

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 21 OCTOBER 2014

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

Members Present:

Councillor Andrew Cregan (Chair)

Councillor Shah Alam
Councillor Candida Ronald

Other Councillors Present:

Councillor Rachel Blake
Councillor Joshua Peck

Officers Present:

Alex Lisowski – (Licensing Officer)
Michelle Terry – (Legal Services)
Antonella Burgio – (Democratic Services)

Applicants In Attendance:

Gerald Gouriet, Counsel, Paddy Power
Narinder Dhanjal, Applicant, Paddy Power

Simon Taylor, Legal Representative, Winterville
Daz Guerin, Applicant, Winterville

Objectors In Attendance:

Cllr Joshua Peck, Ward Councillor, Paddy Power ??
Cllr Rachel Blake, Ward Councillor, Paddy Power

Cllr Rachel Blake, Ward Councillor, Winterville
Ian Sharp, Interested Party, Winterville
Erika Cogoni, interested Party, Winterville

Apologies

No apologies for absence were received.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence Paddy Power, 620 Roman Road, London E3 2RW

The Sub Committee considered the application for a new premises licence under the Gambling Act 2005 for Paddy Power, 620 Roman Road, E3 2RW.

The Licensing Objectives

In considering the application, Members were required to consider the Gambling Act 2005, the Licensing Objectives, the Guidance of the Gambling Commission and the Council's Statement of Licensing Policy.

The Sub Committee heard representations from all parties in accordance with the rules of procedure circulated in the agenda.

Members heard from interested parties in relation to two licensing objectives:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling
- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

They also carefully considered the concerns from residents and local Councillors about potential harm to young people and vulnerable adults that would encounter the premises which was situated in the vicinity of a primary school, a children's centre, a youth centre and sheltered accommodation for vulnerable adults. The Members were sympathetic to the fears expressed by the residents that this application would worsen problems of gang related antisocial behaviour and cause harm to vulnerable adults by gambling.

Members also noted that:

- no responsible authorities had made representations and
- the measures that the applicant offered to preserve the above licensing objectives which were detailed in the supplementary information bundle circulated prior to the meeting. In particular they noted:
 - All Paddy Power shops have digital CCTV installed
 - A fulltime officer heading a security team monitoring staff/customer activity
 - All staff receive extensive on going training
 - Under 18 notices prominently displayed on the premises and the company's Think 21 policy

- Staff will require customers to produce a photographic form of identity if requested
- Identity requests will be recorded in a log kept on the premises.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the written and oral representations provided by the applicant and objectors.

Having thoroughly considered the above, the Members agreed to grant the application but to impose a number of conditions on the licence in order to protect children and other vulnerable persons from being harmed or exploited by gambling and prevent gambling from being a source of crime or disorder.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence (Betting) under the Gambling Act 2005 for Power Leisure Bookmakers Ltd (Paddy Power), 620 Roman Road, London, E3 2RW be **GRANTED** subject to the following:

Hours premises open and operating hours:

Monday - Sunday 07:00hrs to 22:00hrs

Conditions

Install and maintain CCTV at the premises.

The CCTV system shall be approved by the Police and incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open and for any licensable activity. Upon request by an officer of a responsible authority a copy of images required must be made available within 24 hours of the request.

Monitoring Activity at the Premises

A member of staff must be responsible at all times to monitor customer activity and those entering and exiting the premises

Staff Training

All existing and new staff must attend annual training in relation to vulnerable adults and children. A record of this training must be kept in a formal log

which is to be kept on the premises and made available for inspection by a responsible authority.

Proof of Identity

Under 18 notices must be clearly displayed inside and outside the premises and "Think 21" to be operated within the premises. Staff will require customers to produce a photographic form of identity upon request. All incidents of identity requests will be recorded in a formal log which is to be kept on the premises and available for inspection by a responsible authority.

Visual Access to the Premises

Vision into the premises should be prevented by appropriate measures e.g. installation of frosted glass.

3.2 Application for a Time Limited Premises Licence for Winterville Events Limited, Victoria Park, Bow, E3

The Sub Committee considered the application for a Time Limited Premises Licence under the Licensing Act 2003 for Winterville Events Limited to be held at Victoria Park, Bow, E3.

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.

The Sub Committee heard representations from all parties in accordance with the rules of procedure circulated in the agenda.

Members carefully considered the concerns expressed by residents and a local Councillor about anti-social behaviour and disturbance in the vicinity of Victoria Park where the event would be held caused by consumption of alcohol and noise by patrons and their fear that this additional event would harm the licensing objectives:

- the prevention of crime and disorder
- the prevention of public nuisance

It was noted that 2 interested parties had withdrawn their objections.

Members considered the remaining objections which concerned:

- preventing access to the park by residents for an extensive period before during and after the event. The event itself was intended to last from 2 December 2014 to 1 January 2015.
- on-going disturbance caused by drinkers at the event
- antisocial behaviours such as urination in the street; this was a common problem caused by drinkers at events in the park. An objector noted the plan did not address how toilet facilities would be serviced

- noise disturbance to residents living along the egress routes by those leaving the event site late in the evenings
- increased traffic congestion that would be created for the period of the event
- Ward Councillors had not been properly consulted on the event
- inconsistencies relating to the details and proposed family-friendly nature of the event compared to the nature and suggested target audience of the event advertising. It was noted that requested (12) hours for sale of alcohol was not consistent with a family-friendly event
- there could not be effective control of numbers since access to the site was free
- lack of control around third-party lettings

At the meeting, the objectors asked Members to consider reducing the hours of sale of alcohol and curtailing the duration of the event.

Members considered the submission of the applicant and his representative that:

- the applicant had 15 years' experience in open air multiple-arts event organisation and there was a comprehensive event plan which included noise reduction and crime reduction elements
- experienced subcontractors had been engaged to deal with noise matters and substantial security arrangements were stipulated in the event plan
- there had been extensive consultations with responsible authorities which had begun in June 2014 and extensive changes to the event plan had been made out of these
- since the application was submitted he had accepted that all of the measures requested by Environmental Health be incorporated as conditions of the licence
- the applicant had approached the Council who had agreed to undertake pre-engagement with Ward Councillors
- there had been three consultation meetings to which residents had been invited
- the event to which the licence application related was smaller in scale than summer events at the park with a mixture of free and paid activities and no more than 2800 people were expected to be at the event at any one time. Additionally the audience aimed for was different to that of summer events and anticipated turnover was 2-hourly.

Members also noted the applicant's offer to terminate sale of alcohol at 22:15 hours on off-peak days and 22:45 hours on peak days.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the written information placed before them and had taken account of the written submissions of the interested parties and the applicant.

Having carefully considered the matter, the Sub-Committee came to a view that the extensive requested hours for sale of alcohol would have a detrimental effect on the licensing objectives. Members noted that the applicants intention was that the event should appeal to a wide sector of the community and that the hours applied for were not consistent with a family-friendly event. Hence they considered it appropriate that the hours available for the sale of alcohol should be reduced. They therefore granted the premises licence subject to conditions, and reduced hours for the sale of alcohol with a drinking up time of 30 minutes. These measures, in their view, were appropriate to promote the licensing objectives at this premises.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a new time limited premises licence for Winterville Events Ltd, Victoria Park, London E3 be **GRANTED**, for the following activities, subject to conditions:

On Sales of Alcohol

- *2nd – 24th December 2014*
Off-peak days (Sun-Thur): 12:30 hours – 20:30 hours
Peak days (Fri-Sat): 12:30 hours – 21:30 hours
- *27th - 30th December 2014*
Off Peak days: 12:30 hours – 20:30 hours
- *31st December 2014*
Peak day: 12:30 hours – 19:30 hours
- *1st January 2015*
Peak day: 12:30 hours – 17:30 hours

The Operating Hours of The Premises

- *2nd – 24th December 2014*
Off-peak days (Sun-Thur): 10:00 hours – 21:00 hours
Peak days (Fri-Sat): 10:00 hours – 22:00 hours
- *27th - 30th December 2014*
Off Peak days: 10:00 hours – 21:00 hours
- *31st December 2014*
Peak day: 10:00 hours – 20:00 hours
- *1st January 2015*
Peak day: 12:30 hours – 18:00 hours

Provision of regulated entertainment

- *2nd – 24th December 2014*
Off-peak days(Sun-Thur): 10:00 hours – 21:00 hours
Peak days(Fri-Sat): 10:00 hours – 22:00 hours

- *27th - 30th December 2014*
Off Peak days: 10:00 hours – 21:00 hours

- *31st December 2014*
Peak day: 10:00 hours – 20:00 hours

- *1st January 2015*
Peak day: 12:30 hours – 18:00 hours

Conditions:

1. The “Event Noise Level” (ENL) measured as a free field LAeq over any 15-minute period at any position on the boundary of the park or an agreed proxy location shall not exceed 65 dBA, or no more than 15 dB above the existing background noise level to a maximum of 70 dBA*, whichever is the higher.

Noise monitoring locations have been agreed as:-

- i) Wetherell Road (adjacent to the day Nursery within the park)
- ii) Waterside Close (within the park)
- iii) Empire Wharf (within the park)

Any other agreed position within the park, due to it being found that residents are being adversely affected by the event noise level.

2. Low frequency noise shall be controlled so as not to cause a nuisance.
3. A competent person shall be appointed by the licensee of the event. This means a person with the ability to monitor noise and with the authority to control sound levels to ensure compliance with these noise conditions.
4. 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.
5. Sound tests shall be carried out in conjunction with the Councils 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.
6. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to the current British and International standards and shall be a minimum type 2 grade instruments.

7. 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. (The local authority has agreed to extended working hours until 8 p.m. at night-time with the applicant for safety reasons across the week, works though should not take place before 9 a.m. on a Sunday.
8. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.
9. Complaints shall be directed to our Officers immediately by telephone or via the Council's emergency gatehouse telephone number, not radio. The Council's complaints procedure for taking and logging complaints must be followed at all times.
10. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.

** At particular location the background noise level measured as an LA(90),1-hour may be above 50 dB, where this is the case the LAeq is allowed to exceed LAeq 65 dB,15-minutes, up to a maximum of LAeq 70 dB,15-minutes. The LAeq noise limit is then the LA(90) + 15 dB. The background noise level must be agreed in advance of any noise limit above LAeq 65 dB being used and must be based on the arithmetic average of the last four hours of the event where the background noise level is likely to be at its lowest point.*

4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

Nil items.

The meeting ended at 10.31 p.m.

Chair, Councillor Andrew Cregan
Licensing Sub Committee