

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 10.30 A.M. ON FRIDAY, 19 DECEMBER 2014

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Khaled Uddin Ahmed
Councillor Muhammad Ansar Mustaqim

Other Councillors Present:

None

Apologies

None

Officers Present:

Philip Devonald	– (Interim Head of Legal Operations, Law, Probity and Governance)
Alex Lisowski	– (Licensing Officer)
Ian Wareing	– (Environmental Protection)
Simmi Yesmin	– (Democratic Services)

Applicants In Attendance:

Callum Thomson (Item 3.1)

Objectors In Attendance:

PC Alan Cruickshank (Metropolitan Police)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 Application for a Temporary Event Notice for 2nd Floor, 2-4 Commercial
Street, London, E1 7RA**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice for B & B restaurants, Arch 252 Paradise Row, London E2 9LE. It was noted that there had been objections from the Environmental Health and Metropolitan Police, responsible authorities.

Members heard from Mr Callum Thomson, the applicant, who explained that the application was for a Temporary Event Notice for a New Year's Eve party for 250 guests from 11.00hrs 31 December 2014 until 11.00hrs 2 January 2015, a total of 48hrs. The application was for the following:

- The supply of alcohol
- Regulated Entertainment
- Late Night Refreshment

Mr Thomson was looking to run a traditional New Year's Eve Party. He acknowledged that the premises was not an entertainment venue or live music venue however the lack of premises licence was the sole reason a TEN had been submitted. He proceeded to provide a response to the objections from the Police and Environmental Health Team. These were noted as follows:

- No premises license/suitability of building;
- Noise level/lack of insulation;
- Lack of experience/no personal licence;
- Cumulative impact Zone;
- NYE busy period;
- Search policy;
- LFB;
- Congestion and egress;

In support of his application, he stated that the building was suitable and fit for purpose in accordance with guidance and building regulation – The premises had the following:

- Reinforced concrete floors, strong and fire resistant;
- Multiple fire exits from each room and 3 separate exits from building
- Fire alarms, fire extinguishers, illuminated exit signs, fire doors;
- Fire doors, fire points, fire blankets, fire notice;
- Potable running water;
- High number of toilets in accordance with requirements, separated; male and female toilets each with 3 cubicles and basins;
- Area free from obstruction and obvious danger;
- Sufficient floor space for proposed crowd;
- Suitable outside area; and
- Fully licensed door team

With respect to noise levels /lack of insulation, Mr Thomson stated that he intended to monitor sound levels regularly and record data on a noise pollution record. This would be done with sound monitoring equipment able to

check different frequencies, by a dedicated highly experienced sound engineer.

Weak windows – purpose designed and built insulating panels would be fitted in the window voids. Hermetically sealing the void, these would be constructed from sound insulating board and dense sound proofing earth wool. This would then be sandwiched by a 2nd sound insulating board which would fit flush on the wall surrounding the window further preventing sound penetration. Sound engineers aim aimed for a very high quality sound and this was distorted with intense volume. Volumes would be controlled to prevent competition from the different sound rig's.

Speakers within the same area would be positioned and targeted to cancel each others sound waves, thus reducing noise penetration. Directed away from weak spots and doors, all speakers would be under the control of the individual performing the sound checks.

Fire doors would be kept shut preventing sound escaping. He projected a lesser sound pollution than that produced by a un insulated house party.

Mr Thomson anticipated that noise nuisance should be minimal as there was a no re-entry policy with an effective arrival and dispersal procedure designed to prevent any guests from congregating outside.

Mr Thomson acknowledged his lack of direct management experience of this type of event, however he stated that he had experience of planning, implementation and management from his corporate work history. He also had experience of training, managing people, disciplinary procedures and other staff related matters and had received training on inter personal skills, soft skills, conflict resolution. Working in construction and through CSCS course and qualification he had received training in risk assessment, risk management and in health and safety. Further, he had taken steps to complete the PLH test, submitted his application, was currently awaiting his results and would be issued with a licence in due course.

To compensate for his lack of experience Mr Thomson stated that he had proposed a higher number of security staff than required. He proposed to employ 7 staff for 470 guests a ratio of 1 to 67 guests. He had increased the number of security staff to 8, ratio 1 to 59 and was willing to increase this figure further. The security team were highly experienced and had been provided through a well- established and accomplished security company covering high profile events.

All members of staff had specific roles and duties, for which they were experienced, trained and equipped. He had a team, highly trained, experience and dedicated professionals to assist in the event, able to provide support in the management of the event.

Mr Thomson recognised that New Years Eve was a very busy period and provided additional drain to police resources. With the policies and

procedures mentioned, he believed that his event should produce little or no requirement of police intervention. With guests in side and not permitted out the building combined with the procedures he had in place to effectively manage the arrival and dispersal of guests. This would ensure that there were no acts of disorder. There would be no one on streets to commit crime and no possibility of public nuisance as a result of the no re-entry policy and only privately invited guest.

With respect to door searches, Mr Thomson stated that a full weapon and drug search was a standard procedure inside the entrance, performed by SIA staff, a female security guard for women and male for men. Any seized item was recorded and serious crimes discovered would be reported directly to the police. He believed that searches on the door were in line with procedures to limit violence and drug use, and was in accordance with a Zero Drugs Policy.

A fire risk assessment had been made on the premises and procedures had been put in place to effectively manage the congress and egress. Security staff would monitor and manage guests as they entered or left the premises, effectively a chaperone service. Staff will be paid for a longer shift to cover their duties.

Mr Thomson further explained that late refreshment would be available to prevent guests searching for food and taxi cab details would be provided in addition to the excellent transport links to and from the premises. He believed that the dispersal of guests would be swift as a result.

At the request of the Chair, Mr Ian Wareing, Environmental Health explained that he considered the hours applied for live and recorded music including a DJ from 11.00 hours on the 31/12/2014 until 11.00 on the 2/1/2015 excessive. In his view, this equated to 48hrs of potential noise and public nuisance which nearby residents would suffer given proximity of residential premises only 20-30m away. He underlined that the premises was derelict and not designed for such an event. An acoustic report had not been submitted to establish the type of music that would be played, the levels that would be generated from any amplification, or an assessment of the audibility of the music outside the premises through noise escape. Furthermore, the owner of the premises when contacted, had neither been aware of the event nor supportive of it. He recommended that the application be refused.

At the request of the Chair, PC Alan Cruickshank, representing the Metropolitan Police explained that he was concerned that the event, scheduled to be held on New Year's Eve is one of the busiest evenings for the Metropolitan Police and all emergency services where resources could be stretched to the limit. PC Cruickshank considered that the event would attract many people from other nearby venues who would have already been drinking. He considered the hours extensive and felt that to remain constantly open for 11 hours was likely to heighten the risk of the event resulting in public disorder and have negative Other concerns included the following:

That the strategies by the applicant to deal with such extended hours appeared inadequate, (insufficient SIA staff to deal with the number of guests expected at the event) An increase in the likelihood of disorder by patrons

getting heavily intoxicated; The likelihood of patrons congregating outside the premises drinking; The likelihood of the noise from revellers creating a public nuisance; Incidents of disorder at that time of the year and the number of people was unpredictable; That the operator had no experience in managing an event on this scale which would increase the risk of crime and disorder and public nuisance.

PC Cruickshank's concluded that the application should be refused, on the Grounds that allowing the event to go ahead would undermine licensing objectives in relation to the prevention of noise nuisance and the prevention of crime and disorder. In particular, given that under the Licensing Act 2003, the licensing authority could not impose conditions on the license if it were to grant it.

In response to Member's questions the following was noted;

The premises had been secured by the applicant through an estate agent who was aware of the proposed event. The agreement between the estate agent, the landlord and the applicant was subject to the applicant obtaining a license for the use of the premises; There was a designated area for smoking which was on the rear second floor of premises; There was CCTV at the front and rear of the premises, fire exits and the stairs of the second floor of the premises.

Members retired to consider their decision at 10.50am and reconvened at 11.05am.

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.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's representative, the Applicant and objections from Mr Ian Wareing, Environmental Health Team and PC Alan Cruickshank of the Metropolitan Police.

Members noted the concerns of public nuisance and crime and disorder and the suitability of the premises. They appreciated the Applicant's efforts in putting in place various conditions to address the concerns of the responsible authorities, however, they were remiss that due to the late submission of the application, the aforesaid conditions had not been fully considered and agreed by the applicant and the responsible authorities.

Members noted that the surrounding area was densely populated with residential premises and licensed premises close by and did not feel that the concerns over the potential noise breakout from the live and amplified music and public nuisance as a result of such a large crowd had been adequately and satisfactorily addressed.

Members also considered that as New Year's Eve was one of the busiest times for the Metropolitan Police and all emergency services, and resources would be stretched to the limit in trying to deal with any potential anti-social behaviour, crime and disorder and public nuisance.

On balance, Members considered that the potential risks involved in the event going ahead could not be sustained. In particular, given that the premises were not previously licensed, the lack of experience on the part of the applicant, insufficient SIA staff and the fact that the application had been made at too short a notice for any issues to be satisfactorily resolved represented a danger to the licensing objectives. They considered that under the licensing regulations, they could not impose conditions on the license which meant that the impact of any anti-social behaviour and public nuisance arising could not be ameliorated.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice, 2nd Floor, 2-4 Commercial Street, London, E1 7RA be **REFUSED**.

Reasons

That the licensing objectives in relation to noise nuisance, crime and disorder would be compromised if the event was allowed to go ahead.

3.2 Application for a Temporary Event Notice for B & B restaurants, Arch 252 Paradise Row, London E2

WITHDRAWN

The meeting ended at 11.30 a.m.

Chair, Councillor Peter Golds
Licensing Sub Committee