

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 10.30 A.M. ON WEDNESDAY, 22 APRIL 2015

**ROOM MP704, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds (Chair)
Councillor Shah Alam
Councillor Muhammad Ansar Mustaqim

Officers Present:

Kathy Driver	– (Principal Licensing Officer)
Vivienne Walker	– (Senior Prosecution Lawyer)
Elizabeth Dowuona	– (Temporary Senior Committee Services Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Philip Kirton	(Item 3.1 & 3.2)
Pete Yardman	(Item 3.1 & 3.2)
Ben Harrison Baker	(item 3.1 & 3.2)

Objectors In Attendance:

PC Mark Perry	
Ian Wareing	(Metropolitan Police)
Piers Warne	(Environmental Health)
John Vasallo	(Item 5)
Philip Somarakis	(Item 5)
Oliver Sheridan	(Item 5)
	(Item 5)

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 Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR (03 May 2015)

At the request of the Chair, Ms Kathy Driver, Licensing Officer, explained that that she would introduce both items 3.1 and 3.2 together, as both were Temporary Event Notices for the same premises, with the same objections but for two different dates. Ms Driver introduced the report which detailed the applications for Temporary Event Notices for A Class Events, 33-35 Monier Road, London E3 2PR for 3rd & 30th May 2015.

Ms Driver said that representation had been made by the Police and Environmental Health for both applications. It was noted that the hours applied for were from 2pm to 9.30pm for a capacity of 499 persons. It was also noted that the courtyard was not licensed under the existing premises licence. Ms Driver explained that both objections related to a serious incident which took place on 18th April 2015.

At the request of the Chair, Mr Pete Yardman, Licensing Representative on behalf of the Applicant Mr Philip Kirton, he explained that the premises had been trading for 4 years without any incident or problems all except this one incident which took place on 18th April 2015. He stated that the incident and stabbing was unacceptable but staff from the venue had done everything to help the situation by calling the police, helping the victims etc. He explained that if the premise was to close down then Mr Kirton would go bankrupt. He questioned why the police came to the conclusion that the incident was Mr Kirton's fault. It was noted that the incident occurred 45 minutes after the event at the premises finished and therefore Mr Kirton and the company were not responsible for the incident.

Members then heard from Mr Kirton who explained that the Courts heard an application for a closure order on 20th April made by the Police, however the Court had refused to grant the application. He explained that CCTV footage were taken from the premises, which did not show any criminal activity at the premises. He reiterated the fact that the incident took place 45 minutes after the closure of the premises. It was noted that the Court did not think there would be a revenge attack following the incident and the ID scanner at the premises helped identify suspects and in turn the Court awarded costs to Mr Kirton.

At the request of the Chair, Members heard from PC Mark Perry, Metropolitan Police, he said that there had been a party at the premises on the date of the incident, that there had been gun shots fired and someone was stabbed in the neck and two people were run over. He stated that it was a case of serious crime and disorder. He said that if premise was to open there would be a risk of repeat incidents and gang related violence. He explained that during previous TENs there had been concerns of dispersal of customers and drug

abuse. PC Perry stated that there were fears of reprisal attacks and that all lines of investigations remained open.

PC Perry questioned why the Applicant wanted to continue with events and be open to risks of further incidents.

Members then heard from Mr Ian Wareing, Environmental Health, he explained that last summer the Applicant had applied for TENs which were managed by a Sound Engineer Company known to him, however there were concerns that this year there was a new company in charge, with new sound levels, new system and therefore possible concerns of noise nuisance.

Mr Wareing said that he had spoken to the current Sound Engineer just before the meeting and was happy with the BHB of the sound system and sound check and was happy to meet with the Sound Engineer on Saturday to go through and set agreed sound levels. He concluded that he was still in objection but was happy to accept subject to the relevant sound checks.

At this point the Chair decided to adjourn the meeting at 11.10am to seek legal advice, the meeting was reconvened at 11.15am.

The Chair stated that the Sub Committee would defer the consideration of the TEN application applied for 30th May 2015 to a later date in order for the police investigation to be completed and would only consider the application for 3rd May 2015.

In response to questions from Members the following was noted;

- That evidence from CCTV footage confirmed that the victims were people leaving the event.
- That from 2011 to date there had been no problems at the premises.
- That there had been correspondence with the Police regarding these events who were happy with everything until the recent incident.
- That staff from the premises helped manage the incident by calling the Police, and helped with the investigation.
- That there were no suspects in custody and that the investigation remained open.
- That a call was logged at 5.45am from a lady alleging that she had been sexually assaulted at the premises.

Both parties were asked to briefly sum up there submission.

Members retired to consider their decision at 11.30 am and reconvened at 11.40 am.

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 by both the Applicant and his Representative and PC Mark Perry and Mr Ian Wareing who were in objection to the application.

Members had reached a decision and this decision was unanimous. Members noted the concerns raised in relation to the likelihood of reprisal attacks and that the investigation from the serious incident on 18th April 2015 still remained open, Members therefore felt that there was still a risk for disorder. Members therefore refused the application on the basis that there were concerns of crime and disorder and anti-social behaviour.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR be **REFUSED**.

3.2 Application for a Temporary Event Notice for A Class Events, 33-35 Monier Road, London E3 2PR (30 May 2015)

Members agreed to adjourn the consideration for this application to a later meeting date.

4. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

That in accordance with the provisions of Section 100A of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the remainder of the meeting for the consideration of the Section Two business on the grounds that it contained information defined as exempt or confidential in Part 1 of Schedule 12A to the Local Government, Act 1972.

5. APPLICATION FOR REVIEW UNDER SECTION 53 A OF THE LICENSING ACT 2003, FOR WESTFERRY ARMS, 43 WEST INDIA DOCK RD, E14 8EZ

The meeting ended at 12.15 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee