

**LONDON BOROUGH OF TOWER HAMLETS**

**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON TUESDAY, 29 SEPTEMBER 2020**

**ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)**

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Faroque Ahmed (Member)

Councillor Shad Chowdhury (Member)

**1. DECLARATIONS OF INTEREST**

There were no declarations of interests made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION**

**3.1 Application for a New Premises Licence for (Brand Events Ltd/Veg in the Park), Victoria Park, Grove Road, London E3 5TB**

**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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

**Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations made by the Applicant's present at the meeting, it was noted that the objector was not present at the meeting and therefore the written objection contained in the agenda pack was noted and

considered in the absence of the objector with particular regard to the licensing objectives.

The Sub-Committee noted that application was, in respect of a three day planned event promoting Vegetarianism and Veganism in Victoria Park. Having considered the relevant provisions of the Licensing Act 2003, the Sub-Committee unanimously granted the application and deemed that the event would be beneficial to the local community, when the public health conditions permit the event to take place.

Members welcomed the efforts made by the Applicant and the robust operating schedule contained in the application as well as accepting and agreeing to the conditions proposed by the Responsible Authorities. These conditions gave Members assurance that the licensing objectives would be promoted.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a New Premises Licence for Brand Events/Veg in the Park, Victoria Park, Grove Road, London E3 5TB be **GRANTED** with conditions.

#### Sale of Alcohol (on and off sales)

Friday, from 17:00 hours – 22:45 hours  
Saturday from 11:00 hours – 22:45 hours  
Sunday from 11:00 hours – 20:00 hours

#### The Provision of Regulated Entertainment – indoors and outdoors (Films, Live Music, Recorded Music, Performance of Dance and anything of a similar description)

Friday, from 17:00 hours – 22:45 hours  
Saturday from 11:00 hours – 22:45 hours  
Sunday from 11:00 hours – 20:00 hours

#### Hours premise is open to the public:

Friday, from 17:00 hours – 23:00 hours  
Saturday from 11:00 hours – 23:00 hours  
Sunday from 11:00 hours – 19:30 hours

#### Conditions

1.1 The licence shall only be used on three consecutive days per year.

- 1.2 An Event Safety Management Plan (ESMP) containing detail appropriate to each year's Event will be produced and implemented in consultation with and with the agreement of the Responsible Authorities through multi-agency or Event Planning Group meetings;
- 1.3 The first draft of the ESMP, including a detailed plan of the site, will be submitted to the Licensing Authority, the Responsible Authorities and other members of the Event Planning Group for consideration at least three months prior to the event;
- 1.4 For each event the Premises Licence holder will produce a final ESMP (including the plan of the site) which must be agreed by the Licensing Authority prior to the event taking place;
- 1.5 The licence holder must produce an alcohol management plan of which must be agreed with the Licensing Authority prior to the event taking place.
- 1.6 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 1.7 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer.
- 1.8 No open containers of alcohol shall be taken off the licensed area.
- 1.9 Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers;
- 1.10 The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
- 1.11 MDS operators must carry a clear indication that a Challenge 25 protocol is in operation.
- 1.12 For Events, the "Music Noise Level" (MNL) measured as an LAeq over any 15- minute period from an agreed permanent noise monitoring position shall not exceed 70 dBLAeq 15-minutes for the last two acts on each day.

- 1.13 For music throughout the early part of the day prior to the two main acts, the “Music Noise Level” (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not exceed 65dBLAeq

### **3.2 Application for a Variation of a Premises Licence for (Dirty Bones) 1 Club Row, London E1 6JX**

#### **The Licensing Objectives**

In considering the application, Members are normally 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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

#### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made by the Applicant's Legal Representative and Officers representing the Licensing Authority and Environmental Health with particular regard to the prevention of public nuisance and the prevention of crime and disorder.

The Sub-Committee also considered the written variation application and all relevant information supplied in the published addendum agenda.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a variation of the premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the representations from the Licensing Authority, and Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and the concerns relating to the likely disturbance to residents nearby if the hours were extended to late night.

Upon deliberation and having considered the licensing objectives as pertained in the Licensing Act 2003, the Sub-Committee unanimously rejected the variation application.

It was deemed that the variations applied for would not be beneficial to the local community and that any extension of opening hours would have a negative impact on the locality.

Of concern was an:

- (i) increased risk of crime and disorder,
- (ii) a rise in public nuisance
- (iii) a risk to public safety,
- (iv) a potential rise in noise pollution and;
- (v) an increase in traffic volume

All of which would deleteriously affect the local residents and community.

Further, the Sub-Committee noted that the premises is situated in the Council's Cumulative Impact Zone ("CIZ") and found no exceptional circumstances to deviate from the Council's policy in this regard.

#### Decision

Accordingly, the Sub Committee unanimously;

#### **RESOLVED**

That the application for a Variation of a Premises Licence for Dirty Bones, 1 Club Row, London E1 6JX be **REFUSED**.

### **3.3 Application for a New Premises Licence for (Alcotraz), 212 Brick Lane, London E1 6SA**

This item was adjourned at the request of the Applicant.

### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Nil items.

The meeting ended at 4.30 p.m.