance with procedures. Papers had also been circulated to responsible authorities, Metropolitan Police and Environmental Health. The Police advised that because of weekend operations they had been absent on the date of the meeting (returning to work on the day after) and Environmental Health advised that the agenda had been incorrectly addressed and delivered after the date of the meeting. The Sub-committee noted the reasons offered and decided that they would hear the application.

The applicant made his submission assisted by his supporter. He informed the Sub-committee that:

- the event was small-scale and was to be held between Sunday, 19 June and Tuesday, 21 June.
- there were to be no licensable activities in the form of sale of alcohol or regulated entertainment (music) on Monday, 20 June;
- for financial reasons it was not possible to provide 8 SIA security staff as requested by the police and offered three best IT staff plus instrument
- to ensure that residents did not experience additional noise nuisance, a decibel reader would be used to take readings throughout the event to ensure that the noise levels remained at background noise levels

The Sub-committee then heard from the objectors.

The Metropolitan Police submitted that:

- this World Music Event was previously going to be held in Weavers Field and the Police had deemed the venue unsuitable. Following a planning meeting with the Police this application had been withdrawn. However an application for the event had now been made for a smaller venue.
- the applicant had failed to have planning meetings with the Police and other responsible authorities to discuss the details of the event plan; a practice expected of all applicants wishing to put on an event over three days.

- there was local concern the event would increase drunkenness and drug use in the locality, an area which already experienced detriment.
- the applicant had not submitted a security plan and there was inadequate egress from the venue.
- the applicant's security arrangements were insufficient and would have implications on crime and disorder in the area.

Environmental Health (Noise) submitted that there was no noise management plan. However the application could be reconsidered if the applicant were to reduce the proposed hours for regulated entertainment and the music were unamplified.

The Sub-committee asked questions of the parties and during questioning and discussion the following information was confirmed:

- world music comprised ethnic, folk and drumming genres of music.
- the DJs hired would be reggae DJs. PC Cruikshank noted that no DJ names had been submitted to the Police, it was practice that these were usually submitted 40 days before the event.
- evidence of antisocial behaviour and drugs was anecdotal originating with the Safer Neighbourhood Teams; Police (Licensing) Officers, had not dealt with any such matters directly. Environmental Health confirmed that were CCTV records of antisocial behaviour in the area and report from THEOs of antisocial behaviour towards them.
- referring to a photograph of the area for the proposed venue, the Chair queried whether noise level levels would be raised in order to counter the effects of the nearby railway lines. He was informed by the Supporter that the perimeter walls of the garden buffer the sound of trains and therefore it was thought that amplification would be unnecessary.
- the event would be a free un-ticketed community-based event but the organisers would seek to recoup their costs through donations and the sale of alcohol.
- the event had been publicised by word of mouth through people who frequent the gardens.
- the Nomadic Gardens were an area of leased land used for a community allotment, garden, storage yard and for events such as consciousness awareness raising.
- alcohol to be supplied would be in the form of wine and cider
- details of the reduced of operation were sent by e-mail to PC Perry on June 10th
- there would be no licensable activities on Monday, 19th June; this day would be dedicated to themed talks e.g. beekeeping
- the licensable activities would be restricted to the following hours:
 - Sunday, 19 June between 12.00pm and 9.00pm and
 - Tuesday, 21 June between 4.00pm and 9.00pm
- the applicant consented to reduce the dispersal time from one hour to 30 minutes and therefore the premises would be vacated by 9.30pm.
- after some consideration the applicant consented to the Police request that 4 SIA registered staff be present during the hours when licensable activities were taking place.

Having discussed the above matters of concern and having received clarity on the terms/conditions accepted by the applicant arising from the discussion, the responsible authorities, Police and Environmental Health were satisfied that their objections had been addressed and agreed to withdraw their representation. Accordingly the Temporary Event Notice was granted on the basis of the agreement reached.

The hearing closed at 4:43 p.m.

DECISION

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.

Consideration

Each application must be considered on its own merits. The Chair noted that the objections from the Metropolitan Police related to concerns that the event would create further antisocial behaviour and crime and disorder in an area which already experienced detriment caused by anti-social behaviour through drunkenness and drug issues. The Police were also concerned that there would be only 3 SIA staff present at the event. Members also heard from Environmental Health (Noise) that no noise management plan had been submitted to demonstrate how noise nuisance to the surrounding community would be mitigated. Additionally the applicant's suggested dispersal time of one hour would cause nuisance to local residents.

The applicant and Responsible Authorities discussed what measures would suitably mitigate public nuisance and clarified what the intended programme of activities during the event was to be. The applicant advised that the event would involve provision of regulated entertainment (world music) and the sale of alcohol on Sunday 19 June and Tuesday 21 June 2016 only, there would be no licensable activities on Monday 20 June 2016. The applicant agreed to requests from the Responsible Authorities that the hours of licensable activities be reduced from those applied for and terminate at 9.00pm; that the requested dispersal time after the licensable activities cease be reduced from one hour to 30 minutes and that the number of SIA staff present during the activities be increased from 3 to 4. The applicant agreed to the terms requested. The applicant wrote and signed a memo outlining the agreement:

*"Sunday 19th June 2016, 12.00pm -9.00pm - Music
9.30pm – kickout*

*Tuesday 21st June 2016, 4.00pm -9.00pm - Music
9.30pm – kickout*

10 Stewards

4 SIA Security”

The Responsible Authorities were then satisfied with the terms of operation offered and withdrew their objections.

In considering their decision Members gave regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning prevention of public nuisance and prevention of crime and disorder.

Therefore considering agreement reached by all parties, Members decided to **grant** the application for a Temporary Event under the revised schedule that had been agreed by the parties before them.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Nomadic Community Gardens, Fleet Street Hill, London E1 5ES be **GRANTED** for the following agreed terms:

Sale by retail of alcohol (on sales only) and Provision of Regulated Entertainment

Sunday 19th June 2016 from 12:00 hours to 21:00 hours

Tuesday 21st June 2016 from 16:00 hours to 21:00 hours

The opening hours of the premises

Sunday 19th June from 12:00 hours to 21:30 hours

Tuesday 21st June from 16:00 hours to 21:30 hours

That 4 SIA staff and 10 Stewards be present at all times when licensable activities are taking place.

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 4.43 p.m.

Councillor Peter Golds, Chair,
Licensing Sub Committee