

# Appendix 1

**(The Bothy)**  
**Including outdoor area**  
Unit C, West India Quay  
Hertsmere Road  
London  
E14 4AX

**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**

**David Tolley**   
**Environmental Health & Head of Trading Standards**

**Date: 7<sup>th</sup> October 2005**

- Licence varied following a review hearing on the 22<sup>nd</sup> March 2011
- Licence amended on 31<sup>st</sup> May 2011 following a minor variation



**Part A - Format of premises licence**

Premises licence number

21791

**Part 1 - Premises details**

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

**(The Bothy)**  
**Including outdoor area**  
Unit C, West India Quay  
16 Hertsmere Road

**Post town**

London

**Post code**

E14 4AX

**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**

- On Monday to Wednesday, 10:00 hrs to 01 00 hrs the following day
- On Thursday to Saturday, 10:00 hrs to 03:00 hrs the following day
- Sunday, 12:00 hrs to 01:00 hrs the following morning

### **Late Night Refreshment**

- On Thursday to Saturday, 23:00 hrs to 00:00 hrs

### **Regulated Entertainment**

Live entertainment of all descriptions as currently permitted under the public entertainment licence. The playing of all description of amplified recorded music as permitted under the existing licence (s).

- On Monday to Wednesday, 10:00 hrs to 23:00 hrs
- On Thursday to Saturday, 10:00 hrs to 00:00 hrs

On St. David's Day, St Patrick's Day, St George's, Day and St. Andrew's Day, the finish time will be extended by one hours, with seven days notice and agreement with the Police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with ten days notice and agreement with the Police.

- "In the event of a recognised event (the event not exceeding 15 annually) which falls outside the current permitted hours on the Premises Licence to permit licensable activities commencing on hours before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the Licensing Authority and the Police at least 10 days beforehand, with the Police giving a prior written consent in each case".

## **The opening hours of the premises**

- On Monday to Wednesday, 10:00 hrs to 01:00 hrs the following day
- On Thursday to Saturday, 10:00 hrs to 03:00 hrs the following day
- Sunday, 12:00 hrs to 01:00 hrs the following day

## **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**

Drake & Morgan Ltd

[Redacted]

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

[Redacted]

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

Clare Joan Ellis

[Redacted]

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

Personal Licence No1 [Redacted]

Issuing Authority: [Redacted]

## **Annex 1 - Mandatory conditions**

**Effective from 6<sup>th</sup> April 2010**

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

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

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

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  
3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price

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

### **Door Supervisors**

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph. 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or  
 any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.



Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

### **Times**

#### **Alcohol**

- On Monday to Wednesday, 10:00 hrs to 01:00 hrs the following day
- On Thursday to Saturday, 10:00 hrs to 03:00 hrs the following day
- Sunday, 12:00 hrs to 01:00 hrs the following morning

Alcohol will not be served to the outside area after 22:30 hrs and the area will be vacated by this time

#### **Late Night Refreshment**

- On Thursday to Saturday, 23:00 hrs to 00:00 hrs

#### **Regulated Entertainment**

Live entertainment of all descriptions as currently permitted under the public entertainment licence. The playing of all description of amplified recorded music as permitted under the existing licence (s).

- On Monday to Wednesday, 10:00 hrs to 23:00 hrs
- On Thursday to Saturday, 10:00 hrs to 00:00 hrs

1. The maximum number of persons within the premises at any one time shall not exceed 600 persons of which not more than 250 shall occupy the Basement at any one time.
2. The front Terrace area shall not be used for any form of Public Entertainment
3. Any door supervisors to be employed at the premises must be registered with a Security Industry Authority.
4. This licence is subject to the standard rules of the Council relating to the management of places of public entertainment.

#### **Non standard times**

On St. David's Day, St Patrick's Day, St George's, Day and St. Andrew's Day, the finish time will be extended by one hours, with seven days notice and agreement with the Police.

For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of

local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with ten days notice and agreement with the Police.

- "In the event of a recognised event (the event not exceeding 15 annually) which falls outside the current permitted hours on the Premises Licence to permit licensable activities commencing on hours before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the Licensing Authority and the Police at least 10 days beforehand, with the Police giving a prior written consent in each case".

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.

### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but is promoted for private gain

### **Annex 2 - Conditions consistent with the operating Schedule**

1. "In the event of a recognised event (the event not exceeding 15 annually) which falls outside the current permitted hours on the Premises Licence to permit licensable activities commencing on hours before the start of the event and ending one hour after the end of the event, the details of the event to be notified to the Licensing Authority and the Police at least 10 days beforehand, with the Police giving a prior written consent in each case".
2. No persons under 18 to be present on the premises after 22:00 hrs
3. The CCTV system shall be maintained and operated correctly in accordance with the recommendations of the Metropolitan Police Design Advisor. Recordings shall be retained for 30 days and produced upon request to the Police and Licensing Authority. At least two people will be trained to operate the recording equipment and be competent in its operation. At least one trained person shall be on the premises at all times when the premises is open and trading.
4. At least 3 door supervisors to be employed at the premises from 20:00 hrs until close of business from Thursday to Saturday.

**Annex 3 - Conditions attached after a hearing by the licensing authority**  
Conditions attached following the licensing subcommittee hearing of 22<sup>nd</sup> March 2011:

1. The DPS or a person appointed by the DPS shall attend Pub Watch meetings and any meetings requested by the Police to discuss crime and disorder.
2. The sound system at the premises shall be checked on an annual basis and a report of the inspection to be retained at the premises.
3. A dedicated telephone number shall be made available to residents, to enable residents to liaise directly with management.
4. Any music played at the premises shall be played through the sound system.
5. The premises shall operate with a radio link into the security firm monitoring West India Quay.
6. A designated taxi firm shall be appointed by the premises and details to be made available to the clientele.
7. Alcohol and food shall not be permitted in the outside area after 22:30 hours and the area will be vacated by this time. All windows and doors shall be kept closed after 22:30 hours to help prevent noise pollution.

**Annex 4 - Plans**

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

11<sup>th</sup> April 2011 - Basement Floor (*Drawing Number 2491-82*)  
Ground Floor (*Drawing Number 2491-81*)

**Part B - Premises licence summary**

**Premises licence number** 21791

**Premises details**

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

**(The Bothy)**  
**Including outdoor area**  
 Unit C, West India Quay  
 16 Hertsmere Road

<b>Post town</b> London	<b>Post code</b> E14 4AX
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**Telephone number**  
[REDACTED]

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

<p><b>Alcohol</b> On Monday to Wednesday, 10:00 hrs to 01:00 hrs the following day On Thursday to Saturday, 10:00 hrs to 03:00 hrs the following day Sunday, 12:00 hrs to 01:00 hrs the following morning Alcohol will not be served to the outside area after 23:00 hrs</p> <p><b>Late Night Refreshment</b></p> <ul style="list-style-type: none"><li>On Thursday to Saturday, 23:00 hrs to 00:00 hrs</li></ul> <p><b>Regulated Entertainment</b></p> <ul style="list-style-type: none"><li>On Monday to Wednesday, 10:00 hrs to 23:00 hrs</li><li>On Thursday to Saturday, 10:00 hrs to 00:00 hrs</li></ul> <p><b>Non standard times</b></p> <ul style="list-style-type: none"><li>On St. David's Day, St Patrick's Day, St George's, Day and St. Andrew's Day, the finish time will be extended by one hours, with seven days notice and agreement with the Police.</li></ul> <p>For statutory bank holiday weekend periods (Friday, Saturday, Sunday and Monday) and for the Thursday before Good Friday and for Christmas Eve, the finish time will be extended by one hour beyond these times. On occasions of local, national or international significance or for charitable events, limited to twelve per year, the finish time will be extended by one hour, with ten days notice and agreement with the Police. See Full Licence for Details</p>
<ul style="list-style-type: none"><li>On Monday to Wednesday, 10:00 hrs to 01 00 hrs the following day</li><li>On Thursday to Saturday, 10:00 hrs to 03:00 hrs the following day</li><li>Sunday, 12:00 hrs to 01:00 hrs the following morning</li></ul> <p>See Full Licence for Details</p>

The opening hours of the premises

Name, (registered) address of holder of premises licence

<p>Drake &amp; Morgan Ltd</p> 
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies

<p>On and off sales</p>
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Registered number of holder, for example company number, charity number (where applicable)


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

<p>Clare Joan Ellis</p>
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State whether access to the premises by children is restricted or prohibited

<p>Children will not be allowed in the area immediately adjacent to the bar servery. No persons under 18 to be present on the premises after 22:00 hrs.</p>
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# Appendix 2

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application to vary a premises licence 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 Drake and Morgan Ltd

*(Insert name(s) of applicant)*

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

<b>Premises licence number</b> 21791
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
The Bothy (formerly Henry's Cafe Bar) Unit C West India Quay 16 Hertsmere Road			
Post town	London	Postcode	E14 4AX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	██████████

**Part 2 – Applicant details**

Daytime contact telephone number		<b>LBTH</b> <b>TRADING STANDARDS</b> 05 APR 2017 <b>LICENSING</b>	
E-mail address (optional)			
Current postal address if different from premises address			
Post town			Postcode

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

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

**Please describe briefly the nature of the proposed variation (Please see guidance note 1)**

Amend hours to permit earlier opening and supply of alcohol as part of a breakfast offer.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:



#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

##### Provision of regulated entertainment

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)

Sale by retail 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 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for performing plays (please read guidance note 4)		
Thur								
Fri						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 (please read guidance note 5)		
Sat								
Sun								

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	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 3)		
Mon					
			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Tue					
			<u>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</u> (please read guidance note 5)		
Wed					
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)	
Tue				
Wed				
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 5)
Fri				
Sat				
Sun				

D

<b>Boxing or wrestling entertainments</b> <b>Standard days and timings</b> (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here (please read guidance note 3)</u>	
Mon				
Tue				
Wed				
			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</u>	
Thur				
Fri				
			<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 (please read guidance note 5)</u>	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here (please read guidance note 3)</u>		
Tue					
Wed			<u>State any seasonal variations for the performance of live music (please read guidance note 4)</u>		
Thur					
Fri			<u>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 5)</u>		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here (please read guidance note 3)</u>		
Mon					
			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>		
Tue					
			<u>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 5)</u>		
Wed					
Thur					
Fri					
Sat					
Sun					

G

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)			
Mon						
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)			
Wed						
Thur			<b>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</b> (please read guidance note 5)			
Fri						
Sat						
Sun						



H

<b>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</b>			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</b>	<b>Indoors</b>	<input type="checkbox"/>
Mon				<b>Outdoors</b>	<input type="checkbox"/>
				<b>Both</b>	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u> (please read guidance note 3)</b>		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</b>		
Fri					
Sat			<b><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 5)</b>		
Sun					

I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b><u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)			
Mon						
Tue						
			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 4)			
Wed						
Thur						
			<b><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></b> (please read guidance note 5)			
Fri						
Sat						
Sun						

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption –</b> please tick (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol!</b> (please read guidance note 4)		
Mon	08.00	01.00			
Tue	08.00	01.00			
Wed	08.00	01.00			
Thur	08.00	03.00			
Fri	08.00	03.00			
Sat	08.00	03.00			
Sun	10.00	01.00			

K

<p><b>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</b> (please read guidance note 8).</p>
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L

<b>Hours premises are open to the public</b> <b>Standard days and timings</b> (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
<b>Day</b>	<b>Start</b>	<b>Finish</b>	
Mon	08.00	01.00	
Tue	08.00	01.00	
Wed	08.00	01.00	
Thur	08.00	03.00	
Fri	08.00	03.00	
Sat	08.00	03.00	
Sun	10.00	01.00	
			<b>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</b> (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Licence still with the Council following previous variation application

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)**

No off sales before 10.00 on any day  
Any supply of alcohol between 08.00 and 10.00 shall only be made as an ancillary to a breakfast or brunch meal.

**b) The prevention of crime and disorder**

No additional steps required

**c) Public safety**

No additional steps required

**d) The prevention of public nuisance**

No additional steps required

**e) The protection of children from harm**

No additional steps required

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. [✓]
- I have sent copies of this application and the plan to responsible authorities and others where applicable. [✓]
- I understand that I must now advertise my application. [✓]
- I have enclosed the premises licence or relevant part of it or explanation. [✓]
- I understand that if I do not comply with the above requirements my application will be rejected. [✓]

**IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 5 – Signatures (please read guidance note 10)**

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant, please state in what capacity.**

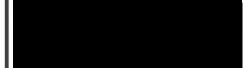
Signature	
Date	4 <sup>th</sup> April 2017
Capacity	Solicitors for applicant


**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)**

BLP



Post town	London	Post code	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

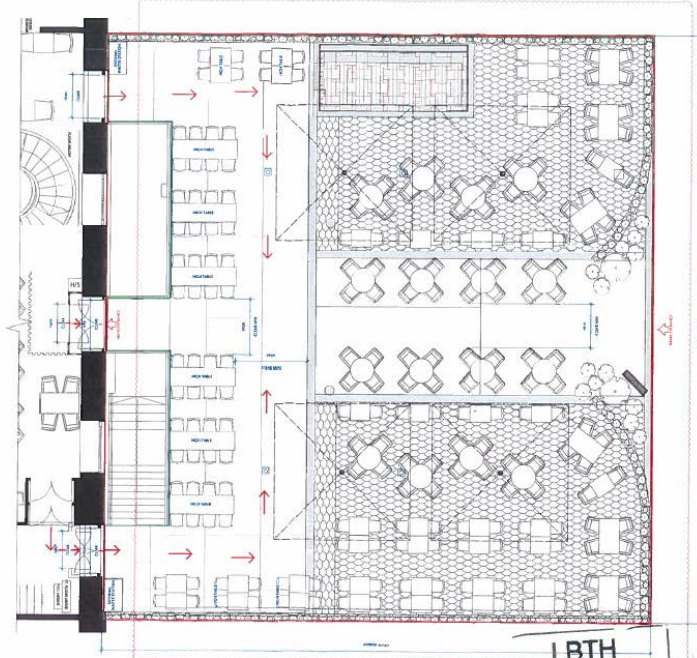
## Notes for Guidance

**This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.**

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. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example state 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. 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.
7. 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'.
8. 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.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



# Appendix 3



EXTERNAL PROPOSED GENERAL ARRANGEMENT

**LBTH**  
 TRADING STANDARDS  
 - 7 FEB 2017  
 LICENSING

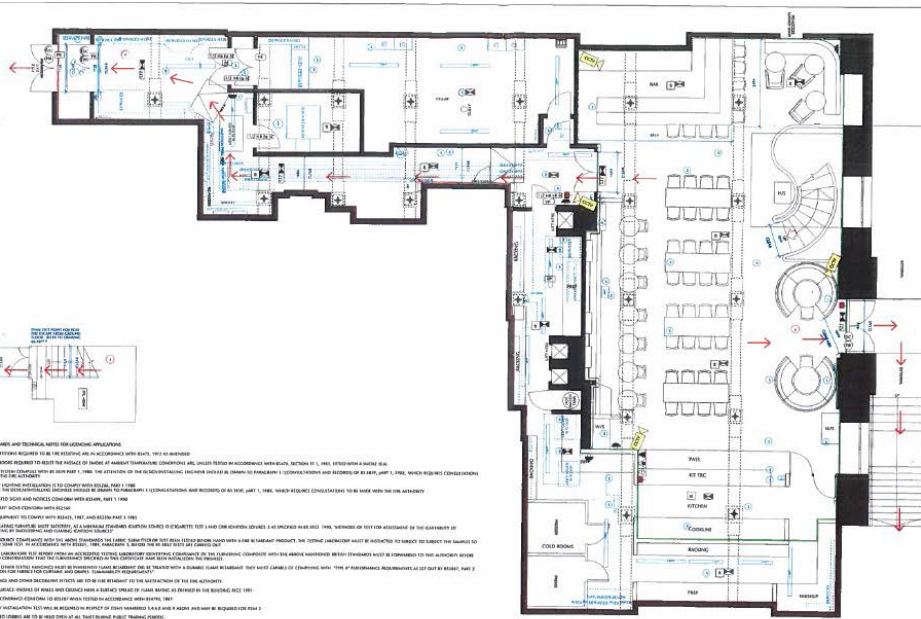
**NOTES**  
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**FUSION**

**DRAKE & MORGAN**  
 THE 80TH, LONDON

DATE	7 FEB 2017
BY	[REDACTED]
CHECKED BY	[REDACTED]
SCALE	1:100
PROJECT	94-29/030 D



**NOTES**

1. THE FIRE ALARM SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH BS 58-1:2002 AND BS 58-2:2002.

2. THE FIRE ALARM SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH BS 58-1:2002 AND BS 58-2:2002.

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9. THE FIRE ALARM SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH BS 58-1:2002 AND BS 58-2:2002.

10. THE FIRE ALARM SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH BS 58-1:2002 AND BS 58-2:2002.

**MINIMUM STANDARDS AND TECHNICAL NOTES FOR LICENSING APPLICATIONS**

1. DESIGN AND MATERIALS REQUIRED TO BE THE APPLICANT'S OWN OR ACCORDING WITH BS 58-1:2002.
2. THE FIRE ALARM SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH BS 58-1:2002 AND BS 58-2:2002.
3. THE FIRE ALARM SYSTEM IS TO BE INSTALLED IN ACCORDANCE WITH BS 58-1:2002 AND BS 58-2:2002.
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SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
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[Symbol]	SMOKE DETECTOR	[Symbol]	HEAT DETECTOR	[Symbol]	MANUAL CALL POINT

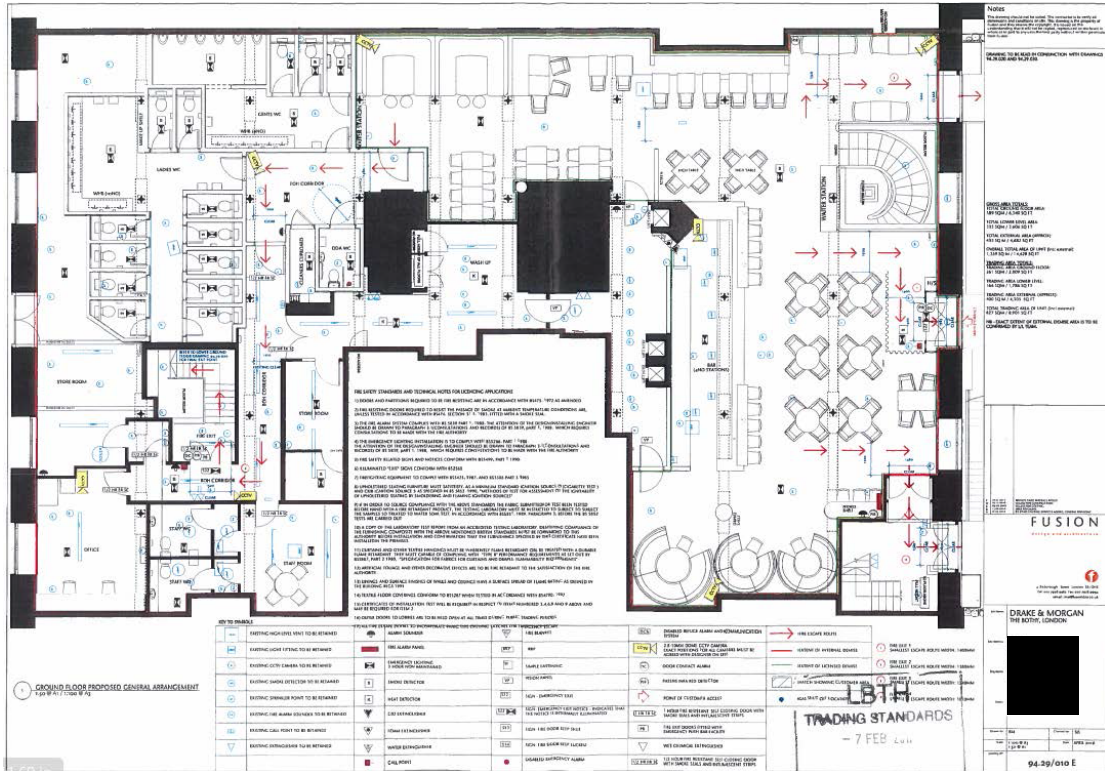
**LOW LEVEL PROPOSED CENTRAL ARRANGEMENT**

**LBTH**  
TRADING STANDARDS  
- 7 FEB 2017  
LICENSING

**FUSION**  
FIRE AND SECURITY

**DRAKE & MORRIS**  
THE NORTH LONDON

94-39/020 E



**Notes**

1. THIS DRAWING IS A PART OF THE ARCHITECTURAL DRAWINGS FOR THE PROJECT AND IS NOT TO BE USED IN ISOLATION.

2. THE CLIENT HAS ACCEPTED THE DESIGN AND CONSTRUCTION OF THE PROJECT.

3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

**THE SAFETY STANDARDS AND TECHNICAL NOTES FOR ACCESSIBLE APPROXIMATION**

1. THE SAFETY STANDARDS AND TECHNICAL NOTES FOR ACCESSIBLE APPROXIMATION ARE PROVIDED FOR INFORMATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

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10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.

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**FUSION**

**DRANK & MORGAN**  
THE ARCHITECTS

**LB14**

**TRADING STANDARDS**

- 7 FEB 2014

94-29/010 E

# Appendix 4

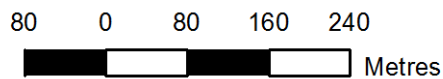


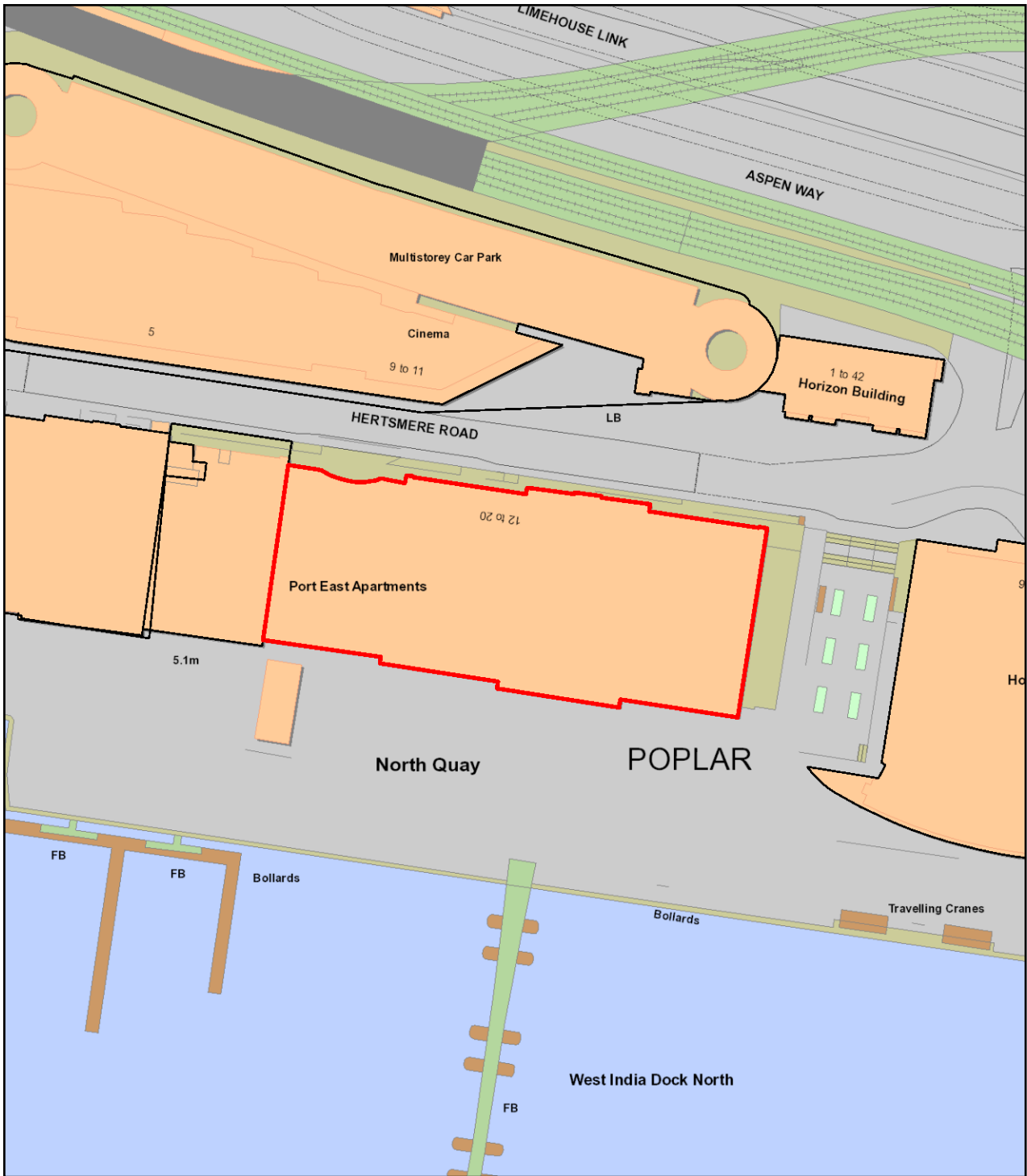
# 16 Hertsmere Road

## The Bothy Map 1



Scale 1:9078



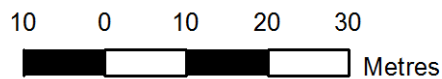


# 16 Hertsmere Road

The Bothy



Scale 1:1135



# Appendix 5



Premises name and address	Hours for Licensable activities	Opening times
<p><b>(La Tasca)</b>  <b>Hertsmere Road</b>  <b>West India Quays</b>  <b>Canary Wharf,</b>  <b>E14 4AE</b></p>	<p><b>On Sales</b>  Alcohol shall not be sold or supplied except during permitted hours.  In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.</li> <li>b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.</li> <li>c. On Good Friday, 12 noon to 10.30 p.m.</li> <li>d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.</li> <li>f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.</li> <li>g. 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).</li> </ul> <p>Alcohol may be sold or supplied (for one hour following the hours set out above and to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>For conditions relating to times re off sales with a premises that</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

	<p>permits on sales and exemptions see Mandatory Conditions</p> <p>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.</p>	
<p><b>(The Beluga Café)</b> West India Quay 14 Hertsmere Road London E14 4AX</p>	<p><b>Alcohol</b> Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ul style="list-style-type: none"> <li>a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.</li> <li>b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.</li> <li>c. On Good Friday, 12 noon to 10.30 p.m.</li> <li>d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</li> <li>e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.</li> <li>f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.</li> <li>g. 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).</li> </ul> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p><b>Late Night Refreshment</b> Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

	<p><b>Regulated Entertainment (recorded music only)</b>  There are no time restrictions on recorded music or private entertainment</p> <p>Note: 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.</p>	
<p><b>(Astons on the Quay)</b>  Unit 1, Block D  14 Hertsmere Road  West India Quay  London  E14 4AF</p>	<p><b>Alcohol and Regulated Entertainment (live music, recorded music)</b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 10:00 hours to 12midnight</li> <li>Sunday, from 10:00 hours to 23:00 hours</li> </ul>	<p><b>The opening hours of the premises</b></p> <ul style="list-style-type: none"> <li>Monday to Saturday, from 10:00 hours to 00:30 hours the following day</li> <li>Sunday, from 10:00 hours to 23:30 hours</li> </ul>
<p><b>(Dion )  Unit E  Port East Buildings  14 Hertsmere Road  London  E14 4AP</b></p>	<p><b>The sale by retail of alcohol:</b>  Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 10.00hrs to 23.00hrs  Sunday from 12.00hrs to 22.30hrs  <b>Late night refreshment:</b>  Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 23.30hrs  <b>Recorded music – Background only:</b>  Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10.00hrs to 23.30hrs  Sunday from 12.00hrs to 23.00hrs</p> <p>New Years Eve from end of permitted hours to start of permitted hours on New Years Day</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday from 10.00hrs to midnight</p> <p>Sunday from 10.00hrs to 23.30hrs</p> <p>New Years Eve from end of permitted hours to start of permitted hours on New Years Day</p>

<p><b>(Burger &amp; Lobster Restaurant Group Ltd)</b>  2 The Port East Building  18 Hertsmere Road  West India Quay  Isle of Dogs  London  E14 4QT</p>	<p><b>The sale by retail of alcohol</b></p> <ul style="list-style-type: none"> <li>• Sunday, Monday, Tuesday, Wednesday from 10:00 hours to midnight</li> <li>• Thursday from 10:00 hours to 01:00 hours the following day</li> <li>• Friday and Saturday from 09:00 hours to 02:00 hours the following day</li> </ul> <p><b>The provision of regulated entertainment <i>consisting of Live music, recorded music, provision of facilities for dancing and anything of similar nature including Karaoke</i></b></p> <ul style="list-style-type: none"> <li>• Sunday, Monday, Tuesday, Wednesday from 10:00 hours to midnight</li> <li>• Thursday from 10:00 hours to 01:00 hours the following day</li> <li>• Friday and Saturday from 09:00 hours to 02:00 hours the following day</li> </ul> <p><b>The provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>• Sunday, Monday, Tuesday, Wednesday until 01:00 hours the following day</li> <li>• Thursday until 02:00 hours the following day</li> <li>• Friday and Saturday until 03:00 hours the following day</li> </ul> <p><b><u>For the LOWER GROUND FLOOR only:</u></b></p> <p><b>The sale by retail of alcohol</b></p> <ul style="list-style-type: none"> <li>• Friday and Saturday from 09:00 hours to 01:00 hours the following day</li> </ul>	<p>Sunday, Monday, Tuesday, Wednesday from 09:00 to 01:00 hours the following day  Thursday from 09:00 hours to 02:00 hours the following day  Friday and Saturday from 08:00 hours to 03:00 hours the following day</p> <p><u>Non-standard timings:</u>  An additional hour, with prior agreement with the Police and Seven days Notice on:  St Davids Day, St Patricks Day, St Georges Day and St Andrews Day.</p> <p>For statutory Bank Holiday weekend periods (Friday, Saturday, Sunday and Monday) and the Thursday before Good Friday and Christmas Eve, the finish time will be extended by one hour. On occasions of local, national or international significance or for charitable event, limited to twelve per year, the finish time will be extended by one hour, with Fourteen days notice and agreement with the Police.</p> <p>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</p>

	<p><b>The provision of regulated entertainment - <i>Live music, recorded music, and anything of similar nature including Karaoke</i></b></p> <ul style="list-style-type: none"> <li>• Friday and Saturday from 09:00 hours to 01:00 hours the following day</li> </ul> <p><b>The provision of late night refreshment</b></p> <ul style="list-style-type: none"> <li>• Thursday, Friday and Saturday until from 23:00 hours to 01:00 hours the following day</li> </ul> <p><u>Non-standard timings:</u> An additional hour, with prior agreement with the Police and Seven days Notice on: St Davids Day, St Patricks Day, St Georges Day and St Andrews Day.</p> <p>For statutory Bank Holiday weekend periods (Friday, Saturday, Sunday and Monday) and the Thursday before Good Friday and Christmas Eve, the finish time will be extended by one hour. On occasions of local, national or international significance or for charitable event, limited to twelve per year, the finish time will be extended by one hour, with Fourteen days notice and agreement with the Police.</p> <p>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</p>	<p>Years Eve and 11am on New Years Day</p>
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# Appendix 6

## Corinne Holland

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**From:** miller s [REDACTED]  
**Sent:** 28 April 2017 08:27  
**To:** Corinne Holland  
**Subject:** RE: Your ref: CLC/EHTS/LIC/099663

Dear Corinne Holland

I thank you for your prompt reply.

I wish I could speak English well enough to tell you my concerns. Please kindly note that I am not objecting customers eat or drink inside building, I am objecting serving foods & drinks at the forecourt in the morning. People do not eat or drink quietly especially with family or friends. I do not open windows when people eat & drink at my forecourt because of noise. Can you imagine you don't open windows at your home in summer nights? I understand this district is business friendly one. Yes, I am guilty as charged, I should noticed that there are pubs & restaurants at my forecourt.

No, I did not know they open business till 1 in the morning at my forecourt in summer and maybe open business 8 in the morning at my forecourt soon. My GP suggested I should report council regarding forecourt opening hours after he made appointment with psychologist for me a few years ago. By the way, again, guilty as charged, I have been living here more than 10 years. I know I can not win against commercial friendly council and the Land Securities, their landlord. I did not report you but report service manager with supporting documents, for example closing time sheet which my GP suggested. Nothing, not a thing happened, business as usual all the time. So, I gave up on everybody who doesn't care somebody open windows or not in hot summer night.

As I said on top, I am not objecting early birds eat & drinks inside premises. I know I am living 24/7 running district, people need to eat & drink in the morning. But, big BUT, you should understand that there are 99 residential flats above. Customers who want to eat & drink in the morning can go somewhere else, not residential area.

I thank you for your kind listening.

Best regards

Sook Miller  
Resident

P.S) I understand there is Forecourt Licence. I am Personal Licence holder and I was the owner of restaurant in central London. Some use their own Forecourt Licence but others use X-Leisure or Land Securities' one. I am sure they breach the rules, I am not sure who want to know. The so-called Opening Hours means nothing here.

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보낸 사람: Corinne Holland <Corinne.Holland [REDACTED]>  
보낸 날짜: 2017년 4월 27일 목요일 오후 6:09  
받는 사람: [REDACTED]  
제목: FW: Your ref: CLC/EHTS/LIC/099663

Dear Mrs Miller

Thank you for your email but would you be able to expand on your objections i.e the trouble you mention on the forecourt.

Under the Licensing Act 2003, the criteria for your representation to be valid is that you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

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

Could you please get back to me with more details.

Thank you

*Corinne Holland - Licensing Officer*

Licensing Team . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

 [REDACTED] |  [REDACTED] |  [corinne.holland@towerhamlets.gov.uk](mailto:corinne.holland@towerhamlets.gov.uk) |  [Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)

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**From:** miller s [REDACTED]  
**Sent:** 27 April 2017 13:02  
**To:** Licensing  
**Subject:** Your ref: CLC/EHTS/LIC/099663

Dear Kathy Driver

**Premises Variation - The Bothy, 16 Hertsmere Road, London E14 4EF**

First of all, please forgive my poor English.

I object to an application to vary the premises licence at the above address. We are having enough trouble at the forecourt. I strongly object if they want to serve foods & drinks at the forecourt from 8 in the morning. We, the residents above bars & restaurants need some peace in the morning. Enough is Enough!

I thank you for your very kind considering.

Best regards

Sook Miller(Mrs)  
Resident

[REDACTED]  
[REDACTED]  
[REDACTED]



# Appendix 7

## Public nuisance - S182 Updated March 2015

- 2.14 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.
- 2.15 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.
- 2.16 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 15). 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.
- 2.17 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.

- 2.18 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.
- 2.19 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.
- 2.20 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 8

## **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 9

## **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 8.1 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 12.11**).

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 8.2 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 2 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. a premises causing a nuisance resulting from noise emanating from the premises.

### Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and 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 (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

### 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.