

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 5.40 P.M. ON TUESDAY, 1 SEPTEMBER 2020****ONLINE 'VIRTUAL' MEETING - [HTTPS://TOWERHAMLETS.PUBLIC-I.TV/CORE/PORTAL/HOME](https://towerhamlets.public-i.tv/core/portal/home)****Members Present:**

Councillor Rajib Ahmed (Chair)

Councillor Shah Ameen

Councillor Victoria Obaze

Officers Present:

David Wong	–	(Legal Services)	
Nicola Cadzow	–	(Environmental Health Officer)	
Corinne Holland	–	(Licensing Officer)	
Natalie Thompson	–	(Environmental Health Officer)	
Simmi Yesmin	–	(Democratic Services Committees, Governance)	Officer,

Representing applicants	Item Number	Role
Angelique Ferra	3.1	(Licensing Agent)
Ravi Karai	3.1	(Applicant)
PC Mark Perry	3.2	(Metropolitan Police)
Anuj Kansal	3.2	(Resident)
Louise McGrath-Lowe	3.2	(Resident)
Ralph Hardwick	3.2	(Resident)
Jon Furman	3.2	(Resident)
Berik Davies	3.2	(Resident)

Representing objectors	Item Number	Role
Kate Toumazi	3.1	(Resident)
Carsten Raun	3.2	(Premise Licence Holder)

Apologies

None.

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 New Premises Licence for (La Verde), Unit 3, the Mosaic, 45 Narrow Street, London E14 8DN

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for La Verde, Unit 3, the Mosaic, 45 Narrow Street, London E14 8DN. It was noted that objections had been received on behalf of two local residents. It was noted that there had been seven Temporary Event Notices and there had been five complaints received.

At the request of the Chair, Ms Angelique Ferra, Licensing Agent on behalf of the Applicant contested that there had only been one complaint which Environmental Health Officer had confirmed. She then explained that there had been no representation from any of the Responsible Authorities; that the premises had been opened since 2002 in a purpose built building forming part of a piazza; and there was an open space designed for this building.

She explained that a premises licence was granted in 2010 to Riverside Ltd, which was then sold to Mr Ravi Karai in 2012, then the company was dissolved by a Mr Mohammed Moumin, the director of the company without Mr Karai's knowledge. This meant that the license lapsed as the company was dissolved. However Mr Karai was unaware of this, and as confirmed by Licensing Services, he had continued to pay the Council its annual licence fee .

It was noted that once Mr Karai was made aware that the licence had lapsed (end of May 2020) an application was submitted, and this happened to be during COVID 19. She explained that there were still gatherings in a public open space in the building complex, and questioned why the objections suggest that noise nuisance and public nuisance were associated with this particular premises, when there were two other premises in the piazza.

Members heard from Councillor James King, ward councillor in support of the application. He explained that the objections raised describe the premises as a bar, but this was a café; there were two other licensed premises in the same complex; it was worth noting that the police did not object to the application; and had there been justifiable concerns, responsible authorities would have objected.

Members then heard from Ms Kate Toumazi, local resident. She explained that her objection to the application was not to stop the business from operating. However, there should be measures and conditions in place to manage the excessive noise that was experienced every weekend. The

premises had been open, and when the premises had no temporary event notices there was no noise disturbance. She further explained that she had no objection to the premises selling food and drinks inside the premises, but the main concern was when drinks were taken outside by customers who then caused noise nuisance and disturbance. Mr Toumazi also highlighted the types of public nuisance experienced such as unpleasant behaviour, urination, litter, noise and no attempt to control the crowd by staff.

In response to questions from Members the following was noted;

1. Social distancing would be observed inside the premises, and tables and seating arrangements would be changed to adhere to social distancing rules.
2. That off sales was an important part of the business especially for takeaway deliveries.
3. That it was evident that the customers causing public nuisance were from La Verde as it only happened when the premises was open and also witnessed by the objector.
4. That the objector did not contact La Verde directly with complaints, but had contacted the building manager and then contacted the Council, when it was found out that the premises had no licence.
5. That the applicant did trade without a premises licence, but was unaware that the licence had lapsed as the company, who had held the previous premises licence had been dissolved without the applicant's knowledge.
6. The annual fee continued to be paid in May 2020, and the company had dissolved in December 2019.
7. There was an extensive CCTV system in place at the premises and could record more than the standard 31 days.
8. There were concerns raised by the Licensing Officer that the Director of the company was Mr Karai, and therefore there was confusion as to how the company could be dissolved without his knowledge.
9. Ms Ferrera said that it was Mr Mohammed Moumin had dissolved the company and not sure how he did it without Mr Karai's knowledge.
10. That a meeting was arranged for the Applicant to meet with the residents to discuss the application, however no one attended.

Both parties made concluding remarks.

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:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and

4. The Protection of Children from Harm

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 Licensing Representative, the Ward Councillor and had also heard from the objector present at the meeting.

Members welcomed the efforts made by the Applicant, in offering robust conditions and also accepting and agreeing to the conditions suggested by the Environmental Health Team.

Members also noted the concerns raised by the objector in relation to noise and disturbance associated with the premises with patrons taking drinks outside the premises and causing public nuisance, therefore a condition of no off sales and a condition to prohibit drinks being taken outside the premises would be imposed to help minimise the likelihood of such disturbance.

The Sub Committee reached a decision and the decision was unanimous. The Sub-Committee agreed to grant the premises licence subject to the conditions, Members were satisfied that the granting of the premises licence on these conditions will help promote the licensing objectives and minimise the risk of public nuisance. In particular, the condition to ensure that alcohol is ancillary to a meal will mitigate the risk of the premises becoming a drinking only establishment.

Accordingly, the Sub-Committee unanimously

RESOLVED

That application for a new Premises Licence for La Verde, Unit 3, the Mosaic, 45 Narrow Street, London E14 8DN be **GRANTED** with conditions.

The sale by retail of alcohol (on sales only)

- Monday to Saturday, from 10:00 hours to 22:00 hours
- Sunday, from 11:00 hours to 22:00 hours

The opening hours of the premises

- Monday to Saturday, from 08:00 hours to 23:00 hours
- Sunday, from 08:00 hours to 22:30 hours

Conditions

1. There shall be no off sales.

2. Alcohol to be only served ancillary to a meal.
3. No drinks shall be taken outside the premises.
4. The premises shall maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All public areas, entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times customers remain on the premises. All recordings are to be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
5. The DPS or a personal licence holder shall be on duty from 19.00 hours to close on Friday and Saturday evenings at other times the DPS, a personal licence holder or a trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public;
6. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
All crimes reported,
 1. Lost property,
 2. All ejections of customers,
 3. Any complaints received,
 4. Any faults in the CCTV,
 5. Any refusal in the sale of alcohol.
 6. Any visit by a relevant authority or emergency service
7. The area outside of the premises shall be kept tidy at all times and be swept at close;
8. Staff will monitor the outside area, including customer conduct regularly, both physically and by use of the CCTV and all empty/dirty bottles, glasses and crockery etc shall be regularly removed. Smokers will be similarly monitored after 21.00hrs
9. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
 1. That CCTV and Challenge 25 are in operation;
 2. To respect residents, leave quietly, not to loiter outside the premises or in the vicinity and to dispose of litter legally
10. Staff will ensure that no more than [5] customers go outside the front after 21.00hrs to smoke.

11. Notices shall be displayed inside and outside the premises indicating restrictions on smoking after 21.00hrs.
12. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
14. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

3.2 Application to Review the Premises Licence for (London Oktoberfest Ltd.) Millwall Park, Isle of Dogs London E14 3BA

At the request of the Chair, Mr Vincent Fajilagmago, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for London Oktoberfest Ltd, Millwall Park, Isle of Dogs, London E14 3BA. It was noted that the review had been triggered by the Metropolitan Police. The Licensing Authority, Environmental Health, Health and Safety Team and local residents also supported the review application.

At the request of the Chair, PC Mark Perry representing the Metropolitan Police explained that the review had been triggered on the grounds of preventing crime and disorder, public nuisance and due to concerns of public safety. He explained that Oktoberfest was a German beer festival, that attracted up to 2400 people over two weekends during the month of October. The event was held in a large tent with bars, benches and tables located inside. While initially the audience may have been made up with a mix of people, with some attending to experience a German Oktoberfest, over time the audience had changed, and now comprises mostly people who just come to get drunk. This is due to the nature of the event, in that, unlike other events or nights out where alcohol forms part of the experience, at this event, drinking alcohol and getting drunk appears to be the main reason most people now attend. This has resulted in high levels of alcohol related crime and disorder, which can be seen in the incident logs of the security company and the crimes reported to Police.

PC Perry explained that over the two weekends in October 2019 (Thursdays, Fridays, Saturdays, and Sundays) the following incidents were recorded by security in their logs:

RECORDED INCIDENTS (Each is a separate incident involving 1 or more people)

Incidents of Beer Thrown – 28

Incidents of Fighting / Aggressive Behaviour – 21

Incidents of Code Red / Amber / White – 17

Incidents of Tables Benches Collapsing or People on Tables – 19

Number of Intoxicated people – 65
Ambulance / Police Called – 6
Incidents of Urination – 7
Injuries – 12
Jumping the Fence – 2

He then referred to the incident logs as evidence in the agenda pack. It was noted that despite repeated requests for refusals logs to be kept and recorded, this had not been done. Therefore, the premises licence holders had failed to demonstrate that they are not serving people who are drunk.

It was also noted that the security companies own records have shown the numerous incidents of people fighting, throwing beer glasses, urination in the tent, and other incidents of disorder.

PC Perry stated that Tower Hamlets Police Licensing have worked with the managers of Oktoberfest to try to improve the situation. For the 2019 Oktoberfest there were two planning meetings with the premises licence holder and all responsible authorities prior to the event .

PC Perry concluded that there were far too many people allowed to get drunk, who then engage in violence and disorder, or who make themselves vulnerable, to allow this event to continue. In the opinion of the Police, this is an event that cannot be allowed to continue to operate in Tower Hamlets due to the risk involved, and therefore asked that the licence is revoked.

Members then heard from the following officers;

Ms Corinne Holland, Licensing Officer representing the Licensing Authority explained that at the last event held in 2019, there were inadequate measures in place, there was no refusals log. Security staff had lack of clarity, and two of the emergency exits were sealed up. Officers witnessed customers urinating on the streets and changing rooms at exit. It was of the view that there was a lack of management of the event and the lack of staff required to control and manage an event of this nature.

Ms Nicola Cadzow, Environmental Health Officer stated there had been five noise complaints arising from Oktoberfest 2019. In relation to those five complaints, there had been 2 proactive visits made by officers. She asked Members to note the summary of the complaints detailed in her representation on page 230-231 of the agenda pack. She asked Members to consider the complaints received and impose further conditions on the licence to address noise nuisance.

Ms Natalie Thompson, Health and Safety Officer explained that the event promoted standing and jumping on benches. The control measures were not sufficient for an event of this nature. She said that during a visit, Health and Safety Officers witnessed two males standing on benches, the bench toppled over and the males fell over and had minor injuries. It was noted two serious incidents occurred during the 2019 event, as well other incidents of crime and disorder. She said that if the licence was not revoked, then Members should

consider imposing conditions for banning standing on benches and tables and to carry out sufficient risk assessments.

Members also heard from local residents, Mr Anuj Kansal, Louise McGrath-Lowe, Ralph Hardwick, Jon Furnham (on behalf of Yelena Furman) and Berik Davies. They all expressed similar concerns in relation to the mismanagement of the event, noise nuisance and public nuisance associated with the premises such as urination, loud music, drunk customers, destruction of the park and the damage to the grass. It was noted that the event did not play traditional German music, it was not safe and there were inadequate numbers of staff managing the event.

At this point the Chair asked Mr Carsten Raun for the Premises Licence Holder to make his representations. He said that the event had attracted between 20,000 to 22,000 visitors since 2012, that it was a popular event and had a good reputation.

He explained that the 2019 event was not particularly great, as the weather was really bad with heavy rain during the event weekends. He said that if he was allowed to continue then he would change the management of the event.

Mr Raun stated that it was hard to check if customers were preloading with alcohol before events, and that they had paid the Tower Hamlets Parks and Events Team £10,000 for grass repair and replacement following the event in October 2019. He said that as result of concerns raised previously, the number of security officers had been increased, but in hindsight he felt that increasing security provoked matters.

Mr Raun offered the following changes: reducing the capacity numbers allowed at the events, on Saturdays have ticketed only events – tickets sold ancillary to a meal at the event and it was his view that these implementations would help. He claimed that there was a history of gang culture in the area, and some of the problems raised were not related to the premises.

Mr Raun, concluded that he would be happy to make changes to;

- Restrict people from standing on benches and tables,
- CCTV to be extended to the outside area and not just inside the tent.
- Have a control room to monitor the event.
- Close parts of the entrance to manage customers entering and exiting.
- Sell online tickets only, no tickets to be sold on the door
- Reinstall metal detectors
- Not to be open on the Sunday of the second weekend
- Happy to accept the conditions proposed by the responsible authorities
- He himself would take back the management of the event to help improve things.

In response to questions from Members the following was noted;

- That there would be no event held this year - 2020
- That there was an increase in security after the 2017 event where there was disorder from audience participation.

- That drinks would only be sold as half a pint or 1 pint after 10pm.
- That other bigger events had less security officers.
- That online tickets would help reduce issues at the venue.
- That traditional German music was played at the start of the event and popular music was played towards the end of the event.
- As a result of concerns raised, new metal detectors would be used upon entering, and hourly searches would be conducted around the tent.
- Tickets would be sold ancillary to a meal at the event.
- That the capacity would be reduced to 1500 with 45 security officers.
- That Mr Raun would take back management of the event if allowed.

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:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the representations made on behalf of the Metropolitan Police as the Applicant and the responsible authorities and local residents supporting the review and the representation made by the Premises Licence Holder.

The Sub-Committee were very concerned to note from the evidence presented the issues arising in relation to incidents of crime and disorder, threats to public safety and occurrences of public nuisance. The Sub-Committee also noted the Premises Licence Holder's willingness to work with the responsible authorities expressed in their representations made both in supplemental agenda pack and at the hearing of the application to review.

Where a Licensing Sub-Committee are asked to review a premises licence, they have the power to revoke that licence. However, that is not the Sub-Committee's only option in their range of powers, and any decision made must be justifiable in terms of supporting the above licensing objectives in a proportionate way. In this instance, the Sub-Committee considered that the above concerns in relation to incidents of crime and disorder, threats to public safety and occurrences of public nuisance could be adequately addressed by imposing a number of additional conditions on the premises licence, in the expectation that the Premises Licence Holder will work with the responsible

authorities to implement those, and avoid the need for anymore applications for review of this premises licence.

The Sub-Committee reached a decision and the decision was unanimous. The Sub-Committee agreed to impose conditions that relate to problems raised in the review application which were considered necessary and proportionate to ensure that the licensing objectives are met.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the Premises Licence for, London Oktoberfest Ltd, Millwall Park, Isle of Dogs London E14 3BA be **GRANTED in part with conditions.**

Additional conditions to be imposed on the premise licence

1. A maximum capacity of 1500 people per event (per day)
2. Only traditional Bavarian music to be played at the events.
3. Adequate sanitation facilities to be available. To consult with responsible authorities on the adequacy of numbers toilets to be provided.
4. Restrict standing on benches completely and to produce a method statement to demonstrate how this will be enforced.
5. Carry out suitable and sufficient risk assessments and put adequate control measures in place to minimise the risk of slipping so far as is reasonably practicable.
6. No standing on tables and benches
7. CCTV in operation during all event opening times.
8. No alcohol shall be taken off the licensed area.
9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following;
 - a) All crimes reported to the venue

- b) All ejections of patrons
 - c) Any complaints received concerning crime and disorder
 - d) Any incidents of disorder
 - e) All seizures of drugs or offensive weapons
 - f) Any faults in the CCYV system, searching equipment or scanning equipment
 - g) Any refusals of the sale of alcohol
 - h) Any visit by a relevant authority or emergency service.
11. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
12. The licensee must ensure that all staff involved in bar operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
13. Every bar must keep a refusals log detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
14. A bar supervisor shall be in place to ensure refusals logs are kept in all bars and maintained for inspection by the Police or an authorised officer at all times whilst the event is open to the Public.
15. The sales of steins to stop at 22:00 hours and thereafter only 1 pint or half pint measures to be sold.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Members agreed to extend the decision deadlines for the application below to 30 November 2020; Licensing applications were extended due to the impact of the pandemic, and were adjourned under regulation 11 of the Licensing Act 2003 (Hearings) Regulations 2005, and was in the public interest to do so and did not require representation from parties of the application.

Premises
Studio Space Ltd Unit 2, 110 Pennington Street Wapping London E1W 2BB
Discount Suit Company Ltd, 1A Bell Lane, London E1 7TB
Hoshi Fast Fresh Food, 10 Toynbee Street, London, E1 7NE
Club Mexicana Unit 4, Riverbank Business Park, 455 Wick Lane, London E3 2TB

The meeting ended at 8.50 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee