

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.30 P.M. ON TUESDAY, 29 JUNE 2021**

**MP701 - TOWN HALL MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,  
E14 2BG**

**Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Mohammed Ahabab Hossain  
Councillor Kevin Brady

**Officers Present:**

Lavine Miller-Johnson	– (Licensing Officer)	
Jonathan Melnick	– (Principal Lawyer-Enforcement)	
Mohshin Ali	– (Senior Licensing Officer)	
Simmi Yesmin	– (Democratic Services Officer, Committees, Governance)	

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Simon Taylor	3.1	(Legal Representative)
Mike Trasmundi	3.1	(Event Manager)
Dave Grindle	3.1	(Project Assistant)
Steve Reynolds	3.1	(Event Director) Virtual
Gintare Einoryte	3.1	(Project Assistant) Virtual
Sarah Clover	3.2	(Legal Representative)
Yuval Hen	3.2	(Applicant)
Shaun Murkett	3.2	(Managing Director)
Paul Jones	3.3	(Licensing Agent)
Alex Stone	3.3	(Applicant)

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Mohshin Ali	3.3	(Licensing Authority)

**Apologies**

None

## **1. DECLARATIONS OF INTEREST**

Councillor Eve McQuillan and Councillor Kevin Brady both declared a personal interest in item 3.1 Application for a Time Limited Premises Licence for Victoria Park, Grove Road, London E9 7DE on the basis that they had received free tickets for a past event hosted by AEG. However, they both confirmed that they had not discussed this application with any interested parties prior to the hearing, that they had not had any contact with the applicant in respect of this year's event, and that the free tickets would have no effect on their decision.

## **2. RULES OF PROCEDURE**

The rules of procedure were noted.

## **3. ITEMS FOR CONSIDERATION**

### **3.1 Application for a Time Limited Premises licence for Victoria Park, Grove Road London E9 7DE**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a time limited premises licence for Victoria Park, Grove Road, London E9 7DE. It was noted that objections had been received by a ward councillor and a local resident, there had also been supporting representations from local residents.

At the request of the Chair, Mr Simon Taylor, Legal Representative on behalf of the Applicant, gave a brief history of the company AEG, a global leader in organising large scale events and festivals. He explained that the events held in 2018 and 2019 had been successful and had even been acknowledged by the Police for the low level of crimes etc.

He referred Members to page 22 of the agenda, which detailed a few changes to the current existing licence. It was proposed that in 2021, on major event days, the capacity is to increase to 45,000 on a Friday and Saturday (for up to 4 days) and 2 days with no more than a capacity of 39,999. In 2022 and 2023 no more than four 4 days there may be a capacity not exceeding 49,000 and minor event days/ community events capacity is to be reduced from 14,999 to 12,499. It was also noted that there would be a new bigger entrance to help easier access into the park.

Mr Taylor said that the size of the park could accommodate the increase in growth, with this, facilities would increase as well as staff/medical supplies/security and transport features. It was noted that expert modelling stress testing had been conducted and it was concluded that there was ample availability for the proposed increase in numbers. Mr Taylor highlighted that there had been no representation from Responsible Authorities and that regular multi-agency meetings were undertaken, which included

representatives from Transport for London, Police, Licensing and Fire Authority. It was noted that all existing conditions would remain and channels to receive messages, emails, and a complaints and information line will all be made available during the events. Letter drops to local residents would also be made with information regarding the events and information contact details.

It was noted that speakers would be directed away from residential properties and sound checks would be made as is required as part of the conditions. It was also noted that there had been one complaint about the noise in 2018 and this was dealt with immediately and as a result there was no complaints in 2019. The security plan was noted with details of the number of security staff on site. Mr Taylor confirmed that the children's play areas in the park would still be available and from past events it's shown that the most tickets purchased were from residents living in Tower Hamlets and Hackney.

It was noted that the objectors were not present for the meeting therefore their written objections were considered and noted.

In response to questions the following was noted;

- The reason for the increase in capacity was to attract better headline acts so as to increase financial stability; there was significant competition and a huge loss during pandemic last year, also improvements made to infrastructure and therefore cost would need to be recovered.
- The capacity for community events had been reduced, as a result of take up from previous events and therefore a reduction in capacity would help with unnecessary strain on resources.
- That there had been no response from the objectors despite attempts at mediation.
- The entrance site had been improved and made bigger.
- Concerns raised about noise complaints in 2018 had been due to adverse weather conditions during those particular days; sound was then adjusted by noise experts who had been taking measurements.
- That there would be 246 supervisors in place and will be positioned at agreed points, decided by the Multi-Agency Team.
- There would be 5 emergency response teams in place during events.
- There would be dedicated stewards only dealing with egress and positioned through the route to transport hubs.
- Stewards would also be deployed to known hotspot areas.
- That the number of security staff was proportionate to the expected number of guests.
- Average response to complaints or incidents would be immediate as phone lines etc would be live during events, officer would then be able to deploy the relevant staff to the incident areas.
- That Licensing Officers and Environmental Health Officer also work on the events to ensure compliance and conditions are adhered to.

- Temporary toilets would be placed at egress sites and along transport routes and areas where public urination is reported. These areas would be cleaned as part of the cleaning process.

Concluding remarks were made by Mr Taylor.

### **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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting in person and virtually made by the Applicants, and the Applicant's Legal Representative. None of those making representations were present at the meeting. However, their written representation was read and considered by the Sub-Committee when making its decision.

The Sub-Committee noted that the objections and concerns raised in relation to the negative effects on nearby residents due to previous events held at the park causing crime and disorder, and in particular public nuisance in the form of noise nuisance, with particular regard to egress and dispersal, and related matters such as litter and public urination.

Members questioned how complaints and incidents from previous events had been dealt with and upon questioning received a detailed explanation of how incidents would be logged and managed and welcomed the introduction of more rapid response units to specifically deal with complaints or incidents that may occur. This gave members assurance that there would be measures in place to address any concerns raised during and after the event and that the event would be well managed. Members noted also that letters had been sent by the Applicant to those who had made objections and inviting dialogue. The Sub-Committee was informed that meetings had also been held with members of the local community.

The Sub-Committee acknowledged the Applicant's efforts and willingness to work with responsible authorities and offering a robust set of conditions which would help alleviate the concerns raised by the objectors. The Sub-Committee was confident in the Applicant's ability to uphold all four licensing objectives

and that the proposed conditions would suffice to ensure the promotion of the licensing objectives.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub-Committee unanimously

### **RESOLVED**

That the application for a Time Limited Premises Licence for Victoria Park, Grove Road, London E9 7DE be **GRANTED with conditions.**

### **A Time Limited Premises Licence for Victoria Park, Grove Road, London E9 7DE from the 1<sup>st</sup> May 2021 to 31<sup>st</sup> December 2023.**

#### The sale by retail of alcohol (on sales only):

- Monday, from 10:00 hrs to 22:15 hrs
- Tuesday and Wednesday, from 10:00 hrs to 21:30 hrs
- Thursday, from 10:00 hrs to 22:15 hrs
- Friday, from 10:00 hrs to 22:45 hrs
- Saturday, from 12:00 hrs to 22:45 hrs
- Sunday, from 12:00 hrs to 22:15 hrs

#### Non-standard timings.

- Where event days fall on Bank Holiday weekends then the applicant wishes to be able to supply alcohol on a Major Event on the Bank Holiday Monday between the hours of 12:00-22:15. Otherwise on a Minor Event the supply of alcohol on the Bank Holiday Monday will be between the hours of 10:00-21:30
- For Thursdays, should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:15. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.
- For Fridays, should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:45. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.
- For Saturdays should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:45. Otherwise should a Minor Event take place, the hours will be 12:00-21:30.
- For Sundays should a Major Event take place, then the applicant wishes to be able to supply alcohol between the hours of 12:00 and 22:15. Otherwise should a Minor Event take place, the hours will be 12:00-21:30.

#### The provision of regulated entertainment – Indoors and outdoors

(Plays, Films, Indoor sporting events, Boxing or Wrestling, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description):

- Monday, from 10:00 hrs to 22:30 hrs
- Tuesday and Wednesday, from 10:00 hrs to 21:30 hrs
- Thursday, from 10:00 hrs to 22:30 hrs
- Friday and Saturday, from 10:00 hrs to 23:00 hrs
- Sunday, from 10:00 hrs to 22:30 hrs

Non-standard timings.

- For all Minor Events licensable activities will be restricted to the hours of 10:00 – 21:30 hours.
- Where event days fall on Bank Holiday weekends then the applicant wishes to be able to operate a Major Event on the Bank Holiday Monday between the hours of 12:00-22:30. Otherwise a Minor Event may operate on the Bank Holiday Monday between the hours of 10:00-21:30 hours.
- For Thursdays and Sundays, should a Major Event take place, then the applicant wishes to be able to operate between the hours of 12:00 and 22:30. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.
- For Fridays and Saturdays, should a Major Event take place, then the applicant wishes to be able to operate between the hours of 12:00 and 23:00. Otherwise should a Minor Event take place, the hours will be 10:00-21:30.

Conditions

1. In 2021 Major Event Day capacity on no more than four (4) days is proposed to increase to 45,000 on a Friday and Saturday only.
2. In 2021 Major Event Day capacity on no more than two (2) event days may be at a capacity not exceeding 39,999 (Major Event) and may only take place on a Thursday, Friday, Saturday, Sunday and Bank Holiday Monday.
3. In 2022 and 2023 on no more than four (4) days there may be a capacity not exceeding 49,999 and the event may only take place on a Friday and Saturday.
4. On no more than two (2) event days there may be a capacity not exceeding 39,999 on a Thursday, Friday, Saturday, Sunday and Bank Holiday Monday.
5. Days not used for Major Events may be at capacity not exceeding 12,499.
6. Thursday is added as an optional Major Event Day.
7. Minor Event Day capacity is reduced from 14,999 to 12,499.
8. A Covid-19 mitigation plan is now included in the Event Management and Operating Plan (EMOP).

9. Counter-terrorism mitigation measures have been added to the EMOP.
10. A maximum of ten (10) event days may be operated under this licence in each calendar year.
11. Major Event days will take place only on Fridays, Saturday, Sundays or Bank Holiday Mondays, except where otherwise approved by the Multi Agency Planning Group
12. Each year, the Premises Licence holder will undertake a full and detailed consultation with each of the responsible authorities. This consultation will take place through a Multi-Agency Planning Group (Chaired by the Local Authority) in the lead up to, and during the event.
13. Each year, at least 4 months prior to the first event date, the Premises Licence holder will notify the Licensing Authority of the proposed dates for that years events.
14. Each year, at least 3 months prior to the first event date, the Premises Licence holder will produce a draft Event Management & Operating Plan (EMOP) containing detail appropriate to the Event. This will also include a detailed plan of the site.
15. The Final Event Management and Operating Plan (EMOP) must be approved by the Multi-Agency Planning Group, at least one month prior to the first event date. Thereafter, no changes will be made to the EMOP without the prior written consent of the Licensing Authority. Any changes during the event can only be made with the consent of the Event Liaison Team (ELT).
16. For each event the final EMOP (including the plan of the site) will be implemented and complied with by the Premises License holder.
17. Throughout the event open period the Premises Licence holder will maintain an Event Control Room to manage the event.
18. A debrief meeting will be undertaken annually after the final event date;
19. The Premises Licence holder will implement an event and pre-event communications strategy to provide anti-crime messaging and drugs awareness advice to ticket holders;
20. The Premises Licence holder will use screening on the entry points to the event, to exercise the right to refuse entry to any unauthorized or disorderly person;
21. The Premises Licence holder will implement various operations to disrupt the misuse of drugs amongst those proposing to attend the event, and to support the Event Organiser's "zero tolerance to drugs" policy;

- 22.** In conjunction with the Metropolitan Police and other responsible authorities, each year the Premises Licence holder will produce;

  - Crowd Management Plan
  - Alcohol Management Plan
  - Ingress Management Plan
  - Egress Management Plan
  - Security & Crime Reduction Plan
- 23.** In conjunction with LBTH Health & Safety and other responsible authorities, each year the Premises Licence holder will produce;

  - Risk Assessment
  - Fire Risk Assessment
  - Schedule of Temporary Structures
  - Questionnaire and Inspection schedule for Food Traders
  - Rules for Site contractors
- 24.** The Premises Licence holder will set up a publicised meeting each year with local residents prior to the first event date. This meeting will be to discuss plans for the Event and receive residents feedback.
- 25.** The Premises Licence holder will set up a publicised meeting each year with local residents after the final event date. This meeting will be to receive residents feedback;
- 26.** Age restrictions will apply to each event day, the age restrictions for each event day will be agreed in advance with the Multi-Agency Group and will be contained within the EMOP
- 27.** All alcohol outlets will be monitored by security staff and bars management team. All bar staff will receive training and daily briefings;
- 28.** The Premises Licence holder offers the opportunity for agencies to visit the site during the live period to demonstrate the licence holders management controls and experience of the event.
- 29.** The Premises Licence holder will provide the contact numbers of the applicants and their appointed officers
- 30.** For Major Events, the “Music Noise Level” (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not exceed 75 dBA 15-minutes.
- 31.** For Minor Events, the “Music Noise Level” (MNL) measured as a LAeq over any 15- minute from an agreed permanent noise monitoring position shall not

exceed 65

- 32.** The following three permanent noise monitoring positions have been agreed (as detailed below), but should it be found that these are not representative of the site layout or residential noise impact, then they may be relocated with the agreement of the Premises Licence holder and environmental health. The three agreed Permanent Noise Monitoring Locations are: i) Waterside Close, at the residential façade. ii) Empire Wharf (within Victoria Park) in-line with the building arch. iii) Wetherell Road (Iveagh Close) Day Nursery (within Victoria Park).
- 33.** The sound system and site design shall be reviewed to manage containment of sub- bass, so as not to cause a public nuisance.
- 34.** The Premises Licence holder shall appoint a competent Noise Consultant. The consultant will have the ability to monitor music noise levels competently and with the authority to control sound levels to ensure compliance with the music noise conditions.
- 35.** A direct means of communication between the Noise Consultant and the Officers of the Environmental Health Department must be made available. There must also be a separate radio channel dedicated to noise control.
- 36.** In consultation with the Council's Environmental Health Department, the sound systems and other noise sources shall be positioned so as to minimise noise disturbance.
- 37.** In conjunction with the Council's Environmental Health Department, sound tests shall be carried out before the event. This will determine the maximum music noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the agreed noise limits;
- 38.** A permanent noise monitor shall be placed at all "front of house" sound mixer positions, this must be able to measure 15 minute LAeq periods or less and print or store the results, Officers must be able to view all the results at the mixer position during the event. A copy of any noise measurements undertaken at permanent sound mixer or the 3 residential monitoring locations must be forwarded within 10 working days to the Environmental Health Department.
- 39.** The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to BS7580: 1992 and be a minimum type 2 grade instrument according to BS5969: 1981.
- 40.** Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours a contact

telephone number (not an answer phone) must be provided for the person in charge of these operations.

41. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property throughout the occupation of the park by the Premises Licence holder.
42. Any complaints received should be directed via a central complaints handling system and directed to the Council Officers and all concerned immediately by secure phone or messaging service, not via an insecure wireless radio system. The Council's complaints procedure for taking and logging complaints must be followed at all times.
43. The Premises Licence holder shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
44. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee to control the music noise levels. This number should be agreed with Environmental Health department in advance of the event.
45. The Premises Licence holder shall invite a representative of Environmental Protection Department to visit the site during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
46. No alcohol shall be taken out of the licensed area;
47. Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 25 policy used on site, including preventing proxy sales; and sales to intoxicated customers;
48. The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
49. MDS operators must carry a clear indication that a Challenge 25 protocol is in operation.
50. A Challenge 25 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. Identification will include, for example;
  - A photo driving licence
  - A passport

- A proof of age card bearing the PASS hologram.
51. Throughout the duration of the events (including sound checks, rehearsals and concert performances) the control limits set at the mixer position shall be adequate to ensure that the 63Hz and 125Hz octave frequency bands shall not exceed 75dB (LAeq 15 minutes) as a result of Music Noise level (MNL) beyond a 2km radius (distance measured from the main stage mixer position). The 63 Hz and 125 Hz octave frequency bands shall be assessed in a free field position at measurement points prescribed by the London Borough of Tower Hamlets Environmental Health.
52. The noise consultant shall make use of a monitoring system that allows for real-time correlation between performance stages and off site monitoring locations.
- 3.2 Application for a New Premises Licence for (Rooftop) 60 The Highway, Wapping, London E1W 2BF**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Rooftop, 60 The Highway, London E1W 2BF. It was noted that objections had been received on behalf of the Licensing Authority and local residents. It was noted that prior to the meeting, objections from the Licensing Authority and one of the residents had been withdrawn. The application now had two resident objections remaining.

At the request of the Chair, Ms Sarah Clover, Legal Representative on behalf of the Applicant, explained that the venue was the old car garage on the 2<sup>nd</sup> floor rooftop area, that there were no objections from all the Responsible Authorities and that a robust set of conditions had been offered if the application were to be granted. Ms Clover introduced Mr Yuvel Hen, the Applicant and gave a brief background of Mr Hen's character and experiences to date, and emphasised the huge support from local residents for Mr Hen. It was noted that Mr Hen had another premises and had let residents use it for community focussed events and also offered community groups to hire out the venue etc. Ms Clover explained that the premises was a bar, set out in a garden style environment with foliage and plants and a pleasant outdoor area. She explained that this premises had been operating under temporary event notices (TENS) to test the business concept which had been very successful with no complaints.

It was noted that all conditions from Responsible Authorities had been accepted by the Applicant, that the hours applied for were very moderate and well within the council's framework hours. It was a time limited premises and the powers to review the licence would be available to all interested parties should problems arise.

It was noted that the objectors were not present at the meeting therefore Members noted and considered their written objections;

In response to questions the following was noted;

- That the venue would run throughout summer until September and reopen before Christmas and then close and reopen during spring and summer next year.
- That there were 2.5 metre screens up with timber fencing covering the perimeter of the rooftop. These visual barriers ensured that there was no way to see into neighbouring residential premises.
- That there had been 11 TENs which had operated well with no complaints of sound or nuisance.
- Speakers for music had been tucked away to ensure noise is not audible to neighbouring premises.
- The premises had a capacity for 400 people.
- There were sufficient security staff in place
- That the Applicant was working in consultation with LBTH Environmental Health Officer for setting the appropriate sound levels.
- That Mr Hen had regular contact with residents and had own social media groups set up to keep in touch with them and to use as a platform to raise concerns etc.
- Dispersal policy was noted and confirmed that customers would leave via Pennington Street, which was the furthest away from residential premises.
- That every customer leaving is monitored and if there were any issues these would be dealt with immediately.
- Employed a large number of SIA staff, who were trained in crowd management.
- That the street is cleaned on a regular basis after the premises is closed each night.
- The reason for not applying for later hours was so not to disrupt residents and to maintain a good relationship with residents.

Concluding remarks were made by Ms Clover.

### **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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before

them and heard the oral representations at the meeting virtually and in person from the Applicant and his Legal Representative. It was noted that those making representation were not present at the meeting. However, their written representation was read and considered by the Sub-Committee. It was further noted that two out of the four objections had been withdrawn following mediation with the objectors.

The Sub-Committee noted the concerns raised by the resident objectors in relation to the potential increase in noise and public nuisance, lack of privacy in their homes as customers would be overlooking into residential properties, as well as concerns of having another Rooftop Bar in the area. However, the Sub-Committee was assured that appropriate screening had been installed which deflected the noise away from the direction of the residential properties. In addition, the screens were over two metres high, which ensured that customers would not have a view of any residential properties. The Sub-Committee had been informed that there had been several Temporary Event Notices given in relation to the premises to see that the operation of the premises would not undermine the licensing objectives were the licence to be granted. There had been no complaints from these events and objections had been made to them by either the police or environmental health.

Members welcomed the efforts made by the Applicant in ensuring that he maintained a good relationship with local residents and implemented a good dispersal policy for customer access and egress. Members were confident that the moderate hours applied for together with the robust set of conditions offered and agreed with Responsible Authorities, the Applicant would ensure that the licensing objectives would be promoted.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub-Committee unanimously;

### **RESOLVED**

That the application for a Time Limited Premises Licence for Rooftop, 60 The Highway, Wapping, London E1W 2BF be **GRANTED with conditions**.

**A Time Limited Premises Licence for Rooftop, 60 The Highway, Wapping, London E1W 2BF from the 1<sup>st</sup> May 2021 to 30<sup>th</sup> September 2022.**

#### Sale of Alcohol (On Sales)

Monday to Sunday, from 11:00 hours to 20:30 hours

#### The Provision of Regulated Entertainment (Recorded Music) – Outdoors

Monday to Sunday, from 11:00 hours to 20:30 hours

#### The Opening hours of the Premises

Monday to Sunday, from 11:00 hours to 21:00 hours

Conditions

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
3. Children admitted only when accompanied by an adult, and to outdoor area only to 21.00 only.
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All 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 when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. A minimum of 1 SIA licensed door supervisors per 100 customers shall be on duty at the premises at all times whilst it is open for business
8. 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 CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.

9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
  - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
  - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
  - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
  - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
11. 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 sound system for outside use is to be controlled by a sound limiter and all music is to be inaudible within residential premises.
13. The licensee must seek approval from Police and Licensing Authority on any changes of external promoters.
14. The premises shall discourage any attempt by organisers, artist or users of the premises to advertise by fly posting or using illegal placards;
15. There shall be no use of nox cannisters used on site, the licence holder shall discourage any attempts of traders to sell balloons/cannisters immediately outside the venue.
16. No alcohol or drinks shall be taken off the licensed area, apart from the ground floor toilet area.
17. A site plan of the layout and any changes to the layout must be agreed with Licensing Authority; Police and Environmental Protection prior to any activities taking place.
18. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.
19. Adequate measures shall be in place to ensure customers remain within the site of the licensed area.
20. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

21. The numbers of toilets provided shall be equivalent to the recommendation of the Purple Guide for outdoor events.

**3.3 Application for a New Premises Licence for Trade 47 Commercial Street, London E1 6BD**

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Trade, 47 Commercial Street, London E1 6BD. It was noted that an objections had been made by the Licensing Authority.

At the request of the Chair, Mr Paul Jones, Licensing Agent, explained that the premises was a café and been trading since 2014, with a total of 11 staff, serving breakfast and lunch. He said the Applicant owned and operated two other restaurants which were fully licensed and therefore was experienced and a responsible operator. He said that the application had been prompted due to the global pandemic and the financial difficulties the hospitality industry had been facing and therefore wanted to extend the café model to later in the evening with the introduction of sale of alcohol in order for the survival of the business.

Mr Jones stated that the cumulative impact zone policy allowed for a rebuttable presumption and in this application he states that there were exceptional circumstances as it was a small premises, not alcohol led and the hours applied for were within the council's framework hours. Mr Jones explained that the Applicant was happy to except the conditions proposed by the Licensing Officer. However, he did not agree with Condition 2 to restrict the premises to a restaurant licence and asked for this to be reworded as the premises did not have the facilities to be able to cater for a sit down restaurant meal.

Members then heard from Mr Mohshin Ali, Licensing Officer. He said that he acknowledged the fact that businesses were facing difficulties but there was a potential for public nuisance and crime and disorder if a new premises licence was to be granted. It was noted that the premises was currently a café and didn't sell alcohol and if a licence was to be granted, this would mean another licensed premises in the CIZ which would cause a negative effect. Mr Ali explained that as a result of another licensed premises there would be an increase in footfall, likely increase in alcohol fuelled crime and would add to existing levels of anti-social behaviour in the area, an area which already experiences high levels of public nuisance and crime and disorder. Mr Ali stated that if Members were minded to grant the application then conditions preventing it from becoming a bar should be imposed.

In response to questions the following was noted;

- That the premises had a capacity for 48 persons.
- The basement area was for the kitchen, toilets and office.
- The café served sandwiches, deli style food, and casual meals.
- The café was less formal than a dining restaurant.

- That the majority of the customers were from nearby offices and unlikely to be attracting people from outside the area.
- That most customers would be having food with alcohol.
- That staff would monitor to ensure customers aren't drinking excessively, and would not serve customers if they are intoxicated.

Concluding remarks were made by all parties.

### **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. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

### **Consideration**

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and heard oral representations at the meeting made virtually and in person by the Applicant, his Licensing Agent and from the Officer representing the Licensing Authority, with particular regard to the prevention of public nuisance.

The Sub-Committee noted the representations from the Licensing Authority, regarding the impact of the premises in the Brick Lane Cumulative Impact Zone (CIZ) and in particular the concerns relating to an additional set of licensed premises in a CIZ. However, the Sub-Committee also noted the Applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions offered in the operating schedule and those agreed with Environmental Health. The Sub-Committee accepted that the premises was a relatively small deli café, offering customers alcoholic beverages with deli-style food, that would not be alcohol-led, and that the small number of covers and the adherence to the council's framework hours would ensure that there would not be an additional adverse impact on the CIZ.

The Sub-Committee's main concern was to ensure that the premises would indeed operate as indicated by the Applicant and would not turn into a bar. The Sub-Committee therefore considered it appropriate to impose additional conditions and which addressed the concerns raised by the Applicant in respect of the Licensing Authority's proposed condition 2, which required, among other things, the provision of alcohol with a substantial meal.

The Sub-Committee added conditions 4 to 8 below. Conditions 4 and 5 ensure that the number of patrons in the premises at any one time would remain limited. Condition 6 ensured that the sale of alcohol would not and could not become the main focus of the business. Finally, condition 8 limited the type of alcohol to be sold. All of these conditions would ensure that the premises would operate in the manner explained to the Sub-Committee. The Sub-Committee was satisfied that these additional conditions were appropriate and proportionate for the promotion of the licensing objectives.

The Sub-Committee was satisfied that the licensing objectives would be upheld, and that the conditions imposed in relation to a non-alcohol led business would effectively mitigate the risk of public nuisance and restrict the premises in becoming a bar in future and this also helping alleviate any concerns raised by the Responsible Authority.

Therefore, Members made a decision and the decision was unanimous. Members granted the application with conditions.

Accordingly, the Sub Committee unanimously;

### **RESOLVED**

That the application for a new Premises Licence for Trade, 47 Commercial Street, London E1 6BD be **GRANTED with conditions.**

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

Monday to Saturday from 09:00 hours to 23:30 hours  
Sunday from 09:00 hours to 21:00 hours

#### The opening hours of the premises

Monday to Saturday from 07:00 hours to 23:30 hours  
Sunday from 09:00 hours to 21:00 hours

#### Conditions

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All 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 when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police

or authorised council officer with copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. When the designated premises supervisor is not on the premises, any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
4. Alcohol shall only be sold or supplied to patrons who are seated at a table, counter or similar.
5. There shall be no vertical drinking within the premises.
6. Alcohol shall only be sold or supplied to patrons purchasing food which is commensurate with the food offering provided by the premises and shall be ancillary to such food sales.
7. There shall be no sale or supply of spirits, aperitifs, digestifs or similar.
8. There shall be no off sale of alcohol from the premises.
9. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
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. All staff shall be suitably trained for their job function for the premises. The training shall be written into a programme ongoing and under constant review and shall be made available to a relevant responsible authority when called upon.
13. Signage indicating that a CCTV recording system is in operation shall be displayed prominently in the premises.
14. A premises daily register shall be kept at the premises. This register shall be maintained and kept for a rolling period of 12 months. The register shall record the name of the person responsible for the premises on each given day. The register shall record all incidents which may have occurred which are relevant to the supply of alcohol and the promotion of the licensing objectives. Such incidents shall include complaints made to the premises alleging nuisance or anti-social behaviour by persons attending or leaving the premises. The register shall also record all refusals to sell alcohol. The register shall

be readily available for inspection by an authorised person upon reasonable request.

15. The premises licence holder shall join any Pubwatch or similar organisation where active.
16. No person shall be allowed to leave the premises whilst in the possession of any glass drinking vessel or open glass bottle, whether empty or containing any beverage.
17. The premises licence holder shall ensure that a suitable fire risk assessment and emergency plan is in place at all times.
18. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises.
19. No accumulation of combustible rubbish, dirt, surplus material or stored goods shall be permitted to remain in any part of the premises except in an appropriate place and of such quantities so as not to cause a nuisance, obstruction or other safety hazard.
20. Patrons smoking outside the premises shall be monitored regularly.
21. The premises' frontage shall be regularly monitored to keep it clean and clear of litter.
22. Arrangements shall be put in place to ensure that waste collection contractors do not collect refuse between 19:00 and 07:00.
23. All occasions when persons have been refused service shall be recorded in the premises daily register.
24. There shall be no children unaccompanied by a responsible adult on the premises after 21:00.
25. All children under the age of 12 years shall be accompanied by an adult whilst on the premises
26. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
27. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

Members agreed to extend the decision deadlines for the applications below to the dates stated; 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, it was in the public interest to do so, and did not require representation from parties to the applications.

<b>Premises</b>	<b>Extended to:</b>
EMS Corp Ltd - 149 Commercial Street London E1 6BJ	<b>31/10</b>
JL Coffee, Tipi Coffee 178a Brick Lane E1 6SA	<b>31/10</b>
East London Wineworks Unit 5 (Ground Floor), The Huntingdon Estate, Ebor Street, London E1 6JU	<b>31/10</b>
Capital Karts, Cabot Square Car Park, Level P4, London E14 4QS	<b>31/10</b>

The meeting ended at 9.05 p.m.

Chair, Councillor Eve McQuillan  
Licensing Sub Committee