

Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:	£100	21/05/2017	

This form should be completed and forwarded to: Licensing Section, John Onslow House, 1 Ewart Place, London E3 5EQ with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

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 (Insert name(s) of applicant) James Wheale

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
 Land adjacent to Fleet St Hill, bordered on two sides by train lines. Accessed by an underpass from Allen Gardens or the footbridge from Cheshire St.
 It is a two and half acre brownfield site we have been given the permission from the landowners to use as a community gardens and open arts and events space.

Post town London	Post code E1 5ES
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Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)


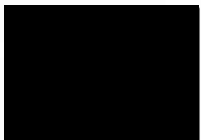



*If you are applying as a person described in (a) or (b) please confirm:

Please tick as appropriate

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

Surname		First names	
Wheale		James	
Date of Birth		I am 18 years old or over	Please tick yes <input checked="" type="checkbox"/>
Nationality	British		
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 Mrs Miss Ms Other title
(for example, Rev)

Surname		First names	
Date of Birth		I am 18 years old or over	Please tick yes <input type="checkbox"/>
Nationality			
Current residential 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
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
1	9	062017

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

Day	Month	Year
3	1	122017

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

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Please give a general description of the premises (please read guidance note1)

The premises was a brownfield site we have secured the permission to use for the community benefit. So far we have a built over 160 vegetable boxes for the local community. We also have different activities to increase the use-value of the site such as art and street art, workshops, gallery space, small cafe, pay-what-you-feel waste food supermarket and bicycle repair workshop.

We also have some pallet furniture, a greenhouse, domed classroom, recycle and reuse yard and children playarea.

Everything we have built is from salvaged or reclaimed materials saving them from landfill and everything we build is either modular or moveable.

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 (see 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)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both	X	<p>Please give further details here (please read guidance note 4)</p> <p>The plays will be performed inside and in front of the domed classroom and workshop space.</p>
Tue	19:00	22:30			
Wed	19:00	22:30			
Thur	19:00	22:30			
Fri	19:00	22:30			
Sat	19:00	22:30			
Sun					
			State any seasonal variations for performing plays (please read guidance note 5)		<p>The plays will be performed mostly in the summer as all of our seating is outdoors.</p>
			Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<p>Please give further details here (please read guidance note 4)</p> <p>The films will be projected onto the big wall. A local resident is donating us a number of wireless headphones to use so no sound will be amplified.</p>
Tue					
Wed	19:00	22:30			
Thur	19:00	22:30			
Fri	19:00	22:30			
Sat	19:00	22:30			
Sun					
			State any seasonal variations for exhibition of films (please read guidance note 5)		<p>Due to our seating being outdoors we will only show films during the summer months</p>
			Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details here</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<p><u>State any seasonal variations for Indoor sporting events</u> (please read guidance note 5)</p> <p><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)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment 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	
Day	Start	Finish		Outdoors	
Mon			Both		<p><u>Please give further details here</u> (please read guidance note 4)</p> <p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)</p> <p><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)</p>
Tue					
Wed					
Thur					
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 [Y] (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	x
				Both	
Mon			Please give further details here (please read guidance note 4) On Sunday evenings we have a regular jam session with live musicians round by our campfire. On Saturday we would like to invite some folk bands to play in the space.		
Tue					
Wed					
Thur					
Fri	17:00	20:00			
Sat	13:00	20:00			
Sun	13:00	20:00			
			State any seasonal variations for the performance of live music (please read guidance note 5)		
			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)		

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 [Y] (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	x
				Both	
Mon			Please give further details here (please read guidance note 4) Usually between bands we will play some pre-recorded music. We have two calibrated sound meters and we will check the sound level at every event.		
Tue					
Wed					
Thur					
Fri					
Sat	13:00	20:00			
Sun	13:00	20:00			
			State any seasonal variations for playing recorded music (please read guidance note 5)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		

G

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

H

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

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 [Y] (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 4)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur						
Fri						
Sat				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 (please read guidance note 6)		
Sun						

