

LONDON BOROUGH OF TOWER HAMLETS**RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 13 FEBRUARY 2024****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Ana Miah
Councillor Abu Chowdhury
Councillor Peter Golds

1. DECLARATIONS OF INTEREST

Councillor Peter Golds declared a personal interest on item 3.1, Application for a new premises licence for All Points East, Victoria Park, Grove Road, London E3 5TB on the basis that he had received an email from a resident raising concerns, however he confirmed he had not responded back.

2. RULES OF PROCEDURE

The rules of procedure was noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a New Premise Licence for All Points East, Victoria Park, Grove Road, E3 5TB**

The Sub-Committee considered an application by AEG Presents Ltd. for a new premises licence to be held in respect of Victoria Park, Grove Road, London, E3 5TB (“the Premises”). The application sought authorisation for the sale by retail of alcohol and the provision of regulated entertainment, which would include the annual All Points East music festival. The hours sought for the sale of alcohol (on-sales only) were 10:00 hours to 22:15 hours Sundays to Thursdays and 10:00 hours to 22:45 hours on Fridays and Saturdays. Regulated entertainment was sought from 10:00 hours to 22:30 hours Sundays to Thursdays and from 10:00 hours to 23:00 hours on Fridays and Saturdays. The Premises would close to the public thirty minutes after the cessation of regulated entertainment. Although this licence would not be time-limited, unlike the previous licence, it would still be limited by the Council’s Major Events Policy and the rental agreement for the land.

Representations against the application were initially received from the Environmental Health Service and three local residents. The representations

were concerned with the licensing objective of the prevention of public nuisance. The objection from Environmental Health was subsequently withdrawn when conditions had been agreed with the applicant.

The Sub-Committee heard from the applicant's solicitor, Simon Taylor. He outlined the applicant's experience of running such events over the years. With respect to All Points East, complaints had reduced year-on-year. Noise complaints, for example, had reduced from 133 to 35. Of those last year, several of those related in part to changes in the wind which adversely affected properties which would not normally have been affected. Only one complaint of anti-social behaviour had been made last year and only sixteen crimes reported.

Mr. Taylor explained that there had been significant praise from the Parks and Events Team as well as from the authorities. The licence sought was the same as that which had been granted previously, on a time-limited basis, save that it had been updated in part to take account of changes to the Council's Major Events Policy, which allows for additional days for major events. Similarly, the timings sought were identical to the previous licence save where the Major Events Policy had allowed for changes.

Mr. Taylor explained that the licence allowed for up to twelve commercial event days, which was in line with the Major Events Policy and the land rental agreement, and eight community events. The maximum capacity for a major event was 49,999, which was the maximum permitted under the previous licence. The additional days would be capped at a capacity of 39,999. Community events would all have a capacity of less than 20,000.

The conditions had been updated to reflect the changes in the Major Events Policy. Conditions 5 to 8 dealt specifically with the event planning process and the timings for the various requirements. In addition, Members had the various plans such as the Traffic Management Plan, Security Overview, and Alcohol Management Plan.

With respect to the representations, none were from the responsible authorities. Of the three residents, Mr. Carroll had been content with the mediation. As to the two remaining residents, Mr. Taylor submitted that their concerns were acknowledged and that the approval and planning process will take into account their concerns and would seek to mitigate them.

Mr. Simon Cooper addressed the Sub-Committee with respect to his representation. His concern related predominantly to the traffic management around the event. He expanded upon his written representation, which highlighted the difficulty with traffic and pedestrians being diverted along Cadogan Terrace towards Hackney Wick station. The road was narrow, with no crossing places, which resulted in large crowds of pedestrians trying to cross the road as well as large numbers of vehicles trying to drive along. He suggested that the traffic management plan might not have taken proper account of these issues or been updated. He was of the view that there might well be better options to mitigate or avoid these issues.

Mr. Tony Joyce also spoke to his representation. He objected to the grant of the licence. He was concerned by the lack of detail as to the dates when events would take place and explained that he and his neighbours suffered as a result. He commented that the event had started with three days and three events. That became four. Extra days were then added and it has kept growing. He explained how the problems started in advance of the event, with lorries and equipment being taken in two weeks in advance. That generated noise. In addition, lights were kept on at night. The day before the event started there would be two hours of soundchecks. He described the noise as being so loud that he could not listen to his TV or radio and that he had to keep his doors and windows closed from 11:00 hours to 23:00 hours. Then there would be the noise associated with dispersal. There would be a brief few days of respite before the next event the following weekend.

Mr. Joyce said his neighbours used to complain but gave up doing so and that might be why there were fewer complaints. He and his neighbours “dreaded” the time of year when the event took place. Last year he booked himself into a hotel.

Mr. Carroll did not appear but his representation was taken into account and considered by the Sub-Committee.

The application engages the licensing objective of the prevention of public nuisance. The Sub-Committee noted that although this was a new application, it was not a new applicant and there was a track record that could be relied upon, which would not be the case with a new operator.

The Sub-Committee noted that there were no objections from the responsible authorities. Whilst that does not indicate tacit support for the applicant, the Sub-Committee considered that it showed that there were no real concerns with the applicant’s ability to manage events of this nature safely and to mitigate, so far as possible, its impact on the local community. No issues were raised in relation to crime and disorder and the small number of offences reported at the event last year as well as the small number of complaints of noise or anti-social behaviour, particularly taking into account the footfall through the event over the weekend, indicated that the licensing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder, were not undermined.

The real issue seemed to be the prevention of public nuisance based on matters such as the hours, the crowd capacity, noise from music, and dispersal and traffic management. The Sub-Committee accepted what had been said by both Mr. Joyce and Mr. Cooper as well as Mr. Carroll’s written representation. It was of note that only Mr. Joyce asked the Sub-Committee to refuse the application and the Sub-Committee had no doubt that the account he gave of his experience was truthful. The Sub-Committee certainly does have sympathy for those residents of the borough for whom events such as these are not welcome and are a real disruption.

However, the Sub-Committee is required to focus on the prevention of public nuisance. Events such as these are a matter of striking a balance. Whilst they obviously do impact on people when they are on-going (and to a degree during the build and take-down periods) they are limited. Furthermore,

numerous conditions are imposed in order to mitigate, so far as possible, the impact upon the local area. The Sub-Committee recognises also that the planning and approval process is on-going for a considerable period of time. Mr. Taylor later explained that the planning for the next year's event began at the debrief for the current year and that the issues raised would be flagged. He confirmed that Mr. Cooper and Mr. Joyce's names would be fed in to the planning process. The Sub-Committee hopes that this will help to further mitigate any impact.

The Sub-Committee carefully considered the options open to it. Refusal, in whole or in part, was not an option. Given the scale of the event, the lack of objections, particularly from members of the public, made it difficult to be satisfied that the conditions imposed would be insufficient to mitigate the impact and that refusal would be proportionate. Whilst concerns had been raised about a perceived capacity increase, the Sub-Committee noted that this was not actually correct and that the 49,999 capacity was permitted in the last two years. The Sub-Committee noted Mr. Joyce's suggestion that one reason for the lack of complaints from members of the public was it was felt there was no point in doing so. That may be true. Equally, however, another reason would just as likely be that others were in favour of the event or simply had no view one way or another and were not adversely affected. In the absence of evidence of public nuisance, combined with the information from the applicant to the contrary and to the mitigation measures, the Sub-Committee could not be satisfied that the licensing objective of the prevention of public nuisance was undermined to such an extent that would justify refusing the application.

Similarly, there was no suggestion that the hours sought for licensable activities were inappropriate or could reasonably be scaled back. The Sub-Committee understood that these were fundamental to the viability of the event.

Having considered all the options available to it and the representations made, the Sub-Committee was satisfied that it was appropriate and proportionate to grant the application as sought and with the proposed conditions as well as the conditions consistent with the operating schedule (noting that condition 43 was to be deleted as it had been replaced by condition 44). The Sub-Committee does, however, take the opportunity to remind the applicant that these events do unfortunately impact adversely on some people, such as Mr. Joyce, and would exhort the applicant to engage with those residents in advance of the events and to offer such additional assistance as might be reasonable.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

- Shop 47 Goulston Street, London E1 7TP
- Troxy, 490 Commercial Road, London, E1 0HX
- Platform Hub One Ltd, Unit Cr40 Level Minus One, Crossrail Station and Retail Mall, 1 Crossrail Place, London E14 5AR

To be extended to 30th April 2024.

The meeting ended at 7.50 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee