

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.10 P.M. ON WEDNESDAY, 19 MARCH 2014**

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

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor Ann Jackson  
Councillor David Snowdon

**Other Councillors Present:**

Councillor Peter Golds

**Officers Present:**

Kathy Driver	- (Principal Licensing Officer)
Luke Elford	- (Lawyer – Enforcement and Litigation Team)
Nishaat Ismail	- (Committee Officer, Democratic Services, DLPG)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

James Manero	- (489 Hackney Road)
Amechi Ihenacho	- (489 Hackney Road)
Carsten Raun	- (Oktoberfest)

**Objectors In Attendance:**

Peter Owens	- (Resident)
Damian Kelleher	- (Resident)
Luke Streatfeild	- (Resident)
Blanca Brava	- (Resident)
Gareth Hargreaves	- (Resident)
Glen McCarthy	- (Resident)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application for a New Premises Licence for 489 Hackney Road, London, E2 9ED**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a new premises licence for 489 Hackney Road, London E2 9ED. It was noted that there had been objections from local residents.

At the request of the Chair, Mr James Manero, Applicant stated that upon mediation with the Metropolitan Police the application had been amended and the hours had been reduced. He stated that he understood the concerns of residents and it was of a mutual interest that customers did not cause public nuisance as it would affect his business and the livelihood of local residents and their right to peace and quiet. Mr Manero highlighted that there was limited information in the objections from residents and the common theme in the objections where in relation to live music being played till 05:00 hours. He explained that the hours had now been reduced and proposed conditions would alleviate any remaining concerns.

It was noted that live music would be transmitted through the in-house music system and a noise limiting device would be installed. That the ground floor and lower ground floor would be for licensable activities and not the mezzanine, which was currently being used as a computer repair shop. It was further noted that during operational hours there would be a designated area for smokers limited to 10 people at any one time, this would be controlled by a SIA door supervisor and a receptionist.

Mr Manero explained that no drinks would be taken outside the premises and this would be managed by the receptionist and signs displayed around the premises. He then gave a brief summary of his experience of working in and managing bars. He concluded that this would be a high end classic cocktail bar for a capacity of 40 people for a mature clientele which would not add to problems in the area.

Member then heard from Peter Owens, Damian Kelleher, Luke Streatfield and Blanca Brava, local residents who expressed similar concerns of increased anti-social behaviour, litter, public nuisance, change in amenity, and primarily noise disturbance from customer smoking outside and when leaving the premises late at night.

In response to questions the following was noted

- That the designated smokers' area would be managed by a SIA door supervisor and a receptionist who would control the number of smokers outside and manage safety and noise disturbance.
- That the applicant was happy to limit smokers to 5 people at any one time.
- That SIA door supervisor would check if customers were taking drinks outside.
- That there was a lobby to help insulate noise
- That commercial waste collection was approximately around 3.30pm
- That acoustic music would be played such as jazz, blues & folk music
- That the applicant had agreed to remove live music from the application.

Members retired to consider their decision at 6.40pm and reconvened at 7.05pm.

#### 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 application in part with reduced hours and conditions. Members' had carefully listened to Applicant and representations made by residents and believed that the amended hours during week days and conditions restricting the number of smokers, removal of live music and SIA security staff to manage the outside of the premises would help address the concerns raised by residents and help promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, 489 Hackney Road, London E2 9ED be **GRANTED IN PART** with conditions.

#### Sale of Alcohol (on sales only)

Sunday to Thursday from 12:00 hours to 23:00 hours

Friday & Saturday from 12:00 hours to 00:45 hours (the following day)

The Provision of Late Night Refreshments (indoors)

Friday & Saturday from 23:00 hours to 00:45 hours (the following day)

The Provision of Regulated Entertainment in the form of Films & Recorded Music (indoors)

Sunday to Thursday from 12:00 hours to 23:00 hours

Friday & Saturday from 12:00 hours to 00:45 hours (the following day)

Hours Premises is open to the Public

Sunday to Thursday from 12:00 hours to 23:15 hours

Friday & Saturday from 12:00 hours to 01:00 hours (the following day)

Conditions

1. No drinks to be taken outside the premises
2. Smoking area to be limited to 2 persons at any one time
3. No deliveries or collections of waste/recycling/bottles during the hours of 20:00 hours to 08:00 hours.
4. 1 SIA door staff to be present and on duty on the premises from 21:00 hours to the terminal hour.
5. Mezzanine area is not to be licensed.
6. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
7. Dedicated telephone number be made available to residents, to enable residents to liaise directly with management.
8. There shall be the provision and installation of a noise limiting devise to all amplified sound systems within the premises whether existing or installed in the future and maximum noise levels of such devise are to be set and agreed beforehand with the Environmental Health Officer and if no agreement can be reached the matter is to be remitted back to the Licensing Sub Committee to consider and set an appropriate level.

