

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.35 P.M. ON TUESDAY, 2 MAY 2023
COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Faroque Ahmed Whitechapel Ward
Councillor Saied Ahmed
Councillor Shahaveer Shubo
Hussain

Apologies: No Apologies for absence

Others Present in Person:

Mr Rhys Rose Other Party

Others In Attendance Virtually:

Officers Present in Person:

Farzana Chowdhury Democratic Services Officer (Committees)
David Wong Senior Enforcement Lawyer

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a Temporary Event Notice for 90 White Post Lane
Hackney Wick London E9 5EN**

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 licensing objectives:

- The Prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance; and
- The Protection of Children from Harm.

This is an application for a Standard Temporary Event Notice. Enclosed was a copy of the application, the applicant has described the nature of the application as follows:

90 White Post Lane was a clear gravel yard bounded by 8ft site fencing on all sides. It is the site of the now demolished Lea Tavern Public House and guest rooms. The site has been empty since the public house was demolished around 2012. The Boat Live project was a converted boat and container structure, which has been running at 66-78 White Post Lane for the last year and will be relocated at this site.

The Notice was given on 20th April 2023 and the Responsible Authorities were notified of the Temporary Event Notice on 21st April 2023 The premises that has been applied for is: 90 White Post Lane Hackney Wick London E9 5EN. The dates and timings that have been applied for are as follows:

6th and 7th May 2023 from 12:00 hours to 23:59 hours

Members should note on the form the description and nature of the events has been stated the two events will operate on:

6th May 2023 from 3pm to 12 midnight

7th May 2023 from 12pm to 10pm

Applicant

Metropolitan Police

PC Mark Perry sought the sub-committee to issue a counter notice for this application as he believed it would lead to increased crime and disorder and public nuisance.

Firstly when the applicant operated from 66 – 78 White Post Lane, not only were there noise complaints from local residents, when Police visited the site they found a poorly run venue with intoxicated customers, and open use of drugs. Management were not running the premises effectively as they had allowed customer to become drunk and there was no sense that anyone was in charge. They believe that should this venue be allowed to have a Temporary Event Notice there will be crime and disorder. The applicant have not said how they will keep customers safe, they have not provided a security plan, an egress or dispersal plan. Customers would be vulnerable when leaving a venue after the event has finished as if they have consumed alcohol then their decision making would be impaired and would be more likely to be either victims of or instigators of alcohol related crime and disorder. Given the likelihood of drugs being used at late night music events, such as the one on these dates. The Police were concerned that the applicant has made no reference to any searching of customers or security planning. The Police believe that this event will lead no noise nuisance, in contradiction to the applicants assertion that there were no noise complaints about the venue they previously operated from, noise complaints were indeed received by Tower Hamlets Council.

Environmental Protection

Ms Cadzow did not support the TENs application for Boat Live 90 White Post Lane, as she does not believe that the licensing objective for the prevention of public nuisance would be met, as there was a greater likelihood of disturbance to residential premises if the event were to go ahead.

On one occasion when a complaint was received (6th November 2022) the Out of Hours Noise Team arrived in the vicinity of Boat Live at 66-78 White Post Lane, London and they could hear party style music with a heavy bass. She did not believe that by using same wooden boat as a venue on another site further down White Post Lane, particularly with insufficient sound insulation, that the licensing objective for the prevention of public nuisance will be met.

Noise Sensitive premises:

residential and commercial premises in close proximity to 90 White Post Lane. In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to “public nuisance” for the following reasons:- Noise breakout from the venue affecting neighbouring residents, particular when the boat with the sound system would not facilitate 200 persons, and use of front yard area. Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits, therefore she sought the sub-committee to issue the counter notice on these grounds.

Other Party

Mr Rose was a highly experienced event operator, the reason this application was made so that they could test the viability of the set, PC Perry and Ms Cadzow attended a site visit, and stipulated to the sub-committee that he had

done enough work to operate safely. Mr Rose was happy to limit the hours on Saturday and Sunday should the sub-committee decide this is appropriate.

Reasons

The Sub-Committee were concerned to note that the Applicant does not appear to have properly considered the implications of running a public event of the kind proposed on a converted barge in the condition it is in.

The Sub-Committee took into account the photographs submitted as additional material by the Environmental Protection Team.

Whilst the Sub-Committee heard from the Applicant about his plans to ready the boat for the proposed event, including that he himself was satisfied as to the health and safety aspects, and public liability provision, the Sub-Committee also took into account the concerns of the responsible authorities, including comment by the Police that the Applicant has put the cart before the horse.

The Sub-Committee are not satisfied that the Applicant has sufficient measures in place according to the evidence, and consider on the balance of probability that if granted, the application would undermine the licensing objectives of promoting public safety, as well as causing issue with prevention of crime and disorder and prevention of public nuisance. The Sub-Committee agree with the responsible authorities that on the balance of probabilities, it is unlikely that the Applicant can ready the boat in time before the event to ensure it is adequately soundproofed and safe for the public to use, the Sub-Committee is satisfied that the only decision open to it is to issue a counter notice.

Decision

The application for a Temporary Event Notice is hereby **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Wicked Fish, Queen Yard White Post Lane, London, E9 5EN	06 June
Spitalfields Works Ltd, 69 Commercial Street, London, E1 6SB	06 June
Mannat Supermarket, 493 Roman Road. London E3 5LX	06 June

The meeting ended at 8.05 p.m.

Chair, Councillor Saied Ahmed
Licensing Sub Committee