

LICENSING SUB COMMITTEE

Tuesday, 3 March 2020 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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Website: <http://www.towerhamlets.gov.uk/committee>

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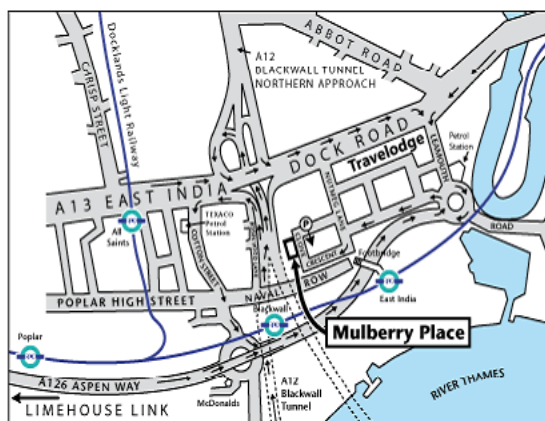
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 11 - 20)

To note the rules of procedure which are attached for information.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 32)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 4th December 2019 and 14th January 2020.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application to Review the Premises Licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF	33 - 112	St Katharine's & Wapping

Licensing Objectives:

- Public Nuisance

Review supported by:

- Local Resident(s)
- Local Ward Councillor

**5. EXTENSION OF DECISION DEADLINE:
LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

Date Last Reviewed:	14 th June 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14 th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31 st March 2018

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
 - a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.

- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page: www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the **Page 17** Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				Licensing Officer

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. A Decision letter will be sent to all interested parties confirming the decision made.

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON WEDNESDAY, 4 DECEMBER 2019

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Shad Chowdhury
Councillor Zenith Rahman

Officers Present:

Luke Wilson – (Legal Services)
Lavine Miller-Johnson – (Licensing Officer)
Simmi Yesmin – (Democratic Services)

Representing applicants	Item Number	Role
Harris Sarwar	3.1	(Applicant's Representative)

Representing objectors	Item Number	Role
None		

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for Variation of a Premises Licence for Papa John's Pizza, 6 Cable Street, London E1 8JG

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a variation of a premises licence for Papa John's Pizza, 6 Cable Street, London E1 8JG. It was noted that objections had been received by local residents.

At the request of the Chair, Mr Harris Sarwar, Applicant's representative explained that the application sought was to provide a late night opportunity for customers to buy pizza. He explained that they had 20 members of staff, the company valued the local community and their main aim was to serve the local community. He stated that there had been no complaints of crime and disorder at the premises.

It was noted that a silencer had been added to the extractor fan to reduce noise, exhaust silencers had also been added to the delivery vehicles and they were currently looking at the waste policy to make bags more durable.

It was noted that the objectors were not present at the meeting and therefore the Sub-Committee noted and considered the written objections contained in the agenda pack.

In response to Members' questions, the following was noted;

- A takeaway order usually takes 20-25 minutes.
- The incident referred to in the objection, where the premises was seen to be open beyond trading hours, occurred when staff were waiting for a customer to collect their order.
- It can take up to two hours to close down the premises.
- There were other premises on Cable Street which also used delivery drivers and vehicles.
- Papa John's staff and motor vehicles could easily be identified by their uniform/logos.
- They had purchased new bikes with built in silencers to help reduce noise.
- Since opening, they had been taking extra precautions and measures – and were willing to adopt any new conditions the Sub-Committee felt necessary and proportionate.
- The latest CCTV camera system had been installed. The system was serviced every four weeks and all staff had been trained on how to use the system and download images.
- A silencer had been added to the extractor fan and seven new vehicles with exhaust silencers had been purchased to help reduce noise.
- Staff had been re-trained.
- Staff cleaned the outside of the premises regularly each day.
- Signs asking customers to leave quietly and respect the needs of local residents were displayed in the premises.

Members adjourned the meeting at 6.20pm for deliberations and reconvened at 6.35pm.

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 Sub-Committee carefully considered all of the evidence before them including the application and written objections contained in the agenda pack and the representations at the meeting from representatives on behalf of the Applicant.

The Sub-Committee considered the objectors' concerns about the likely increase in noise, public nuisance, crime and anti-social behaviour if the application were to be granted.

The Sub-Committee considered that there was insufficient evidence in the application and operating schedule to demonstrate or satisfy the Sub-Committee that the granting of the application would promote the licensing objectives, in particular the prevention of public nuisance.

The Sub-Committee was not satisfied that conditions would adequately mitigate the risk of public nuisance caused by noise from staff, customers and delivery drivers at late night in an increasing densely populated residential area.

Accordingly, the Sub-Committee unanimously:-

RESOLVED

That the application for a variation of the Premises Licence for Papa John's, 6 Cable Street, London E1 8JG be **REFUSED**.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 6.40 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 14 JANUARY 2020****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Mohammed Pappu (Chair)
 Councillor Mohammed Ahabab Hossain
 Councillor Leema Qureshi

Officers Present:

David Wong	–	(Legal Services)
Mohshin Ali	–	(Senior Licensing Officer)
Kathy Driver	–	(Principal Licensing Officer)
Simmi Yesmin	–	(Democratic Services)

Representing applicants**Item Number****Role**

Birol Sahin	3.1	(Applicant)
Kevin Morris	3.1	(Licensing Agent)
Imran Ahmed	3.1	(Applicant's Friend)
Sarah Le-Fevre	3.2	(Legal Representative)
Steve Fairman	3.2	(Manager)

Representing objectors**Item Number****Role**

Nicola Cadzow	3.1	(Environmental Health Officer)
PC Mark Perry	3.2	(Metropolitan Police)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX. It was noted that objections had been received by Officers on behalf of the Licensing Authority and Environmental Health.

At the request of the Chair, Mr Kevin Morris, the Applicant's Business Consultant explained that he was not the agent at the time the application was first made and had only recently taken this case on. He explained that the Applicant had spent £100k on refurbishments to the premises and the rent and rates for the premises was high.

He explained that there had been a breakdown in the relationship between the previous agent and the applicant, and the applicant had assumed that the premises had a licence as the previous business that occupied the premises had a premises licence. However this licence lapsed in 28 August 2019. The applicant was unaware of this and was unaware that he could not sell alcohol. The applicant accepted that there had been a breach of the Licensing Act 2003 on his part regarding unlicensed selling of alcohol. Mr Morris explained that had he been the agent at the start of the process he would have explained to the applicant what he could and could not do.

He explained that subject to consultation with the Police, the hours applied for had been reduced to 12 midnight Sunday to Wednesday and 1am on Thursday to Sunday. It was noted that restricting the hours would help reduce noise levels.

Members then heard from Ms Kathy Driver, Licensing Officer, who referred to her statement on pages 61-68 of the agenda and explained that she was objecting on the basis that the premises was within the Brick Lane Cumulative Impact Zone (CIZ). She further explained that the premises had been brought to the Council's attention when officers from the Tower Hamlets Waste Enforcement Team had found dumped waste, including receipts from these premises. A check of those receipts against licensing records confirmed that there was no licence in place and therefore, a warning letter was sent to the premises on 23 September 2019, advising them to cease the sale of alcohol and any other licensable activities. Following this, there was a successful test purchase, on 29 November 2019, when officers were able to make a purchase of hot food at 11.27pm and therefore, a further warning letter was sent.

Ms Driver was surprised that despite the warning letters, the applicant continued to trade without a licence. She asserted that the applicant did not understand the laws and regulations regarding licensing, and therefore she was not confident that he would comply with conditions and promote the

licensing objective. Ms Driver also stated that Applicant nor his representative have addressed the issues of the CIZ and have not demonstrated how he would not negatively add to the cumulative impact zone. Ms Driver concluded that that the previous licence only had late night refreshments and not the sale of alcohol.

Members also heard from Ms Nicola Cadzow, Environmental Health Officer, who explained that the applicant had not provided sufficient details in their operating schedule demonstrating how they would promote the licensing objective of public nuisance and how they would not add to the cumulative impact in the Brick Lane Cumulative Impact Zone.

In response to questions the following was noted;

- That the Applicant was unaware that there was no licence in place.
- The Applicant would promote the licensing objectives by having no regulated entertainment, sound proofing the premise, and ensure the responsible sale of alcohol.
- When asked how the applicant would rebut the presumption against grant of a premises licence for premises in the CIZ, it was presented that the hours had been reduced to help address noise disturbance.

In summation, Ms Driver said the premises was clearly within the Brick Lane Cumulative Impact Zone and the Council's Statement of Licensing Policy had not been addressed regarding the presumption in it against grant of a premises licence for premises in the CIZ. There had been clear breaches of the legislation, and the owner was present during the successful test purchase, so there was no confidence that the premises management would uphold the licensing objectives. It was also noted that the hours applied for were beyond the Council's framework hours.

Mr Morris concluded that the applicant needed to be trusted, that there had been a lot of naivety from the applicant's part, but he had been made aware of his obligations if a licence were granted. Mr Morris said that he had limited knowledge of the CIZ and was therefore limited on the advice he could give his client.

Members adjourned the meeting at 7.10pm for deliberations and reconvened at 7.35pm.

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 licencing 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 by the Applicant's Business Agent and the Officers from Responsible Authorities objecting to the application, with particular regard to the prevention of public nuisance and prevention of crime and disorder.

The Sub-Committee noted that the premises are in a cumulative impact zone (CIZ), and so, the effect of a premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not undermine any of the four licensing objectives by not adding to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the applicant to show through their operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced.

The Sub-Committee noted the representations from the Licensing Authority, Environmental Health regarding the impact of the premises on the Brick Lane Cumulative Impact Zone (CIZ) and concerns relating to the previous breaches of trading without a licence.

The Sub-Committee therefore considered that it had not heard enough evidence that rebutted the presumption against granting any further premises licence within the CIZ. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting rebutted the above presumption.

The Sub Committee was therefore not satisfied that there were exceptional circumstances to justify a grant of the application, and were of the view that the applicant had failed to rebut the presumption against granting a premises licence for a premises situated in a cumulative impact zone, in that the applicant failed to demonstrate how they would not undermine any of the four licensing objectives by adding to the cumulative impact in the area.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Jack the Chipper, 74 Whitechapel High Street, London E1 7QX be **REFUSED**.

3.2 Application for a Transfer of a Premises Licence Holder for Queens Head, 8 Flamborough Street, London E14 7LS

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a transfer of the premises licence for Queens Head, 8 Flamborough Street, London E14 7LS. It was noted that objections had been received on behalf of the Metropolitan Police.

She explained the current licence was recently reviewed on 2nd April 2019 during which the provision of regulated entertainment and the individual named as the Designated Premises Supervisor (DPS) were removed from the premises licence. The licence was surrendered by the previous licence holder, H Company 6 Limited, on 19th September 2019. As the licence was surrendered, an application could be made under Section 50 for reinstatement of the licence by transferring the licence within a period of 28 days after the licence lapsed.

The new applicant applied on 25th September 2019. It should be noted that although this transfer application effectively reinstated the licence up to the date of this Licensing Sub-Committee hearing, should this application be rejected or withdrawn, the licence would lapse again. Only one application for transfer under can be made according to the legislation.

At the request of the Chair, Ms Sarah Le Fevre, Barrister for the Applicant explained that the transfer is to the company that currently operates the business. In her submission she highlighted the following;

1. That there was limited jurisdiction in a transfer application, as only police could object and an application could only be rejected on the basis of crime and disorder.
2. There was no evidence of crime and disorder
3. That the previous review application was resolved by consent by both parties as issues had been resolved.

It was noted that over the last nine months since the review of the premise licence, there had been no complaints and the incidents that had been referred to in the police objection were from 2018, which was dealt with in the preceding review of the premises licence. The then DPS had been removed, and a new DPS, Mr Steve Fairman had been operating the business with no repeat of previous problems. Ms Le Fevre explained that a new application for a new premises licence had been made in case the transfer application being considered was unsuccessful. It was noted that if the transfer was granted, then a further transfer to Mr Fairman would subsequently be sought.

Members then heard from PC Mark Perry who referred to his representation contained in the agenda and stated that Mr Jefferies was not a fit and proper

person. PC Perry explained with reference to his written representations why he believed that Mr Jefferies would not uphold the licensing objectives with regard to the prevention of crime and disorder nor adhere to the conditions of a premises licence. PC Perry asserted that Mr Jefferies was therefore an unsuitable person to hold a premises licence. He briefly went through his representations on pages 131-132 of the agenda pack, and highlighted incidents relating to the previous review etc., which PC Perry suggested showed that Mr Jefferies had shown a complete lack of respect for the Police and was hostile towards them.

PC Perry explained that an objection to a transfer is not taken lightly and it was unfortunate that Mr Jefferies was not present at the meeting in order to be questioned. It was noted that prior to Mr Jefferies taking over the premises, there had been no problems, but since he had taken over, there had been problems of noise, nuisance and complaints.

PC Perry stated that it was believed that Mr Jefferies had no control of the licence, that he would continue to undermine the licensing objective of crime and disorder by continuing to stay open past the licensable hours, that he would breach other conditions of the licence, and therefore he should not be rewarded for bad behaviour.

In response to questions the following was noted;

4. That only police can object to a transfer of a licence if the prevention of crime and disorder is undermined.
5. That if this transfer was granted then there would be another application for transfer to Mr Fairman immediately.
6. That Mr Fairman started in April 2019 and since taking over the management of the premises there had been no complaints.
7. That Mr Jefferies was not the DPS and since the previous review, there had been no repeat of problems.
8. There were concerns that Mr Jefferies had shown disregard and failure to comply with conditions previously.
9. That Mr Fairman manages the day to day running of the business.
10. That there were no issues that currently undermined the licensing objectives of crime and disorder.

In summing up, PC Perry explained that there was no objection to Mr Fairman. However based on previous evidence, Mr Jefferies, the Applicant was not a fit and proper person to hold a premises licence.

Ms Le-Fevre explained that the test should be whether the transfer if granted would undermine the objective of preventing crime and disorder.

Members adjourned the meeting at 8.15pm for deliberations and reconvened at 9.10pm.

The Licensing Objectives

In considering the application, Members are normally 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

However, in this instance, Members noted that the only licensing objective at issue regarding this transfer application was the prevention of crime and disorder.

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 by the Applicant's Legal Representative and the Officer representing the Metropolitan Police objecting to the application for transfer, with particular regard to the prevention of crime and disorder.

Members heard that since the review of the premises licence in April 2019, there had been no incidents over the last year under the management of Mr S. Fairman and that Mr T. Jefferies has had no day to day management of the premises. The Licensing Sub Committee decided to grant the transfer application by a majority vote with a condition that Mr Thomas Jeffries shall not be permitted to be involved in the day to day management of the premises.

The Sub-Committee considers that on the basis of the evidence heard and read this will promote the Licensing Objective for the prevention of crime and disorder.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the condition imposed would help alleviate any concerns arising from the Metropolitan Police.

Decision

Accordingly, the Sub Committee by a majority vote;

RESOLVED

That the application for a Transfer of a Premises Licence for, Queens Head, 8 Flamborough Street, E14 7LS be **GRANTED** with a condition.

Transfer of Licence

The premises licence for Queens Head, 8 Flamborough Street, London E14 7LS be transferred to TJ3 Property Co Ltd.

Conditions

1. That Mr Thomas Jeffries shall not be permitted to have any involvement in the day to day management of the premises.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 9.40 p.m.

Chair, Councillor Mohammed Pappu
Licensing Sub Committee

Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 03 March 2020	Classification: UNRESTRICTED	Report No.	Agenda Item No.
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF Ward affected: St Katharines and Wapping
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1.0 Summary

Name and Address of premises: **Tobacco Dock
50 Porters Walk
London E1W 2SF**

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Regulated entertainment**
- **Late night refreshment**

Representations: **Local Councillor
Local residents**

2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Kathy Driver
020 7364 5171

3.0 Review Application

- 3.1 This is an application for a review of the premises licence for Tobacco Dock, 50 Porters walk, London E1W 2SF . The review was triggered by a local resident.
- 3.2 A copy of the review application is attached in **Appendix 1**.
- 3.3 The applicant has supplied evidence for review, see **Appendix 2**.

4.0 The Premises

- 4.1 The premises licence was issued on 27th July 2017. A copy of the current licence is contained in **Appendix 3**, this includes plans of the site.
- 4.2 A plan of the premises is provided including map of the surrounding area are included in **Appendix 4**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by a local resident, Mr. Jack Hunter
- 5.2 The review is also supported by local residents:

		Appendix
Olia	Hunter	5
Cllr Denise	Jones	6
Ilia	Laroslavaki	7
Gavin	Mitchell	8

- 5.3 The review has received a representation in support of the premises:

Kathryn	Hegarty-Smith	9
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- 5.4 The premises licence holder has submitted representations in respect of this review, **See Appendix 10**.

- 5.5 Only representations that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.6 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance.

6.0 Review Explained

6.1 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”

6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 11**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in April 2018.

6.3 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.”

6.4 The home office has issued guidance about the prevention of public nuisance this is contained in **Appendix 12**.

6.5 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 13**.

6.6 The Home Office has advised that in relation to reviews “ Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation. ”

6.7 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing & Safety Team Leader is the delegated officer

who deals with this on behalf of the Licensing Authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.8 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 11**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period

- Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

9.0 **Legal Comments**

- 9.1 The Council’s legal officer will give advice at the hearing.

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Evidence submitted with review
Appendix 3	Current Premises Licence (including plans)
Appendix 4	Surrounding area map
Appendix 5-9	Representations from local residents/Councillor
Appendix 10	Representations from the premises
Appendix 11	Guidance issued under Section 182 by the Home Office for reviews
Appendix 12	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 13	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Service, John Onslow House, 1 Ewart Place, London E3 5EQ

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I Jack Hunter (Insert name of applicant) **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
Tobacco Quay, Wapping Ln,	
Alternative address: 50 Porters Walk (according to license)	
Post town London	Post code (if known) E1W 2SF

Name of premises licence holder or club holding club premises certificate (if known)	Jonathan Read
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Number of premises licence or club premises certificate (if known)	Not Known
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Part 2 - Applicant details

Please tick yes

I am

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)

- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Hunter

First names

Jack

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

[Redacted]

Post Town

London

Postcode

[Redacted]

Daytime contact telephone number

[Redacted]

E-mail address (optional)

[Redacted]

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note1)

Please refer to Letter
attached as part of this
review application

Please provide as much information as possible to support the application (please read guidance note 2)

Please refer to Letter
attached as part of this
review application

Have you made an application for review relating to this premises before **Please tick ? yes**

If yes please state the date of that application

Day	Month	Year

If you have made representations before relating to this premises please state what they were and when you made them

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick **yes**

I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature [REDACTED]
.....
Date 7/01/20
.....
Capacity
.....

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
[REDACTED]	
Post town London	Post code [REDACTED]
Telephone number (if any) [REDACTED]	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [REDACTED]	

Notes for Guidance

- 1 1. The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

London Borough of Tower Hamlets
John Oslow House
1 Ewart Place
London
E3 5EQ

SUBJECT: Application for a Review of Premises Licence re SKYLIGHT BAR, **Tobacco Dock**
(Tobacco Quay, Wapping Ln, London E1W 2SF) , [REDACTED]
[REDACTED]

I am writing in reference to the license for the above premises, located within Tobacco Dock.

I live directly opposite the bar on the same level to where the bar sits within Tobacco Dock facilities (floors 9, 10 & 11). I purchased and moved into my apartment before these floors were used as a bar, and was not contacted when they made their decision to open Skylight bar.

I would like to preface my request for a review by saying that I was fully aware of Tobacco Dock and its use as an events venue before purchasing the property and therefore was willing to put up with a certain level of disturbance, as I still am today. However, since moving in, I have seen the premises open TWO bars without ANY consultation, both of which are based in locations that don't contain and restrict noise pollution.

Also, I am not looking to get the bar's license revoked or anything close to that, as I like to support local businesses, however as the venue is opposite residential apartments, I'm looking for them to restrict their use of music to places that are appropriately covered (floor 9).

The main issue with Skylight bar is that its located on a roof, meaning there is no way of containing the amount of noise that is created from its customers and the use of speakers, etc.

Over the last few years, the bar has become louder and louder, to the point where my entire summer is ruined by the noise of screaming, shouting customers, which is all emphasized by the noise of music. The worst days are Thursday evenings, Friday evenings and most of Sat / Sunday. The bar is not advertised as a relaxing place for quiet drinks, it actively advertises itself as a place for people to come and get drunk, be loud and party. As can be seen by the constant alcohol offers and DJ's pushing cheap alcohol via the PA system. On top of this, Skylight bar is turned into a bar / ice rink which now has similarly loud music on Saturday evenings.

I am putting this review in now, as I want to get it resolved before the summer of 2020 starts. The upcoming summer also includes the Euros (football) which like the last world cup will mean 500 people drinking in the sun and shouting during the football matches.

Below I have outlined the key issues that I and others on Discovery Walk are affected by.

1. **No consultation:** At no point were I and others on Discovery walk told about their decision to create a rooftop bar. As were NO other residents who like me are directly opposite the bar on the same level, who also have issues around privacy. (they can see into our apartments)
2. **Sound recordings:** The bar takes sound level recordings from ground level, however, the noise doesn't travel to the ground. The sound travels in a level direction, straight into mine and other flats who live on higher floors that are level with the bar. *(note doc showing view from apartment against ground level)*
3. **Music:** The use of loud music from live DJ's / speakers mean I have to listen to dance music on a regular basis throughout the summer. The music also encourages people to talk and shout louder as they compete with the level of music.
4. **Outdoor speakers:** Speakers located all around the venue, mean me and other residents are listening to the music of the bar whenever it is open. With some evenings the music being so loud I have to wear my headphones to drown out the music coming from Skylight.
5. **Customers:** During the peak months of the summer, a lot of customers get very 'merry' which results in everything from shouting, screaming, whistling and regular singing, (happy birthdays etc). This now continues throughout the winter months, but isnt as bad as the summer.
6. **Winter:** The bar is now open all year. It opens a different theme during the winter but this means the bar is now an all-year venue that causes noise pollution throughout the whole year.
7. **Health:** MY neighbour who is also highly affected by the bar suffers from some rather significant health problems, which the bar antagonize and affects. I would add that my health has been affected by the stress is has caused me.
8. **Consultation with Tobacco Dock:** Discussions over the last few years have been highly unsuccessful with the Tobacco Dock management. I made some suggestions and requests which were all ignored.
9. **Sleep:** - My sleep is constantly disturbed, as when trying to get an early night I can't, as the music doesn't allow me to.

10. **After hour staff drinks:** On numerous occasions (almost every week) the staff have drinks in the open bar area. And Are getting drunk and making a lot of noise until the early hours.

In conclusion, I am requesting that the bar stops playing music in open spaces as this is the main cause for all the noise issues. In line with the Home Office Guidance issued under section 182 of the Licensing Act 2003, I would like to ask that you remove the deregulation of the dis-applies noise conditions on licenses.

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

(I refer you to paragraph 16.55)

If music is not played in open spaces that aren't appropriately covered, I feel that the level of noise from customers would also be drastically reduced.

It's highly unfair that my apartment, along with others that are unfortunately in line with the noise created from the venue, have to be affected throughout the year, and especially during the summer months.

I have submitted sound recordings, along with witness statements from my local councilor who supports my need to request a change in their use of music.

I hope that the council takes this matter seriously and that common sense can prevail in order to ensure that local residents like myself are able to live in their homes without the disturbance that the Skylight bar creates.

Sound recordings & video examples: 

Appendix 2

May 2019

17th		Loud music all evening, especially for a Thursday	Loud music all evening
18th		Signing and chanting	Signing and chanting
19th		Music with heavy bass coming through windows	Music with heavy bass coming through windows
24th		Not to much, as the weather was quite cold	lots of sining
25th		music and chearing throughout the evening	music and chearing throughout the evening
26th		Weather starting to get better so with that comes the loud music and loud custeomrs	music heard all day
31st		same as above	people chearing whilst watching sports music at a very high level

June 2019

1st		Loud music all evening with lots of singing throughout evening
2nd		
6th	Thursday	pockets of noise coming during evening. mainly music tonight
7th		Loud music again. some incidents of people screaming and singing
		Music at a very high level. Disturbed my evening and was unable to sleep. day time there was
8th		lots of shouting especially near end of the afternoon
9th		music during the evning. not at same level as friday but still loud
13th	Thursday	Some music at different times of the evening coul be heard through windows
		Music was very loud tonight. couldnt go to sleep until well after 12 because the staff also had
14th		after work drinks
15th		Begining of the evening was quiet, but the later part was VERY loud.
16th		some music during the day
20th	Thursday	some music evening the eveings can be heard through windwos
		weather was quite warm, so couldnt close the windows. music was blaring through them all
21st		evening. Had to put headphones on to drown out the noise
		music again very loud. Unable to have a conversation with my wife (Olga), as the music kept
22nd		interpurting us
23rd		Music could be heard over tv. had to wear headphones
27th	Thursday	not to much music or screaming this evening. might be because of the rain
28th		music again being played so loud that I couldnt sleep. had to wait until it stopped
		lots of screaming and singing. I think there was quite a few birthdays in the bar as happy
29th		birthday was heard being sung on several occassions
30th		relitevely quiet day and night

July 2019

4th	Thursday	quite a warm thursday evening so lots of music but not as loud as the weekends
		music again very loud. Unable to have a conversation with my wife (Olga), as the music kept
5th		interpurting us
		Music was very loud tonight. couldnt go to sleep until well after 12 because the staff also had
6th		after work drinks
7th		some music during the day but night was quiet
11th	Thursday	quiet evening
12th		Music very loud in the evening, especially around 9 pm - 10pm
		screaming and music c0uld be heard all evening. the day time also had music that could be
13th		heard from 3pm onwards
14th		quiet day (ish)
18th	Thursday	some music in the evening. not a lot
19th		lots of music throughtout the entire evening
20th		music and sining all night. some moments of screaming from customers
		very loud evening again. also staff could be heard after hours. think they were having
21st		drininks
25th	Thursday	
26th		usual loud friday night. very basy music
27th		day time was quiet loud today. and the evening was its usual loud self.
28th		quiet ish for most of the day. some moments of people shouting

August 2019

1th	Thursday	relitevely quiet evening
2th		Lots of the usual. music and sining. especialy bad around 9pm
3th		Had to wear headphones again the evening to watch tv
4th		music during the day but not to bad
8th	Thursday	Very loud for a Thursday. not sure if it was a private party, but lots of shouting and screaming
		Music is very loud again. can pretty much sing along to the songs in my living room even
9th		when the windows are shut
10th		Loud night. Very annoying
11th		not to much this evning
15th	Thursday	
		The loudest its been in a while. I think the good weather is making it worse. Plus I cant shut
16th		my windwos as its too hot
17th		same as usual. lots of sining and loud music
		Very loud for a sunday. Had a live Choral concertt all afternoon. The PA was very loud. Had
		to listen to people singing and a compare on the PA from 12pm until past 7pm. Then in the
18th		evening the concert custeomrs kept singing all evening when drinking
22nd	Thursday	quietish for a thursday
		Had to wear headphones again in the evening. Also couldnt sleep because of all the noise. Bit
23rd		annoying as I had a long day at work and I wanted an early night

24th The day was also extremely loud. Especially after 4pm. And then the late evening around
 25th 8.30 it became very loud. Back to wearing headphones
 29th Lots of music during the day
 30th Kind of quiet for a Thursday evening. but can still hear music
 Very loud Friday night again
 31st Same as always during a Saturday in the summer. shouting during the day and music all
 evening. very bad at 7.30pm to 9pm

September 2019

1st Sunday Not too much music during the day. but some shouting from customers later in the afternoon
 5th Thursday usual amounts of music for a Thursday.
 Very loud Friday night. the DJ booth that was moved recently into the middle of the outside bar
 area (main floor) seems to also be a PA and can be heard advertising drinks throughout the
 evening. cheap drinks etc
 6th loud for a Saturday
 7th Sunday was ruined. Had family round, but had to go out for lunch as the music was too loud to
 stay in and enjoy our own apartment
 8th some shouting and music throughout the evening
 12th Thursday back to usual amounts of music being heard. headphones on to listen to TV!
 13th same as above
 14th very bad even though the weather was bad. music was coming through the closed windows.
 even making them shake a little
 15th nothing to report
 19th Thursday Loud music, screaming and happy birthday was sung twice
 20th music and bass coming through windows
 21st same as above in the evenings
 22nd nothing to report
 26th Thursday loud music, PA system advertising drinks during the DJ set
 27th same as above
 28th music during the day. some music in the evenings but not too bad
 20th

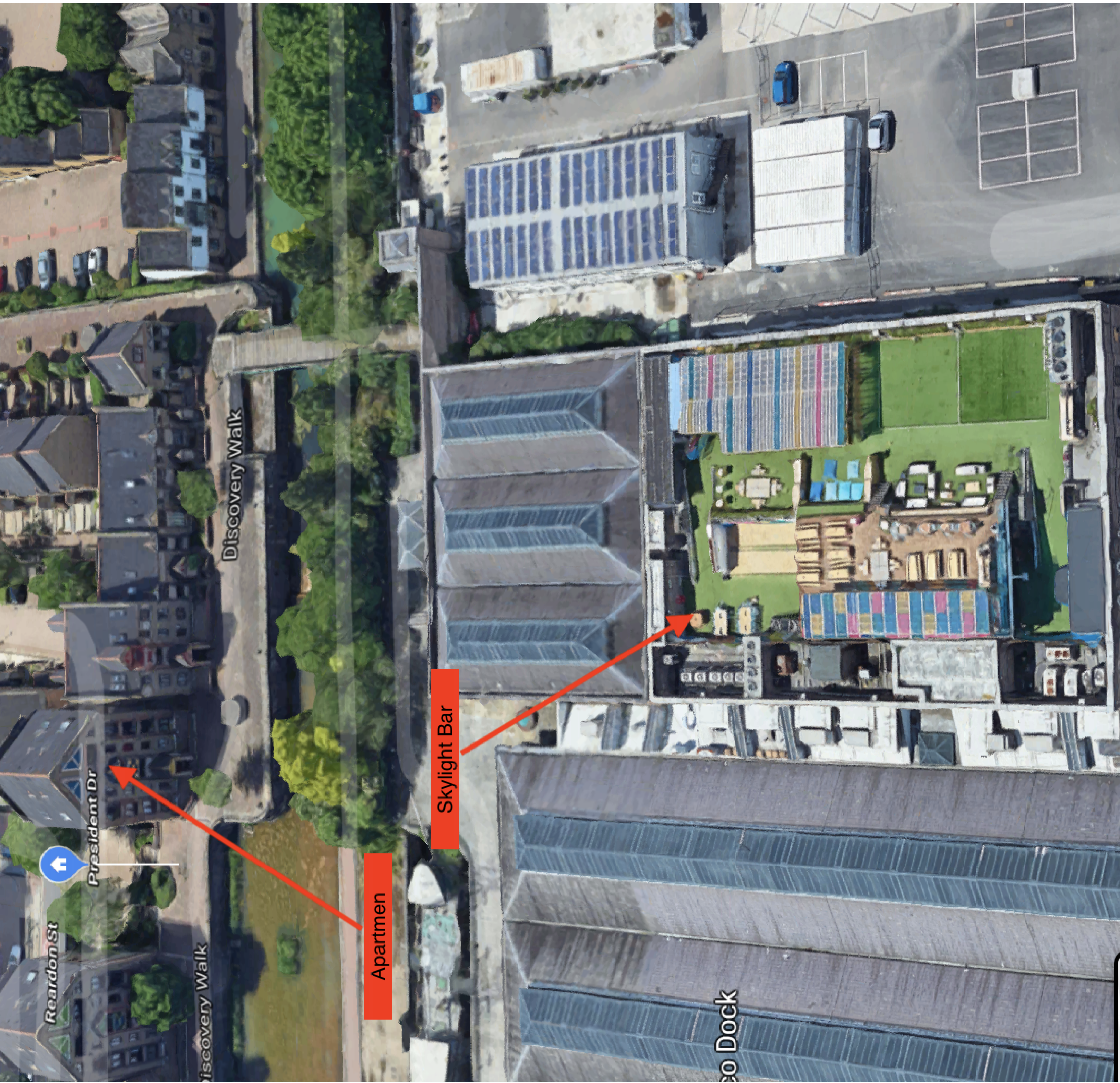
VIEW OF BAR FROM APARTMENT AND GROUND LEVEL

From my apartment



From ground level





Appendix 3

(Tobacco Dock)
50 Porters Walk
London
E1W 2SF

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 27th July 2017



Part A - Format of premises licence

Premises licence number

26336

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Tobacco Dock)
50 Porters Walk

Post town
London

Post code
E1W 2SF

Telephone number
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on and off sales)

- Monday to Sunday from 10:00hours to 00:30hours (the following day)
- Dock Street Bar only Wednesday to Friday 12 noon to 23:00 hours (see condition 3)
- The sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11between 12 noon and 2300
- The sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 2300 Thursday to Sunday.

The Provision of Late Night Refreshments - Indoors

- Monday to Sunday from 23:00hours to 01:00hours (the following day)

The Provision of Regulated Entertainment - Indoors

(Live music, recorded music, performance of dance and anything of a similar description)

- Monday to Sunday from 10:00hours to 01:00hours (the following day)

Non-Standard Timing

- All Licensable activities until 02:00 hours (the following day) for a maximum 15 occasions in a calendar year

The opening hours of the premises

- Monday to Sunday from 08:00hours to 01:30hours (the following day)

Non-Standard Timing

- Until 02:30 hours (the following day) for a maximum 15 occasions in a calendar year

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and off sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Tobacco Dock Venue Limited
Dalton House
60 Windsor Avenue
London
SW19 2RR

Registered number of holder, for example company number, charity number (where applicable)

07990825

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Jonathan Read
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Personal licence number: 3815/13/01911/LAPER
Issuing authority: Chichester District Council

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
- 4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
- 5.
 - 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
where —
- (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Annex 2 - Conditions consistent with the operating Schedule

1. A F696 risk assessment shall be submitted if there are any outside promoters or DJs.
2. All events including the details of the Hirer, number of patrons attending, licensable activities provided and hours of licensable activities, together with a layout plan will be notified to the Licensing Authority, police and Environmental Health Officer at least 14 days before the event takes place, unless otherwise agreed by the Metropolitan police and Environmental Health Officer.
3. No licensable activities shall be permitted other than:
 - a. a) a pre-booked event so notified in accordance with condition 2
 - b. the sale of alcohol to persons working at Tobacco Dock and their bona fide guests in the room labelled on the plan at Annex 4 "The Dock Street Bar" between the hours of 12 noon and 23:00 hours Wednesday to Friday.
 - c. the sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11 between 12 noon and 23:00
 - d. the sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 23:00 Thursday to Sunday.
4. There shall be no other licensable activities on Level 10 and 11 other than set out in condition 3(c) and (d) above.
5. A telephone number and / or email address shall be made available on relevant Tobacco Dock websites for noise complaints. Any noise complaints should be logged and investigated with written records of the details available to view by the local authority. Should any noise complaints be received, and if noise levels are above those specified in the licence conditions, immediate action shall be taken to reduce the levels at the noise source. A complaints log should be maintained throughout every event, detailing addresses of complainants, times and action.
6. Loudspeakers shall be directed inwards as much as possible to reduce overspill from the intended coverage area.

7. All plant associated with events (generators, chillers etc) shall be located as far away from noise sensitive locations as possible.
8. For music and cinema type events, the sound system shall be a line-array. The line-array should be carefully designed to be as distributed as possible and include delay speakers in order to provide coverage to smaller areas rather than the entire venue. It shall also be directed away from noise sensitive properties.
9. For music events beyond 23:00 hours the sound control programme that should be followed is detailed below:-

Sound Propagation Tests:

Sound propagation tests should be carried out before a major music event with all mitigation measures in place to correlate the sound levels from the event with those at the nearest noise sensitive properties. This will enable any necessary adjustments to be made to the sound system to maximise the containment of music and achieve acceptable levels at the residential locations. A sound limit shall then be set for that event, which shall be subject to further reduction as necessary. The day and times of any sound propagation test will be agreed with the local authority.

Sound Monitoring and Control:

10. The noise levels at the residential properties shall be regularly checked to ensure they comply with the noise conditions. If off site levels begin to approach the noise limits, noise reductions will be immediately implemented.

In addition to the above, it is recommended that a suitably qualified independent acoustic consultant is employed for the first major music event to ensure that the noise levels do not exceed those specified in the proposed licence conditions.

11. Persons who are travelling to or from the premises by means of private transport shall use the parking facilities which are available next door to the site and away from the public highway. The availability of parking reduces the pressure on on-street parking and reduces the number of people leaving the premises having to walk on the public highway.
12. Patrons of the premises shall be provided details of preferred minicab companies.
13. All deliveries and servicing (including waste management servicing) to the premises shall be carried out internally and accordingly away from the public highway.

14. Bottles used in the premises shall not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a potential public nuisance.
15. Where the nature of a function, the number of people attending a function, and the opening and closing times of a function make it appropriate, marshals shall marshal and monitor the entrance to and egress from the premises of those persons attending the premises. They shall also monitor where appropriate the behaviour of persons in the vicinity of the premises. This will help to achieve orderly arrival and departure of persons, and will help to reduce the risk of nuisance being caused by persons arriving at and leaving the premises.
16. Where the level of noise in the premises and the time of day or night make it appropriate, the doors to the premises shall be maintained closed (except in the case of an emergency evacuation) in order to prevent noise breakout from the premises via open doors.
17. The same applies to the windows in the premises, which shall be maintained closed where the level of noise in the premises and the time of day or night make it appropriate.
18. Noise levels shall be specified in the contract conditions with hirers of the premises to ensure sound levels are maintained within the limits in order to reduce the risk of disturbance. Furthermore, during a function in the premises, sample noise measurements shall be made by a designated person with an approved sound level meter to ensure that the levels are not being breached. Immediate action will be taken to reduce levels if this should arise.
19. In addition to take measurements, subjective monitoring shall be carried out at appropriate times along the nearest sensitive facades. This is to provide a subjective check that all the measures in place in respect of the premises are working to prevent public nuisance being caused in connection with the premises.
20. Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period.
21. CCTV camera covering both internal and external to the premises shall be installed. The CCTV recordings shall be maintained for 30 days and to be

provided upon request to either a Police Officer or an officer of any other Responsible Authority.

22. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
23. The level of security personnel is assessed for each event and appropriate levels of SIA security will be employed for those events where it is deemed necessary, taking account of the nature of the event, licensable activities taking place, number of persons attending and hours for which licensable activities are taking place.
24. Patrons will not be permitted to take alcohol away from the premises in open containers.
25. Appropriate Fire and other event-related Risk assessments are carried out for the events as well as adopting a policy for dispersal of the patrons.
26. Patrons are not permitted to consume alcohol on the quayside after 9pm.
27. Licensable activities on either of the two ships will cease at 9pm other than the lower deck of the ship which connects to the Tobacco Dock building.
28. Notices will be displayed advising patrons to leave quietly and where practicable via the Pennington Street car park away from residential dwellings as much as possible. Temporary taxi ranks will be set-up by the event organiser in this car park to prevent crowds and associated noise causing public nuisance on the corner of Wapping Lane and The Highway.
29. A Challenge 25 policy will be adopted.

Annex 3 - Conditions attached after a hearing by the licensing authority

None

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date(s):

8th June 2017 - Ground Floor (*Dated, 26 - 09 - 2016*)
Vaults Floor (*Dated, 26 - 09 - 2016*)
Internal car park, Level 9 (*dated 07 - 06 - 2017*)
Internal car park, Levels 10 & 11 (*dated 07 - 06 - 2017*)



Part B - Premises licence summary

Premises licence number

26336

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

(Tobacco Dock)
50 Porters Walk

Post town

London

Post code

E1W 2SF

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol (on and off sales)

- Monday to Sunday from 10:00hours to 00:30hours
- Dock Street Bar only Wednesday to Friday 12 noon to 23:00 hours (see condition 3)
- The sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11between 12 noon and 2300
- The sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 2300 Thursday to Sunday.

The Provision of Late Night Refreshments - Indoors

- Monday to Sunday from 23:00hours to 01:00hours

The Provision of Regulated Entertainment - Indoors

(Live music, recorded music, performance of dance and anything of a similar description)

- Monday to Sunday from 10:00hours to 01:00hours

Non-Standard Timing

- All Licensable activities until 02:00 hours (the following day) for a maximum 15 occasions in a calendar year

The opening hours of the premises

- Monday to Sunday from 08:00hours to 01:30hours

Non-Standard Timing

- Until 02:30 hours (the following day) for a maximum 15 occasions in a calendar year

Name, (registered) address of holder of premises licence

Tobacco Dock Venue Limited
Dalton House
60 Windsor Avenue
London SW19 2RR

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and off sales

Registered number of holder, for example company number, charity number (where applicable)

07990825

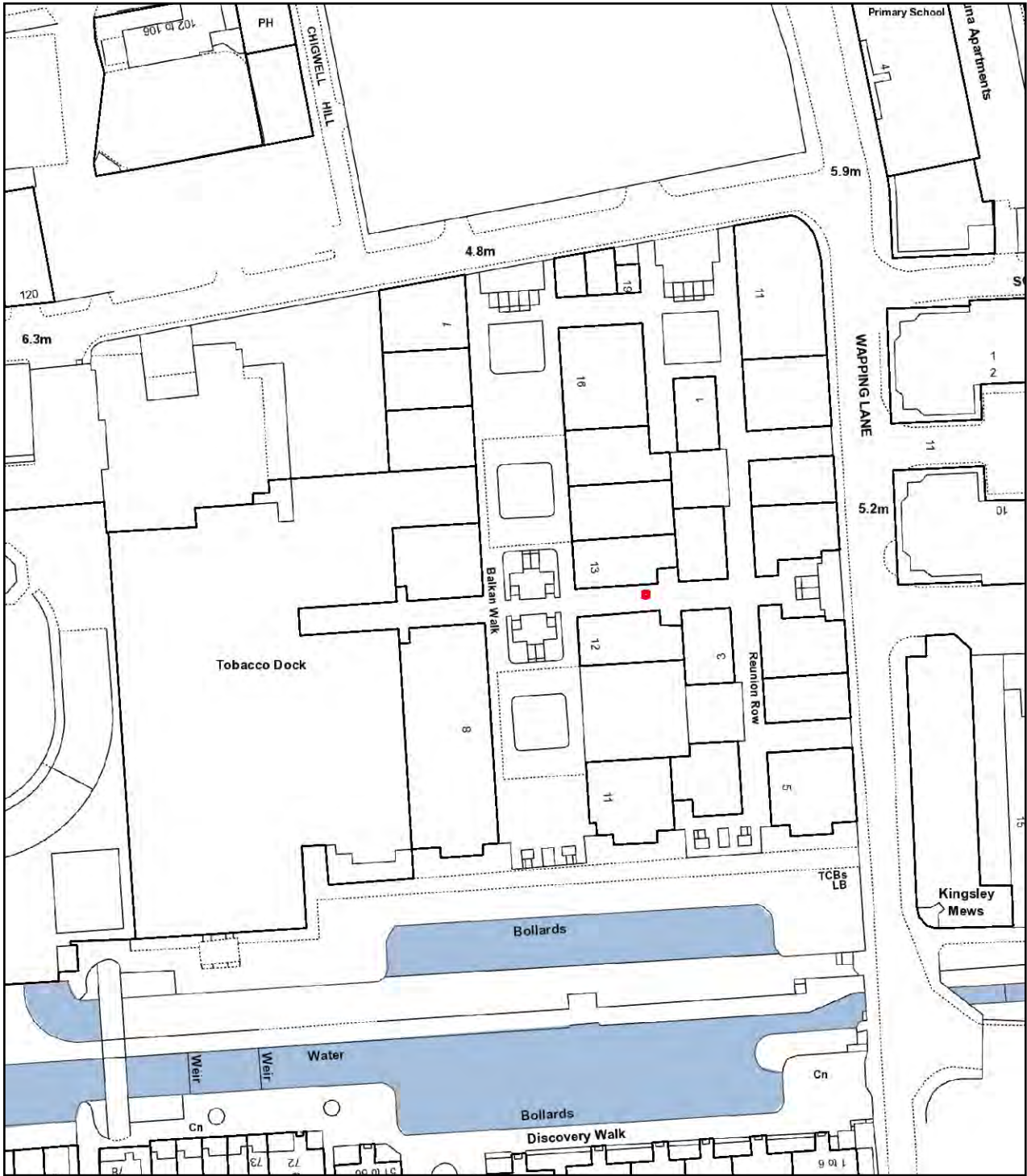
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jonathan Read

State whether access to the premises by children is restricted or prohibited

Not restricted

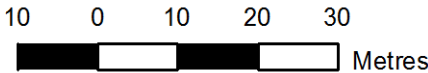
Appendix 4



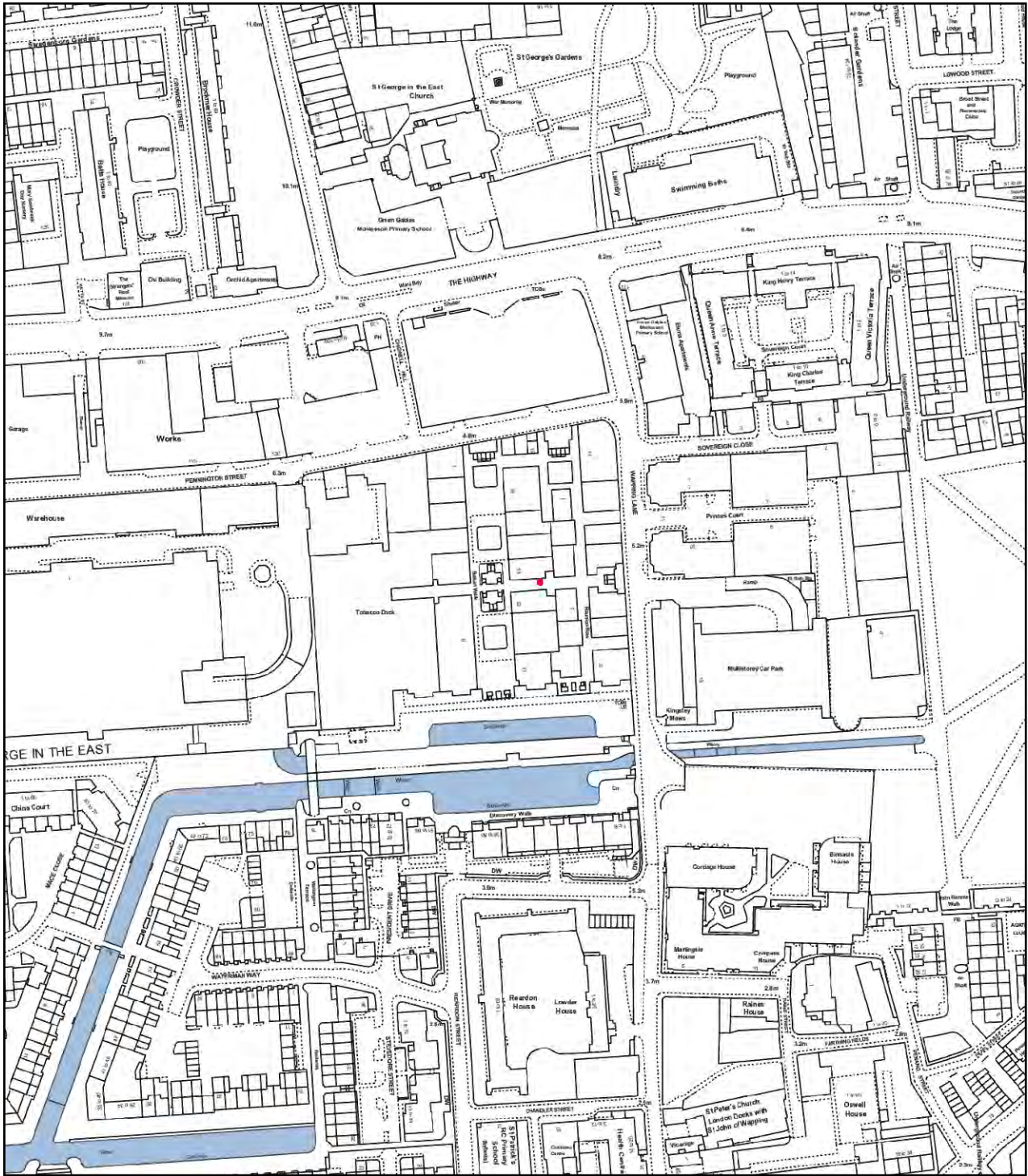
Tobacco Dock



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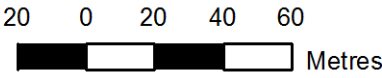
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Tobacco Dock



Scale 1:2690



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Appendix 5

Olia Hunter



10th February 2020

To whom it may concern,

I am writing to show my support for the recent license review application regarding Tobacco Dock's 'Skylight bar'.

Since the bar opened, over two years ago it has become a constant nuisance in my life, especially during the summer months of May - end of October.

The noise from the bar, which is made up of music from the DJ / sound system and loud customers, who are well under influence, means I'm not able to enjoy my summer evenings or go to bed until 11 pm, which is when the bar shuts.

Obviously, I have a job to go to every morning and in no way does this facility try to accommodate that fact and be empathetic and respectful. Furthermore, I'm unable to open my windows throughout these warmer months, otherwise I'm forced to listen to every scream and beat that comes from the bar.

Unfortunately, even with the windows closed we can still hear the bar during the busy times. I'd also like to add, that the live events shown on the tv (such as the football world cup) are very unpleasant for us as this results in hundreds of people screaming opposite our apartment during the afternoons. Bar customers often leave loudly with no regard to neighbors, leaving litter of all sorts behind.

To conclude, I'm keen for the bar to not be able to play music in its open spaces, as this is the main cause for our noise issues. And if possible I think the bar needs to take more responsibility towards its surrounding neighbours, who don't wish to be subjected to constant highly loud audial displeasure from its customers. They say they are appreciative of their neighbours yet NO consultation was ever carried out with us when they opened the bar. I would like to highlight it's not an educational facility, nor a health centre and I shouldn't have to put up with such life intrusion for the sake of drinks.

Sincerely,

Olia Hunter

Appendix 6

Cllr Denise Jones
London Borough Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2 BG

3.2.2020

On the grounds of the *prevention of public nuisance* I (Cllr Denise Jones, St Katharine's and Wapping Ward) SUPPORT the Application for a Review of the Premises Licence of SKYLIGHT BAR, Tobacco Dock (Tobacco Quay, Wapping Lane, London E1W 2SF) 8 Flamborough Street, E14 7LS (the application) submitted by Jack Hunter, 66 Discovery Walk London E1W 2JG and other residents in the vicinity.

The residents are requesting the review to restrict before the summer of 2020 the use of music to places that are appropriately covered and to stop playing music in open spaces.

Jack Hunter has submitted a request for the review of the premises licence because *he has exhausted all other means to try to resolve the problem*. He has

- Met the licensee
- Corresponded with officers of the council
- Contacted Jim Fitzpatrick MP (see appendix 1)
- Corresponded and met his local councillors
- Contacted the safer neighbourhood team.
- Been visited at home to assess the noise by licencing officers and myself. We also visited his neighbour.
- Kept a diary since May 2019 of the noise nuisance.

I also made several visits at other times and agree with the residents that the noise is too loud and always in the background for at least four days in a row from 12 midday to 11 pm but is often later.

The nuisance suffered by the residents is as follows:

1. Ruins their summer as noise is all weekend for about 6 months (May - Oct)
2. Music can be heard with windows closed.
3. Constant screaming from the bar during the evenings
4. Lots of loud singing and shouting. Music makes everyone shout louder in evenings as they are contending with the music
5. They need windows open as it is hot in the summer but that makes the noise it even worse for them.
6. The residents are constantly stressed. This has seriously affected the mental health of at least one resident
7. **They were not consulted about the decision to put a bar on a roof opposite their apartments**
8. The bar has no way of controlling the music as it is in the open air.
9. **Sound is measured by officers from ground level.** The sound is much louder at the higher level of the resident's flats
10. Residents are keen for the bar to stay open but not have music being played in the open air. **There is a level that is covered where music can be contained.**

I have attached an Appendix to show some of the history of contacts and correspondence since July 2019 that highlight *public nuisance*.

Cllr Dr Denise Jones. St Katharine's and Wapping Ward

Cllr Denise Jones
London Borough Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2 BG

3.2.2020

Appendix of some email correspondence (5 pages)

From: jack hunter **Sent:** 16 July 2019 18:43 **To:** Denise Jones **Subject:** SKYLIGHT CASE

Hi Denise,

Firstly, I'd like to say a big thank you for meeting me on Saturday and for spending so long listening to my issue. It's hugely appreciated, as you are the only person that has given me the time of day on this subject. Whatever the outcome, I will be appreciative of your help and willingness to help.

Since we met I actually have met with a few residents who want who have real issues with Skylight and the noise issues.

This included one resident who I met on Monday who has been affected so much that they are looking to leave his apartment, I really felt for him as I don't think he has the strength of character (i mean that nicely) to keep pursuing this issue. As he suffers from mental health issues. I was shocked to find out that he had complained many times before about the bar, as Tobacco Dock kept telling me I was the only resident that was complaining. I got him to write a letter explaining his issues and also provide some noise sheets that he provided to TH environmental health last year. I feel worse for him than I do for myself because of his health issues, and am rather furious to learn that a resident is seriously considering leaving due to skylight bar / Tobacco dock and the licensing team's inability to consider local residents. (and their clear inadequate due diligence during the license application).

I've attached a folder that contains my videos, sound recordings, letters, pictures. Also included are the resident from 50 Dsicoverly walk. Other letters are coming soon. But I think this should be enough as it is!

If attachment wont download...here is a link <https://drive.google.com/open?id=1gwTPGHx-tnjiCARaqEcv2igMwiaEXiRY>

Thanks again for all your help, Denise.

Jack

Cllr Denise Jones
London Borough Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2 BG

3.2.2020

Correspondence with Jim Fitzpatrick MP

On Mon, Jul 8, 2019 at 1:55 PM FITZPATRICK, Jim [REDACTED] >
wrote:

Dear Mr Hunter,

Thanks for the further e mail. We have raised this for you and I think as you are still unhappy (and I understand why) you should use the appropriate channels ie your local councillors to pursue this further for you. You can locate their contact details on the LBTH website, any problems just let us know and we can assist. The council are responsible for licensing and environmental pollution including noise and it would be their officers who will need to process the matter further,

Best wishes, Jim

From: jack hunter <[REDACTED]>
Sent: 08 July 2019 10:54
To: FITZPATRICK, Jim
[REDACTED]
Subject: Reply to letter regarding Noise issue with Skylight bar

Dear Mr Fitzpatrick

Thank you for taking the time to write to me and for looking into this matter. As you quite rightly saw in your letter, this is a frustrating outcome, but also one I was expecting due to how the Tower Hamlets licensing team / environmental team works.

Apologies for the length of this email. But I hope you have a moment to look at it and to look over the attachments, as I feel these will help you better understand my predicament/situation.

The issue Im trying to raise here is not about their license being 'flouted' because, on the face of things, it looks like they are keeping within the rules.

For instance, they take sound readings which say they are within their sound 'allowance'. However as I have said on numerous occasions, this is a bar that is on the 3rd/4th floors, not the ground floor where the readings are taken. The sound is vastly different on the ground floor compared to how it is on the 4th floor, which is where my apartment is.

My biggest issue here is that they were provided a license to play live music/ & music from speakers in an area that is not enclosed (its on a roof!), and that is directly opposite my apartment, late into the evening. They have made no effort to contain the sound by putting up any sound barriers (I asked by they told me the building was listed. However as they also admitted later on that part of the building isn't listed at all. Its a car park!)

I can't express how much this has affected my life in the last year or so. Each summer I have to spend my entire weekends (from around 4pm to 11pm) listening to their loud 'dance' music.

During the hotter months, like the current month we're in, I, like many others enjoy opening my windows, however for me to do this, means I have to bare their loud music.

Cllr Denise Jones
London Borough Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2 BG

3.2.2020

The bottom line here is that a music license was given to a bar with no regard to the people who actually live opposite it. For instance, I was never consulted as part of the licensing authority 'licensing policy' which the letter talks about. And I live the closest to the bar!

I'm hoping you can help me get their music license changed. I don't want the bar to stop, as I don't want to try and harm a business that employs people. I simply want them to only play music on levels that are indoors (they have one area that is indoors).

Can I also quickly mention that I haven't even brought up the privacy matter which was not taken into account either. As I now have 400 people that can see directly into my apartment. But I can look past that as the noise issue is more pressing.

If you could help me get this issue heard by the right people that would be highly grateful.

Please find attached, two images. One from the ground level which explains why you can't hear/see the bar if you don't live above the 3rd floor. The other is a picture from my apartment which shows just how close the bar is.

Also attached is a sound recording from one of the private parties they held one evening. If you wish to experience just how loud the music is from my apartment!

I hope you are able to help me resolve this ongoing issue and it stop it just being swatted aside and discounted by the council and relevant departments.

Many thanks

Jack

Correspondence between Cllr Jones, Jack Hunter and officers

From: Denise Jones **Sent:** 04 August 2019 11:51 **To:** David Tolley; EVANS, Tom
Cc: jack hunter **Subject:** 66
Discovery walk - Skylight bar noise issue

Mr Tolley

Could you please copy me in to emails with any action you may be considering on this case. In the email sent to you by Jack Hunter he refers to Denise Lewis but it was actually myself – Denise Jones – who visited at the same time as your officers.

He has sent you some recordings from Saturday night. I also heard this noise and it was much louder than the night the officers visited. The noise doesn't sound as loud at ground level where Tobacco Dock tested the sound level. As Jack said, he will be submitting a request for a licence review which I support. Can you let me know what procedure you follow with reviews the time it will take and any possible solutions to this problem. It does

Cllr Denise Jones
London Borough Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2 BG

3.2.2020

not seem right that residents should have to suffer constant daily irritating background noise

I also visited 50 Discovery Walk and the resident, Gavin M, has also been suffering from the daily disturbance from Tobacco Dock. He wrote to me on the day following our visit to say the noise increased after we left that night.

Many thanks

Cllr Denise Jones
St Katharine's and Wapping Ward

From: jack hunter [REDACTED] **Sent:** 29 July 2019 14:01 **To:** Tom Lewis; David Tolley; Denise Jones **Cc:** Corinne Holland **Subject:** Re: 66 Discovery walk - Skylight bar noise issue

Hi Tom,

Hope all is well.

I wanted to say thanks for organizing a time for your team to come round. Appreciate its not an ideal time to visit. Unfortunately Corrine didn't quite agree with me on the noise issue in regards to the music, (though Denise Lewis and myself could clearly hear the music) however, she did agree the noise of the voices, shouting etc could clearly be heard.

As mentioned to Corrine, Friday was actually a little quieter than some night, however, Saturday was back to normal. If I could please ask you to listen to the two sound clips attached. These were taken between 9.30 and 10.30 on Saturday evening. Look forward to hearing your thoughts on these recordings.

Id also notes they had music on (albeit at a lower level) until 1.00 am whilst they were cleaning up on the same evening.

I will be submitting the license review application this week, which will be accompanied with complaints from myself, Gavin (who Corrine met) on Friday and several other neighbors who have issues with the noise levels.

Many thanks

Jack

On Wed, Jul 24, 2019 at 9:38 AM jack hunter <> wrote:

ok great. I've also spoken to my neighbor who is keen/happy for your team to come over on Friday for a quick look from his apartment.

Looking forward to meeting you on Friday Corinne. Many thanks

Cllr Denise Jones
London Borough Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2 BG

3.2.2020

On Tue, Jul 23, 2019 at 1:25 PM Tom Lewis <Tom.Lewis@towerhamlets.gov.uk> wrote:
Dear Mr Hunter,

I've Cc'd Corinne Holland who is the Licensing Lead Officer on duty this Friday.

Please could you provide her with a phone number so that they can contact you when they are on their way, which is likely to be around 21:20 hours.

They will then assess what the noise from the music is like from your dwelling and feed this back to the noise for consideration.

Kind regards

Tom Lewis MCIEH | Team Leader | Licensing & Safety Team | Environmental Health and Trading Standards

[London Borough of Tower Hamlets](#) | John Onslow House, 1 Ewart Place, London E3 5EQ

☎ 020 7364 0375 | 📠 020 7364 6901 | General Enquiries: 020 7364 5008



From: jack hunter [mailto:📧]**Sent:** 23 July 2019 13:21**To:** Tom Lewis**Subject:** Re: 66
Discovery walk - Skylight bar noise issue

Hi Tom,

That would be great. just to confirm that this Friday (26th July)

Thanks again

Jack

On Mon, Jul 22, 2019 at 5:53 PM Tom Lewis [REDACTED] > wrote:
Dear Mr Hunter,

We have some officer out this weekend for Licensing visits so I thought we could tie this in with a visit to you.

I believe they could be with you by around 21:20 if that is convenient?

Kind regards

Tom Lewis MCIEH | Team Leader | Licensing & Safety Team | Environmental Health and Trading Standards

[London Borough of Tower Hamlets](#) | John Onslow House, 1 Ewart Place, London E3 5EQ

Appendix 7

Kathy Driver

From: Ilia Iaroslavski [REDACTED]
Sent: 10 February 2020 21:42
To: Licensing
Subject: Skylight Bar noise nuisance issue

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Ilia Iaroslavski
[REDACTED]
[REDACTED]
[REDACTED]

Dear Sirs,

My name is Mr. Ilia Iaroslavski and I own the House at [REDACTED].


I would like to express my support in connection with my neighbors' application to review the Skylight Bar music license. Since the Skylight Bar has been operated, I and my family (that include my wife and 89 years old mother-in-law) experiences quite a lot of disturbance because of loud music from the Skylight Bar. We were not able to enjoy our evenings and nights, in particularly in spring & summer times, as we are forced to close our windows to enjoy quite evening or to be able to go to bed earlier than 11 PM! Loud music and crowd's scream out is very disturbing.

Based on the above I would appreciate and expect if TH Licensing Body will review music license to the Skylight Bar and make relevant decision that will stop these disturbances.

Please do not hesitate to contact me if you have any further questions. Thank you.

Best regards
Ilia Iaroslavski

Appendix 8



30 January 2020

Dear Sir/Madam,

Re: Noise nuisance from Skylight Bar at Tobacco Dock

I am writing to you regarding the noise pollution, disturbance and nuisance from The Skylight Bar at Tobacco Dock. I moved to the above address in July 2010, as I was told that Wapping was a safe and quiet area. Wapping was fairly safe and quiet for the first three or four years; but the last four or five years, it has got a lot worse for a number of reasons, but particularly for me, since the opening of the Skylight Bar at Tobacco Dock.

EVERY evening and weekend, that the bar is open, is ruined because of the loud music, yelling, shouting and regular awful singing of "Happy Birthday" that comes from the Skylight Bar. When the bar shows events on its screens, the cheering and shouting is even louder and more disturbing and annoying. I cannot sit and watch TV in my living room (on the 3rd floor) with the windows open when the bar is open, due to the noise from the bar, as I can hear it over my TV and I find it difficult to follow the TV programme I am watching, as I get distracted and annoyed by the bar noise. Even if I do close the windows, I can still hear the noise coming from the bar. The bar noise is also a nuisance when I try to read and/or work.

A number of times, I have gone to bed (my bedroom is on the 4th floor) and I can still hear music and people chatting at the bar, even after it has meant to have closed at 11 p.m. This has gone on until 1 or 2 a.m. occasionally. If the bar is open, then I cannot have an early night, as the noise just keeps me awake and annoys me, making it harder to get to sleep. Also, I believe some bar staff leave via the Quayside on the south-side of Tobacco Dock and I often hear them chatting and laughing as they leave.

Furthermore, just after 11 p.m. when people are leaving the bar, there is usually a lot of noise in Wapping Lane, when drunk people are leaving the bar and heading home via Wapping train station, the bus stops or waiting for taxis or mini-cabs in Wapping Lane. There are also a lot of car horns usually blasting as taxis and mini-cabs are trying to jostle to stop nearby, turn round and pick up fares etc. I would imagine that the residents on Wapping Lane are even more disturbed by this noise at this time, than me.

There has also been a loss of privacy, as people just stand at the bar and stare over into my flat. I have had to put thin, light-coloured curtains up which let the light through but block anyone seeing into my living room. Previously, I was not overlooked and could enjoy the views, watch the birds and see the bats flying around at dusk.

When the bar is closed, it is noticeably quieter and more peaceful here; and this is a relief as I feel I can relax. I like my flat but have not wanted to live here for some time now, mainly because of the Skylight Bar. However, due to health problems (some of which are worsened by the noise from the Skylight Bar) and not being able to afford it, I have been unable to move yet.

Yours sincerely,



Gavin Mitchell

Kathy Driver

From: Gavin Mitchell [REDACTED]
Sent: 10 February 2020 17:29
To: Licensing
Subject: Re: Noise Nuisance from Skylight Bar at Tobacco Dock
Attachments: NoiseNuisanceDiary - 279244 - CC-25372.pdf; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Completed

Dear Kathy Driver,

Thank you for your email and for providing further information about the process.

Ideally, I would like to see the licence revoked and the bar closed permanently for the following reasons: -

1. This is a residential area first and foremost and I believe it is inappropriate to have such a bar in this area because of the noise disturbance.
2. The devious and despicable way that Tobacco Dock went about getting the licence for the Skylight Bar; residents had very little, if any, chance of finding out about the proposed bar and licence before it opened and objecting to it. If I had known, I would have objected to the bar and licence.
3. Despite numerous complaints, the bar has failed to make any changes to the way it operates.
4. It is nigh on impossible to control people noise, especially when they are intoxicated.
5. The bar has failed to ensure that the bar is closed on time and noise is kept to a minimum after hours, as there has been music and people noise coming directly from the bar until 1 or 2 am in the morning on a number of occasions.
6. It creates a lot of noise late at night when people are leaving the bar and heading home because of the taxis and mini-cabs, as well as the noise created by the intoxicated patrons themselves in the street.
7. It is impossible to go to bed early to get extra sleep when needed, whenever the bar is open.
8. The staff themselves have been noisy when leaving the venue via the quayside on the south-side of Tobacco Dock, by the pirate ships.

If the bar is unfortunately to remain open, then I would like to at least see a ban on music and televised events, as I believe this would help to reduce the amount of people noise, as patrons will not be talking and shouting over music, or singing along to it; and also will not be shouting and cheering to the televised events. I would also like to see privacy screens, such as bamboo cane "walls", put up, to stop people at the bar staring over and I believe trying to shout at me in my flat.

I have also attached a noise nuisance diary that I have kept previously and sent to the noise pollution team at LBTH Council, however, the team failed to do anything about it.

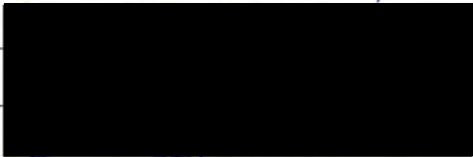
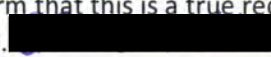
To be honest, I am completely fed up with the noise overall that comes from Tobacco Dock (both the Skylight Bar and the event space itself) and think that the way the whole venue is run should be reviewed by the LBTH Council. I have been regularly kept awake or woken up in the night by people working in the venue, either cleaning after events or building and preparing for events that day.

Thanks very much for your help with this matter.

Kind regards,
Gavin

Noise Nuisance Diary Sheet

Environmental Health

Address where noise originates: ① SKYLIGHT BAR, TOBACCO DOCK PENNINGTON ST. CAR PARK EN- TRANCE, WAPPING E1W 2SF	Name and address of complainant: GAVIN MITCHELL, 
② TOBACCO DOCK & QUAYSIDE BY PIRATE SHIPS, WAPPING LANE, WAPPING, LONDON E1W	PENNINGTON STREET, I confirm that this is a true record of events: Signed. 

Date	Type of Noise	Time Started	Time Finished	Effect of Noise (e.g., prevented sleep, interfered with conversation, reading or TV)
8/6/18	LOUD DRUNK PEOPLE	6.30PM	11.15PM	INTERFERED WITH READING & TV
9/6/18	MUSIC + LOUD PEOPLE	3PM	11.15PM	INTERFERED WITH WORK, READING & WATCHING TV
* 9/6/18 or 16/6/18	MUSIC	11.30PM	1.05AM	INTERFERED WITH SLEEP (SORRY, NOT SURE OF DATE)
10/6/18	MUSIC + LOUD PEOPLE	6PM	9.30PM	INTERFERED WITH WATCHING TV
12/6/18	NOISY PEOPLE + LOUD CONVERSATIONS	7PM	12.10AM	INTERFERED WITH WATCHING TV & PREVENTED SLEEP
14/6/18	NOISY PEOPLE CHEERING & SHOUTING	5PM	9PM	INTERFERED WITH READING & WATCHING TV
15/6/18	CHEERING & SHOUTING OR YELLING THINGS	5.30PM	11.15PM	INTERFERED WITH WORK & WATCHING TV
* 16/6/18	MUSIC (ON & OFF DURING DAY) + SHOUTING + CHEERING	4.30PM	11.30AM MAYBE 1.05AM	INTERFERED WITH READING & WATCHING TV & SLEEPING
17/6/18	MUSIC + SHOUTING + CHEERING	3PM	9PM	INTERFERED WITH READING & WATCHING TV
19/6/18	LOUD PEOPLE NOISE	7.30PM	9.30PM	INTERFERED WITH WATCHING TV
21/6/18	SHOUTING + CHEERING + MUSIC AT TIMES	7.15PM	11PM	INTERFERED WITH WATCHING TV & PREVENTED SLEEP
22/6/18	SHOUTING + CHEERING + MUSIC	8PM	11.15PM	INTERFERED WITH WATCHING TV
23/6/18	MUSIC + SHOUTING + CHEERING	5PM	11.15AM	INTERFERED WITH HAVING A NAP & WATCHING TV
24/6/18	MUSIC FROM SKYLIGHT BAR & SWEATLIFE EVENT @ TOBACCO DOCK; VERY LOUD CHEERING, CHANTING	11AM	10.30AM	INTERFERED WITH READING, WORK & WATCHING TV
"	SINGING & SHOUTING FROM SKYLIGHT BAR			
28/6/18	MUSIC + SHOUTING + SINGING + CHEERING	6.45AM	11PM	INTERFERED WITH READING & WATCHING TV
29/6/18	MUSIC + LOUD PEOPLE SHOUTING/TALKING	6.30AM	11.15AM	INTERFERED WITH WATCHING TV

VERY LOUDLY

* 9/6/18 & 16/6/18 - on one of these Saturday nights, music was playing until about 1.05AM. Sorry, I forgot to write this down & cannot remember exactly which date it was.

Date	Type of Noise	Time Started	Time Finished	Effect of Noise
30/6/18	LOUD MUSIC & GENERAL LOUD NOISY PEOPLE	7.15 PM (WHEN I GOT HOME)	11.10 PM	INTERFERED WITH READING & WATCHING TV
1/7/18	TV COMMENTARY, CHEERING, SHOUTING, SCREAMING + MUSIC	2.45 PM	10.45 PM	INTERFERED WITH PREPARING THIS DOCUMENT, READING & WATCHING TV.

Appendix 9

Kathy Driver

From: Kathryn Hegarty [REDACTED]
Sent: 07 February 2020 16:22
To: Licensing; mayor [REDACTED]
Subject: Resident's message in support of Skylight/Tobacco Dock

Dear LBTH Licensing Section,

Hi, I am Katie; A resident of Wapping for 15 years (and My Husband has been here since 1991), and within throwing distance of Tobacco Dock and Skylight.

These complaints of noise nuisance are perplexing to me. Neither of us have been "disturbed" by anything like that. C'mon - Tobacco Dock is situated directly on the Overground route, next to the Highway, and underneath City Airport Flight plan - Noise come's with the territory...

At least this way it is musical!

To be serious though, Skylight and Tobacco Docks have been nothing but fair in their approach to our neighbourhood - Always monitoring noise, litter allowance, safety, timekeeping, whilst always giving residents fair warning of events.. and also telling us about fun and interesting things to do.

I hope you consider this before shutting down a fantastic business that brings a lot of charm, whimsey and let's not forget.. money, both direct and indirectly to Wapping.

Kathryn Anne Hegarty-Smith

P.S. Happy to discuss this further at your convenience.

P.P.S. and it just looks so gosh darn pretty!

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



LICENSING ACT 2003

LONDON BOROUGH OF TOWER HAMLETS
LICENSING ACT 2003

NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Notice is given that an application has been made to the London Borough of Tower Hamlets Licensing Authority for a Review of a Premises Licence under the Licensing Act 2003.

Premises Details	Tobacco Dock 50 Porters Walk London E1W 2SF
The Grounds for the Review:	<i>Prevention of Public Nuisance - Allegations of causing noise disturbance to local residents.</i>

Anyone who wishes to make representations regarding this application must give notice in writing to: **Licensing Section, London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place, London E3 5EQ**

Website: www.towerhamlets.gov.uk Tel: 020 7364 5008

email: licensing@towerhamlets.gov.uk

Representations must be received no later than **05 / 02 / 2020**

The grounds for the review may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.
It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000)

M:\Licensing\Word\972018_Appletter

Appendix 10

Representations for licensing review:

1. The premises licence is for the entirety of Tobacco Dock and covers a number of floors for a number of different uses. The application to review the licence questions the validity of the licensable activities in the Skylight Bar. The variation application was properly advertised with the appropriate consultation and the Local Authority issued the premises licence following that public consultation. The grant of the licence for Tobacco Dock and validity of the Skylight Bar is not therefore a relevant consideration for the Committee in this application.
2. The applicant for the review of the premises licence sets out the cause of the review as noise nuisance from the Skylight Bar and seeks to invite the Committee to impose a restriction on the playing of amplified music on Levels 10 and 11. Whilst the Committee's discretion is engaged by the application the issue is a narrow and not one which calls into question the operation of the premises licence for other parts of the premises. The guidance issued by the Secretary of State under s182 Licensing Act 2003 is clear that the cause should be identified and any remedial action taken should be directed at that cause.
3. The onus is on the applicant for the review to adduce evidence to prove the assertions he has made in the application. It is not accepted by the Premises Licence Holder that a nuisance is being caused.
4. The music played in the Skylight Bar is not a licensable activity.
5. The premises licence holder and management of the premises had engaged in discussion with the applicant during 2019 regarding the Skylight Bar but had to cease any communication with him following his [REDACTED] behaviour.
6. It is disputed that the Skylight Bar is "a place to come and get drunk, be loud and party." The bar attracts patrons in their late 20s to early 40s and those attracted by social activities such as croquet in the summer months and ice skating in the winter. It always attracts a lot of families especially on Saturday daytime and on Sunday. The applicant also makes statements regarding alcohol offers which are completely untrue. The staff do not have drinks in the Skylight Bar after work causing a noise nuisance until the early hours.
7. The Skylight Bar is extremely well managed and used by many local people, including local residents. It has become an important feature for the local community. It is open between

May and January each year on Thursday, Friday, Saturday and Sunday. The opening hours are 5pm – 11pm Thursday and Friday and Noon to 11pm on Saturday and Noon to 10.30 pm on Sunday. The music is turned off at 10.45pm and the bar is closed at 11pm. On occasion it may also be used for Private Events.

8. The licence conditions are strictly adhered to with noise monitoring taking place and the readings recorded, even though this is not actually required as there is no regulated entertainment. There has been engagement with Environmental Health on the rare occasions they have contacted us following a complaint about noise from a local resident, although none of those complaints have related to noise emanating from the Skylight Bar.
9. The Premises Licence holder has worked in partnership with the responsible authorities, local residents' groups and local residents. This high level of engagement has established a very good relationship with those bodies and also a very good reputation.
10. This application does not require the Licensing Authority to take any remedial action.

[REDACTED]

John Gaunt & Partners, Solicitors for the premises licence holder.

11th February 2020

Appendix 11

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order or illegal working compliance order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Appendix 12

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 13

Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.