**3.2 Application for a Time Limited Premises Licence for Oktoberfest 2014, Millwall Park (off East Ferry Road, London, E14)**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a Time Limited

premises licence for Oktoberfest 2014, Millwall Park, London E14. It was noted that there had been objections from local residents and a Councillor.

There were concerns raised in relation to the damage to the Park after the event took place last year, Mr Luke Elford, Legal Advisor, explained that this was not a relevant consideration of the Licensing Sub Committee and would need to be raised with the relevant Council department.

At the request of the Chair, Mr Carsten Raun, Applicant stated that there would be 10,000 guests over the weekend event and customers would mainly be from the borough. He explained that there would be a family day on the Sunday which proved to be a success last year. It was noted that it was a well run event last year with no complaints from any responsible authorities. Mr Raun concluded that this year he would introduce more toilet facilities at the DLR station and more stewards along the dispersal route which would improve the concerns raised by residents.

Members then heard from Councillor Peter Golds, speaking on behalf of Councillor Gloria Thienel, and local residents Mr Gareth Hargreaves and Glen McCarthy who addressed similar concerns of anti-social behaviour, public nuisance, public urination on public and private spaces, and the increase in litter as a result of the event.

In response to questions the following was noted;

- That there were no incidents of crime or disorder or public nuisance reported to any responsible authority
- That feedback from the police after the event last year was positive and as a result they would be reducing the number of officers attending this year's event.
- That no confiscations were made during entry searches last year.
- That it was a cultural event and those attending the event were between the ages of 25-75.
- That there were no DLR closures scheduled during the event and there had been no problems at last year's event.
- That there would be an increase in the stewards from 6 to 8, this year and signage would be displayed directing customers to the exist routes.
- That track mats would be used and there would be no driving on the grass.
- That there event was age restricted to 18 years and over, except for Sunday during the family event when children would be allowed when accompanied by adults.
- That there was one bar area in the tent and therefore easy to manage.
- That there was 16 SIA security staff at last years event.
- That there would be an additional two stewards this year to patrol outside the tent.

Members retired to consider their decision at 7.55pm and reconvened at 8.50pm.

### 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.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to representations made by both the Applicant and Objectors. Members were not satisfied that they could grant the licence as per the application and were concerned about the management plan, however this was not sufficient enough to refuse the application and therefore believed that an amendment to the start time during the week days and additional conditions would help prevent the concerns raised by local residents in relation to anti-social behaviour, and public nuisance in the area.

### Decision

Accordingly, the Sub-Committee made a majority decision. Councillor David Snowdon wished for his dissent to be recorded –

### **RESOLVED**

That the application for a Time Limited Premises Licence for, Oktoberfest 2014, Millwall Park, London E12 be **GRANTED** with conditions.

### Sale of Alcohol (on sales only)

Thursday and Friday from 18:00hrs to 22:30hrs

Saturday from 14:00hrs to 22:30hrs

Sunday from 12:00hrs to 18:30hrs

### The Provision of Regulated Entertainment:

#### Live Music (indoors)

Thursday and Friday from 18:00hrs to 22:00hrs

Saturday from 14:00hrs to 22:00hrs

Sunday from 12:00hrs to 18:30hrs

#### Recorded Music (indoors)

Thursday and Friday from 18:00hrs to 22:45hrs

Saturday from 14:00hrs to 22:45hrs

Sunday from 12:00hrs to 19:00hrs

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

Thursday and Friday from 18:00hrs to 23:00hrs

Saturday from 14:00hrs to 23:00hrs

Sunday from 12:00hrs to 19:00hrs

Conditions

1. A total of 37 SIA door supervisors to be present at the event.
2. 16 Stewards, (two of which are to be allocated to Millwall Rugby Club)
3. Only plastic glasses are to be used.
4. Public toilets are to be provided by the licensee at Island Gardens DLR station and Crossharbour bus garage.
5. Prominent and clearly legible notices shall be displayed at all exists of the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.
6. Dedicated telephone number for the Event Organisers and LBTH Environmental Health are to be displayed at all exists of the park.

**3.3 Application for a Temporary Event Notice for (Brick Lane Celebrity Chef Event), Brick Lane (between Chicksand Street and Fournier Street), London E1**

This item was resolved prior to the meeting.

The meeting ended at 9.05 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee