

LONDON BOROUGH OF TOWER HAMLETS**MINUTES 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

Councillor Shad Chowdhury

Officers Present:

Venky Ramakrishnan

– (Principal Enforcement Lawyer)

Mohshin Ali

– (Senior Licensing Officer)

Corinne Holland

– (Licensing Officer)

Simmi Yesmin

– (Democratic Services Officer,
Committees, Governance)**Representing applicants****Item Number****Role**

Neil Levene

3.1

(Applicant)

Thomas O'Maoileion

3.2

(Legal Representative)

Representing objectors**Item Number****Role**

Paul Murphy

3.2

(Environmental Health Officer)

Apologies

None

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

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Brand Events/Veg in the Park, Victoria Park, Grove Road, London E3 5TB. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Neil Levene, Applicant, explained that the event was a three day food and music festival celebrating high-end vegan and vegetarian food from nation's leading chefs. He explained that on a Sunday, the event would finish by 7pm and the additional time applied for was to allow flexibility if any acts overran etc.

He briefly explained that he had 20 years of experience of facilitating indoor and outdoor events. They had been running the pub in the park event for the past four years around the country and this would be a similar concept but offering vegetarian food. It was noted that tickets would be sold online and in advance of the event and they would be expecting two-three thousand people to attend the event. Mr Levene explained that there would be food stalls set up by well known chefs and restaurants from around the country, people would be trying and sampling food and drinks from different stalls and listening to live music at the end of the evening. He explained that Brand Events was a well known company and have been running events successfully for years with no complaints or review applications. Mr Levene concluded that he had tried to get in touch with the objector to address her concerns however has not had a response. It was noted that the conditions agreed with responsible authorities would help alleviate the concerns that had been raised by the objector.

In response to questions it was noted that, the event would only be held once government guidance allowed for such events to take place and any event would be in accordance with the social distancing rules that would be required at the time.

In the absence of the objector the written objection contained in the agenda pack was noted and considered by the Sub Committee.

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 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

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Dirty Bones, 1 Club Row, London E1 6JX. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Thomas O'Maoileion, Legal Representative on behalf of the Applicant, stated that the variation application related to the premise licence no. 19991 on page 109 of the agenda and should the variation be granted, the applicant would surrender premises licence no. 21557 detailed on page 121.

Mr O'Maoileion explained that the application was in three parts;

- Firstly to amend the wording of the non-standard timings for new years eve which there were no objections to by the Responsible Authorities.
- Secondly to remove the conditions regarding no off sales, this was to allow off sales for delivery and takeaway services which would be sold in sealed containers. This would be subject to all appropriate age verification checks before and on delivery.
- Thirdly to extend the licensing hours to 1am, it was noted that if granted the hours would not be used until next year once government restrictions were lifted.

Mr O'Maoileion said that taking into policy considerations balanced by early closing times, staggered approach, dispersal policy and no use of outside area this would not negatively impact on the cumulative impact zone (CIZ).

Mr O'Maoileion stated that there would be no regulated entertainment, there was a refuse collection in place to deal with issues of litter and waste. There was no representation from the police or local residents and there was no history of complaints related to the premises.

Members then heard from Corrine Holland, Licensing Officer who stated that she had no objection to the changing of the wording for non-standard timings. She did suggest that there be a condition not to allow drinks to be consumed outside the premises.

Ms Holland explained that the premises is advertised as a restaurant and cocktail bar offering DJ music on Friday and Saturday evenings. If the later hours are granted it is likely that customers will consume more alcohol than they currently would prior to leaving for the evening or customers would stop here after leaving other premises on their way home which can lead to alcohol fuelled Anti-Social Behaviour (ASB). She explained that the premises was in the Cumulative Impact Zone where the licensing authority policy is to refuse an application unless the applicant can demonstrate there was exceptional circumstances to granting it. Ms Holland stated that the applicant had not made any reference to the premises being in the CIZ within the operating schedule and not offered any additional conditions to address this whilst requesting increased hours and outside drinking.

Members also heard from Paul Murphy, Environmental Health Officer speaking on behalf of Nicola Cadzow, Environmental Health Officer and briefly explained that the application failed to comply with the objective of the Licensing Act 2003 relating to public nuisance, as the noise breakout from the venue would affect neighbouring residents, with the likelihood of patrons leaving the premises in high spirits and causing disturbance to residential premises at the noise sensitive hours being sought.

In response to questions the following was noted;

- The applicant was happy to agree to conditions; To not allow no new entry after 12 midnight; No alcohol to be consumed immediately outside the venue.
- To reduce Sunday hours to midnight.
- That there had been no complaints or objections from residents.
- That issues of crime and disorder would be addressed by the conditions agreed with the police.
- That there were noise conditions in order to ensure there was no noise escape from the premises.
- The business had been operating for the past 4 years without any noise complaints.
- There would be no regulated entertainment.
- That there were good policies and procedures in place and staff would be deployed to walk the floor, monitor the outside area etc. to ensure there was no public nuisance.
- That the premises was as much a food led premises as well as an alcohol led premises.
- That the dispersal of customers were more gradual and not like a pub.

- The reason for the increase in hours is to allow customers the flexibility to stay later and finish their evenings in one venue rather than leaving and going to another premises.
- Not expecting clientele to change just allow the flexibility to arrive later, eat and leave later.
- That the hours if granted would not be in effect until next year if government guidance permits businesses to do so.
- It was confirmed that the first floor was a seated dining area and the ground floor had a seating area and bar area. The 3rd and 4th floor of the premises was for residential accommodation.
- That there would not be an increase in delivery vehicles, as the vehicles used would be those that were already in the area.
- Mr O'Maoileion confirmed that the issues relating to the CIZ on pages 171-172 had been addressed in the supporting documents produced in the supplemental agenda.

Decision

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.

Chair, Councillor Peter Golds
Licensing Sub Committee