

**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON THURSDAY, 13 MARCH 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 David Edgar

**Officers Present:**

Paul Greeno – (Senior Advocate, Legal Services)  
Alex Lisowski – (Licensing Officer)  
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

**Applicants In Attendance:**

Simon Taylor - (Field Day)  
Dan Craig - (Field Day)  
Mandy Beatie - (Field Day)  
Max Alderman - (Old George Public House)

**Objectors In Attendance:**

C R Wyer - (Resident)

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

### **3. MINUTES OF THE PREVIOUS MEETING(S)**

That the minutes of the Licensing Sub Committee meetings held on 4<sup>th</sup> February (10.30am & 2pm) & 11<sup>th</sup> February 2014 were confirmed and agreed as a correct record.

### **4. ITEMS FOR CONSIDERATION**

#### **4.1 Application for a Time Limited Premises Licence for Victoria Park, London E3**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a Time Limited premises licence for Victoria Park, London E3. It was noted that there had been an objection from a local resident.

At the request of the Chair, Mr Simon Taylor, Legal Representative for the Applicant stated that this application was for a four year licence for a music event which had been running every year since 2007 in Victoria Park. He stated that the organisers were highly experienced and have been holding larger events in Hyde Park and Isle of Wright. He referred to the plans and policies contained in the agenda and highlighted the planning process leading up to events.

He stated that the timing and venue of the event would be the same as previous years. It was also noted that there has been significant multi-agency/responsible authorities input where conditions have been agreed. It was noted that changes to this years event and the improvements were around egress policy, would have more stewards positioned on the dispersal route and a MLA sound system to manage sound system even better than previous years and would be employing sound operatives to free up Council's Environmental Officers to allow them to attend to complaints etc.

Mr Taylor concluded that there had only been two objections one of which had been withdrawn as personalised conditions were agreed with the objector. It was noted that Ms C R Wyer, the remaining objector was not able to attend the mediation meeting but the applicant was happy for those conditions to be offered to Ms Wyer too.

Members then heard from Ms C R Wyer, Objector, who stated that she was not able to attend the mediation meeting as she was unavailable on that day. She described the noise nuisance associated with the event and gave examples of how it affected her in her home. She stated that calling to complain to Environmental Health was not worth it as they would have often said the noise levels were within the legal limit. She also expressed concerns about the times of the event, when people are leaving the event, and the fact that the application was a four year licence.

In response to questions the following was noted;

- That if the licence was granted for 4 years, all interested parties had the option to review the licence at any time during the four years.
- That the event had been successfully running at Victoria Park for 7 years and the Applicants hoped that Members had confidence in them to continue to run the event for the next 4 years.
- That the noise would be minimised by using the MLA sound system by controlling the sound directionality.
- That the Applicants had good relations with Council's Arts & Events Team, Responsible Authorities and had liaison with local residents.
- That Ms Wyer could hear the noise in her flat which was audible to the extent where couldn't hear the TV.
- That the previous event in 2013 had been the best run event to date and complaint levels had decreased, therefore the Applicants were expecting to see more continued improvements.
- Members raised concerns about the 4 year licence, it was noted that due to a long period of successful events and sufficient control processes in place a 4 year licence application was appropriate.
- That this year's event would take place on 7<sup>th</sup> & 8<sup>th</sup> June 2014.

Members retired to consider their decision at 7.20pm and reconvened at 7.30pm.

### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application with all the condition agreed with various Responsible Authorities. Members' had carefully listened to Applicant's representative and considered Ms C R Wyer's concerns. Members' believed that the stringent conditions agreed would help address the concerns raised by Ms Wyer. Members did have concerns about granting a 4 year licence however were assured that interested parties did have the option to review the licence at any time during the 4 years if there were any problems as a result of these events.

Members requested that a direct telephone number to the Tower Hamlets Council's Environmental Health be provided to Ms Wyer and more consultation to take place with residents before the events and residents are told when the events are taking place.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a Time Limited Premises Licence for a period of four years from 1<sup>st</sup> May 2014 to 30<sup>th</sup> September 2017 for a capacity of 39,999. A maximum of three event days per year to run consecutively on either a Friday, Saturday and Sunday or Saturday, Sunday and Monday be **GRANTED** with conditions .

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

- Friday from 12:00 hours to 22:45 hours
- Saturday from 11:00 hours to 22:45 hours
- Sunday and Monday from 11:00 hours to 22:15 hours

#### The Provision of Regulated Entertainment (Plays, Films, indoor Sporting Events, Performance of dance, Live Music, Recorded Music and similar)

- Friday and Saturday from 12:00 hours to 23:00 hours
- Sunday and Monday from 12:00 hours to 22:30 hours

#### Hours Premises is open to the Public

- Friday from 12:00 hours to 23:30 hours
- Saturday from 11:00 hours to 23:30 hours
- Sunday and Monday from 11:00 hours to 23:00 hours

### Conditions

#### Conditions agreed with Local Resident

- To ensure that the license conditions relating to the use of white noise reversing alarms are fully complied with throughout the tenancy at Victoria Park.
- To investigate any further improvements to the sound system design that may reduce the impact on the residents property.
- A representative of Environmental Protection to visit the property 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.
- To offer the opportunity to visit the site during the live period to show the licensees management controls and experience of the event.

- Contact numbers to be given of the applicants and officers.

#### Conditions agreed with Responsible Authorities

1. 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. 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 licensee and environmental health.

#### The three agreed Permanent Noise Monitoring Locations

- 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).
2. Low frequency noise shall be controlled so as not to cause a nuisance.
  3. A competent Noise Consultant (as defined in the Noise Council's "Code of Practice on Environmental Noise Control at Concerts") shall be appointed by the licensee of the event. This means a person with the ability to monitor noise competently and with the authority to control sound levels to ensure compliance with these noise conditions.
  4. 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.
  5. The sound systems and other noise sources shall be positioned so as to minimise noise disturbance, in consultation with the Council's Environmental Health Department.
  6. Sound tests shall be carried out in conjunction with the Council's Environmental Health Department before the event. This will determine the maximum noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the noise limits defined in condition 1.
  7. 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.

8. 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.
9. 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 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours contact telephone number (not an answer phone) must be provided for the person in charge of these operations.
10. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.
11. Any complaints received should be directed via a central complaints handling system and directed to our Officers and all concerned immediately by secure phone or SMS, not via an insecure wireless radio system. The Council's complaints procedure for taking and logging complaints must be followed at all times.
12. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.
13. The noise-consultant must have a sufficient number of competent staff with the necessary authority, confirmed in writing by the licensee, to control the noise levels. This number should be agreed with Environmental Health in advance of the event.
14. No alcohol shall be taken off the licensed area.
15. 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 21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers.
16. 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.
17. MDS operators must carry a clear indication that a Challenge 21 protocol is in operation.
18. A Challenge 21 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. This will include, for example;
  - a. A photo car driving licence
  - b. A passport

- c. A proof of age card bearing the PASS hologram.
19. That a Operating Schedule and Security Plan have to be sent to Police 3 months prior to the event.
  20. That the Operating Schedule and Security Plan has to be agreed by Police by 1 month prior to the event. If in the event there is no agreement an ESAG meeting will be called.
  21. That the event managers and organizers will comply with any reasonable request made by the Police event command team during the course of the event.

#### **4.2 Application for a Variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, London E2 0AN**

At the request of the Chair, Mr Alex Lisowski, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN. It was noted that there had been objections from local residents. It was noted that the Applicant had agreed conditions with the Metropolitan Police, and the timings were now to remain the same as the current hours and therefore the only variation required was to remove some of the existing conditions on the Premises Licence.

Members then heard from Mr Max Alderman, Applicant who stated that there were general concerns from residents regarding the change in hours and therefore he had agreed to remove the hours applied for and the hours now remain the same as the current hours. It was also noted that he wanted to remove some of the conditions to regularise embedded restrictions prior to the Licensing Act 2003. It was further noted that he had agreed conditions with the Police.

There were no objectors present at the meeting and there were no questions from Members. Members deliberated at the meeting and made their decision.

#### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had listened to Applicant and noted the written submissions. Members were satisfied that the removal of the existing conditions and incorporating the new additional conditions would help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

**RESOLVED**

That the application for a Variation of the Premises Licence for, The Old George Public House, 379 Bethnal Green Road, London E2 0AN be **GRANTED**.

Conditions to be Removed from the Premises Licence

- Christmas/New Year etc conditions: “Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day”.
- Children in Bars conditions (Pre Licensing Act 2003)
- Remove capacity: “The maximum number of persons accommodated at any one time in the ground floor bar shall not exceed 100”. and replace with risk assessed capacity dependent on use
- The conditions relating to the times the license authorises the carrying out of licensable activities relating the sale by retail of alcohol.
- The restrictions on the doors being open due to revised layout: “The outer lobby door between the bar area and Wear Place shall be kept locked back in the open position during the whole time that the premises are occupied”.
- The outer lobby door between the bar area and Bethnal Green Road shall be kept locked back in the open position during the whole time that the premises are occupied.
- The restriction on the number of persons on the premises to be changed to risk assessed basis dependent on the activity taking place.
- There will be no admission to the premises by the public after 11.30pm.

Additional Conditions to be imposed on the Premise Licence

1. Install and maintain CCTV system

2. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
3. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
4. The system will comply with other essential legislation, and all signs as required will be clearly displayed.
5. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
6. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority
7. One camera to be placed outside the entrance and on entry
8. An Incident Book to be maintained, to include refusals . To be signed at the end of licensable hours by the manager / DPS
9. Two SIA staff to be employed on a Friday and Saturday from 2100 until closing, if the premises remains open after midnight.
10. Use of F696 for external promoters and DJs;
11. No drinking vessels / bottles to be taken outside on the pavement.”

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

There was no other business.

The meeting ended at 8.00 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee