

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON TUESDAY, 17 SEPTEMBER 2013**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Khaled Uddin Ahmed  
Councillor Md. Maium Miah

**Other Councillors Present:**

Councillor Gloria Thienel

**Officers Present:**

Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Paul Greeno	- (Senior Advocate, Legal Services, Chief Executive's)
Andrew Heron	- (Licensing Officer, Licensing Department)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Jon Wallsgrove	- (Tobacco Dock)
Jonathan Reed	- (Tobacco Dock)
Carsten Raun	- (Oktoberfest)
Graham Hopkins	- (Golden Grill)
Thomas Docker	- (Golden Grill)
Michael Seddon	- (Golden Grill)

**Objectors In Attendance:**

Lorraine Cavanagh	- (Oktoberfest)
Gareth Hargreaves	- (Oktoberfest)
Glen McCarty	- (Oktoberfest)
PC Alan Cruickshank	- (Golden Grill)

**1. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**3. RULES OF PROCEDURE**

The rules of procedure were noted.

**4. UNRESTRICTED MINUTES**

The minutes of the Licensing Sub Committee meeting held on 6<sup>th</sup> & 20<sup>th</sup> August 2013 were agreed and approved as a correct record.

**5. ITEMS FOR CONSIDERATION****5.1 Application for a Premises Licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Tobacco Dock, 50 Porters Walk, London E1w 2SF. It was noted that there was an objection from a local resident and conditions had been agreed with the Police and Environmental Health.

At the request of the Chair, Mr Jon Wallsgrove, Representative for the Applicant briefly explained that the application had been amended to include the conditions agreed with the Police and Environmental Health. He explained that the venue would be available for hire for corporate events and functions. It was further noted that the proposed conditions dealt with the concerns raised by the local resident and would help promote the licensing objectives.

It was noted that the objector was unable to attend the meeting and therefore Members noted and considered his written statement.

Members retired to consider their decision at 6.45pm and reconvened at 6.50pm.

**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 Licensing Guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence and add conditions in order to address the concerns raised in relation to the licensing objectives of “the prevention of crime and disorder” and “the prevention of public nuisance”. Members believed that the conditions would also address the concerns raised by the local resident and promote the licensing objectives.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, TobaccoDock, 50 Porters Walk, London E1w 2SFbe **GRANTED**, with conditions.

### Sale of Alcohol (On & Off Sales)

- Monday to Sunday from 10:00hrs to 00:30hrs (the following day)

### The Provision of Late Night Refreshments

- Monday to Sunday from 23:00hrs to 01:00hrs (the following day)

### The Provision of Regulated Entertainment

(Live music, recorded music, performance of dance and anything of a similar description)

- Monday to Sunday from 10:00hrs to 01:00hrs (the following day)

### Hours Premises is open to the Public

- Monday to Sunday from 08:00hrs to 01:30hrs (the following day)

### Non-Standard Timing

All Licensable activities until 02:00 hours and premises open until 02:30 hours for a maximum 15 occasions in a calendar year

### Conditions

1. A F696 risk assessment to be submitted if there are any outside promoters or DJs.
2. All events including details of the hirer, number of patrons attending, licensable activities provided and hours together with a layout plan will be notified to the Licensing Authority, police and EHO at least 14 days before the event, unless otherwise agreed with EHO and police.

3. No licensable activities are permitted other than a pre-booked event so notified in accordance with condition 2.
4. A telephone number and / or email address should be made available on relevant Tobacco Dock websites for noise complaints. Any noise complaints should be logged and investigated with written records of the details available to view by the local authority. Should any noise complaints be received, and if noise levels are above those specified in the licence conditions, immediate action would be taken to reduce the levels at the noise source. A complaints log should be maintained throughout every event, detailing addresses of complaints, times and action.
5. Loudspeakers should be directed inwards as much as possible to reduce overspill from the intended coverage area.
6. All plant associated with events (generators, chillers etc.) should be located as far away from noise sensitive locations as possible.
7. For music and cinema type events, the sound system should be a 'Line-array.' The 'line-array' should be carefully designed to be as distributed as possible and include delay speakers in order to provide coverage to smaller areas rather than the entire venue. It should also be directed away from noise sensitive properties.
8. For music events beyond 2300hrs the sound control programme that should be followed is detailed below:

### **Sound Control Procedures**

#### Sound Propagation Tests

Sound propagation tests should be carried out before a major music event with all mitigation measures in place to correlate the sound levels from the event with those at the nearest noise sensitive properties. This will enable any necessary adjustments to be made to the sound system to maximise the containment of music and achieve acceptable levels at the residential locations. A sound limit should then be set for that event, which would be subject to further reduction as necessary. The day and times of any sound propagation test will be agreed with the local authority.

#### Sound Monitoring and Control

The noise levels at the residential properties should be regularly checked to ensure they comply with the noise conditions. If off site levels begin to approach the noise limits, noise reductions will be immediately implemented.

In addition to the above, it is recommended that a suitably qualified independent acoustic consultant is employed for the first major music event to ensure that the noise levels do not exceed those specified in the proposed licence conditions.

9. Persons who are travelling to or from the Premises by means of private transport may use the parking facilities which are available next door to the site and away from the public highway. The availability of parking reduces the pressure on on-street parking, and reduces the number of people leaving the Premises having to walk on the public highway.
10. Patrons of the Premises will be provided details of preferred minicab companies.
11. All deliveries and servicing (including waste management servicing) to the Premises are to be carried out internally and accordingly away from the public highway.
12. Bottles used in the Premises will not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a potential public nuisance.
13. Where the nature of a function, the number of people attending a function, and the opening and closing times of a function make it appropriate, marshals will marshal and monitor the entrance to and egress from the Premises of those persons attending the Premises. They will also monitor where appropriate the behaviour of persons in the vicinity of the Premises. This will help to achieve orderly arrival and departure of persons, and will help to reduce the risk of nuisance being caused by persons arriving at and leaving the Premises.
14. Where the level of noise in the Premises and the time of day or night make it appropriate, the doors to the Premises will be maintained closed (except in the case of an emergency evacuation) in order to prevent noise breakout from the Premises via open doors.
15. The same applies to the windows in the Premises, which should be maintained closed where the level of noise in the Premises and the time of day or night make it appropriate.
16. Noise levels will be specified in the contract conditions with hirers of the Premises to ensure sound levels are maintained within the limits in order to reduce the risk of disturbance. Furthermore, during a function in the Premises, sample noise measurements will be made by a designated person with an approved sound level meter to ensure that the levels are not being breached. Immediate action would be taken to reduce levels if this should arise.
17. In addition to taking measurements, subjective monitoring will be carried out at appropriate times along the nearest sensitive facades. This is to provide a subjective check that all the measures in place in

respect of the Premises are working to prevent public nuisance being caused in connection with the Premises.

18. Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period.
19. CCTV camera system covering both internal and external to the premises is to be installed.
20. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
21. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises.
22. All events including the details of the Hirer, number of patrons attending, licensable activities provided and hours of licensable activities, together with a layout plan will be notified to the Licensing Authority, Police, Environmental Health Officer at least 14 days before the event takes place, unless otherwise agreed by the Metropolitan Police and Environmental Health Officer.
23. The level of security personnel is assessed for each event and appropriate levels of SIA security will be employed for those events where it is deemed necessary, taking account of the nature of the event, licensable activities taking place, number of persons attending and hours for which licensable activities are taking place
24. Patrons will not be permitted to take alcohol away from the premises in open containers.
25. Appropriate fire and other event-related Risk Assessments are carried out for the events as well as adopting a policy for dispersal of the patrons.
26. Patrons are not permitted to consume alcohol on the quayside after 9pm.
27. Licensable activities on either of the two ships will cease at 9pm other than the lower deck of the ship which connects to the Tobacco Dock building.
28. Notices will be displayed advising patrons to leave quietly and where practicable via the Pennington Street car park away from residential dwellings as much as possible. Temporary taxi ranks will be set up by the event organisers in this car park to prevent crowds associated

noise causing public nuisance on the corner of Wapping Lane and The Highway.

29. A Challenge 25 policy will be adopted.

## **5.2 Application for Time Limited Premises Licence for Millwall Park, Manchester Road, London E14**

At the request of the Chair, Mr Carsten Raun, Director/Applicant explained that Oktoberfest was a German festival dating from 200 years he said that it was a cultural event which would play special German folk music, have German beer and German food and that it would all take place inside a tent. He further explained that the aim was to enjoy the German experience in England, a way of bringing fun to people and making new friends. It was further noted that there would only be one kind of beer sold at the festival which would come directly from Germany and would be priced at £8.50 per 1 ½ pint.

It was noted that the festival was being held in 8 different countries around the world and in 5 years not once have they had to call the police. Mr Raun mentioned that 1000 people had already been booked to attend the festival. He noted the concerns of local residents and explained that everything would be inside the tent and all licensable activities would be controlled inside the tent. That there would be 33 security staff at the entrance and exit, and they would be operating the challenge 25 policy. He also said that on Sunday there would be a family lunch where children would be allowed to attend accompanied with parents. He then stated that the DLR links were important and a deciding factor when this venue was chosen as the DLR station was adjoined to the park and that toilets would be situated around the tent and leading up to the DLR station.

Mr Raun concluded that the strict conditions set by Environmental Health in relation to low level noise would not cause problems to residents. Also he mentioned that the tent would be moved away from the rugby pitch so not to affect any games that would be played on the days.

Members then heard from Councillor Gloria Thienel, Ward Councillor and resident, she stated that the hours were unreasonable especially in a residential area and the pressure on the DLR trains would cause disruption too. She mentioned that in a letter sent from the applicant to residents it was stated that the trains accommodated for 2000 people however this was not correct as in actual fact the maximum capacity of the trains was 660. She also stated that the event which was taking place in Kennington Park did not have any residential properties adjoining to the park and had numerous travel links. She concluded that if this application was granted it would increase anti-social behaviour and public nuisance as well as public urination in the area.

Members then heard from Lorraine Cavanagh (Chair of Millwall Park and Island Gardens User Group) she raised issues concerning youth

congregation, alcohol abuse, the effect on families and the lack of security for the number of people anticipated to attend.

Mr Gareth Hargreaves, local resident also raised similar concerns and highlighted the effects it would have on the rugby club and the games scheduled for the Saturday the event is due, impacting on public safety of the players and supporters.

Lastly Members heard from Glen McCarthy, local resident who explained that his bedroom and living room overlooked the park and that he and neighbours would suffer from the noise disturbance that would be caused. He further stated that he had been to this kind of festival in Germany before and believed it to be a strong beer drinking festival, with high strength beers being sold. He questioned what security was in place and what the applicant would do if people were drunk or inebriated.

In response to questions it was noted that this was the first time this festival was proposing to be held in Tower Hamlets. That Mr Raun had consulted with the Tower Hamlets Arts & Events Team as well as having the Licensing Consultation. It was also noted that there was a school nearby and concerns were raised in how this would affect school children. Mr Raun explained that the patrons who usually attend these festivals were aged between 35-55 years old and staff would not allow anyone under the age of 18 to enter.

It was further noted that the festival was hoping to attract 10,000 people over the 4 day period and the organisers had asked them to use public transport due to the good transport links with the DLR. It was noted that there would be fences up to partition the tent from the park users and all licensable activities would take place in the tent.

Mr Raun concluded that the beer would be at 5% abv and had been approved by HMRC, that only plastic glasses would be used and nothing would leave the tent. ID checks would be carried out and no one aged under 18 would be allowed inside.

Cllr Thienel, stated that this was a small residential park and by having this event it would damage the park, cause an increase in anti-social behaviour and affect the local residents.

Members retired to consider their decision at 7.40pm and reconvened at 7.55pm.

### 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 Licensing Guidance and the Council's Statement of Licensing Policy.



### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the licence in part and add conditions in order to address the concerns raised in relation to the licensing objectives of “the prevention of crime and disorder” and “the prevention of public nuisance”.

The Sub Committee noted both comments and representations from the Applicant and the Objectors about the concerns in selling alcohol. Members did not think it was appropriate or proportionate to reject the application entirely as Members noted the procedures and processes put in place by the Applicant to ensure that alcohol would be sold responsibly and measures be in place to ensure that all licensable activities would remain in the tent area in which the festival would take place in.

However, Members had considerable local knowledge of the area and from sitting on other Licensing Sub Committees, Members were aware that there were issues around anti-social behaviour in the area. For this reason, Members were not prepared to grant the application on the hours applied for, but they were prepared to reduce the hours. Members considered that this restriction on hours applied for was necessary and proportionate to fulfil the licensing objective of prevention of public nuisance and crime and disorder.

### Decision

Accordingly, by a majority decision the Sub-Committee –

### **RESOLVED**

That the application for a Time Variation of the Premises Licence for, Oktoberfest, Millwall Park, London E14 be **GRANTED in part**, with conditions.

### Sale of Alcohol

- Thursday and Friday from 17:00 hours to 21:30 hours
- Saturday from 13:00 hours to 21:30 hours
- Sunday from 13:00 hours to 18:00 hours

### The Provision of Regulated Entertainment (Live & Recorded Music)

- Thursday and Friday from 17:00 hours to 21:30 hours
- Saturday from 13:00 hours to 21:30 hours
- Sunday from 13:00 hours to 18:00 hours

### Hours Premises is open to the Public

- Thursday and Friday from 17:00 hours to 22:00 hours
- Saturday from 12:00 hours to 22:00 hours

- Sunday from 12:00 hours to 18:30 hours

### Conditions

1. Plastic glasses to be used only.
2. Low frequency level to be 70 dB @ 63 Hz at any noise sensitive premises.
3. Music noise level should not exceed the background noise level by more than 15dB over a 15 minute period 1 metre from the façade of any noise sensitive premises
4. x2 KP ACOUSTICS members of staff to monitor noise and respond to complaints throughout the whole event.
5. Site working hours are as agreed with the London Borough of Tower Hamlets Environment Protection Officers, to limit the potential nuisance from construction and de-rig noise.
6. In addition to the live event timings in which noise will be managed, there will be a three hour window on Wednesday 2<sup>nd</sup> October 2013 between 15:00 and 18:00 for sound check purposes within which no more than two hours of noise will be generated. KP Acoustics to be present at all times to monitor noise levels throughout this period.
7. All noise data for the whole event to be sent to Tower Hamlets Environmental Protection within 14 days from 6<sup>th</sup> October 2013.

### **5.3 Application for a Variation of a Premises Licence at Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL**

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Golden Grill, 184 Hackney Road, London E2 7QL. It was noted that this application was considered at a previous meeting however Members had asked for further information and therefore the application was deferred. It was noted that Police were still objecting to the application for the removal of a condition.

At the request of the Chair, Mr Anthony Hopkins, Representative for the Applicants explained that this matter had been deferred as further information was required regarding the method of access and egress. It was noted that since then the Fire Authority had provided information and the applicant had agreed to the side entrance to be used as the main entrance and the entrance via the ground floor premises would be the emergency exit and would limit the capacity to 60 people. He also stated that they would also employ SIA door staff on Fridays and Saturdays from 8pm till closing time.

It was also noted that the previous landlord had set a noise limiter with the agreement of Environmental Health and that there was no intention of having live music on the premises and would only have background music. He concluded that this was not the only late night venue in the area and highlighted hours of other licensed premises in the area.

Members then heard from PC Alan Cruickshank, Metropolitan Police who stated that if the condition was removed than the premises would become a one of the longest opening bars in Tower Hamlets, he stated that he would prefer if it closed at 1am. As a 2am closing time would increase the likelihood of anti-social behaviour and attract people to this late night venue and therefore urged members to reject the application.

Mr Hopkins concluded that there were five other venues in the area with late night hours and that they would have clickers to control the numbers that attended and would also update their CCTV camera system.

PC Cruickshank concluded that having a bar open till 2am in the morning would cause problems and lead to public nuisance and crime and disorder.

There were no questions from Members.

#### 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 Licensing Guidance and the Council's Statement of Licensing Policy.

#### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to refuse the application on the basis that it would lead to an increase in anti-social behaviour and crime and disorder in the area. Members were concerned that the premises was currently operating as a restaurant and that while the members were of the view that the hours applied for were consistent with a restaurant, they had concerns that a bar open that late could lead to crime and disorder and therefore refused the application.

Members retired to consider their decision at 7.40pm and reconvened at 7.55pm.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a Variation of the Premises Licence for, Golden Grill, 184 Hackney Road, London E2 7QL be **REFUSED**.

**6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 8.30 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee