

LICENSING SUB COMMITTEE

Tuesday, 18 September 2018 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
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for an electronic
agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

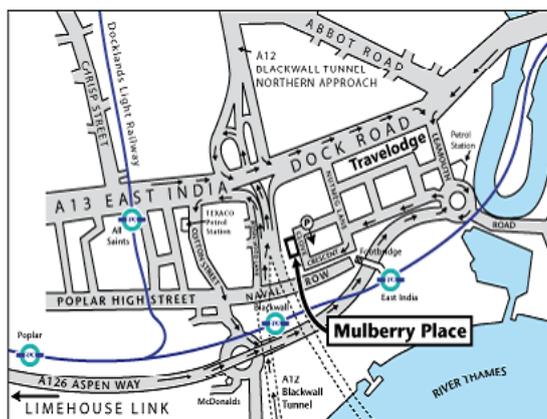
Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line: (http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

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 - 42)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 19th June, 10th July and 24th July 2018.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Application for a Variation of a Premises Licence for Boxcar Brewery, 1 Gales Gardens, London E2 6JY	43 - 106	St Peter's
4 .2 Application to Review the Premises Licence for The Lighthouse, 421 Wick Lane, London E3 2NG	107 - 248	Bow East

**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.

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>

This page is intentionally left blank

TOWER HAMLETS



LICENSING COMMITTEE

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

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

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 19 JUNE 2018

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Shad Chowdhury
Councillor Tarik Khan

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Kathy Driver	– (Principal Licensing Officer)
Vivienne Walker	– (Senior Prosecution Lawyer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Robert Sutherland	3.1	Legal Representative
Andy Bird	3.1	Applicant
Jo Batt	3.1	Applicant
Alica Motta	3.1	Manager

Representing objectors	Item Number	Role
Peter Pritchard	3.1	Local resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 **Application for a Variation of a Premises Licence for Nelson's Head, 32 Horatio Street, Bethnal Green, London E2 7SB**

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a variation of the premises licence for Nelson's Head, 32 Horatio Street, Bethnal Green Road, London E2 9SB. It was noted that objections had been received on behalf of the Licensing Authority and local residents. The application was to vary the licence to remove a condition that restricted drinks to be consumed outside the premises.

At the request of the Chair, Mr Robert Sutherland, Legal Representative on behalf of the Applicant, explained that the application was a modest application and that the premises has had a licence since the 19th century. It was noted that the previous operators had mismanaged the premises and had offered up outside drinking hours to extend indoor licensing hours. He explained that the premises had changed from the way it had previously operated and was now more of a community pub. It was noted that there were a number of pubs in the local area with the provision to drink outside. It was further noted that having consulted with the Police the applicant was seeking the use of the outdoor area up till 8pm.

It was noted that the Applicant took over the premises in 2016 and since having taken over, he had installed a CCTV camera system and had created a general presence in the area. It was noted that last year they had operated with tables and chairs outside the premises, as they complied with the measurements and requirements of the Highways Team. He highlighted that it was a community pub focussing on food and alcohol.

Mr Sutherland explained that they were only seeking to remove a condition and to allow drinks to be consumed outside the premises between the hours of 5-8pm on the weekdays and 12- 8pm on the weekends. Mr Sutherland offered further conditions for Member to consider such as restricting the outside area to 16 covers, which would also be monitored and controlled by staff and to also consider putting a time limit for a licence for 6 months.

Members then heard from Ms Kathy Driver, Principal Licensing Officer who explained that a representation had to be made on the basis of the number of complaints received about noise and public nuisance, she explained that if this condition was removed or replaced this would cause more complaints, she referred to the pictures of the premises which clearly showed how close residential homes were to the actual premises. She explained that complaints were received especially during the summer months and this was a time of the year when it becomes a problem.

The Chair then invited Mr Peter Pritchard, local resident, to address the Committee. He briefly explained that since the current owners had taken over the premises, it has improved and had been well run and well managed.

However the width of the pavement would cause a restriction to passers-by, with no clear walk way for pedestrians and this would cause and has caused a problem in the past in terms of Health & Safety. He also addressed the issue of noise emanating from the premises and affecting his quiet enjoyment of life and area.

It was noted that there were other premises in the local vicinity that had the facility to drink outside. At this point Mr Driver stated that complaints have been received about those premises too and would be investigated.

In response to questions the following was noted;

- The Applicant offered an option for drinks not to be allowed outside in Shipton St and drinks to be only taken outside onto Horatio Street.
- That food and drinks would be served directly to the tables.
- That following previous complaints a warning letter was sent out to the Premise Licence Holder, reminding them of their conditions and that there had also been a visit to the premises.
- That the venue was over two floors with the following capacity, 20 people for the basement level and 40 people for the ground floor.
- That there was no live TV screenings and only had provision for background music.
- That in previous TEN applications, the applicant had stated that the premises had the capacity for 130 people.
- A brief summary of the hours and the conditions that other local premises had was noted.

In summing up Ms Driver explained that it would be impractical to have seats set outside, and allowing for the provision to drink outside would cause further noise nuisance.

Mr Sutherland urged Members to grant the variation as they were applying for a change to modest terms and had offered a range of options i.e. for a limited period of 6 months, until 8pm, and for a maximum 16 people. Mr Sutherland also reminded Members that Responsible Authorities and residents had the option to review the premises if they didn't adhere to licence conditions.

Members adjourned the meeting at 7.20pm for deliberations and reconvened at 7.45pm.

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and heard representations made on behalf of the Applicant by their Licensing Representative and also heard from the objectors present at the meeting.

Members welcomed the efforts made on behalf of the Applicant by offering optional conditions, however, Members noted concerns of the Principal Licensing Officer and noted that the Licensing Team had received a number of complaints regarding noise nuisance from the premises.

Members looked carefully at the location and although Horatio Street was wider, Members of the Sub Committee were of the view based on the evidence put before them that residents of the street would suffer noise pollution.

Members also noted the width of the pavement, the positioning of the safety bollards and believed that this would impair the passage way for disabled persons and people using pushchairs were there to be 16 people having meals served to them.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of the Premises Licence for Nelson's head, 32 Horatio Street, Bethnal Green London E2 7SB be **REFUSED**.

3.2 Application for a New Premises Licence for Cookies and Cream, Unit 5 The Chronos Building, 9-25 Mile End Road, London, E1 4TW

In the absence of the Applicant, Members decided to defer consideration of this application in order to give the applicant another chance to attend the meeting.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required a deadline extension.

The meeting ended at 7.45 p.m.

Chair, Councillor Peter Golds

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS
MINUTES OF THE LICENSING SUB COMMITTEE
HELD AT 6.30 P.M. ON TUESDAY, 10 JULY 2018

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Faroque Ahmed
Councillor Leema Qureshi

Other Councillors Present:

Councillor Rachel Blake

Officers Present:

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

Representing applicants	Item Number	Role
Daniel Heath	4.1	Applicant
Richard Holley	4.1	Manager
Mifta Ahmed	4.2	Licensing Representative

Representing objectors	Item Number	Role
Katherine Rose	4.1	Objector
Piers Gibbon	4.1	Objector

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee held on 5th June 2018 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION**4.1 Application for Variation of a Premises Licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a variation of the premises licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN. It was noted that objections had been received on behalf of local residents. The application was to vary the licence to extend licensing hours and vary an existing condition on the licence.

At the request of the Chair, Mr Daniel Heath, Applicant, briefly explained that premises was a local pub/café and had customers who lived in Omega Works. He explained that he was seeking to increase hours for licensable activities over the weekend and to also vary an existing condition on the premises licence to be able to extend the use of the outdoor terrace area to 9.30pm.

It was noted that temporary event notice (TEN) applications had been granted in the past and if this application were to be granted it would help regularise the hours to what has been applied for previously. Mr Heath explained that the terrace was a relatively small area with 40 covers.

It was noted that a sound lobby had been installed, windows had triple glazing and air conditioning had also been installed to prevent noise breakout. He explained that previously the premise was a 24 hour printing factory and believes that having taken over the premises the area had improved.

Members then heard from Councillor Rachael Blake, who spoke on behalf of Ms Katherine Rose, objector and local resident, and briefly highlighted the growing community in Fish Island, she explained that residents at the meeting would speak about the current failures and disturbance that is caused. Cllr Blake highlighted the demographics of the area, and the growing community within the area, it was noted that there was no barrier between the terrace and the properties and therefore noise travelled. Cllr Blake referred to the maps contained within the agenda and highlighted the close proximity between the premises and residential properties. In conclusion, she was not confident that the licensing objectives would be met if the application was granted.

At the request of the Chair, Ms Katharine Rose stated that she was the nearest neighbour to the Whitepost Café, She explained that residents were first told that it was a food led venue but had now turned into a regular entertainment venue and far from a peaceful café. She stated that speakers had been installed in the terrace for outdoor music. She further explained that a number of complaints had been made directly to Environmental Health about the noise nuisance and therefore opposed any extension to the current licence.

Members also heard from Mr Piers Gibbon, objector and local resident, who highlighted the noise nuisance that emanated from the premises, he referred to the supplemental agenda which contained his supporting document in the form of a Noise Nuisance Diary with a series of dates and times of when there has been noise nuisance, videos supporting this was also played at the meeting for the Sub Committee. He also stated that the petition submitted by the applicant in support of the premises was not appropriate as the majority of the petitioners did not live close by. Mr. Gibbon sought to show a photograph in relation to the premises, but permission to do this was refused by the Licensing Sub-Committee because the photograph had not been submitted for inclusion in the meeting papers sufficiently in advance and so it would be unfair to permit late introduction at this stage.

Mr Heath explained that he always spoke with the residents and dealt with issues as and when they arose and was surprised over the number of objections received for the application. He explained the speakers installed in the terrace were for background music only. He stressed the fact that the noise complaints mainly referred to a festival weekend where music was played on the terrace etc. however assured Members of the Sub Committee that this would not happen again and speakers would only be used for background music.

In response to questions from Members the following was noted;

1. That the Tow Path route was used as a customer entrance but this could be kept shut after the terrace area was closed in the evenings and only used as a fire exit after that.
2. That the speakers on the terrace are turned off at 7.30pm once the terrace is closed.
3. That policies and processes were now in place and were being strictly adhered to.
4. That there were other venues within close proximity that had longer hours.

In summing up Ms Rose explained that there had been lots of evidence of breaches of the current licence conditions and it was clear residents were not being considered. She acknowledged that minor improvements had been made but not enough to appease the residents.

Mr Heath concluded that none of the noise complaints had been substantiated, and that the sound limiter had been set having done sound

readings with Nicola Cadzow from Environmental Health. He said that he had only received one complaint previously and had not received any until now.

Members adjourned the meeting at 7.25pm for deliberations and reconvened at 7.50pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and heard representations made by the Applicant and also heard from the objectors present at the meeting.

In reaching their decision, Members noted the current demographics of the area and noted that the area that was once derelict, was now full of industry, amenities, entertainment venues and most importantly a rapidly growing residential community. Members noted that the objections from local residents covered a wide range of concerns which was evident in demonstrating that there was already public nuisance in the form of noise nuisance. Members were concerned that permitting an increase in the licensable hours of the premises would exacerbate this noise nuisance.

Members welcomed the efforts made by the Applicant by reducing the hours and offering conditions in consultation with Environmental Health, however, the individual objections and the supporting documents (noise nuisance diary submitted by the local resident) demonstrated that there was a cause for concern and the likelihood that later hours would have a negative impact on the lives of residents, infringe on their quality of life with a likelihood of an increase in anti-social behaviour and general noise nuisance.

Members looked carefully at the location and although the Applicant agreed to use the entrance via the tow path route only as a fire exit after the terrace area is closed, Members of the Sub Committee were of the view based on the evidence put before them that residents especially from Omega Works would suffer noise pollution.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a variation of the Premises Licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN be **REFUSED**.

4.2 Application for a New Premises Licence for Quick Grill Ltd, 194 Mile End Road, London, E1 4LJ

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Quick Grill Ltd, 194 Mile End Road, London E1 4LJ. It was noted that objections had been received on behalf of the Licensing Authority and the Metropolitan Police.

Mr. Chowdhury was not present at the meeting due to ill health.

At the request of the Chair, Mr Mifta Ahmed, Licensing Representative in the absence of the Applicant spoke on behalf of Mr Mohammed Shilu Chowdhury, Applicant, and explained that Mr Chowdhury fully accepted that failings had occurred at his premises in 41 Brick Lane in relation to which Mr. Chowdhury held a premises licence, and this was because he could not maintain the day to day running of the business as it had been managed by staff and staff had not adhered to instructions. Mr Ahmed explained that Mr Chowdhury had relinquished his involvement in the business at 41 Brick Lane and would solely be working at 194 Mile End Road.

Mr Ahmed stated that concerns arising at 41 Brick Lane related to the underage sale of alcohol and cigarettes, and that these matters should be treated separately as this application was distinctly different, being an application for a licence to provide late night refreshments only. Mr Ahmed also assured Members that Mr Chowdhury would be involved in the day to day running of the business at 194 Mile End Road and all conditions would be adhered to.

He explained that modest hours had been applied for, that they were currently trading and selling up until 11pm and were now seeking to increase their hours in line with the Council Framework Hours. He stated that it was a modest increase and highly unlikely to cause any problems.

He explained that in relation to previous selling of hot food beyond the permitted hours at 194 Mile End Road with a late night refreshment licence, there had been a misunderstanding on Mr Chowdhury's part as he thought he could sell hot refreshments until late. It was submitted that there had been no Environmental Health breaches or instances of Anti-Social Behaviour at 194 Mile End Road, since those premises had been open and therefore this demonstrated that Mr Chowdhury was a fit and proper person.

Members then heard from the Responsible Authorities, apologies for absence were received on behalf of PC Mark Perry, Metropolitan Police and it was confirmed that Mr Mohshin Ali, representing the Licensing Authority would speaking on behalf of the Police too.

Mr Ali stated that the Police maintained their written representations. He briefly explained that the hours applied for were still 30 mins over the Council's Framework hours, he said that during a test purchase in 27 April 2018, there was a sale without a licence. It was noted that the applicant was also a Premises Licence Holder for a venue in Brick Lane which had been fined for breaches of the Licensing Act and had pending enforcement action.

He stated that the Licensing Authority made a representation on the basis that they had no confidence that the applicant would uphold the licensing objectives of preventing crime and disorder and public nuisance. Reference was made to the fact that the police still objected to the grant of a late night refreshment licence. However, if the Sub Committee were mindful to grant the application then Members were asked to add the conditions proposed in the written representations already made by the Police.

In response to questions from Members the following were confirmed respectively by Mr. Ali and Mr. Ahmed ;

- That there was outstanding enforcement action still under consideration in respect of two breaches of licensing requirements in relation to the premises at 41 Brick Lane.
- That Mr Chowdhury fully accepted his failings and as a result would no longer be running the business at Brick Lane and would manage the premises at 194 Mile End Road on a day to day basis.
- That Mr Chowdhury was under the misconception that that he had a late night refreshment licence in relation to 194 Brick Lane, when in fact such a licence had been surrendered in 2009 but he had not been aware of this.
- That checks and balances would be done from now on and Mr Ahmed was confident that conditions would be adhered to.
- That the Police maintained their objections. They were pleased to hear that the hours had been reduced but had no confidence in Mr Chowdhury to uphold the licensing objectives.
- That that the whole of the ground floor operated as a restaurant and there was no use of the upstairs.

In summing up, Mr Ali stated that the Responsible Authorities' objections still remained, the hours were a concern, and given Mr. Chowdhury's track record, there was a lack of trust in Mr Chowdhury and therefore on a balance of probabilities Mr. Ali felt that Mr Chowdhury would not uphold the licensing objectives.

Mr Ahmed briefly explained that Mr Chowdhury's primary focus would be the business and that it was not Mr Chowdhury who had personally made the underage sales at 41 Brick Lane. At this point Mr Ali confirmed that Mr

Chowdhury was present at 41 Brick Lane when the underage sales took place, but he was not the person, who undertook the transaction.

Members adjourned the meeting at 8.25pm for deliberations and reconvened at 8.45pm.

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them. In the absence of the Applicant, Members heard representations made on behalf of the Applicant by their Licensing Representative and also heard representation on behalf of the Licensing Authority and the Metropolitan Police.

In reaching their decision, Members noted the previous breaches of conditions, trading without a licence, a number of failings and breaches in the Applicant's other licensed premises at 41 Brick Lane, and pending enforcement action in relation to both those other premises at 41 Brick Lane and also in relation to the premises at 194 Mile End Road. Whilst the premises at 41 Brick Lane are not the subject of this application, what had happened regarding those other premises is relevant because it demonstrates the degree to which the applicant in running those other licensed premises can be trusted to uphold the licensing objectives, in particular, the crime and disorder objective.

Breaches of licensing conditions and trading without a licence are offences. Therefore, when such matters taking place do not uphold the crime and disorder objective.

Although it was noted that the Applicant would relinquish all ties with the premises in Brick Lane and concentrate on the current premises he is applying for, Members had no confidence that hours and conditions would be adhered to and therefore referred to the concerns raised by both the Responsible Authorities and their evidence showed that the applicant is unable to comply with licence times and conditions, and on a balance of

probability is likely to do the same if this current application were to be granted.

Members were not satisfied that the Applicant would uphold the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance in relation to the objections raised by the Police and the Licensing Authority.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Quick Grill, 194 Mile End Road, London E1 4 LJ be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required a deadline extension.

The meeting ended at 8.50 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, 24 JULY 2018

**ROOM MP701, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Eve McQuillan (Chair)
Councillor Mohammed Ahbab Hossain
Councillor Puru Miah

Officers Present:

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

Representing applicants

Azzam Barhamji

Item Number

3.1

Role

Applicant

Representing objectors

Julian Overton

David Cunningham

Item Number

3.1

3.1

Role

Legal Representative

Local Resident

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 a New Premises Licence for Shawarma, 84 Brick Lane, London E1 6RL

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Shawarma, 84 Brick Lane, London E1 6RL. It was noted that objections had been received on behalf of the Licensing Authority and local residents. The application was for late night refreshments, and it was also noted that nine Temporary Event Notices (TEN) applications had been applied for between 10 February 2018 to 4th April 2018.

At the request of the Chair, Mr Azzam Barhamji, Applicant, read through his supporting statement contained in Supplemental Agenda 1 page 9. He highlighted the fact that every time he applied for a licence there would be a barrage of complaints from Mr David Cunningham, local resident. He explained that these complaints had been investigated by the Police and Licensing Services but none were substantiated.

He explained that the premises were situated between The Hub Hotel, 86 Brick Lane which had 180 rooms and 82 Brick Lane which had 6 rooms for Air BnB guests. He further explained that the people gathering in the streets are mostly smokers from the Hub Hotel or Air BnB guests, or simply passers by walking down Brick Lane and not customers of his premises.

He explained that he needed the extra hours to cover overheads and provide for his young growing family. He explained that there was no music or any form of regulated entertainment or sale of alcohol to attract to the premises, people wanting to buy alcohol or access regulated entertainment. He explained the Police and Environmental Health have not objected to the application and in consultation have agreed to reduced hours and conditions.

Mr Barhamji also explained with regard to alleged operation of the premises beyond permitted hours, that the Licensing Officer's drive by observation was not quite adequate as there were no sales transactions made at that time in question and possibly a member of staff being served and the officers did not come into the premises to investigate this further.

Members then heard from Mr Julian Overton, Legal Representative on behalf of Mr David Cunningham and the Spitalfields Community Group. He explained that the objection was in light of the nature, area, and proposed negative effect the premises would have on the Cumulative Impact Zone (CIZ) and the potential for an increase in crime and disorder. He asked Members to refer to powerful letters of objections sent in by residents. It was noted there were also objections on previous applications with similar complaints of noise, ASB and trading outside hours. Mr Overton also highlighted the fact that some conditions on the existing premises licence were not being adhered to such as keeping doors and windows closed, when Mr Barhamji had stated himself that he had propped open the doors to help customers enter and leave the premise and also keeps the window open for ventilation etc.

Mr Overton then explained that the design of the premises was not practical as people order food and wait outside, hang around and congregate in groups and cause noise nuisance. He said a late licence until 3am will add to the CIZ in the area and that licensing objectives will not be promoted.

Members then heard from Mr Mohshin Ali, Licensing Officer representing the Licensing Authority. He referred to his representations on pages 83-86. He explained that he was objecting on the ground that the premises are in the CIZ and that a late licence would have a negative impact on the area.

He explained that the observation detailed on the supplemental agenda on 7th July 2018 was not a full visit and that no one was outside the premises and one person was seen inside the premises being served. Mr Ali accepted on the balance of probability that the person seen to be given refreshment could equally have been a customer or member of staff. He also highlighted the fact that the applicant had not demonstrated how they would not add to the CIZ.

In response to questions from Members the following was noted;

1. That the date of the observation was not one of the dates that a TEN application was in force.
2. That the hotel had 180 bedrooms with approximately 360 people.
3. That the windows are left open for ventilation from the heat and was not a serving window.
4. That Mr Barhamji does ask people congregating outside his premises to move along and respect the needs of local residents
5. Notices to respect the needs of local residents and to keep the noise down have now been permanently displayed at the premises.
6. That SIA door security staff will be employed on the weekends to ensure that customers wait in the roped off area outside the premises and do not cause nuisance to local residents while at the premises.
7. Mr Barhamji stated that complaints were from residents from the upmarket side of Brick Lane and that he was providing food for people who were working shifts, working in hospitals and for the general public who visit Brick Lane.
8. That the hours had been agreed in consultation with the Police
9. That his business' waste contract was with the Council's waste contractor - Veolia
10. That the SIA door staff and roped queueing area will help keep the noise nuisance to a minimum.
11. That large groups of customers would be asked to wait inside the premises for their food to be ready.

Members adjourned the meeting at 7.35pm for deliberations and reconvened at 9.00pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

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

Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representation from the applicant, the Licensing Authority and the Legal Representative on behalf the objectors with particular regard to the licensing objectives of the prevention of public nuisance, and the prevention of crime and disorder.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone and therefore when an application is received, there is a rebuttal presumption that the licence will be refused.

The Sub-Committee noted that the applicant can rebut the presumption if they can demonstrate from their operating schedule that their application for a premises licence would not add to the cumulative impact in the cumulative impact zone, and thus undermine any of the four licensing objectives.

The Sub-Committee considered that the onus lay upon the applicant to satisfy them of this on the balance of probabilities, with appropriate supporting evidence. The Sub-Committee had to be satisfied that the operation of the premises, if the application were granted, would not add to the cumulative impact already being experienced in the cumulative impact zone.

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to serious problems of nuisance and disorder; and that the cumulative impact zone did not act as an absolute prohibition on granting or varying new licences within that zone.

The Sub-Committee noted the written representations made by objectors and also heard oral representations from the Legal Representative on behalf of objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the cumulative impact zone.

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted would be mitigated by the proposed conditions agreed with responsible authorities. Members acknowledged that the applicant had explained how they would manage the noise from customers but unable to demonstrate how they would manage the noise from crowds outside the premises and therefore Members were satisfied that a condition to have an SIA accredited security guard on duty outside the premises to manage the queue of customers during the weekends would be sufficient to address those concerns.

The Sub-Committee was concerned about the impact of late licensing hours in the weekdays and weekend; that the premises would possibly attract a number of people into area and that a grant of the application would mean the premises would be the only premise in the local vicinity that would be open until 3am in the weekends. Therefore Members were of the view that the hours for the weekdays should remain the same as the existing licence but an extension of hours during the weekends in line with other premises in the local vicinity would be sufficient.

Balanced against the Sub-Committee's above concerns, and in addition to noting the applicant's above proposal regarding an SIA accredited security guard on duty outside the premises, the Sub-Committee noted that in answer to questions from the Sub-Committee, the applicant had confirmed the arrangements he had planned regarding dealing with increased waste arising from later trading, increased staff provision to cope with increased customer demand, and provision for a customer use only toilet facility.

The Sub-Committee were satisfied that the operating schedule together with the conditions and reduced hours set out below would mitigate any cumulative impact in the area and address the concerns of public nuisance, particularly in the form of noise nuisance, and crime and disorder.

The Sub-Committee therefore granted the application in part with a reduction in the hours applied for and imposed conditions on the licence to support the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Sharwama, 84 Brick Lane, London E1 6RL be **GRANTED in part with conditions.**

The hours for Provision of Late Night Refreshments

Monday to Wednesday from 23:00 hours to 00:00 hours (midnight)

*Thursday to Saturday from 23:00 hours to 02:00 hours (the following day)

Sunday from 23:00 hours to 23:30 hours

The opening hours of the premises

Monday to Wednesday from 10:00 hours to 00:30 hours (the following day)

*Thursday to Saturday from 10:00 hours to 02:30 hours (the following day)

Sunday from 10:00 hours to 00:00 hours (midnight)

*- new hours

Non Standard Timings

Non Standard Timings – from the end of permitted hours on New Year's Eve until 02:00 hours.

Non Standard Timings – Sundays before Bank Holiday Mondays until 02:00 hours.

New Conditions

1. On Thursday, Friday and Saturday an SIA security guard will be on duty from 23:00 hours until the premises is closed. They are to ensure that customers wait in the roped off area outside the premises and do not cause nuisance to local residents while at the premises.
2. After 22:00 hours every night there is to be a roped off area for customers to wait outside the premises while queuing and waiting for their food to be given to them.
3. Plastic cutlery only is to be used for customers.
4. Plastic and polycarbonate containers to be use.
5. No alcohol to be allowed on the premises.
6. Clear signage to be placed in the shop windows stating that the premises supports the Council's 'No Touting Policy'

The following are conditions already on the existing Premises Licence

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open.
4. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.
6. The toilet shall be available to all seated customers.
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. All windows and external doors shall be kept closed except for the immediate access and egress of persons.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
 - 10.(a) all crimes reported to the venue
 - (b) any complaints received concerning crime and disorder
 - (c) any incidents of disorder
 - (d) any faults in the CCTV system
 - (e) any visit by a relevant authority or emergency service.
11. A CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Type of Licence	Hearing Date
INS, 13 Brick Lane, London E1 6PU	New	31/07

Premises	Type of Licence	Hearing Date
Redchurch Townhouse, 56 Redchurch St, London E2 7DP	New	31/07
Angel Convenience, 23 Roman Road, London E2 0HU	New	30/08
Cookies and Cream Unit 5 The Chronos Building, 9-25 Mile End Road, London E1 4TW	New	30/08
The Royal College of Pathologist, 6 Alie St, London E1 8QT	New	18/09
Limehouse PH, 421 Wick Lane, London E3 2LG	Review	18/09
Boxcar Brewery, 1 Gales Gardens, Birkbeck Street, London E2 6JY	New	25/09
Mailinda, 62 Mellish Street, London, E14 8NS	New	25/09
The Victoria, 110 Grove Road, London, E3 5TH	Variation	02/10
East Gifting Outfit Ltd, 10 Tomlins Grove London E3 4NX	New	02/10

The meeting ended at 9.00 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	18 September 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for Boxcar Brewery, 1 Gales Gardens, London E2 6JY
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: St Peters

1.0 Summary

Applicant: **Vagabond Wines Limited**
Name and **Boxcar Brewery**
Address of Premises: **1 Gales Gardens**
Birkbeck Street
London E2 6JY

Licence sought: **Licensing Act 2003**
The Sale of Alcohol
Provide Late Night Refreshment
Provide regulated entertainment

Objectors: **Local Resident**

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and objections then adjudicate 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

File
Section 182 Guidance
LBTH Licensing Policy

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a new premises licence for Boxcar Brewery, 1 Gales Gardens London E2 6JY.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The hours have been amended following consultation with Environmental Health, the hours being applied for are as follows:-

Sale of Alcohol (on and off sales)

Sunday to Wednesday from 11:00 hours to 23:00 hours

Thursday to Saturday from 11:00 hours to 23:30 hours

The Provision of Late Night Refreshment (indoors):

Thursday to Saturday until 23:30 hours

The Provision of Regulated Entertainment in the form of Recorded Music (indoors):

Sunday to Wednesday from 11:00 hours to 23:00 hours

Thursday to Saturday from 11:00 hours to 23:30 hours

There are further non-standard times for all of the above:

Until midnight on Sundays immediately before a Bank Holiday

From end of permitted hours on New Years Eve to the start permitted hours on New Years Day

Hours premises is open to the public:

Sunday to Wednesday from 11:00 hours to 23:30 hours

Thursday to Saturday from 11:00 hours to midnight

Until 00:30 hours on Sundays immediately before a Bank Holiday

From end of permitted hours on New Years Eve to the start permitted hours on New Years Day

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local resident:

See **Appendix 6 – N. Kinsella**

6.9 The applicant has communicated to the local resident to update on agreements with Environmental Health. See **Appendix 7**

6.10 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections 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

6.12 The objections cover allegations of

- Anti social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Close proximity to residential properties

6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

7.1 Please see attached **Appendix 8** for list of conditions.

8.0 Licensing Officer Comments

8.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

8.2 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

8.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
 - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 8.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 8.6 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.
- 8.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 8.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

8.9 In **Appendices 9-13** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

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	A copy the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6	Representations of local resident
Appendix 7	Communication from applicant to resident
Appendix 8	List of conditions
Appendix 9	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 10	Licensing officer comments on Access and egress problems
Appendix 11	Licensing officer comments on Noise when the premises is in use
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading.

This page is intentionally left blank

Appendix 1

**Application for a premises licence to be granted
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/We Vagabond Wines Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Boxcar Brewery 1 Gales Gardens Birkbeck Street			
Post town	London	Postcode	E2 6JY

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£Unrated - Band C

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a statutory function or
- a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/>	Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/>	Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Vagabond Wines Limited
Address 1 Mark Square, 1 Mark Square, London, England, EC2A 4EG
Registered number (where applicable) 06855798
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

<p>Please give a general description of the premises (please read guidance note 1) Boxcar brewery and bar within railway arches.</p>
--

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sun			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	1100	2330			
Tue	1100	2330	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	1100	2330			
Thur	1100	0000	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6) These hours to be extended: Until 00.00 on Sundays immediately before bank holiday Mondays		
Fri	1100	0000			
Sat	1100	0000	From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day		
Sun	1100	2330			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><u>Please give further details here</u> (please read guidance note 4)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)</p>		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	2300	2330			
Tue	2300	2330	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	2300	2330			
Thur	2300	0000	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6) These hours to be extended: Until 00.00 on Sundays immediately before bank holiday Mondays From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day		
Fri	2300	0000			
Sat	2300	0000			
Sun	2300	2330			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	1100	2330			
Tue	1100	2330			
Wed	1100	2330			
Thur	1100	0000			
Fri	1100	0000			
Sat	1100	0000			
Sun	1100	2330	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) These hours to be extended: Until 00.00 on Sundays immediately before bank holiday Mondays From the end of permitted hours on New Years’ Eve to the start of permitted hours on New Years’ Day		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Stephen Finch	
Date of birth 1 [REDACTED]	
Address [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) PERS-LIC/2073	
Issuing licensing authority (if known) London Borough of Camden	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) These hours to be extended: Until 00.30 on Sundays immediately before bank holiday Mondays From the end of permitted hours on New Years' Eve to the start of permitted hours on New Years' Day
Mon	1100	0000	
Tue	1100	0000	
Wed	1100	0000	
Thur	1100	0030	
Fri	1100	0030	
Sat	1100	0030	
Sun	1100	0000	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please refer to the attached schedule of conditions for the promotion of all four licensing objectives.

b) The prevention of crime and disorder

Please refer to box a) above

c) Public safety

Please refer to box a) above

d) The prevention of public nuisance

Please refer to box a) above

e) The protection of children from harm

Please refer to box a) above

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Submission - LA to serve RA's**
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	31.05.18
Capacity	Thomas & Thomas Partners LLP as solicitors on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) ref: JS/AC/VAG.1.8 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.

- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

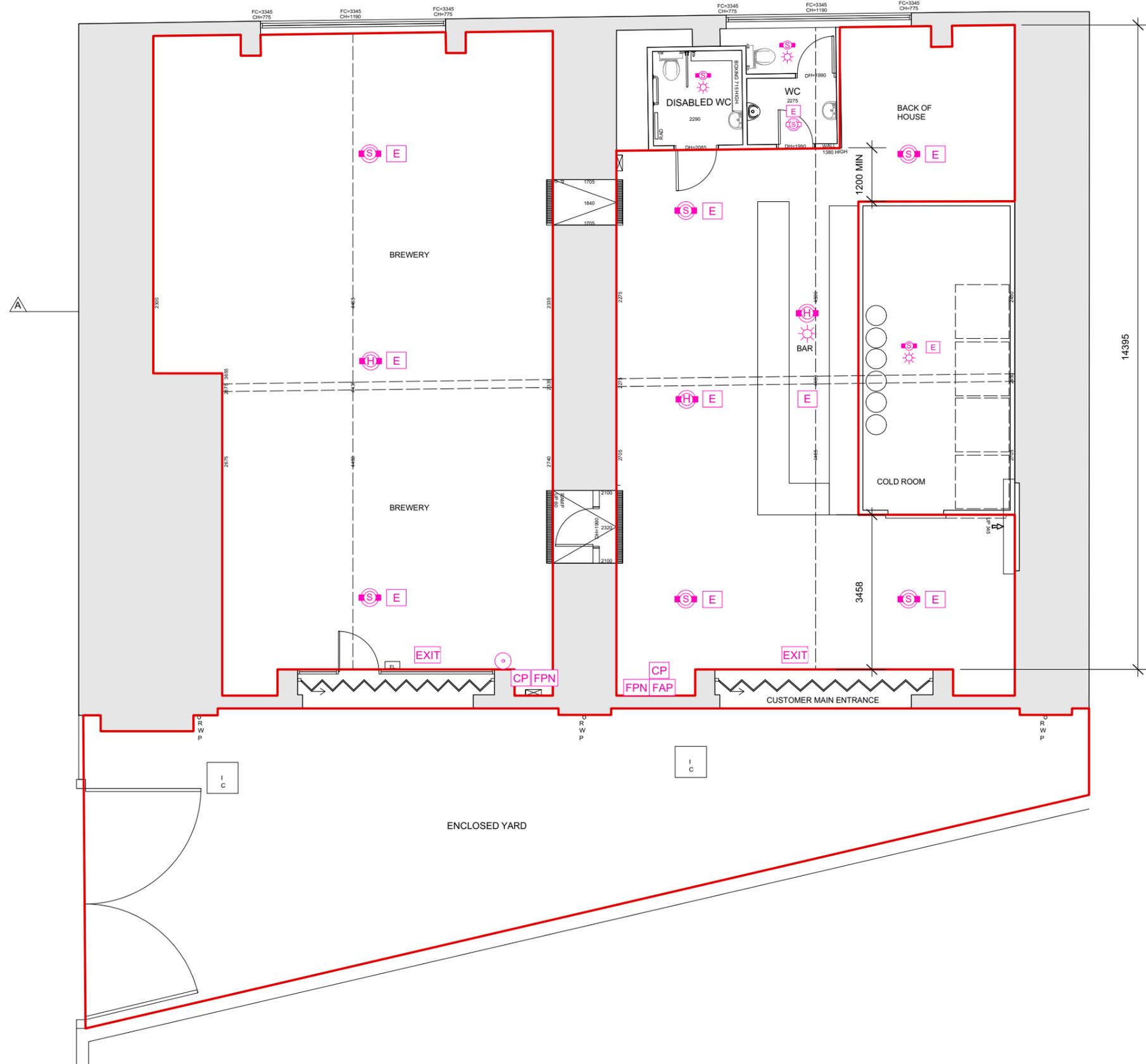
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Appendix 2



FOR COMMENT

DESIGN INTENT

INTERNAL AREA
247 SQM

EXTERNAL AREA
100 SQM

SEATING LAYOUT
INDICATIVE ONLY

KEY

RED LINE DENOTES AREA WITHIN WHERE ALCOHOL WILL BE SOLD AND CONSUMED

- FIRE ALARM SYSTEM SMOKE DETECTOR
- FIRE ALARM SYSTEM HEAT DETECTOR
- FIRE ALARM SYSTEM SMOKE DETECTOR/ SOUNDER BASE
- FIRE ALARM SYSTEM HEAT DETECTOR/ SOUNDER BASE
- FIRE ALARM SYSTEM MANUAL BREAK GLASS UNIT
- FIRE ALARM SYSTEM FLASHING BEACON
- FIRE ALARM SYSTEM INPUT/OUTPUT RELAY UNIT
- EMERGENCY LIGHTING
- ILLUMINATED EMERGENCY EXIT SIGN
- STATUTORY FIRE PROCEDURE NOTICE
- FIRE BLANKET
- FIRE EXTINGUISHER - WATER
- FIRE EXTINGUISHER - CO2
- FIRE EXTINGUISHER - FFF
- LANDLORD'S LINK (EXACT DETAIL TBC)
 - MUSIC
 - MECHANICAL SHUTDOWN
 - DIMMER RACKS
 - RED CARE
 - SPRINKLERS
 - ANSUL UNIT
- FIRE ALARM PANEL
- CALL POINT

GENERAL NOTES:
 1. ALL FINISHES ARE TO CONFORM TO THE REQUIRED CURRENT BUILDING REGULATIONS IN THE APPLICABLE COUNTRY (IN RESTAURANTS ALL FINISHES ARE TO BE CLASS 1 OR EQUIVALENT).
 2. CONTRACTOR MUST VERIFY ALL SITE DIMENSIONS, DRAWINGS, DETAILS AND SPECIFICATIONS AND REPORT ANY DISCREPANCIES BEFORE PROCEEDING WITH ANY WORK.
 3. ALL SPECIFIED ITEMS ARE TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURERS RECOMMENDATIONS.
 4. CONTRACTOR TO PROVIDE A WORKING ENVIRONMENT WHICH CONFORMS TO THE CURRENT HEALTH AND SAFETY AT WORK CONDITIONS AND LOCAL AUTHORITY REGULATIONS.
 5. ALL FINISHES ARE TO BE CARRIED OUT TO A HIGH STANDARD.
 6. ANY DIMENSIONS ARE TO BE TAKEN FROM THE SETTING OUT PLAN ONLY AND ARE NOT TO BE SCALED FROM THE DRAWINGS.

7. IT IS THE CONTRACTORS RESPONSIBILITY TO UNDER TAKE AND ENSURE THAT ANY BUILDING WORK IS CARRIED OUT UNDER THE LOCAL AUTHORITY REQUIREMENTS.
 8. THE CONTRACTOR IS TO CHECK AND APPRAISE ALL DESIGN SHOP FITTINGS AND CONSTRUCTION DETAILS AND OFFER ALTERNATIVES TO THE DESIGNER FOR APPROVAL.
 9. IN THE EVENT THAT DRAWING INFORMATION IS NOT THE SAME, AND IF THE DESIGNER AND OR SUPERVISING OFFICER ARE UNAVAILABLE FOR COMMENT, THE PROPOSED PLAN IS TO BE READ AS CORRECT.
 10. THIS DRAWING IS TO BE READ IN CONJUNCTION WITH THE OTHER RELEVANT CONSULTANTS DRAWINGS.
 11. COPYRIGHT OF FINCH INTERIORS. NOT TO BE REPRODUCED.
 12. ALL REQUESTED DRAWINGS SHOWING FIXINGS AND CONSTRUCTION DETAILS ARE REQUIRED TO BE APPROVED BY DESIGNER PRIOR TO COMMENCEMENT OF WORK.

Revisions:		Issue Codes: P = Preliminary; T = Tender; C = Construction.
Rev:	Date:	Details:
/	29.05.18	FOR INFORMATION
A	29.05.18	FOR INFORMATION
B	31.05.18	FOR INFORMATION



Client: BOXCAR BREWERY			
Project: UNIT 1, GALES GARDENS	Project ref No: 1812	Date: MAY18	
Dwg Title: LICENSING PLAN	Dwg. No.: LIC_01	Rev: B	Scale: 1:100
Dwg Type: PLAN	Drawn By: • A3 AC		

Appendix 3





Appendix 4

Premises in close proximity to 1 Gales Gardens

Name and address	Licensable activities and hours	Opening hours
<p>(Dayan & Webb Production Kitchen) Kitchen 1, Unit 7 Railway Arches Gales Gardens Bethnal Green London E2 0EJ</p>	<p>Sale by retail of alcohol (off sales) Monday to Sunday, from 09:00 hours to 20:00 hours</p>	<p>Monday to Sunday, from 09:00 hours to 20:00 hours</p>
<p>(Old Street Brewery) Unit 11, Railway Arches Gales Gardens Bethnal Green London E2 0EJ</p>	<p>Sale by retail of alcohol (On and off sales) Sunday to Thursday, from 10:00 hours to 23:00 hours Friday and Saturday, from 10:00 hours to 23:30 hours</p> <p>The provision of regulated entertainment – Indoors <u>(Recorded music only)</u> Sunday to Thursday, from 10:00 hours to 23:00 hours Friday and Saturday, from 10:00 hours to 23:30 hours</p> <p><u>Non-standard timings</u> On Sundays before bank holidays until 01:00 hours the following day On New Year’s Eve until 01:00 hours the following day</p>	<p>Sunday to Thursday, from 10:00 hours to 23:30 hours Friday and Saturday, from 10:00 hours to 00:00 hours (midnight)</p> <p><u>Non-standard timings</u> On Sundays before bank holidays until 01:00 hours the following day On New Year’s Eve until 01:00 hours the following day</p>
<p>(Renegade London Wine) Railway Arch 12 Gales Gardens London E2 0EJ</p>	<p>The sale by retail of alcohol (On and off) Monday to Friday from 17:00hrs to 22:30hrs Saturday from 12:00hrs (midday) to 22:30hrs Sunday from 12:00hrs (midday) to 22:00hrs</p>	<p>Monday to Friday from 17:00hrs to 23:00hrs Saturday from 12:00hrs (midday) to 23:00hrs Sunday from 12:00hrs (midday) to 22:30hrs</p>
<p>(Paradise Cottage) 477 Bethnal Green Road London E2 9QH</p>	<p>The provision of late night refreshment Monday to Thursday, from 23:00 hours to 02:00 hours Friday and Saturday, from 23:00 hours to 03:00 hours Sunday, from 23:00 hours to 01:00 hours</p>	<p>These are not restricted</p>

Premises in close proximity to 1 Gales Gardens

<p>(City View Food & Wine) 457A Bethnal Green Road London E2 9QH</p>	<p>Sale of Alcohol Monday to Sunday, from 00:00 hours to 00:00 hours (24 hours)</p>	<p>Monday to Sunday, from 00:00 hours to 00:00 hours (24 hours)</p>
<p>(Shakespeare) 460 Bethnal Green Road London E2 0EA</p>	<p>Sale of alcohol: Monday to Saturday from 10:00 hours to midnight Sunday from 12:00 hours to midnight Late Night Refreshment: Monday to Sunday until midnight Live Music: Monday to Saturday from 10:00 hours to midnight Sunday from 12:00 hours to midnight Recorded Music: Monday to Saturday from 10:00 hours to 00:30 hours the following day Sunday from 12:00 hours to 00:30 hours the following day</p>	<p>Monday to Saturday from 10:00 hours to 00:30 hours the following day Sunday from 12:00 hours to 00:30 hours the following day</p>
<p>(La Forchetta) 464 Bethnal Green Road London E2 0EA</p>	<p>Sale of alcohol Monday to Thursday, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. Friday & Saturday 10:00 hours – 12:30 hours the following day. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. On Good Friday, 12 noon to 10.30 p.m. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. fOn New Year's Eve on a Sunday, 12 noon to 10.30 p.m. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Premises in close proximity to 1 Gales Gardens

<p>(La Forchetta) 464 Bethnal Green Road London E2 0EA</p>	<p>Regulated entertainment. Recorded music: Monday to Thursday 10:00 – 23:00 Friday & Saturday 10:00 – 01:00 the following day Sunday 12:00 noon – 22:30</p> <p>Performance of dance and provision of facilities for dancing: Monday to Thursday 16:00 – 23:00 Friday & Saturday 16:00 – 01:00 the following day Sunday 16:00 noon – 22:30</p>	
<p>(W Goodmans Newsagents) 472 Bethnal Green Road London E2 0EA</p>	<p><u>The supply of Alcohol (off sales only)</u> Monday to Sunday from 08:00hrs to 23:00hrs</p>	<p>Monday to Sunday from 08:00hrs to 23:00hrs</p>
<p>(Salmon and Ball) 502 Bethnal Green Road London E2 0EA</p>	<p>The sale by retail of alcohol Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays – 10am to 12 midnight Fridays and Saturdays- 10am to 2am</p> <p>Regulated entertainment (Recorded Music or entertainment of a similar nature) Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays – 10am to 12 midnight Fridays and Saturdays- 10am to 2am (Live Music) Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays – 6pm to 11.30pm Fridays and Saturdays- 6pm to 1am The premises may continue the above from 10am to 2am on Christmas Eve, St Patrick’s Day, St George’s Day, St Andrew’s Day, St David’s Day, Burns Night , New Years Eve and on 12 additional occasions throughout the year</p>	<p>Sundays, Mondays, Tuesdays, Wednesdays, and Thursdays – 10am to 00.30am Fridays and Saturdays- 10am to 2.30am The premises may remain open 10am to 2am on Christmas Eve, St Patrick’s Day, St George’s Day, St Andrew’s Day, St David’s Day, Burns Night , New Years Eve and on 12 additional occasions throughout the year</p>

Appendix 5

**Section 182 Advice by the Home Office
Updated on April 2018**

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

Nicola Kinsella



Licensing Team
1st Floor
John Onslow House
1 Ewart Place
London
E3 5EQ

25th July 2018

Dear Sirs,

Re: Boxcar Brewery, 1 Gales Gardens, Birkbeck Street, London, E2 6JY

I am writing regarding the above licence application that Vagabond Wines Ltd has made for a regulated entertainment and provision of late night refreshment and sale of alcohol.

I am writing to strongly object to the granting of such licence due to the close proximity of residential flats in the surrounding area – especially the block in Gales Gardens containing flats 35-43.

I believe granting such a licence would cause an unbearable noise nuisance and create additional anti-social behaviour with people leaving the premises after consuming alcohol.

I have noted the proposed conditions for the licence, but do not think they will make any difference to the local residents if the licence is issued. I still strongly object to a licence being issued and by proposing conditions to the licence is an admission that the licence is going to be a nuisance to local residents.

Yours faithfully,



Nicola Kinsella

Appendix 7



Ms N Kinsella



6 September 2018

Dear Ms Kinsella

**Boxcar Brewery, 1 Gales Gardens, Birkbeck Street, E2 6JY
Application for a Premises Licence**

I hope this letter finds you well.

Tower Hamlets Council have provided me with a copy of your representation in respect of our premises licence application. Thank you for taking the time to comment on our proposals. I would be most grateful for your consideration of this letter, which I hope will help to address the concerns you have raised.

Boxcar is a small craft brewery company with a focus on modern, premium and seasonal beers. We are fortunate enough to be considered one of the top 20 breweries in the UK¹. We specialise in premium beers that are attractive to a more responsible customer base. We are certainly not seeking to attract a young rowdy crowd interested in cheap price alcohol (indeed, they would be disappointed).

I have two children and live above a restaurant myself, so I am completely sympathetic of residential concerns regarding late-night noise and disturbance. As well as Boxcar, I am also the founder of Vagabond Wines, a premium wine bar and merchant with 5 Vagabond premises across London. We have tried and tested management procedures proven to ensure a professional and responsible business operation alongside local residents.

We proposed a number of licence conditions with our application to help ensure Boxcar has no adverse impact on local neighbours. In addition, we have now agreed to reduce the proposed operational hours following consultation with the council's noise officer. The hours have been reduced as follows:

- Sunday to Wednesday: licensable activities to cease at 23:00 hours, premises closing 30 minutes later at 23:30 hours.
- Thursday Friday & Saturday: licensable activities to cease at 23:30 hours, premises closing 30 minutes later at midnight.

¹ as per the beer rating service "Untappd".

I hope Boxcar will become a valued business in the local community. My team and I will take our responsibilities as a sympathetic and professional operator very seriously.

Please do not hesitate to contact me if you would like to discuss our proposals further or alternatively arrange a meeting at a time and place convenient for you.

Thank you for your consideration of this letter.

Yours sincerely

Stephen Finch



Appendix 8

Boxcar Brewery
1 Gales Gardens Birkbeck Street Bethnal Green E2 6JY

Application for a Premises Licence

Proposed Conditions:

1. SIA supervisors shall be employed at the premises based on an operational risk assessment.
2. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
3. CCTV camera system covering both internal and external to the premises is to be installed.
4. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority.
5. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
6. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
7. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
8. Refuse, including bottles are to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
9. No drinks to be taken outside after 22:00hrs (including external area).
10. No noise from regulated entertainment shall be audible at any affected façade at a level that causes a public nuisance.
11. No more than 10 smokers allowed to smoke in the external areas after 22:00hrs.

12. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
13. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
14. All windows and external doors shall be kept closed after 22:00hrs, except for the immediate access & egress of persons

Appendix 9

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 10

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a “beer garden”, or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 11

Noise while the premise is in use

General Advice

If they conclude this is a problem Members should consider whether it is possible to carry out suitable and proportionate noise control measures so that noise leakage is prevented. In addition Members may consider that only certain activities are suitable.

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 10.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 12

Planning

An application for a Premises Licence can be made in respect of a premises even where the premises does not have relevant Planning Permission. That application has to be considered and Members can only refuse the application where the application itself does not promote one of more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

Appendix 13

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 15.8 of the Licensing Policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 15.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 18 September 2018	Classification: UNRESTRICTED	Report No.	Agenda Item No.
--	----------------------------	---------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for The Lighthouse, 421 Wick Lane, London E3 2NG Ward affected: Bow East
--	---

1.0 Summary

Name and	The Lighthouse
Address of premises:	421 Wick Lane London E3 2NG
Licence under review:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• Sale by retail of alcohol• Provision of late night refreshment• The provision of regulated entertainment
Review triggered by:	Local residents
Representations by:	Environmental Health Noise Team Ward 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
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Mohshin Ali 020 7364 5498

3.0 Review Application

- 3.1 This is an application for a review of the Lighthouse, 421 Wick Lane, London E3 2NG. The review was triggered by local residents.
- 3.2 A copy of the review application and supporting evidence is attached in **Appendix 1**. The applicants have submitted additional photo evidence and video evidence in support of their review. The photos have been included in the report, however, arrangements will need to be made to view the large video files.

4.0 The Premises

- 4.1 The premises licence was a converted licence from the 1964 Licensing Act under grandfather rights in 2005. A copy of the current licence is contained in **Appendix 2**. The premises licence holder and the DPS remain the same since the licence was issued. On the 24th April 2008 a variation application was granted to update the plan of the premise with internal alterations.
- 4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 Representations

- 5.1 This hearing is required by the Licensing Act 2003, because representations have been both in support of the review and also against the review.
- 5.2 The following representations are in SUPPORT of the review;

DRAFT

Responsible Authorities/other persons	Appendix
Nicola Cadzow (EH Noise Team)	4
Councillor Rachel Blake	5
Christopher Cramer	6
Hanan Maayan	7
Jacob Steinberg	8
John Sharp	9
Karim Keshwani	10

- 5.3 The following representation is AGAINST the review;

Other persons	Appendix
Kishan Bhatt	11

- 5.4 The Licensing Authority received correspondence in support of the application and against the application which were deemed as invalid representations. This is because they did not meet the requirements of the Licensing Act 2003. They were all written to and advised accordingly.

- 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 responsible authority and other persons and it is necessary to achieve all of the above licensing objectives.

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 12**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised April 2018.

6.3 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”

6.4 In relation to its advice on representations the home office has also advised that “there is no requirement for other person or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has issued guidance about Crime and Disorder. **See Appendix 13**.

6.5 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 14**.

6.6 The home office issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 15**.

6.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 16**.

- 6.8 The home office issued guidance about public safety which might be considered in relation to any identified problems is contained in **Appendix 17**.
- 6.9 The Council's Licensing Policy in relation to public safety is contained in **Appendix 18**.
- 6.10 The home office issued guidance about the protection of children from harm which might be considered in relation to any identified problems is contained in **Appendix 19**.
- 6.11 The Council's Licensing Policy in relation to the protection of children from harm is contained in **Appendix 20**.
- 6.12 The Home Office has advised that in relation to reviews "It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review."
- 6.13 Other persons 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 Health & Safety & Licensing Manager 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.
- 6.14 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 Government's advice in relation to reviews is contained in **Appendix 12**. 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	Licensing Authority withdrawal of representation and a copy of the review application
Appendix 2	Copy of existing licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Nicola Cadzow (EH Noise Team)
Appendix 5	Representations of Councillor Rachel Blake
Appendix 6	Representations of Christopher Cramer
Appendix 7	Representation of Hanan Maayan
Appendix 8	Representation of Jacob Steinberg
Appendix 9	Representation of John Sharp
Appendix 10	Representation of Karim Keshwani
Appendix 11	Representation of Kishan Bhatt (Against)
Appendix 12	Guidance issued under Section 182 by the Home Office for reviews
Appendix 13	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 14	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 15	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 16	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
Appendix 17	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning public safety
Appendix 18	London Borough of Tower Hamlets Policy in relation to the prevention of Public safety
Appendix 19	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning the protection of children from harm
Appendix 20	London Borough of Tower Hamlets Policy in relation to the protection of children from harm

This page is intentionally left blank

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 WAYNE LLOYD (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	THE LIGHTHOUSE PUB 421 WICK LANE	
Post town	BOW	Post code (if known)
		E3 2JG

Name of premises licence holder or club holding club premises certificate (if known)

Number of premises licence or club premises certificate (if known)

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

LLOYD

First names

WAYNE

Please tick yes

I am 18 years old or over

Current postal address if different from premises address

[Redacted]

Post Town

[Redacted]

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 note 1)

THE PUB IS CAUSING MULTIPLE RESIDENTS DISTURBANCE, STRESS AND CONCERN. OVER THE PAST FEW MONTHS THE PUB HAS FREQUENTLY BEEN HOLDING PRIVATE PARTIES AND BECOMING MORE LIKE A NIGHT CLUB THAN A PUB. THE PUB IS NOT SOUND PROOF AND WHEN THEY PLAY MUSIC RESIDENTS ARE UNABLE TO ESCAPE IT GIVEN WE ARE DIRECTLY ACROSS THE ROAD. MANY GANGS OF GUESTS SIT AND STAND OUTSIDE THE PUB DRINKING, SHOUTING, SMOKING - IT CAUSES ALARM, KEEPS RESIDENTS AWAKE AND TRIGGERS BAD LANGUAGE. AS NON SMOKERS WE CAN SMELL THE SMOKE IN OUR LIVING ROOM AND BECAUSE IT IS SO LOUD WE ARE NOT ABLE TO OPEN OUR WINDOWS WHICH IS AWFUL IN THIS HEAT. THE NOISE IS SO BAD THAT MY WIFE AND I HAVE BEEN FORCED TO LEAVE OUR HOMES TO WATCH A FILM IN THE CINEMA AT MIDNIGHT (W/END APRIL 7) AND WE HAVE BEEN FORCED TO TRAVEL TO WALES FOR THE WEEKEND WORRYING WE WONT GET REST AT OUR HOME OVER THE WEEKEND LEAD UP TO AN IMPORTANT WORKING WEEK.

ON THE LAST WEEKEND IN JUNE THEY ARE ADVERTISING ANOTHER LIVE MUSIC EVENT WITH LIVE MUSIC AND AS A CONSEQUENCE I HAVE HAD TO TELL MY PARENTS THEY CANNOT STAY AT MY HOME FOR MY DADS BIRTHDAY GIVEN HOW BAD IT IS. THE NOISE FROM PEOPLE OUTSIDE THE PUB IS OVERLY WHEN THE NIGHT CLUBS ARE BECOMING CONSTANT. THEY PLAY LIVE MUSIC WAY PAST THEIR PERMITTED LICENCE, OVER THE WEEKEND OF MAY 7/8 THEY PLAYED MUSIC FROM CIRCA 9PM UNTIL 11:30 AM NEXT DAY.

THEIR GUESTS SMASHED UP A CAR WINDOW SCREEN AND THE WINDOW OF ONE OF OUR NEIGHBOURS HOME. GUESTS HAVE BEEN SEEN TO REGULARLY URINATE OUTSIDE THE PUB IN PLAIN SIGHT OF BOYS AND GIRLS AND THOSE RUNNING IT. WHEN WE ASKED THE LANDLORD TO GET

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

HIS GUESTS TO STOP WE WERE TOLD DURING A PHONE CALL TO 'FUCK OFF' WHILE ON ANOTHER OCCASION MY WIFE WAS ASKED OR RATHER TOLD 'LETS AVOID IT' WHEN SHE COMPLAINED.

WE HAVE HAD TO CALL LBTH'S ON MULTIPLE OCCASIONS.

WE HAVE SEEN THEIR GUESTS TRY AND DESTROY THE WICKHAM/ AUTUMN STREET BUS STOP (ON VIDEO).

WE HAVE MULTIPLE VIDEOS OF GUESTS URINATING ON THE WALL. THIS IS INCREASINGLY DISGUSTING WHEN THERE ARE CHILDREN'S BEDROOMS LOOKING ONTO THIS.

THE sheer quantity of people standing on the pavement has seen members of the public being forced onto the road when traffic approaches.

ESCROW TAKES AROUND AN HOUR OR MORE. THEY MAKE NO EFFORT TO BE QUIET AND MYSELF & OTHER RESIDENTS HAVE ACTUALLY HEARD THEM MAKING FUN OF HOW LOUD THEY ARE, REFERRING TO RESIDENTS INDIRECTLY. RESIDENTS ARE ALSO ANGRY THE DESPITE PROTESTATIONS, CONCERN AND APPROACHES TO THEM THEY CONTINUE. RECENTLY THEY SENT FLYERS TO RESIDENTS INVITING US TO ONE OF THEIR CLUB NIGHTS AND WE FEEL THEY HAD DONE THIS TO ANTAGONISE

RESIDENTS FEEL UNSAFE BY WHAT THEIR NIGHTS BRING TO THE AREA. SMASHED WINDOWS, SMASHED CARS, AGGRESSIVE SHOUTING ARE ALL INCIDENTS CORRELATED TO THE PUB'S LATE NIGHTS.

THE MUSIC IS TOO LOUD & THE VENUE IS A NIGHT CLUB WELLES ARE ALIVE THERE IS ALREADY A NIGHT CLUB ACROSS THE STREET.

MULTIPLE RESIDENTS ARE ANGRY, CONCERNED, DISTURBED AND INCREASINGLY STRESSED. COMING HOME ON A WEEKEND IS NOW AN AWFUL EXPERIENCE. FEELING UNSAFE IN YOUR HOMES, NOT KNOWING IF YOUR WINDOW WILL BE SMASHED IN IS SIMPLY UNACCEPTABLE. EMAILS HAVE BEEN SENT ON MULTIPLE OCCASIONS OVER NOISE & DISTURBANCE ~~MANY MANY MANY~~ & MANY VIDEOS HAVE BEEN SENT TO COUNCILLOR RACHEL BLAKE, FURTHERMORE, MANY OTHER RESIDENTS HAVE ALSO WRITTEN IN WITH THE SAME CONCERN.

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

Please tick yes

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



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 signature]

Date

16/8/2018

16/08/2018

Capacity

APPLICANT.

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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.

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 07 July 2018 23:54
To: Tom Lewis; Rachel Blake; Mayor; Licensing
Subject: Re: The Lighthouse

Follow Up Flag: Follow up
Flag Status: Completed

To also make you aware, we shouted down to the landlord to turn it down, his response was to ignore us.

He then saw us on the phone to LBTH's and he went inside and came back out to shout, with a level of distain and nastiness 'is that alright for you, I've turned it down'. He hasn't and his response soon after was 'why don't you shut your window and come down here if you want to talk'.

Basically they see us as the problem because they can't do what they want when they want to. It's the hottest summer on record and they basically think we should have to close our windows just so they can play music through the night. They're a pub, not a nightclub.

We tried to register noise but keep getting cut off. If you could please log this complaint as we have to sleep at our neighbors house.

Kind regards,
Wayne

> On Jul 7, 2018, at 11:35 PM, Wayne Lloyd [REDACTED] wrote:
>
> Hi all,
>
> To to make you aware that The Lighthouse have literally started playing music from now. We can't stay in our own home this evening because of it, basically trying to stay here means we cannot enjoy our wedding anniversary tomorrow.
>
> Sick of these people. Is there any way that environmental health can speak to them this week. It's disgusting our lives are miserable because of them.
>
> Kr
> Wayne

Disclaimer The information in this email and any attachments may contain proprietary and confidential information that is intended for the addressee(s) only. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, retention or use of the contents of this information is prohibited. When addressed to our clients or vendors, any information contained in this e-mail or any attachments is subject to the terms and conditions in any governing contract. If you have received this e-mail in error, please immediately contact the sender and delete the e-mail.

Mohshin Ali

From: Wayne Lloyd [REDACTED] >
Sent: 09 July 2018 13:32
To: Tom Lewis
Cc: Rachel Blake; Licensing
Subject: Re: The Lighthouse

Follow Up Flag: Follow up
Flag Status: Completed

Thanks Tom.

I think the point to note here is that these are Neighbor's that have previously not been disturbed as much by the music. It's an indication that despite this notice, they're actually trying to make our lives worse. We had to sleep on a Neighbors' sofa on Saturday night because of them. Not how we expected to start our first wedding anniversary together.

Kind regards,
Wayne

On Jul 9, 2018, at 1:06 PM, Tom Lewis [REDACTED] wrote:

Dear Mr Lloyd,

Thank you for this information. We will wait to hear from your neighbour in regards to this matter, and raise a complaint on the system once they have contact us.

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

[REDACTED]

-----Original Message-----

From: Wayne Lloyd [REDACTED]
Sent: 08 July 2018 20:51
To: Rachel Blake; Tom Lewis; Licensing
Subject: The Lighthouse

Dear all,

We just found out one of our Neighbour's situated more towards 417 Wick Lane than The Lighthouse could not put their baby to sleep last night because of The Lighthouse Pub. They wanted to open the window for them but couldn't because of the noise coming from the pub. They had to close the window making it too hot for the baby, but if they opened it they said they could hear shouting, bad language and music. Even with the windows closed I'm told their walls were shaking from the bass, which is the reason we had leave our home to sleep at one of our neighbors houses last night.

I've told them to drop you an email, which they will do, but in the interim these people need to be told what their actions are doing to local residents as another matter of urgency.

Kind regards,
Wayne

Mohshin Ali

From: Wayne Lloyd [REDACTED] >
Sent: 12 July 2018 10:39
To: Tom Lewis; Rachel Blake; Licensing
Cc: [REDACTED]; hanan.maayan [REDACTED]; [REDACTED]; [REDACTED]; e_critchley [REDACTED]
Subject: Re: The Lighthouse Pub

Follow Up Flag: Follow up
Flag Status: Completed

Hi Tom,

Can this not be placed under both?

It's also worth mentioning that the pub saw us film the culprit. When they left the premises in their car they purposefully starting beeping their car horn to make as much noise as they could. We also have this on video and clear evidence that there is not any need whatsoever for their car horn to go off. It's a clear attempt to antagonize the residents.

Wayne Lloyd
[REDACTED]

From: Tom Lewis [REDACTED]
Sent: 12 July 2018 09:34
To: 'Wayne Lloyd'; Rachel Blake; Licensing
Cc: [REDACTED]; [REDACTED]; [REDACTED]; [REDACTED]; [e_critchley](mailto:e_critchley@towerhamlets.gov.uk) [REDACTED]
Subject: RE: The Lighthouse Pub

Dear Mr Lloyd,

Please can you confirm whether you wish to add this as a complaint against the above premises or whether this is further evidence you wish to add to your application to review the premises licence?

As before please ensure you include licensing@towerhamlets.gov.uk in any reply.

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

[REDACTED]

-----Original Message-----

From: Wayne Lloyd [REDACTED]
Sent: 11 July 2018 22:25
To: Tom Lewis; Rachel Blake; Licensing
Cc: [REDACTED]; [REDACTED]; [REDACTED]; [e_critchley](mailto:e_critchley@towerhamlets.gov.uk) [REDACTED]
Subject: The Lighthouse Pub

Dear all,

Please take this email as another complaint to log against The Lighthouse Pub.

A guest of the pub has just exited and started urinating in the street, over and behind someone's parked car, facing residents and facing the bedroom of children. I have a video of then end of him doing it.

Now they have exited the pub they are all sat outside shouting, swearing and generally being a nuisance.

This pub and its guests as literally disgusting.

Kind regards,
Wayne

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Mohshin Ali

From: Wayne Lloyd [REDACTED] >
Sent: 15 July 2018 17:45
To: Tom Lewis; Rachel Blake; Mayor; Licensing
Subject: The Lighthouse Pub
Attachments: IMG_8406.jpg; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Completed

Dear all.

The Lighthouse is at it again today. No music taking place inside the pub but as you can see from the photo:

1. They have erected barriers up on Iceland Road. They have no rights to do this and it prevents residents and resident guests at 419 Wick Lane from parking.
2. The Mercedes car you see parked up, they have opened the car door and been playing music out the car radio under the full guidance of the owner.
3. They have kids there today. The beer garden they have placed on Wick Lane is where they're playing. The traffic that runs up and down this road, and the heavy duty nature of the traffic, places those people in the 'beer garden' at high risk.
4. Knowing that my having people sitting down on the corner of Wick Lane/Iceland Road they'll cause disturbance, the fact they have moved their chairs to now be directly under our windows has driven the guests to now be stood right outside our windows. It's too hot to close the windows so we have no choice but to sit here like we have a group of strangers in our living room with us.

Our house is a prison.

Disclaimer The information in this email and any attachments may contain proprietary and confidential information that is intended for the addressee(s) only. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, retention or use of the contents of this information is prohibited. When addressed to our clients or vendors, any information contained in this e-mail or any attachments is subject to the terms and conditions in any governing contract. If you have received this e-mail in error, please immediately contact the sender and delete the e-mail.



Mohshin Ali

From: Wayne Lloyd [REDACTED] >
Sent: 15 July 2018 17:50
To: Tom Lewis; Rachel Blake; Mayor; Licensing
Subject: FYI
Attachments: IMG_8409.PNG; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Completed

As you can see, this is impacting on the community in a negative way once again.

Disclaimer The information in this email and any attachments may contain proprietary and confidential information that is intended for the addressee(s) only. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, retention or use of the contents of this information is prohibited. When addressed to our clients or vendors, any information contained in this e-mail or any attachments is subject to the terms and conditions in any governing contract. If you have received this e-mail in error, please immediately contact the sender and delete the e-mail.

Anyone know why Iceland road is blocked off?

Like

Comment

Be the first person to like this.

Seen by 19 people.

Hi [redacted] no idea. Is the music coming from there ?

7m Like Reply

Yeah it looks like they may be gearing up for a big one 🤔

6m Like Reply

Oh Christ ! I might get on the gins to get through this one 🙏

5m Like Reply

Write a reply...

Write a comment... GIF Smiley Arrow

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 16 July 2018 07:24
To: Tom Lewis; Licensing; Rachel Blake
Subject: The Lighthouse

Follow Up Flag: Follow up
Flag Status: Completed

Dear all,

In addition to the other points I raised yesterday, it's worth noting that The Lighthouse Pub felt it appropriate to empty their bottle bins at 1145pm yesterday evening, demonstrating once again, these people have absolutely no regard for the neighbours.

They (the owners) are more concerned that their guests have a good time at the expense of the community that they reside and should actually be serving. There is a clear distortion of reality that needs to be addressed with a heavy hand so they are fully aware of the consequences of this attitude towards people in their homes.

Please serve this as another complaint against The Lighthouse and further evidence against them in the licence review. They do not care, at all, about residents.

Kind regards,

Wayne Lloyd
[REDACTED]

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 17 July 2018 11:50
To: Tom Lewis; Rachel Blake; Licensing
Subject: Photos from 7 April
Attachments: IMG_6662.jpg; ATT00001.txt; IMG_6663.jpg; ATT00002.txt; IMG_6661.jpg; ATT00003.txt

Follow Up Flag: Follow up
Flag Status: Completed

Showing were their guests were urinating during the evening. Please can you save them as they will accompany my document which will be sent in due course.





Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 17 July 2018 12:38
To: Tom Lewis; Rachel Blake; Licensing
Subject: 16 June
Attachments: IMG_7887.jpg; ATT00001.txt

This will also be included on a USB but this will also accompany my document. It shows the size of the speakers they're using. The person holding the door is, I think, someone that the landlord is sub contracting its use to. Since he's been on the scene is when this pub has become terrible.

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 17 July 2018 13:43
To: Licensing; Tom Lewis; Rachel Blake
Subject: Timeline of events document
Attachments: The Lighthouse.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear all,

Please find attached the timeline of some of the events that continue to blight residents. As you can see, there is now a consistent, and continuous stream of events taking place that are destroying my families lives and the lives of other residents.

The videos that will be submitted demonstrate beyond a doubt that residents are being subjected to the following:

1. Continual and consistent public nuisance. We are clearly able to hear music, the bass that comes from the venue and their inability and complete lack of care when it comes to preventing that music.
2. Public nuisance by their illegal 'beer garden' where people are coming outside to smoke, drink sit-down once the venue has been closed down which also demonstrates that the pub has no control or appetite to manage escrow.
3. There is a threat to residents who are unable to pass their guests on the street without walking into the road. They have no rights to barricade or occupy the pavements for the purpose of serving drinks, allowing alcohol to be drunk or to be used to sit and serve food as was the case for this weekend.
4. We, as residents, are consistently subjected to sustained violent and threatening events which gives us a concern for our personal safety. We have had a neighbour that has had their windows destroyed by their guests, another resident that has viewed a car windscreen that has been smashed in by their guests, another video shows one of their customers' trying to destroy the bus stop.
5. We are also subjected to watching people being sick and urinating outside our windows. The later of these things is of serious concern given that children reside in our building. If an adult was to show their private parts to a child they would be sent to prison and placed on the sex offenders list - there is no difference between someone facing our bedrooms and urinating in front of them. We have a video of someone urinating on The Lighthouse building in plain sight of the landlord.
6. We are also threatened by the fact we have had to listen to angry, drunk people, standing outside, drinking, and shouting racists' comments to people walking by. There is no place in society for this and no place for this in our community which is why this licence has to be revoked as a matter of urgency.
7. This is also a huge problem for mine and my wives health. You should notice the times' that are listed on this document and it becomes clear - we are not getting any rest on our weekends due to this pub. I don't know of any other friends and family who are up at the early hours of their weekend in order to take videos of such things. THIS IS DESTROYING OUR LIVES and the area is already too much to bear without the Lighthouse now trying to become a nightclub.

There is no place in society for these people and there is no way that residents should be being subjected to this. It is a fundamental breach of our human rights that we are not able to enjoy our property. We now have to either sleep at our neighbours homes on the weekends or we have to book to stay away from London on purpose - basically being forced to not stay in our own homes - at a cost to us.

It is effecting our work, our marriage and our happiness and it is completely unacceptable. They care more about their guests than they do their neighbours. There is no place for them.

If you have any questions relating to this please do not hesitate to contact me.

I look forward to hearing back from you.

Kind regards,

Wayne Lloyd


Timeline things we have been subject to from December 2017 onwards....

Date	Time	Incident	Action	Feelings	Video
9 December, 2017	23.34	Guests urinating outside the pub. Video taken showing customer going to do it and also urine marks from people that have previously been to do it.			Yes
30 December 2017	No	Guests urinating on the walls outside the pub whilst waiting for a taxi.			
6 January 2018	23.58	Smokers standing outside the pub, absolutely hammered. Complaints of being loud, shouting obscenities. Friends coming to pick them up at this time beeping their horns	We called LBTH noise team and they told us they wouldn't be able to help us. We called the police given that we felt threatened by the landlord given how we spoke to us the week previously.	Feel threatened in our own home. Stressed, not able to sleep. Caused an argument with my wife and family. Ruined our weekend as we were too tired to do anything the following day.	Yes, filmed at 2327
7 January, 2018	01.10am	Video of a sick all over the pavement and the lady that has been sick sitting outside the pub. Commentary on the video of what can be seen and what we have had to suffer.			Yes, filmed at 0110am.
7 January 2018	01.19am	Noise still taking place. Playing live music past the hours he was allowed to. Had a mic MC on the decks and we could hear this in our bedroom.		The fact we had to e-mail at this time of the morning demonstrates the stress we are having to live with day to day.	
7 January		Cllr Blake confirmed that LBTH's wrote to the premises about their conduct			
8 January 2018	17.58	Email recieved from Kathy Clarke to say that the police are going to be requested to speak to the licensee.			
20 January, 2018	23.33	The Lighthouse is closed but the table and chairs outside the pub meant that guests from Bloc were encouraged to sit on their premises and be equally as loud as their own guests.			
16 March, 2018		Complaint made against The Lighthouse concerning the noise			
6 April, 2018	22.35	People outside being loud, shouting, music blaring out of the pub. Bass, the music can be heard clearly from our living rooms. Videos show how loud the music is and also that they use the pavement as a beer garden. This continued into the early hours of the 7 April.			Yes, filmed at 2225 2248 0155
7 April, 2017	03.27am	Email sent to LTBH's to confirm that there are people sitting outside the pub shouting and being disruptive. Also sent a video of a guest urinating to Rachel Blake rather than using the toilet			Yes and sent to Cllr Rachel Blake
7 April, 2018	23.11	The noise from The Lighthouse was so bad that we had to leave our property in order to get away from the stress. We were forced to go to the cinema at midnight. Landlord opened his doors on the side of Iceland Road so the noise spilled out onto the street. The entire pub was singing at the top of their voices meaning it was like a football ground outside our property.	Called LBTH. They failed to get anyone out to visit the premises because they took down an incorrect phone number to call us back upon.	Angry, stressed, concerned, depressed. Feeling like prisoners in our own homes.	Yes filmed at 0322 to show that there is no escrow. They are just sitting down outside the pub, being loud etc.
7 April, 2018		Photo taken to show where their guests had been urinating outside the pub			Not a video but a photo
7 April, 2018	01.34am	Email sent. Noise being blasted out of the pub is causing a nuisance.	Emailed LBTH		Yes, and sent to LBTH's licensing team within the email
07 April, 2018	Multiple	Spoken to the landlord to ask him if he can stop people being sick outside his pub and also to stop urinating in the street. His response was to offer my wife to have a fight and telling her to 'fuck off'. He then responded, on this particular occasion, by coming out of his pub at 3am to empty his bottle bins, looking up to our apartment in the process.	This was a call made into the landlord via the phone. If required this can be shown from our mobile phone providers.		
9 April, 2018		Email received from Cllr Blake confirming that the pub had been written to.			
23 April, 2018	17.00	Met with Mayor Biggs to tell him my concern about the Lighthouse Pub. Advised that this was not right and not something that we should have to suffer.		Feeling hopeful	
26 April, 2018	19.22	Video showing one of their guests urinating outside the pub under the full gaze of the landlord.			Yes, filmed at 1922
7 May 2018	06.25am	Video showing the music being played from the pub, the illegal set up of gates on the public footpath and guests making noise in the street.			Yes filmed at 0625 0633 and also sent photos of the events unfolding on the 7 May and the dismay that the pub is causing multiple residents in our building
7 May, 2018	07.25am	Another video showing the level of noise. You can also see guests illegally parking on the road. We were forced to leave our property due to this noise.			Yes filmed at 07.25am.
07 May, 2018	6.21	E-mail received from resident Christopher Cramer confirming he is being disturbed by an MC and the music that is blaring out of the pub, demonstrating direct violation of their licence.	Called the LBTH's noise team but because it was bank holiday no one actually answered it.		
07 May, 2018	All evening and through to midday May 8th	The Lighthouse was carrying on so much that we had to leave the property. People blocking the pavement, drinking, shouting, smashing up car windscreens, swearing, acting violent	Called the LBTH's noise team but because it was bank holiday no one actually answered it.	Felt threatened in our own homes. Scared, concerned, depressed, wanting to leave our house and not come back	

13 - 15 May	All weekend	My wife and I purposefully stayed away from our homes on the weekend. Too worried to stay there and too concerned about not getting any sleep					
19 - 21 May	All weekend	My wife and I purposefully stayed away from our homes on the weekend. Too worried to stay there and too concerned about not getting any sleep					
25 May, 2018	21.42	Met with the landlord of The Lighthouse to tell them our concern about the noise, advising them that as a consequence of their behaviour we had been forced to leave our homes. We questioned them about the fact that a residents window had been smashed and they blamed it on Bloc. Not realising that Bloc was not actually open on this particular evening, and also reminding them that if they were, they would have closed some 4.5 hours after Mr Sharps' window had been smashed in, they tried to redact their blame to that club and then just stated 'we don't know who did it because no one saw'. I find this to be a complete falsehood given he had around 30 customer in the street when the incident happened. Despite me letting them know about our concerns and the fact this is destroying peoples' lives, their response was 'we were here first' and that residents 'should have researched the area before we moved in'. We asked him to ensure that he not be as loud as last time, to which he said he would not but this was a promise they could not keep. They also invited me into the pub telling me 'I was a good lad' and saying 'he's alright' - suggesting this was a meeting that was understood.			Really concerned about meeting them. Extremely stressful. Client disclosed that LBTH's had been to see them. Fact that this changed nothing demonstrates the concern we have when it comes to stopping this. It is a complete nightmare.		
26 May, 2018	23.04	E-mail sent to Rachel Blake to confirm that they are not going to be able to deliver on their promises of keeping down the noise. Email confirms that their team were responsible for being one of the loudest groups at the venue, actually encouraging people to be loud. There was no ushering of people up Wick Lane away from our property. They all stood on Wick Lane and prevented people from walking on the pavement, instead forcing them to walk on the road.	Emma and I had to go and sleep at a neighbours house		Sad, depressed, angry, anxious, panic attack		
26 May, 2018	2319	Guests being dropped off causing cars to go past beeping their horns. Also showing the level of bass we can hear. The noise coming from their guests congregating outside the pub				Yes filmed at 2341 2357 into the early hours of the morning at 0110 0142 0146 0157 0204 0224 (showing how loud it is when I'm trying to do work given that I cannot sleep) 0227 0228 & photo of the decibel level which shows up to 53.6	
27 May, 2018	02.43am	Video of an arguing couple outside the pub and the level of bass and music we are being subjected and tortured by under full view of the landlord who makes absolutely no effort to resolve the matter or reduce the noise of his guests or the pub sound system.				Yes, filmed at 0243	
27 May, 2018	0.33	Bass turned up at the pub.	Called LBTH's to view the site. They never turned up in time. They called when the pub closed.				
27 May, 2018	2.27	Customers' leaving the pub standing outside in the street waiting for taxi's. Being loud, reeving their car engines if driving, beeping their horns as they leave. One guest shouting in the street stating as loud as he can 'I'm not a cunt' and trying to destroy the bus stop on Wick Lane at the top of Autumn Street. His friends trying to restrain him but this is making him shout obscenities louder.	Called LBTH's as above but they didn't get back to me for 2 hours after making the call		Scared, concerned, anxious. Depressed.		
27 May, 2018	03.15am	Video showing the guests' of The Lighthouse trying to destroy / vandalise the bus stop at the top of autumn street. Being abusive, violent and this friends trying to stop him. He was shouting 'I'm not a cunt' at the top of his voice disturbing residents.			Depressed, angry that we are being subjected to people like this coming to our area.	Yes, filmed at 0315	
27 May, 2018	0342am	Video showing that some 42 minutes after they closed they still have guests outside the street, shouting outside of peoples' windows with no concern whatsoever. Standing right outside peoples' windows as if it's midday.				Yes, filmed at 0342	
31 May, 2018	21.17	The Lighthouse left their floodlights on shining and pointing into our apartment.	Called LBTH's to sort this out.				
16 June, 2018	22.39	Shouted down to the landlord politely if he could turn down the music. He ignored me and then proceeded to make a call on his mobile, then chose to walk up the street. He also stood and watched as a lady with her pushchair struggled to get past their customers' and the metal barrier that they illegally erected.				Photo sent showing the size of the speakers also filmed this at 2352	
16 June, 2018	23.29	Emailed Tom Lewis and Cllr Rachel Blake to make them aware that the bass was coming through our walls and also that they had rented out large speakers for the evening. Tom advised this would be logged as a complaint.					
17 June, 2018	1.36	Called the noise team about the noise. Before they came to our property they drove past The Lighthouse Pub in a marked vehicle which provided the pub with an opportunity to turn down their music - which they did. Was told to expect to listen to music above my television because 'this is London'. They witnessed a live DJ and MC doing a live set of music which is a breach of their licence conditions. They said this would be noted down and that they would speak to them. After the noise team left the music was turned up once again.	E-mailed Cllr Blake to let her know how the conversation went.		Depressed. Angry.	Yes, filmed at 0039, 1252, 0120, 0218,	
17 June, 2018	2.05	Emailed Mayor Biggs to let him know that this is a major problem. Unable to sleep with ear plugs due to the noise still being heard. Advised him that they had damaged my ear drums also and highlighted the stress and anxiety this was causing. My wife was crying throughout this evening in question.					

29 - 30 June, 2018	1.38	Emailed Rachel Blake et al. Currently suffering from an 80's night event which they are hosting. Music blaring out, footpath packed with 30 plus people. Window closed and we can still hear people and music coming out of the pub. Wife is in tears once again. They have littered the street with flyers. We have seen them all across the floor and bus shelters across Hackney Wick so trying to mass market this to encourage as many people as possible to come to the pub. The Landlord was not trying to control escrow at all and was actually on the street drinking with the revellers himself rather than controlling it. This event also forced my parents to stay in a hotel rather than at our home. They did not want to stay because of the noise so we had to pay for them to go to a hotel.		Same as I feel every day now. Depressed, angry, completely at a loss. Hate coming home. Literally feel like a prisoner and its causing arguments between my wife and I which is effecting my work.			
29 - 30 June, 2018	03.00ish	One of the Lighthouse customers standing in the door way of The Lighthouse shouting 'You Fucking Nigger' in an aggressive and threatening manner to another person that had just walked past the pub. His friends asking him to stop talking like he was but his response was to then tell them to 'fuck off'.		Making us feel threatened in our home. Had our goddaughter over and this caused her to be woken. Ruined the weekend. Feel unsafe, concerned, depressed and anxious. We don't want people like this standing outside or being anywhere near our properties but these are the people that this pub are encouraging to visit. They are not doing anything to make this pub part of the local community.	Yes, filmed at 0307		
7 July, 2018	All evening	Forced to leave our home due to the noise. My wife is in tears as we were meant to wake up and celebrate our first wedding anniversary with pre-plans we had based on us being in our home. Same again, loud music, people shouting in the street, drinking etc. Also put up barriers to stop people getting into the street		So stressed and feel so ill because of it we had to leave our property. Wife is in tears.	Yes, filmed at 2336 and 2337.		
11 July, 2018	22.24	Emailed to Tom Lewis et al. One of the guests at The Lighthouse has just come out of the pub and started urinating on a disabled persons' car and onto the street. They did this whilst facing towards the bedroom of children and residents. The also sat outside the pub shouting, swearing and being abusive. They also were known to the landlord and some left in a car parked outside. As they were leaving, for no other reason other than to cause a nuisance to residents, they beeped their horns which is obviously illegal at the time they did this. Also put barriers up to prevent people from accessing the street		Felt threatened. They saw me filming the guy urinating and this is when they started shouting, swearing and why they beeped their horn. All of it is designed to try and intimidate and threaten us in our own homes.	Yes, filmed at 2218 and also filming them beeping the horn outside our property for absolutely no reason at 2225 demonstrating that they are purposefully causing residents distress		
14 July, 2018		Music was so loud we were actually forced to sleep at one of our neighbours houses. Forced out of our homes by these people		Depressed. Angry.			
16 July, 2018		Placed barriers up in the street to prevent people from using it and then proceeded to host a street party. Playing music from a car stereo parked in the street with the doors open. Children running up and down wick lane whilst their parent drunk with lorries going up and down was not a safe environment and an accident waiting to happen. Emptied the bottle bins at 23.45pm to make sure we had to suffer right to the end. The party was going on until CIRCA 22.40pm. No escrow, no control, encouraging people to sit and drink as close to our property as possible when on previous occasions they recognised that moving people further up Wick Lane would be better for residents (and that doesn't even work) so by moving them back onto Iceland Road demonstrates that they are doing this to antagonise and make life difficult for the neighbours. They are also serving food which we do not believe they have a licence to do, but more than that, they are allowing people to eat food right by areas in the street that they let their customers urinate. They don't even clean these streets so the stench of urine is a real possibility if they are continued to allowed to operate which is also a threat to the safety of residents. Food left in the bin which was not closed properly is also encouraging rats which has been a major problem around here.		Depressed	Photo of a resident in 419 asking why 'Anyone know why Iceland Road is blocked off' - shared with LBTH's also filled videos showing the guests all sitting outside directly outside our properties. Filmed at 2235 and a video showing them emptying the bottle bins at 2346		
17 July - 20 July		Purposefully booked to stay away from my home. We cannot cope with this stress.					
27 July - 30 July		Purposefully booked to stay away from my home. We cannot cope with this stress.					
3 Aug - 6 Aug		Purposefully booked to stay away from my home. We cannot cope with this stress.					

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 19 July 2018 01:18
To: Licensing; Tom Lewis; Rachel Blake
Subject: Fw: Your files were sent successfully to licensing@towerhamlets.gov.uk

Follow Up Flag: Follow up
Flag Status: Completed

Hello all,

Please find below the link to the first set of files that have been transferred. They are listed in date order and time stamped and dated.

Please can you confirm receipt. These videos support the licence review and the document which I recently sent on July 17, 2018.

Kind regards,

Wayne Lloyd
[REDACTED]

From: WeTransfer <noreply@wetransfer.com>
Sent: 19 July 2018 00:14
To: [REDACTED]
Subject: Your files were sent successfully to licensing@towerhamlets.gov.uk



Files sent to
licensing@towerhamlets.gov.uk

29 files, 1.77 GB in total • Will be deleted on 26 July, 2018

Thanks for using WeTransfer. We'll email you a confirmation as soon as your files have been downloaded.

Recipients

licensing@towerhamlets.gov.uk

Download link

<https://we.tl/oMFwKdEhjm>

29 files

IMG_6655.m4v

IMG_7082.png

IMG_5089.m4v

IMG_6835.m4v

IMG_6660.jpg

+ 24 more

Message

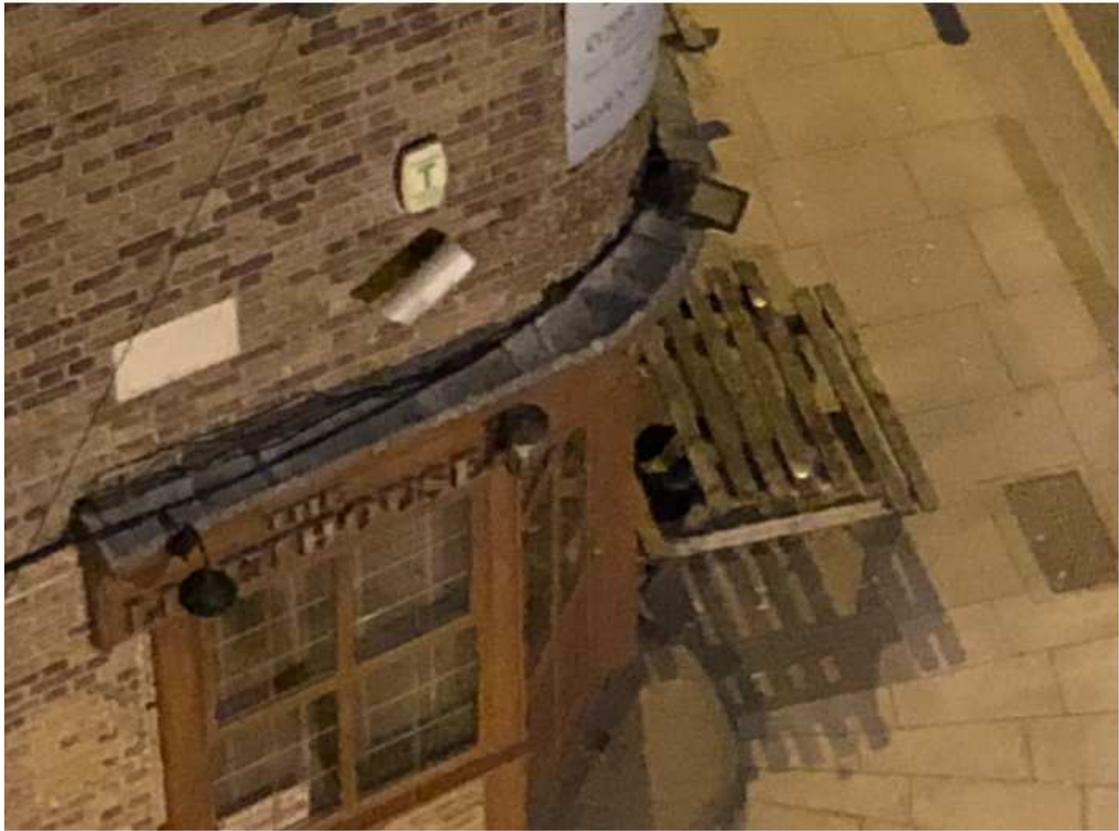
Please find attached videos / supporting evidence for the review of the lighthouse licence.



To make sure our emails arrive, please add noreply@wetransfer.com to your contacts.

[Get more out of WeTransfer, get Plus](#)

[About WeTransfer](#) · [Help](#) · [Legal](#) · [Report this transfer as spam](#)



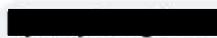


Anyone else being disturbed by The Lighthouse? Still blaring out music

 Like

 Comment

Be the first person to like this.

 Nightmare for you guys **Wayne Lloyd** ? We were down there at 4:30 this morning and it was like a West Ham match for cars and people everywhere. We were definitely effected by the cars up and down Iceland road this morning

8m Like Reply


Wayne Lloyd

 is an absolute joke. Honestly, until I live here I've never had to even speak to my local council. This area is a complete joke. They're still all on the street now drinking likes it's 7pm in the evening with live music and an MC. I've tried calling and they won't answer.

Just now Like Reply





Wayne Lloyd ▶ Ink Court Residents' Group
 

4 hrs · London · 

View 1 previous reply...




Wayne Lloyd poor you I can only imagine how loud it must have been for you guys - we were disturbed by all the cars and some sort of fight in the street at about 6 this morning x

1h Like Reply




 there was a car smashed up as well around 6am. You can still see it. Unbelievable !

1h Like Reply




 🙄 that must have been what I heard!

21m Like Reply




John Sharp
 I'm in , my window has just been broke. . Calling the police

Just now Like Reply



Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 20 July 2018 12:41
To: Mohshin Ali
Subject: FW: The Lighthouse video links

From: Wayne Lloyd [REDACTED]
Sent: 19 July 2018 01:34
To: Licensing; Rachel Blake; Tom Lewis
Subject: The Lighthouse video links

Dear all,

Please find below the second link.

If you could please confirm receipt that would be appreciated as i've been asked to travel with work unexpectedly, making getting a USB a difficult task.

This is in support of my document sent on the 17 July 2018 which supports my requests to review the license.

Kind regards,

Wayne Lloyd
[REDACTED]

From: WeTransfer <noreply@wetransfer.com>
Sent: 19 July 2018 00:29
To: [REDACTED]
Subject: Your files were sent successfully to licensing@towerhamlets.gov.uk



Files sent to
licensing@towerhamlets.gov.uk

Thanks for using WeTransfer. We'll email you a confirmation as soon as your files have been downloaded.

Recipients

licensing@towerhamlets.gov.uk

Download link

<https://we.tl/6zQUQrWNEK>

33 files

IMG_8407.jpg

IMG_7456.m4v

IMG_8409.png

IMG_8334.m4v

IMG_8078.m4v

+ 28 more

Message

Additional videos supporting the license review.





Licensing Act 2003

This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Service, John Onslow House, 1 Ewart Place, London E1 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 for a 1st time you will require a valid passport or other document
that your premises are inside the licensed area within London (the LAA) and you should fill in
reference to the premises licence or club premises certificate (if known).

[Redacted Name]

I am applying for the review of a premises licence under section 51
apply for the review of a club premises certificate under section 67 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, address or street map reference or
description
THE LIGHTHOUSE PUB
421 WICK LANE

Post town RQW Post code (if known) E3 2TG

Name of premises (name holder or club
holding club premises certificate (if known)) THE LIGHTHOUSE

Number of premises licence or club
premises certificate (if known) THE LIGHTHOUSE

Part 2 - Applicant details

- I am Residence: Yes
- 1. an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a daily newspaper vendor 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 CAG to whom the application refers (please complete (A) below)

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

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

Surname First names

I am 18 years old or over Please tick

Current postal address (if different from premises address)

Post Town Postcode

Daytime contact telephone number

If not address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Road/Town Postcode

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Telephone number (if any)

E-mail address

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

11 21 21 21

Please state the ground(s) for review (please tick applicable box(es))

The attendees of the lighthouse cause a nuisance when they are at the premises (loud music, loud chatting, loud clinking of drinks and bottles, smashing bottles on the floor) and when leaving.

They also sing loudly, talk loudly, make jokes about leaving as loudly as they can to wake up nearby residents. There are no other bars or pubs in



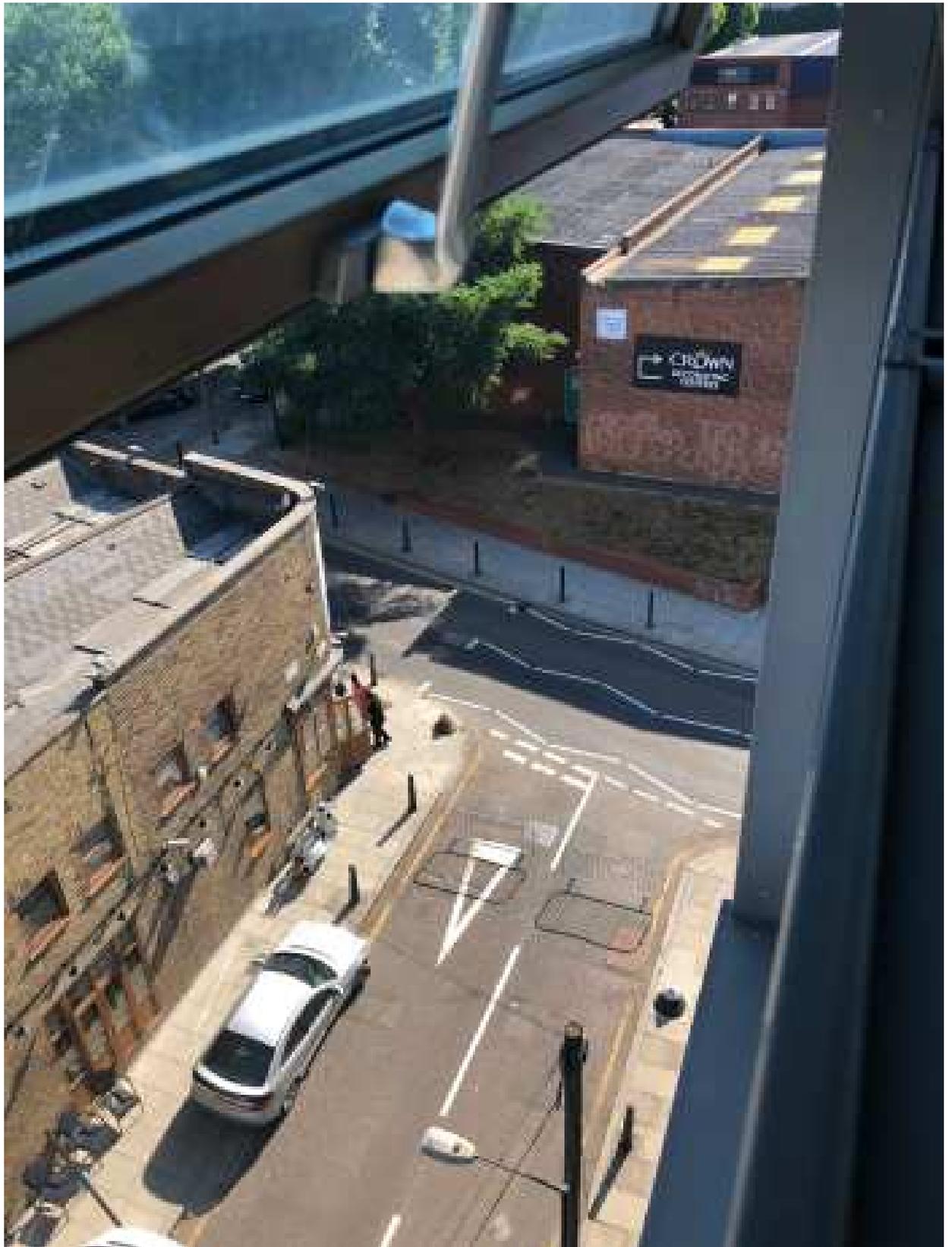


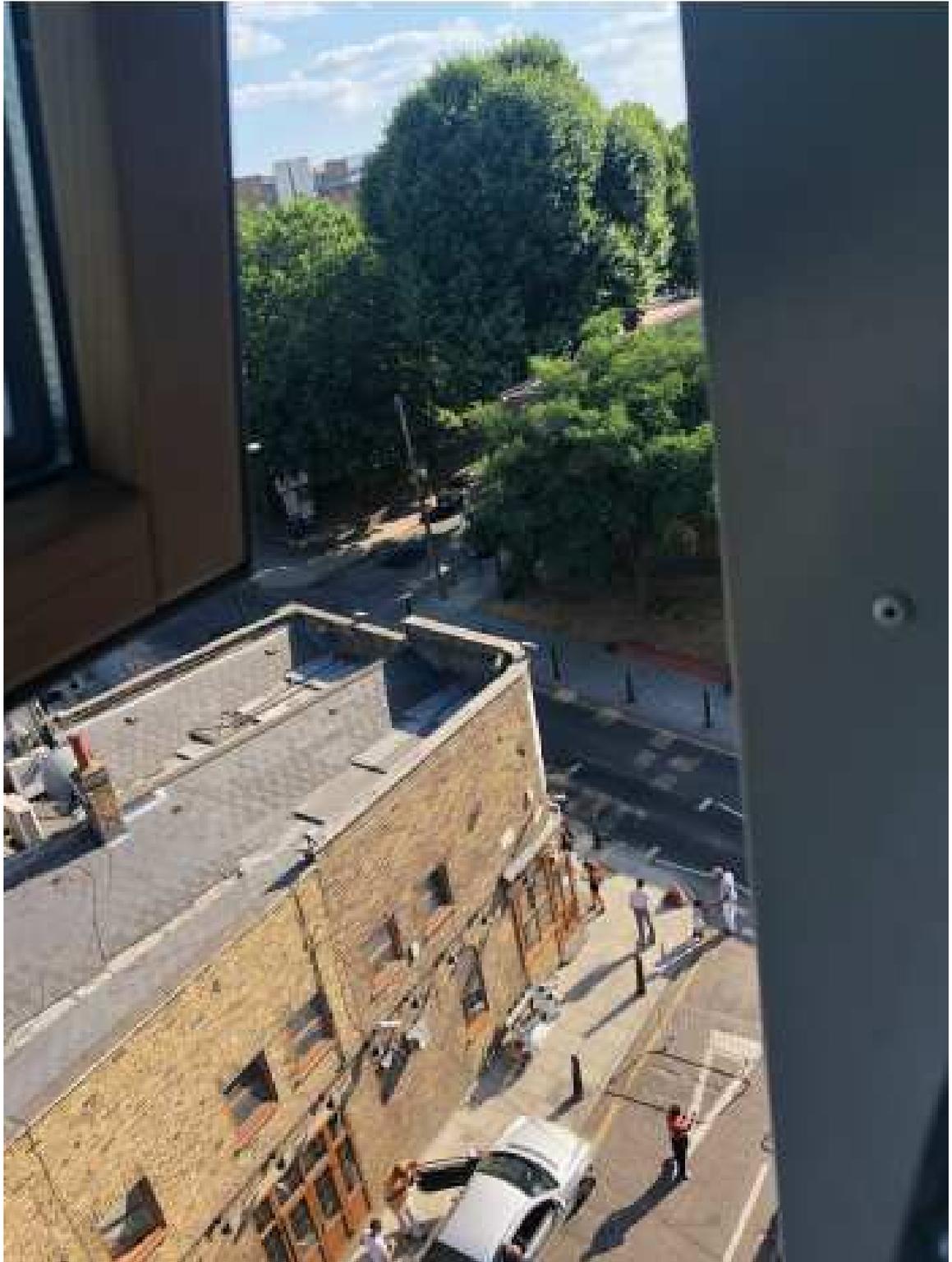












Anyone know why Iceland road is blocked off?

👍 Like

💬 Comment

Be the first person to like this.

Seen by 19 people.

[Redacted] Hi Alice, no idea. Is the music coming from there ?
7m Like Reply

[Redacted] Yeah it looks like they may be gearing up for a big one 🙄
6m Like Reply

[Redacted] Oh Christ ! I might get on the gins to get through this one 🤞
5m Like Reply

👤 Write a reply...

📷 Write a comment... 🎬 😊 ➡

Mohshin Ali

From: Wayne Lloyd [REDACTED]
Sent: 28 July 2018 16:02
To: Tom Lewis; Licensing; Rachel Blake
Subject: the lighthouse and their guests
Attachments: IMG_8538.PNG; ATT00001.txt; IMG_8539.PNG; ATT00002.txt

Follow Up Flag: Follow up
Flag Status: Completed

Dear all,

As you can see, now they have their guests playing music loudly out from their cars before they start in the pub.

This is another resident suffering. Is it still too late for other residents to put in a representation.

Kind regards,
Wayne

Disclaimer The information in this email and any attachments may contain proprietary and confidential information that is intended for the addressee(s) only. If you are not the intended recipient, you are hereby notified that any disclosure, copying, distribution, retention or use of the contents of this information is prohibited. When addressed to our clients or vendors, any information contained in this e-mail or any attachments is subject to the terms and conditions in any governing contract. If you have received this e-mail in error, please immediately contact the sender and delete the e-mail.

< [Redacted] Ink Court Residents' Group Yesterday at 7:49 PM · [Profile icon]

Does anyone know or have queried about the people with cars parking on Iceland road and playing loud music. What you meant to do with trashy music playing outside? It's become a common theme now every weekend coming!

Any advise how to stop this happening? Complaint to council etc?

Like

Comment

Be the first person to like this.

Seen by 89 people.

[Redacted] Well the sound systems are being wheeled into the lighthouse right now, so we should have another party weekend ahead of us 😬

19h Like Reply



Write a comment... GIF Smiley Face Send



Be the first person to like this.

Seen by 89 people.

Well the sound systems are being wheeled into the lighthouse right now, so we should have another party weekend ahead of us 😬

19h Like Reply



19h Like Reply

I mean generally. Even during the week. I WFH at times and at evening my flat is facing Iceland road unfortunately so hear all crap of conversation, loud music. It's become a social gathering now! 😡

Write a comment... GIF 😊

Mohshin Ali

From: Mail Admin
Sent: 12 July 2018 10:46
To: Licensing
Cc: Damian Doherty
Subject: FW: Lighthouse pub license review support

Follow Up Flag: Follow up
Flag Status: Completed

-----Original Message-----

From: Emma Critchley [REDACTED]
Sent: 11 July 2018 23:06
To: Licensing
Cc: Rachel Blake
Subject: Lighthouse pub license review support

Dear licensing

I support the review of the license of Lighthouse Pub on Wick Lane because of the following reasons:

I have already had to make several complaints to licensing and the out of hours noise team about the noise nuisance and anti-social behaviour coming from the pub it's customers who congregate outside drinking and smoking without any controls from the bouncers or management.

On multiple occasions we have been left awake or been rudely awoken at early hours of the morning from the music and loud drunk and disorderly customer shouting, laughing, screaming, arguing and swearing on the corner of Wick Lane and down the side of the pub on Iceland Road.

We have had to witness from our window men urinating up the side of the wall of the pub on Iceland Road.

I personally have been left to feel intimidated to walk past the pub when it is open for fear of confrontation from the owners. After being disturbed a few times from loud customers in previous weeks I thought it would be a good idea to call the pub and ask Ren if he would mind controlling his customers outside, told him about the urinating (you could see the urine on the pavement when I called), about the foul language and shouting. He sounded surprised and that he would look into it. I kept an eye out of the window, no one came out to control the customers. They continued to shout, scream and be generally drunk and disorderly. Five minutes later I got a call back from Ren who sounded drunk and slurred himself, this time he was very aggressive and said, "You want me to control my customers? You're 'aving a fu█ing bubble ain't ya love. This is the East End, come down here and 'ave it" I told him about the urinating, to which he lied and said, "Nah Nah nah, I've just thrown water there to clean it" I told him he hadn't and I had one of his customers on film weeing up the side of the wall, in which his aggressive tone came back and told me to, "f█k off"

I still cannot believe the way I had been spoken to when I had asked politely and something I felt to be fairly reasonable - stop your customers from drinking, swearing, shouting and urinating on the street.

I don't feel comfortable with the provocative nature in which Ren called me back on my mobile, challenging me to a fight.

That night I called the Police and the noise team to attend. I believe they visited the venue once, I called back a couple of hours later to ask if they'd been as nothing had changed and they too sounded surprised that it was still going on as they had already been to visit and ask them to calm it down. I believe they had to go back a second time which was a massive waste of council and police time had they just respected instruction the first time.

When the party finally finished that morning around 4am, Ren came outside after all the guests had left with his bin full of empty beer bottles and as loudly as he could, lifted the lid of the industrial bin on Iceland Road and shook his bin into the industrial bin so all the glass bottles smashed against each other into what sounded like an empty industrial bin. As he did it, he was constantly looking up at our window, proving this was an action to provoke and annoy us even further.

The parties were becoming so frequent and the stress and anxiety of them so intense, my husband and I have had to stay in hotels or leave our home at midnight to go to the cinema, just so we can get some peace.

We mentioned it on our internal Ink Court Residents Facebook group to see if anyone else has been effected and they have. One of our neighbours however knows Ren so volunteered to go and have a chat and see if he could reason with him. Apparently he was very reasonable and said he would reduce the noise, but since that chat it has actually got worse. They have introduced a double door as they thought this would somehow contain the noise, but they're forgetting they are a pub, not a purpose built sound proofed club. The music can still be heard emulating from the building and the double doors doesn't do anything for the people standing outside drunk and disorderly. The security outside are just as bad, encourage the guests to talk loudly because they're laughing and joking with them. Glass and drinks are still allowed on the street encouraging people to stay outside for longer and people are still seen urinating on the side of Iceland Road.

The anti-social behaviour also extends to the use of drug taking and drink driving and while this is out of the Lighthouse control, it is importance for the context of what this pub does to the area. We saw the evidence of hundreds of nitrogen oxide canisters on the road in between 419 and 417 Wick lane, where the cars of Lighthouse guests were parked for a party that went on from 11pm-1pm the following day.

It was on this day at around 10:30am that the window to [REDACTED] Ink Court was smashed.

We have seen fights and heard racist attacks from Lighthouse customers, leaving us feeling frightened and as mentioned before, intimidated to leave the house if I have to walk past it. Same goes for getting off the bus on the way home from work. I always get off one stop after to avoid walking past those men.

I don't feel safe. We have tried to reason on several occasions with the management but each time we are returned with aggression or simply ignored by doing the next party even louder than the last.

I'd be happy to stand up when this goes to court. Please keep me informed of the dates and times.

Emma Critchley
[REDACTED]

Mohshin Ali

From: Emma Critchley [REDACTED]
Sent: 24 July 2018 20:04
To: Mohshin Ali
Subject: Re: Lighthouse pub license review support
Attachments: image003.jpg

Mohshin

I already replied to your email on Wednesday 18th and 17:05 and followed up with another email on Thursday 19th.

Please confirm you have received. Screen shots below.

< Sent

4 Messages

Lighthouse pub license review supp...



📎 From: **Emma Critchley** >

↩ Re: Lighthouse pub license review sup... [Hide](#)

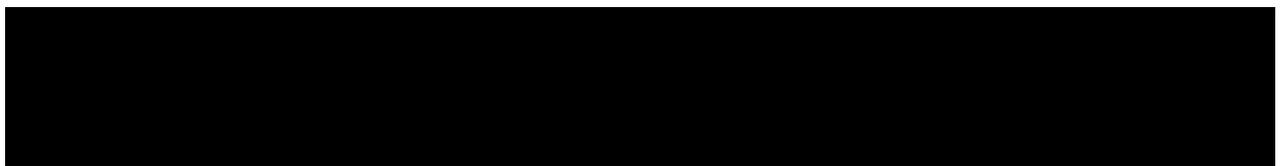
To: [Mail Admin](#) >

Cc: [Rachel.Blake](#) [REDACTED]



18 July 2018 at 17:05

Hello,
My full address is;



Yes I am the same as Mrs Emma Lloyd.

By applicant, do you mean the licensee? If so, please can I ask now with GDPR in effect why is it necessary for the applicant need my full un-redacted address and name? I can't see why they would need to process this data in anyway. I'd be happy for them to have partial address information - e.g. [REDACTED] [REDACTED] and this should be enough to prove my proximity to the problem. Also,

< Sent

4 Messages

Lighthouse pub license review supp...

if the above is true, please can you provide me with the relevant policy documentation that informs me why my information needs to be shared in order to process this representation. If you don't have this, please could you put me in touch with your Data Compliance Officer.

Rachel, cc'ing you in as you may be in a better position to answer this.

From: Mohshin Ali
Sent: 17 July 2018 10:41
To: [REDACTED]
Subject: RE: Lighthouse pub license review support

Dear Emma Critchley,

Licensing Act 2003

Review of premises licence: (The

Lighthouse) 404, White Horse Lane, London E9

 Sent

4 Messages

Lighthouse pub license review supp...   From: [Emma Critchley](#) >Re: Lighthouse pub license review supp... [Hide](#) To: [Mail Admin](#) >

19 July 2018 at 15:40

Hello,

Just to confirm with you that in this instance I don't want my concerns around data protection to override my support for the license review. I have an evidence video to provide context of just how loud just three men outside the Lighthouse Pub can be when our window is closed. This is for the licensing team to bear in mind when considering complaints of large groups of drunk people outside, drinking, shouting and swearing. This video is too large to attach here so I am sending via WeTransfer.

Regards
Emma

Emma Lloyd
[REDACTED]

On 24 Jul 2018, at 16:08, Mohshin Ali [REDACTED] wrote:

Dear Emma Critchley,

Licensing Act 2003

Review of premises licence: (The Lighthouse), 421 Wick Lane, London E3 2NG
I would be grateful if you can reply to my email as soon as you can.

Thanks

Mohshin Ali - Senior Licensing Officer

Licensing Team, Environmental Health & Trading Standards, John Onslow House, 1 Ewart Place,
London E3 5EQ
[REDACTED]
[REDACTED]
[REDACTED]

From: Mohshin Ali
Sent: 18 July 2018 14:36
To: [REDACTED]
Subject: FW: Lighthouse pub license review support

Re-sent

From: Mohshin Ali
Sent: 17 July 2018 10:41
To: [REDACTED]
Subject: RE: Lighthouse pub license review support

Dear Emma Critchley,

Licensing Act 2003

Review of premises licence: (The Lighthouse), 421 Wick Lane, London E3 2NG

Thank you for your email, the contents of which are noted.

Please note that we require your full address in order to deem your representation to be valid and it will become a public document (address redacted) in due course. Also, the applicant is entitled to a full, un-redacted copy of your representation.

Also, I would be grateful if you could confirm/clarify if you are the same person who has signed the review form as Miss Emma Lloyd?

I look forward to hearing from you before the consultation period closes on **19th July 2018**.

Thanks

Mohshin Ali - Senior Licensing Officer

Appendix 2

Postal Address

(The Lighthouse)
421 Wick Lane
London
E3 2NG

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 15 November 2005
As varied on 24th April 2008



Part A - Format of premises licence

Premises licence number

12817

Part 1 - Premises details

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

421 Wick Lane

Post town

London

Post code

E3 2NG

Telephone number

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 regulated entertainment

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol (films, indoor sporting events, recorded music. Anything similar to recorded music)

- Monday to Thursday, 10:00 hrs to 23:00 hrs
- Friday, 10:00 hrs to 02:00 hrs
- Saturday and Sunday, 00:01 hrs to 00:00 hrs (24 hours)

Live Music

- Friday and Saturday, 18:00 hrs to 01:00 hrs
- Sunday, 11:00 hrs to 22:30 hrs

Provision of facilities for making music and dancing

- Friday and Saturday, 18:00 hrs to 01:00 hrs

Late Night Refreshment

- Monday to Thursday, 23:00 hrs to 23:30 hrs
- Friday and Saturday, 23:00 hrs to 05:00 hrs the following day
- Sunday, 23:00 hrs to 00:30 hrs

Non standard times

- Christmas Eve, St Patrick's Day, St George's Day, St Andrews Day, St David's Day, Diwali Day from 10:00 hrs to 02:00 hrs
- No less than 10 working days will be given to the Council Licensing Team and the Police when any of the 12 Event Days are planned.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

- Monday to Thursday, 10:00 hrs to 23:30 hrs
- Friday, 10:00 hrs to 05:00 hrs
- Saturday and Sunday, 00:01 hrs to 00:00 hrs (24 hours)

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

Mr Navnit Patel and Mrs Navitkumar Patel

[REDACTED]

[REDACTED]

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

N/A

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

Rinesh Navitkumar Patel

[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

[REDACTED]

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 door supervisor statement who holds a personal licence

Times

Alcohol and Regulated Entertainment (films, indoor sporting events, recorded music. Anything similar to recorded music)

- Monday to Thursday, 10:00 hrs to 23:00 hrs
- Friday, 10:00 hrs to 02:00 hrs
- Saturday and Sunday, 00:01 hrs to 00:00 hrs (24 hours)

Live Music

- Friday and Saturday, 18:00 hrs to 01:00 hrs
- Sunday, 11:00 hrs to 22:30 hrs

Provision of facilities for making music and dancing

- Friday and Saturday, 18:00 hrs to 01:00 hrs

Late Night Refreshment

- Monday to Thursday, 23:00 hrs to 23:30 hrs
- Friday and Saturday, 23:00 hrs to 05:00 hrs the following day
- Sunday, 23:00 hrs to 00:30 hrs

Non standard times

- Christmas Eve, St Patrick's Day, St George's Day, St Andrews Day, St David's Day, Diwali Day from 10:00 hrs to 02:00 hrs
- No less than 10 working days will be given to the Council Licensing Team and the Police when any of the 12 Event Days are planned.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV covers both inside and outside of the premises.
2. Warning signs displayed in relation to drugs
3. No less than 10 working days will be given to the Council Licensing Team and the Police when any of the 12 Event Days are planned.
4. Signs asking patrons to leave "quietly to be displayed at the premises.
5. No children in the bar at any time

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

N/A

Annex 4 - Plans

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

3 August 2005

19 March 2008 These plans include a reduced trading space.



Part B - Premises licence summary

Premises licence number

12817

Premises details

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

421 Wick Lane

Post town

London

Post code

E3 2NG

Telephone number

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 regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment (films, indoor sporting events, recorded music. Anything similar to recorded music)

- Monday to Thursday, 10:00 hrs to 23:00 hrs
- Friday, 10:00 hrs to 02:00 hrs
- Saturday and Sunday, 00:01 hrs to 00:00 hrs (24 hours)

Live Music

- Friday and Saturday, 18:00 hrs to 01:00 hrs
- Sunday, 11:00 hrs to 22:30 hrs

Provision of facilities for making music and dancing

- Friday and Saturday, 18:00 hrs to 01:00 hrs

Late Night Refreshment

- Monday to Thursday, 23:00 hrs to 23:30 hrs
- Friday and Saturday, 23:00 hrs to 05:00 hrs
- Sunday, 23:00 hrs to 00:30 hrs

Non standard times

- Christmas Eve, St Patrick's Day, St George's Day, St Andrews Day, St David's Day, Diwali Day from 10:00 hrs to 02:00 hrs
- No less than 10 working days will be given to the Council Licensing Team and the Police when any of the 12 Event Days are planned.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

See Full Licence for Details

The opening hours of the premises

- Monday to Thursday, 10:00 hrs to 23:30 hrs
- Friday, 10:00 hrs to 05:00 hrs
- Saturday and Sunday, 00:01 hrs to 00:00 hrs (24 hours)

Name, (registered) address of holder of premises licence

Mr Navnit Patel and Mrs Navitkumar Patel

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)

N/A

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

Rinesh Navitkumar Patel

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

No children in the bar at any time

Appendix 3

421 Wick Lane



Appendix 4

Mohshin Ali

From: Nicola Cadzow
Sent: 02 August 2018 12:26
To: Licensing
Cc: MARK.J.Perry [REDACTED]; 'Thomas.Ratican [REDACTED]' (Thomas.Ratican [REDACTED])
Subject: FW: MAU 109718 - REVIEW OF LICENSE for the The Lighthouse Public House 421 Wick Lane London - supplementary information
Attachments: NCA05377 - Lighthouse 421 Wick Lane.doc; NCA05376 - Lighthouse 421 Wick Lane.doc

Dear Licensing,

Please take the following to be supplementary information as follows

- (1) **On the 29th July 2017 at 00:37** Complainant called the out of hours noise service regarding loud amplified music coming from the Lighthouse. Officers visited and loud amplified music was witnessed in the complainant's bedroom and the DJ could be heard speaking on the microphone. The Officers records indicated that they had witnessed a statutory noise nuisance. Officers spoke to the Manager who complied and turned the music down.
- (2) **1st August 2018 at 15:05** As the Out of Hours Officers had witnessed a statutory noise nuisance, notices were prepared, and my colleague and I hand delivered two Noise Abatement Notices under Environmental Protection Act 1990 Section 80 (1) to the Designated Premises Supervisor and (2) Premises License Holder, both at 421 Wick Lane (*Please see copies of notices attached*)

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

From: Nicola Cadzow
Sent: 16 July 2018 10:44
To: Licensing
Cc: 'MARK.J.Perry [REDACTED]'; 'Thomas.Ratican [REDACTED]' (Thomas.Ratican [REDACTED])
Subject: MAU 109718 - REVIEW OF LICENSE for the The Lighthouse Public House 421 Wick Lane London

Dear Licensing,

I am a Noise Officer within Environmental Protection and as a responsible authority under the Licensing Act 2003 it is my responsibility to give due regard to the licence review initiated by a local resident with respect to The Lighthouse Public House 421 Wick Lane London and consider the impact of the licensing objectives, in particularly the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

Our records show a total of seven noise complaints have been received regarding the Lighthouse at 421 Wick Lane. Of the seven complaints, six originated from the same residential premises, three regarding the same evening of 7th/8th April 2018.

The Noise Team undertook four proactive visits, plus an additional visit to speak to the Designated Premises Supervisor (DPS) during daytime hours. See details as follows:-

SUMMARY

- (1) There have been seven noise complaints regarding the Lighthouse Public House as follows:
 - (a) Six complaints from same address in Ink Court as follows:-
 - (i) Three visits made but no evidence of a statutory noise nuisance
 - (ii) One call where officers were told noise had stopped
 - (iii) Two voicemail messages left to call back if service required – as unable to contact the complainant in order to arrange a visit
 - (b) One complaint from resident above premises as follows:-
 - (i) A warning letter sent to premises and diary sheets sent to resident but they were never returned completed so there is no evidence on which to base our investigation.
- (2) Premises has installed an acoustic lobby and is preparing to take further noise mitigation measures.
- (3) Four proactive visits were undertaken to the Lighthouse, and each time a proactive visit was made there was no evidence of a statutory noise nuisance.
- (4) Daytime visit was made to the premise to discuss noise mitigation measures.

CONCLUSION

Environmental Protection has no evidence to support a statutory noise nuisance, although there has been seven noise complaints received. I would recommend to the Committee that they consider not only the complaints received but consideration is given to noise mitigation measures undertaken by the premises, and may wish to impose additional noise conditions on the Lighthouse, in order to ensure that the licensing objective for the prevention of public nuisance is met. Please see condition for consideration below:-

“Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics or Association of Noise Consultants so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.”

SUPPORTING INFORMATION

- (1) **On the 28th June 2018 at 15:20** Paul Murphy and I visited the Lighthouse to discuss noise complaints that had been received without identifying the source of the complaints. We discussed the acoustic lobby which the

premises had recently installed to help minimise noise escape. The DPS said they allow a maximum of 10 patrons outside to use the seating area at any one time on Wick Lane.

We discussed additional noise mitigation measures including (1) the possible use of acoustic curtains and (2) vibration mounts on the wall speakers. However we were advised that the speakers on the walls were not used so we recommended they be removed. It was also suggested when they have events with DJs that they consider installing a sound limiter. It is understood from the DPS that when they have a DJ an assessment of the music outside is done to ensure that it is not audible. The manager or the DPS is outside throughout these events to ensure that the music levels are not increased. Also the premises said they would look to obtain acoustic curtains in the next week.

- (2) **16th June 2018 at 23:57** Complainant called reporting very loud music. Officers called the complainant at 00:40 hours and agreed a visit. Officers visited complainant's premise at 01:15 and heard "very slight bass music". The records from officers does not indicate evidence of a Statutory Noise Nuisance.
- (3) **27th May 2018 at 01:14** Complainant called reporting loud bass music and disturbance coming from the Lighthouse from human voices, shouting and talking. When officers called complainant at 03:09 the noise had stopped.
- (4) **11th May 2018 at 00:55.** Proactive visit by Noise Officers Area was quiet and deserted.
- (5) **8th May 2018** Email received from resident living in studio above premises. They stated that the man who owns the premise is her landlord. They allege that when they moved above the premises they were told that any late night events were only once a month at most. In the email they say "... he is currently playing loud music lasting until 4/5am+ on a weekly basis every weekend sometimes all weekend without prior notice/ warning so it has become impossible to sleep". Warning letter was sent to the premises and diary sheets to the resident. However the diary sheets were not returned.
- (6) **5th May 2018 at 01:40** Noise Officers undertook proactive visit. No activities witnessed at the Premises
- (7) **21st April 2018 at 23:35** Noise Officers undertook proactive visit. Premise was closed and no sign of activity
- (8) **20th April 2018 at 03:30** Noise Officers undertook proactive visit. Premise was closed and all the lights were switched off.
- (9) **8th April 2018 at 01:54** Complainant called the Out of Hours Noise service reporting loud base music and disturbance from the Lighthouse and people outside smoking and shouting and visit agreed. At 02:04 officers called complainant but there was no response to call and a voicemail message was left.
- (10) **7th April 2018 at 02:00** Called complainant hours and a visit was agreed. Complainant reports of loud base music and disturbance coming from the Lighthouse, from the premise the music and human voices of people shouting and talking loudly. Complainant alleges this has been going on since 6pm and stated the music level is louder than before, and also stated there are crowds of people outside the light house causing nuisance. Officers visited and they could hear "light music" outside the lighthouse from the street. However no statutory noise nuisance witnessed.
- (11) **7th April 2018 at 23:49** Complainant called the OOH Noise Service reporting loud bass music and people standing outside smoking and shouting. Officers called complainant back at 00:11 but went to voicemail service and message left for complainant to call back if required noise service but no response received.
- (12) **6th April 2018 at 22:30** Complaint reports of loud base music and disturbance coming from the Lighthouse, from the premise the music and human voices of people shouting and talking loudly. Complainant said this has been going on since 6pm. Officers called complainant at 22.44 and a visit was agreed. Complainant stated music was on going and stated people outside light house screaming and shouting could hear music and base. Officers visited the complainant at 23:04 and explained that they did not witness a Statutory Noise Nuisance.

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm, Environmental Health & Trading Standards

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

**ABATEMENT NOTICE in respect of Statutory Nuisance
ISSUED BY THE LONDON BOROUGH OF TOWER HAMLETS**

**ENVIRONMENTAL PROTECTION ACT 1990 PART III SECTION 80
AS AMENDED BY THE NOISE AND STATUTORY NUISANCE ACT 1993, SECTION 3**

**TO: Mr Navnit Patel & Mrs Navitkumar Patel
Premise License Holders, The Lighthouse, 421 Wick Lane, London, E3 2NG**

1. Notice

TAKE NOTICE that under the provisions of Section S.79 (1)(g) of the Environmental Protection Act 1990 the **LONDON BOROUGH of TOWER HAMLETS COUNCIL** is satisfied of the **likely recurrence** of noise amounting to a statutory nuisance at the premises known as:-

The Lighthouse, 421 Wick Lane London E3 20NG

which is in the London Borough of Tower Hamlets Council, arising from the **playing of loud amplified music** in such a manner as to be a nuisance to the Occupiers of neighbouring properties.

As the **person responsible for the said nuisance or owner, occupier** of the said premises **YOU ARE REQUIRED IMMEDIATELY** from the service of this notice to abate the noise nuisance and the Council **HEREBY PROHIBITS** the recurrence of the same. You are therefore required to

Cease the playing of loud amplified music (amplified voices) in such a manner as to be a nuisance to the occupiers of neighbouring properties.

If you wish to appeal against this notice you may do so, within 21 days from date of service, to a Magistrates' Court. If you do lodge an appeal, this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as in the opinion of the Council, ***the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any Appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.***

If you do not stop causing a nuisance, or contravene this notice without reasonable excuse any requirement, you will have committed an offence under Section 80(4) of the Environmental Protection Act 1990. On summary conviction **YOU WILL BE LIABLE TO A FINE together with a further fine** for each day the offence continues after conviction. The Council may take proceedings for securing the abatement, prohibition or restriction of the nuisance. If you fail to execute all or any of the works in accordance with this notice, the Council may execute those works and recover from you the necessary expenditure incurred.

Dated _____ 1st August 2018 _____

Signed _____
ENVIRONMENTAL HEALTH TECHNICAL OFFICER

This matter is being dealt with by **Nicola Cadzow** who can be contacted at:
Environmental Health and Trading Standards
Noise Pollution Team
John Onslow House,
1 Ewart Place, London E3 5EQ
[REDACTED]

NOTES

The Statutory Nuisance (Appeals) Regulations 1995 :-

APPEALS UNDER SECTION 80 (3) of the 1990 ACT

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notices are otherwise unreasonable in character or extent, or are the unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

Notice Ref: 005838 App Ref: 281642

- (5) On the hearing of an appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3. SUSPENSION OF NOTICE

- (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79 (1) (g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

**ABATEMENT NOTICE in respect of Statutory Nuisance
ISSUED BY THE LONDON BOROUGH OF TOWER HAMLETS**

**ENVIRONMENTAL PROTECTION ACT 1990 PART III SECTION 80
AS AMENDED BY THE NOISE AND STATUTORY NUISANCE ACT 1993, SECTION 3**

**TO: Rinesh Navitkumar
Designated Premises Supervisor, The Lighthouse, 421 Wick Lane London E3 2NG**

1. Notice

TAKE NOTICE that under the provisions of Section S.79 (1)(g) of the Environmental Protection Act 1990 the **LONDON BOROUGH of TOWER HAMLETS COUNCIL** is satisfied of the **likely recurrence** of noise amounting to a statutory nuisance at the premises known as:-

The Lighthouse, 421 Wick Lane, London, E3 2NG

which is in the London Borough of Tower Hamlets Council, arising from the **playing of loud amplified music** in such a manner as to be a nuisance to the Occupiers of neighbouring properties.

As the **person responsible for the said nuisance or owner, occupier** of the said premises **YOU ARE REQUIRED IMMEDIATELY** from the service of this notice to abate the noise nuisance and the Council **HEREBY PROHIBITS** the recurrence of the same. You are therefore required to

Cease the playing of amplified music (amplified voices) in such a manner as to be a nuisance to the occupiers of neighbouring properties.

If you wish to appeal against this notice you may do so, within 21 days from date of service, to a Magistrates' Court. If you do lodge an appeal, this notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court, as in the opinion of the Council, ***the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any Appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.***

If you do not stop causing a nuisance, or contravene this notice without reasonable excuse any requirement, you will have committed an offence under Section 80(4) of the Environmental Protection Act 1990. On summary conviction **YOU WILL BE LIABLE TO A FINE together with a further fine** for each day the offence continues after conviction. The Council may take proceedings for securing the abatement, prohibition or restriction of the nuisance. If you fail to execute all or any of the works in accordance with this notice, the Council may execute those works and recover from you the necessary expenditure incurred.

Dated 1st August 2018

Signed _____
ENVIRONMENTAL HEALTH TECHNICAL OFFICER

This matter is being dealt with by **Nicola Cadzow** who can be contacted at:
Environmental Health and Trading Standards
Noise Pollution Team
John Onslow House,
1 Ewart Place, London E3 5EQ
[REDACTED]

NOTES

The Statutory Nuisance (Appeals) Regulations 1995 :-

APPEALS UNDER SECTION 80 (3) of the 1990 ACT

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
 - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notices are otherwise unreasonable in character or extent, or are the unnecessary;
 - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates -
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
 - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
 - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
 - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
 - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
 - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 - (h) that the abatement notice should have been served on some person instead of the appellant, being -
 - (i) the person responsible for the nuisance, or
 - (ii) the person responsible for the vehicle, machinery or equipment, or
 - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
 - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
 - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
 - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
 - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
 - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
 - (i) a person also responsible for the nuisance, or
 - (ii) a person who is also owner of the premises, or
 - (iii) a person who is also an occupier of the premises, or
 - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

Notice Ref : 005837 App Ref: 281642

- (5) On the hearing of an appeal the court may -
- (a) quash the abatement notice to which the appeal relates, or
 - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
 - (c) dismiss the appeal;
- and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.
- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
 - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3. SUSPENSION OF NOTICE

- (1) Where -
- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
 - (b) either -
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79 (1) (g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
- (a) the nuisance to which the abatement notice relates -
 - (i) is injurious to health, or
 - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
 - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
 - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Appendix 5

Mohshin Ali

From: Rachel Blake
Sent: 19 July 2018 21:16
To: Licensing
Cc: Amina Ali; Marc Francis
Subject: Reponse to Licensing Review for 421 Wick Lane - 'The Lighthouse'

Follow Up Flag: Follow up
Flag Status: Completed

I am writing to support the proposal for a license review for the premises at 421 Wick Lane 'The Lighthouse'.

I do not believe that the licensee is complying with responsibilities to meet LBTH Licensing objectives:

Prevention of Crime and Disorder
Prevention of Public Nuisance
Public Safety

I first became aware of the problems with this premises in January 2018 when residents brought it to my attention. The licensing team has been aware of the disorder, nuisance and safety risks caused by the Lighthouse since January 2018 and have tried to improve compliance through engagement with the license holder but this has not had any impact.

Examples of disorder: public urination, car windows broken, blocking of public highway.
Examples of public nuisance: noise nuisance and on street drinking
Public safety concerns: public urination and disorder.

Weekend of 14/15 June residents reported that the license holders blocked the public highway as part of their activities.

This license was awarded in June 2006 before either 417 or 419 Wick Lane had been built and the hours awarded do not reflect the hours that are suitable for residential area.

The committee should consider the strongest possible actions on this license.

Cllr Rachel Blake

Labour Councillor – Bow East
Deputy Mayor – Regeneration and Air Quality
LB Tower Hamlets


@RNBlake

Appendix 6

Mohshin Ali

From: Service Desk
Sent: 16 July 2018 10:45
To: Licensing
Subject: FW: The Lighthouse, 421 Wick Lane

Follow Up Flag: Follow up
Flag Status: Completed

From: Christopher Cramer [REDACTED]
Sent: 14 July 2018 19:41
To: Licensing; Rachel Blake; Tom Lewis
Subject: The Lighthouse, 421 Wick Lane

Dear All

I gather that a neighbour of mine has filed a formal request for a licence review for The Lighthouse.

I would like to provide support for that request. As you know, the area (Hackney Wick, from the station towards the A12/Bow) has been and still is undergoing dramatic change, with a sharp increase in residential properties. The implication is that activities that might in the past have been perfectly acceptable are no longer appropriate for this area. A number of residents of 419 Wick Lane (Ink Court) have over the past couple of years had a series of discussions with Bloc that have been genuinely civil and constructive - I have been really impressed by the managers/owners of Bloc, who have taken significant steps at their own cost to make the place more noise-proof and the local ingress/egress environment better. Unfortunately, the opposite seems to be the case with The Lighthouse, where despite repeated requests nothing is done to mitigate the behaviour of either the pub or the clientele. The noise is frequently unsociably and unacceptably loud and runs too late (all night), and the rowdy behaviour - noisy, swearing, aggressive, and at times lewd and inappropriate (pissing in public) - spills out onto the local street (Wick Lane and Iceland road). I am disturbed by this though not as badly as some of my neighbours. I see absolutely no reason for the pub to have a licence that allows it to continue in this way, not least because they cannot exercise the terms of the licence with any sense of public responsibility. I fear that it will come to a situation of nastier confrontations and really hope not to have to hear about that happening.

I hope you will listen to us.

Christopher Cramer
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 7

Mohshin Ali

From: Hanan Maayan [REDACTED]
Sent: 12 July 2018 12:42
To: Licensing; Rachel Blake; Mayor
Subject: Issues with the pub "Lighthouse" in 421 Wick Lane

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Mdm,

I am writing to you with regards to the activity of the Pub known as the Lighthouse, on 421 Wick Lane.

As a resident of the adjacent building ([REDACTED]), I am deeply aggrieved by the behaviour of the owners and patrons of this establishment, and even more concerned about what the future holds if they are allowed to continue and operate in the same manner that they have in the past 12 months.

Just in the last 6 months, residents of this building have been subjected to harassment (such as threats over the phone when calling in to complain), vandalism (such as damaging a car and breaking a window), anti-social behaviour (such as peeing on cars and shouting offensive slurs - including racial ones), and of course very loud music and people well into the small hours of the morning.

Those of us lucky enough to live on the other side of the building (where the noise from the music is mostly muffled), have the 'pleasure' of walking through an inebriated crowd the next morning when taking our kids to school.

All I am asking for is that this establishment operates as a neighbourhood friendly establishment: respect our families, our security and our jobs by letting us sleep at night.

I don't believe this is too much to ask.
Sincerely,

Hanan Maayan



Appendix 8

Mohshin Ali

From: Jacob Steinberg [REDACTED]
Sent: 17 July 2018 09:05
To: Licensing; Rachel Blake; Tom Lewis
Subject: The Lighthouse Pub

To whom it may concern,

I am writing with regards to the appeal for a licensing review in relation to the Lighthouse Pub on Wick Lane.

The reason I am in support of this measure is due to concerns of neighbours in relation to public safety, public nuisance due to noise and fear for the safety of children.

Residents in 419 Wick Lane have witnessed the following:

- Nitrogen canisters being placed on the street and outside our building
- A window being smashed
- Customers vandalising the Autumn Street bus stop that takes the 339 bus towards Mile End
- Customers urinating on Iceland Road - in full view of flats where young children live
- Foul language and shouting late into the night
- Drinking on the street after 11pm and parties continuing into the early hours (and sometimes even into the next morning)

Other concerns include pedestrians being forced to walk on the road when drinkers have occupied large spaces of the pavement and intimidation of residents who have asked for the noise to cease. A combination of the above is enough to leave me feeling concerned for the safety of the area.

It is difficult to see what this pub offers to the area in its current guise. I am sure I am not alone in saying that there is nothing wrong with living next to a pub in theory - it should be a positive thing. But the way the staff and customers of the Lighthouse behave is simply unacceptable and no community should have to put up with it.

Kind regards

Jacob Steinberg

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

Appendix 9

Mohshin Ali

From: John Sharp [REDACTED]
Sent: 16 July 2018 19:58
To: Licensing
Subject: The Lighthouse, 421 Wick Lane, London, Ref: 109718

Hello

I am writing to support the licence review of the The Lighthouse pub (421 Wick Lane, ref 109718).

My reasons for this are two folder:

Firstly, I am concerned about further crimes being committed, such as the criminal damage caused 2 months ago. At 11.20am on Sunday 7th May 2018 my window was shattered. I did not see this take place, but there were many people noisily congregating, seemingly drunk, outside the Lighthouse, following an all night party there (the crime reference number for this event is 4212446/18). At the time this was alarming and I was unsure if further objects would be thrown, or other damage would be caused. I also avoided being seen by everyone outside and felt quite threatened, although I didn't have any direct or personal interaction with the people on the street.

Secondly, I am concerned about further noise, aggressive behavior, and other disruption. Often I am unsure if I will be able to sleep through the night during a party. Occasionally I have made arrangements to stay at friends when there is a late night party on at the Lighthouse (if it is required). These long parties often wake me in the middle of the night, 1am, 2am, 4am, because people leaving the pub are shouting and arguing or driving and revving cars very loudly (hopefully they're not driving whilst drunk). This has happened 3 times this year, perhaps more, I believe another resident has a full log. My flatmate has given up staying at our apartment on Friday and Saturday night, choosing to stay at her boyfriend's nearby.

If you require any further details please let me know.

My contact are details are:

Mr J Sharp
[REDACTED]
[REDACTED]

Kind regards
John Sharp

Appendix 10

Mohshin Ali

From: Rachel Blake
Sent: 12 July 2018 08:59
To: Karim Keshwani
Cc: Licensing
Subject: Re: The Lighthouse Wick Lane Noise Disturbance

Follow Up Flag: Follow up
Flag Status: Completed

Dear Karim,

Thanks for letting me know - I have heard about the behaviour at the Lighthouse last night and it is appalling.

You will need to email licensing@towerhamlets.gov.uk to respond to the licensing review consultation as it is co-ordinated by licensing officers.

Rachel

On: 12 July 2018 08:52,
"Karim Keshwani" <[REDACTED]> wrote:

Dear Rachel

Despite multiple complaints to the venue they continue to hold ALL NIGHT incredibly loud events which is absolutely discourteous to their neighbours. I find this particularly upsetting given we have a young daughter and secondly that other venues in the area (Crate Brewery and Number 90 for example) have strict policies past midnight.

I understand from my neighbours that a licensing review application has been submitted and I would like to confirm that I support an application into the review of this premises urgently.

Thank you

Karim Keshwani

> On 12 Apr 2018, at 21:46, Rachel Blake <[REDACTED]> wrote:

>

> Dear Karim,

> Thanks for copying me into your email.

> I have attached a letter which sets out the details of the license.

> I have suggested to some of your neighbours who have also raised this with me, that a license review is undertaken. This would require residents to submit the form on this link:

> https://www.towerhamlets.gov.uk/lgn/business/licences/alcobol_and_entertainment/review_of_premises_licence_or.aspx

> Rachel

>

> -----Original Message-----

> From: Karim Keshwani <[REDACTED]>

> Sent: 12 April 2018 09:21

> To: Rachel Blake

> Cc: Licensing; rushanara <[REDACTED]> rushanara <[REDACTED]>

> Subject: The Lighthouse Wick Lane Noise Disturbance

>

> Dear Rachel Blake

>

> I wanted to inform you about the noise disturbance from The Lighthouse bar on Wick Lane, E3 on Friday 6th and Saturday 7th April.

>
> The bar hosted two parties and the music was uncomfortable loud. As a resident living in [REDACTED] and with a toddler who was unable to sleep during the noise, which lasted well into the early hours of the morning on both occasions, I had to voice my grievance and enquire whether you were aware that this had happened?
>
> Furthermore the customers proceeded to congregate on Iceland road, directly opposite the resident's building, drunkenly shouting and urinating on the road.
>
> I am told the Lighthouse has a 24 hour license but I cannot comprehend how that could have been allowed without prior discussion with local residents (as has happened with other local bars/clubs e.g. Bloc or Crate for example)?
>
> I also feel that should the noise extend past 11 then it should be reduced to accommodate residents and the establishment not allowed to keep its side doors open which directly face the residents building and usually remain closed when the bar is open. I feel the owner has acted disrespectfully despite concerns raised to him by neighbours on these occasions.
>
> I appreciate that he has a business to run and that this requires him to supply music to his customers. I would like to know what can be done to ensure that the owner is aware of the hurt he is causing to young families living the block opposite. Could his license be reviewed? Could he ensure his customers who momentarily step out for cigarettes etc congregate on the Wick lane side rather than Iceland road by means of barriers and the security staff, typical of most bar/club venues?
>
> I am weary with spring and summer around the corner that the weekend noise will worsen, especially as we will have to keep the window open in my daughter's room, and therefore this needs to be tended to urgently.
>
> Please do not hesitate to contact me with any issues and I look forward to hearing from you.
>
> I would appreciate if the owner is NOT kept informed of my flat number as I do not want him to know where we live in case of his attempts to avenge the complaint.
>
> Best wishes
>
> Karim
> [REDACTED]
>
> Dr Karim Keshwani
> [REDACTED]
> [REDACTED]
>
>
> *****
> Working Together for a Better Tower Hamlets
> Web site : <http://www.towerhamlets.gov.uk>
>
> London Borough of Tower Hamlets E-Mail Disclaimer.
>
> This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.
>
> If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk
> *****
>
> Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.
> <Enquiry response.pdf>

Appendix 11

Mr Kishan Bhatt

[REDACTED]
[REDACTED]
[REDACTED]
Date 17.7.2018

To whom it may concern

RE: License Review Application, July 2018, Lighthouse Pub, 421 Wick Lane, London, E3 2JG

I hope to outline my case in support of maintaining the current license in the above Public House. I write to you in 2 capacities (i) Patron (2 years) and (ii) Teacher of Science, Mulberry School for Girls, Richard St, Commercial Road, E1 2JP (11+ years).

In my first capacity as a patron of the Lighthouse Public House, I strongly believe that the pub acts as a social cornerstone to several communities in Hackney Wick. These include the patrons from the various industrial estates in the area and from my understanding it has been doing this for the last 150 or so years. More recently, it has also been a trusted base for the army of West Ham fans that pass through during match days and a large community of artists. In both cases, it has been steadily gaining in popularity and reputation. I would like to outline my experiences in response to some of, what I believe to be very misleading accusations levelled at the establishment and its landlord.

I have been a patron with a frequency of perhaps 2-3 times a week during the evening over the last few years. Whilst my observations are anecdotal, I strongly believe that the frequency of my attendance does lend some weight to the following observations. I have never observed any illegal or questionable activities occurring in the Lighthouse Pub at any time. If anything, I feel that the landlord shows the highest standards.

There have been some accusations of underage drinking. I have never once observed this. And in my other role a teacher in the local community, If I had come across this, I would be the first to contact your office in regard to the above matter. There have been no instances of anti-social behavior from any of the patrons of the Lighthouse Pub since I have been a patron there. If this has occurred in the past, the landlord has always been quick to eject former patrons who have shown anti-social behavior in the past. More recently, there have been a number of private functions that last into the early hours. Often these have been family events, private parties to name a few. In every case bar one, I have never been woken up by excessive noise. I have been able to sleep through them with no trouble. I live directly above the pub in a studio flat! I have never been a victim of noise pollution from the Pub or events held there. I find the event management by the landlord to be of the highest standards and very proactive. He has always taken care to me and fellow tenants, to ensure that we are notified of events well in advance. Even during the event, a pro-active effort is made by the landlord to ensure noise is within acceptable levels.

During match days, I often attend drinks in the pub with the fans. The pub has been growing a reputation as a friendly, warm pub open for home fans. Its reputation is so good I believe, that I often find myself drinking with whole families of different generations talking about the match and the season. In all the times I have been in the pub for home matches, I have seen no instances of

anti-social behavior or underage drinking. If anything you will find a warm, jovial atmosphere where fans can enjoy a drink or food and celebrate a culture of sport.

I hope that I have been able to present a strong case for the following. The license should not have to be changed because the I feel that the landlord has shown the highest standards and can be trusted implicitly. Accusations/claims of anti-social behavior etc. have no basis in my experience as a patron and teacher in the local community.

Please feel free to contact me to clarify my statement above.

Regards

A large black rectangular redaction box covering the signature area.

Mr. Kishan Bhatt

A single black horizontal redaction bar.A single black horizontal redaction bar.

Appendix 12

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 13

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

Updated April 2018

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Appendix 14

Crime and Disorder – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant 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 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.
- 6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled.
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Appendix 15

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 16

Prevention of Nuisance – Licensing Policy, updated March 2015

- 10.1 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.
- 10.2 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.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 17

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist include:
- Providing information on the premises of local taxi companies who can provide safe transportation home; and
 - Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 18

Public safety – Licensing Policy182 Updated March 2015

- 9.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 9.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire and Emergency Planning Authority before preparing their plans and Schedules.
- 9.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 9.4 The Licensing Authority, where its discretion is engaged, will consider attaching Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a Model Pool of Conditions as proportionate and appropriate are contained in Appendix 2.
- 9.5 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

Appendix 19

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

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 20

Protection of children from harm – Licensing Policy Updated March 2015

11 Prevention of Harm to Children

- 11.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 11.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 11.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 11.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 11.5 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
 - Limitations on ages below 18
 - Limitations or exclusion when certain activities are taking place
 - Requirements for an accompanying adult
 - Full exclusion of people under 18 from
- 11.6 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 11.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 11.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.

- 11.9 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm.

12 Access to Cinemas

- 12.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 12.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 12.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

13 Children and Public Entertainment

- 13.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 13.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - No child unless accompanied by an adult to be permitted in the front row of any balcony
 - No standing to be permitted in any part of the auditorium during the Performance
- 13.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.
- 13.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

This page is intentionally left blank