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8)	On the premises	X	
Day	Start	Finish		Off the premises		
Mon			State any seasonal variations for the supply of alcohol (please read guidance note 5) These timings are only during the summer months. During the winter we only host a Sunday jam session for visiting musicians where we supply alcohol to cover the costs of the gardens.	Both		
Tue						
Wed						
Thur				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)		
Fri	17:00	20:30				
Sat	13:00	20:30				
Sun	13:00	20:30				

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State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name	Matthew Lee
Date of Birth	
Address	[REDACTED]
Postcode	[REDACTED]
Personal Licence number(if known)	[REDACTED]
Issuing licensing authority (if known)	[REDACTED]

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)

N/A

L

Hours premises are open to the public Standard timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)	
Day	Start	Finish		
Mon			During winter we close earlier, when the sun goes down expect on Sunday when we host a fireside jam. We rarely keep the gardens open later than dusk unless its a special occasion.	
Tue	09:00	20:00		
Wed	09:00	20:00		
Thur	09:00	20:00		
Fri	09:00	21:00		
Sat	09:00	21:30		
Sun	09:00	21:30		
				Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 6)

M

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

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

<p>In order to promote all four licensing objectives we shall do the following:</p> <ol style="list-style-type: none"> 1. All volunteers helping to manage the space will have an induction course. 2. Any members serving alcohol will have to understand licensing law. 3. The training will be focused on specific premises policies. 4. We will keep a records book for incidents that occur on the premises.

b) The prevention of crime and disorder

We shall provide additional external lighting at the entrance and exit to the gardens.

On events attracting 100 people we will registered door staff and stewards.

We will have a strict door administration and no glasses or bottles policy.

Regular patrols of the gardens will be undertaken during operating hours.

c) Public safety

A full risk assessment will be made of the gardens.

First aid boxes will be visible and well stocked.

Fire assembly points and fire exits will be clear and visible

There is a zero tolerance to illegal substances and aggressive behaviour.

d) The prevention of public nuisance

We have a strict noise management policy that sets out sound attenuation measures.

Musicians are notified of the sound policy in advance of performance.

A contact telephone number will be made available to all local residents.

We will reduce the volume significantly after 20:00 hours.

There will be a customer dispersal policy to minimise noise disturbance from guests leaving the gardens.

e) The protection of children from harm

We will operate a strict no i.d no sale of alcohol policy/ Challenge 21 scheme.

Anyone under 16 will be prevented from entering the gardens unless they are accompanied by an adult.

We will keep a refusals book so we are aware of who may be trying to buy alcohol.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable : 183-52542
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be 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	21/05/2017
Capacity	Project leader

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)

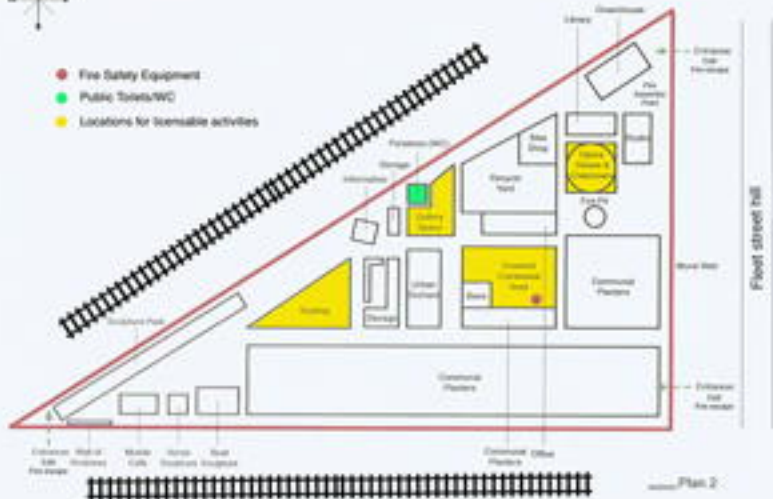
<p>Contact name (where not previously given) and postal address for correspondence associated with this application</p>	
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Post town	Post code
Telephone number (if any)	

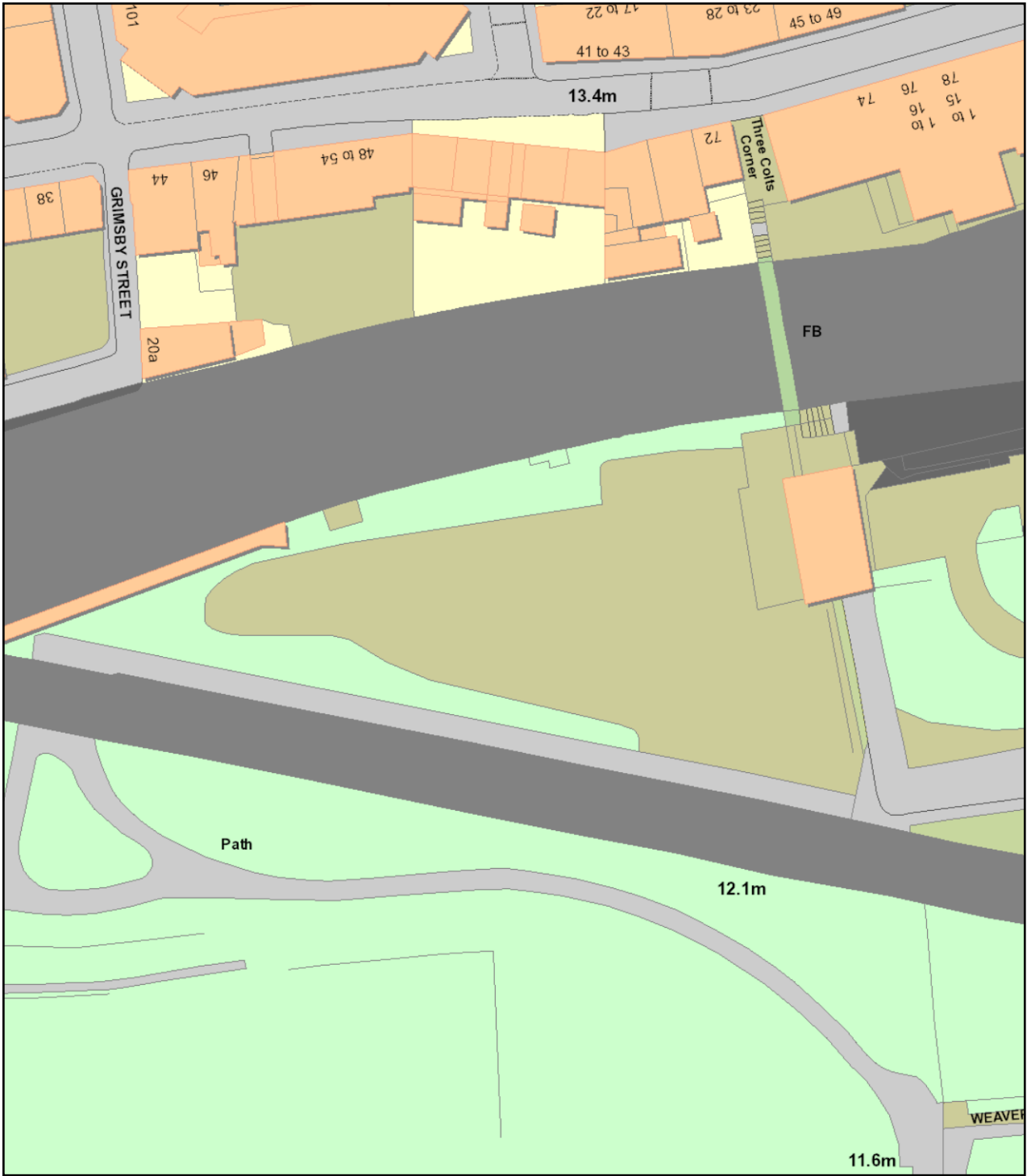
Appendix 2



- Fire Safety Equipment
- Public Toilets/WC
- Locations for licensable activities



Appendix 3

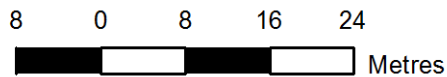


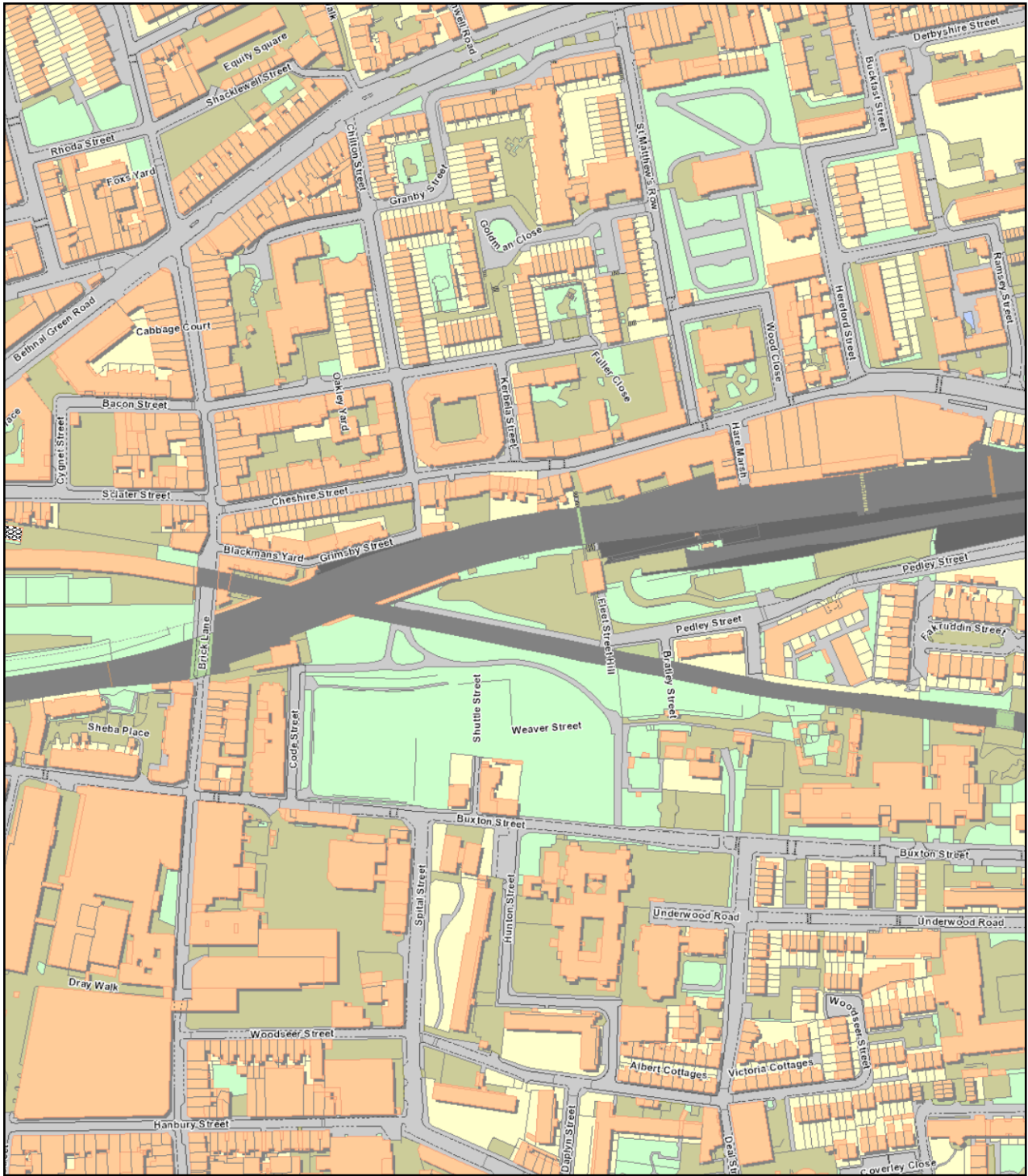
Nomadic Community Garden

Map 1



Scale 1:875





Nomadic Community Garden

Map 2



Scale 1:3501

30 0 30 60 90



Metres



TOWER HAMLETS

Appendix 4

Section 182 Advice by the Home Office Updated on April 2017

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 5

Corinne Holland

From: Ben James [REDACTED]
Sent: 04 July 2017 23:28
To: Licensing
Subject: Objection to licensing application, Nomadic Community Gardens E1 5ES

Dear Licensing Authority Team,

I am writing to object to the application for a Premises Licence at Nomadic Community Gardens, Pedley Street, London E1 5ES (Date of Application: 11th June 2017).

My partner, Rose Popham, and I live at [REDACTED] with our 10 month old child. The windows of our ground floor flat directly face the Nomadic Community Garden across Allen Gardens, with the Overground railway line travelling between us and the site.

Since Nomadic Community Gardens Ltd took over the site, we have faced regular disruption with loud recorded and live music being played or performed over amplified PA equipment during weekends, often late in the evening. Nomadic Community Gardens is operated as an open-air venue and there is no barrier other than the railway line, which has no discernible effect on the noise, between our home and the sound equipment.

I would like to note that Nomadic Community Gardens Ltd is a private limited company operating the site on a temporary basis on behalf of a property developer, London and Newcastle Capital Ltd, which has planning consent for its Fleet Street Hill development on the site. The websites of both companies give the impression that theirs is a mutually beneficial partnership, where each provides a service on behalf of the other. They also make it clear that Nomadic Community Gardens is a temporary occupant of the site and will eventually make way to allow the development of the site as housing.

We have an excellent neighbour on Buxton Street that provides the local community with an opportunity to participate in gardening and a variety of activities on an otherwise derelict site - Spitalfields City Farm. The city farm has operated on Buxton Street since 1978 - amply demonstrating that there is a sustainable way to provide this type of city farm/garden project without the need to raise funds through disruptive weekly amplified music and performance events. The city farm also happens to be a registered charity and has repeatedly demonstrated a long-term interest in fostering genuine links with the local community.

I feel extremely strongly that Nomadic Community Gardens Ltd's application for a premises license to allow performances, screenings and recorded music has nothing to do with the creation of an urban garden and is instead an attempt to create an open-air entertainment venue for short-term profit. The preferential relationship between the operator and the property developer, in addition to the well established example of the city farm, demonstrate that these events are not necessary to ensure the financial sustainability of a community garden project, and that there are other means to achieve financial sustainability that have less of a negative impact on the surrounding homes.

The community garden site is completely unsuitable for an open air performance venue operating for up to 24.5 hours a week as it is surrounded by homes, both on Buxton Street to the south and on Cheshire St to the north. This is a temporary project that will eventually make way to allow the development of the site: Nomadic Community Gardens Ltd has no long-term interest in building a relationship with the community in the surrounding area and every incentive to maximise its profitability in the short term. This should not be allowed to happen to the detriment of householders who face an onslaught of noise with no mitigation put in place to limit its impact on their homes. I urge the licensing team to refuse this application and to more closely monitor the amplified sound currently produced by events and activities at Nomadic Community Gardens

Your Sincerely

Ben James

counter-signed, Rose Popham

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

Appendix 6

Corinne Holland

From: Charles Curran [REDACTED]
Sent: 02 July 2017 20:16
To: Licensing
Cc: [REDACTED]
Subject: Nomadic Community Gardens Pedley Street E15ES - licence application
Attachments: image1.JPG; ATT00001.txt; image2.JPG; ATT00002.txt

Dear Sirs

I am the owner and occupier of [REDACTED].

I am writing in connection with the license application for the Nomadic Community Gardens (see attached picture for license application notice).

I am deeply concerned at the ongoings in the Nomadic and the types of people it attracts. My property is directly on the other side of the railway walkway bridge (see picture attached) and is suffering as a result of the huge increase of footfall and drunken people coming to and from the Nomadic.

Every week I have to endure bottles and cans being left everywhere outside my house, people jumping on my skylight, last week someone trying to smash my window and today someone standing on my window ledge whilst graffiti spraying above my door. His response was 'so what' when questioned and when he finished he headed off into the Nomadic.

I have lived in this house for 4 years and nothing like this has ever happened until Nomadic started.

If you plan on approving the license for Nomadic, I would request that as part of their conditions a security guard is placed on the opposite side of the railway walkway bridge from Nomadic (see picture for location) to keep the residents of Cheshire Street and their properties safe.

It's extremely unjust that the people running Nomadic will profit whilst ruining the community around them, in particular Cheshire Street.

I have copied my local councillor into this email as I have previously raised concerns about the activities legal and illegal going on around the Nomadic site.

I would also like details on how you intend to police the Dj music constantly being played at all hours from the Nomadic e.g. are you going to give residents a dedicated phone number to call when Nomadic breaches its license conditions?

I look forward to hearing from you.

Kind regards,

Charles Curran

Appendix 7

Corinne Holland

From: David Knight <[REDACTED]>
Sent: 04 July 2017 15:01
To: Licensing
Cc: [REDACTED]
Subject: Objection to licensing application, Nomadic Community Gardens E1 5ES

Dear Licensing team,

I am writing to strongly object to the proposed Premises Licence Nomadic Community Gardens, Pedley Street, London E1 5ES (Date of Application: 11th June 2017)

I, with my wife and young child, live at [REDACTED]. The windows of our first and second floor flat directly face the Nomadic Community Garden across Allen Gardens, with the Overground railway line travelling between us and the site.

Since the NCG took over the site, we have been forced to make countless calls to the LBTH out of hours team regarding the NCG site, particularly last Summer. Pretty much every weekend evening of last Summer, we waited for the 'out of hours' office to open at 8pm and made a complaint. After visiting our house once or twice to witness the noise levels in our home and garden, the team made several trips to the NCG over many weekends to address the noise complaint. Initially, their visits meant that the noise was stopped, and I was told that a warning letter, one step away from an enforcement notice, had been delivered to the NCG.

After several weeks of this process, one of the officers was presented with a licence by someone on the site, whilst visiting following up our complaint. This licence apparently laid out times for concerts to take place, granted by LBTH. I don't know the details of this but this apparently meant that the out of hours team were unable to prevent the noise from taking place.

This Summer, the noise has been highly variable but normally louder than is comfortable. We can clearly hear the lyrics of the songs being played in our home with all windows closed. The music being played, live or recorded, is characterised by heavy repetitive bass and beatboxing/rapping for extended periods. The deep bass can make the glass in my child's bedroom window vibrate. The noise is audible even when a train passes, and of course is more repetitive. Working, reading etc. in our home is extremely difficult when the music is on at their average volume, particularly due to deep repetitive bass lines.

We have lived at this address long enough to remember when the large Mela celebrations filled Allen Gardens. As an annual joyful event, we accepted this as part of living in this central London location. In effect, with the NCG's activities, we have open air music happening on a regular basis, in effect a small festival, happening in a heavily built-up area dominated by residential buildings on Cheshire Street and nearby.

We and our neighbours regularly visit the gardens to ask for the noise to be reduced. After a while, someone well-meaning typically tries to reduce the noise to a decent level, but by the time we have got home the noise has typically returned to the level it was at before. This, combined with the fact that the NCG regularly continues playing live and recorded music beyond the 9pm cut-off point that we are told they have a license for, gives us no confidence that the management of the NCG will be responsible in terms of sticking to the noise levels and times agreed by any licensing application. Visiting the site, it often is clear that the management team are not able to prevent volume levels being increased and licensing times being breached.

We have recently given up calling the LBTH Out of Hours team because, since seeing the license that NCG apparently holds, they have been unable to prevent the noise continuing.

If films and music are played at the levels of volume we are currently experiencing, then our home will be filled with clearly audible music and performance between 14 and 24.5 hours a week. Although your out of hours team has

experienced the noise levels in our home on more than one occasion, we would be very happy for someone to visit during the NCG's current 'peak' times of Sunday afternoon/evening to witness the disturbance currently caused by the NCG and which will make life in our home unbearable if this licence is approved.

Yours,

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

Appendix 8

Corinne Holland

From: Spurring <[REDACTED]>
Sent: 04 July 2017 22:48
To: Licensing
Subject: Objection to licensing application ,nomadic community gardens E15ES

Dear licensing team I strongly object to this application .

The volume of the music coming from the gardens has been far too loud , even post this application there has been no attempt to restrain those responsible for the volume.

On occasion I have visited and asked them to turn down the volume for the their neighbours (the real community) it has had no lasting effect , it was clear that the ' management ' was very weak , quickly overwhelmed by the assembly of 'High life tourists 'and the volume turned up again.

The volume is so great it overwhelms the sound of the rail track that is around 120 metres away , it is easily recordable using a phone .

The council recently declared a ' public spaces protection order in and around Allen gardens , anti social behaviour includes the playing of music . The volume coming from the nomadic gardens completely drowns any noise from Allen gardens , this ruins the peace In the park and makes a mockery of the councils own policy .

It must be obvious to anyone who attends the meeting that if they witnessed the volume they would never grant an application near their own homes , so why here , where we already put up with so much anti social behaviour !

David Spurring
[REDACTED]
[REDACTED]

Sent from my iPhone

Appendix 9

Kathy Driver

From: Charlie Dunlop <[REDACTED]>
Sent: 07 July 2017 18:13
To: Licensing
Subject: Objection to licensing application, Nomadic Community Gardens E1 5ES

Dear Licensing team,

I am writing to strongly object to the proposed Premises Licence Nomadic Community Gardens, Pedley Street, London E1 5ES (Date of Application: 11th June 2017)

I live at [REDACTED]. The level of noise that comes from the site which is generated by a very large sound system and people drumming is way beyond what should be allowed in a residential area. It is extremely disruptive to the people living in our building where a number of young families with small children live.

Our neighbours regularly visit the gardens to ask for the noise to be reduced however this seems to have little or no effect and there is a clear disregard for the well-being of local residents in this regard.

If films and music are played at the levels of volume we are currently experiencing, then I believe it will be extremely disruptive to local residents and I strongly recommend that this license be rejected

Please feel free

Regards,

Charles Dunlop

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

Corinne Holland

From: Nicola Cadzow
Sent: 24 July 2017 08:09
To: Licensing; Corinne Holland
Cc: [REDACTED] 'James Wheale'
Subject: RE: Time limited licence for Nomadic Community Gardens - ref M/101482

Dear Licensing,

Following amendments to the hours for Plays & Films, use of headphones for all films and the Applicant's agreement to the noise condition (see email trail below), I have no objections to the license application for Nomadic Community Gardens, ref M/101482

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm - Environmental Health and Trading Standards
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

From: James Wheale [REDACTED]
Sent: 21 July 2017 20:47
To: Nicola Cadzow
Cc: MARK.J.Perry [REDACTED]; Licensing; Corinne Holland
Subject: Re: Time limited licence for Nomadic Community Gardens

Dear all,

Yes absolutely, I am in accord with the above specifications (from both Nicola and Mark), happy to make those amendments.

Corrine- here is a link to Google maps which shows the location of the gardens.

<https://www.google.co.uk/maps/place/Nomadic+Community+Garden/@51.5229816,-0.0703993,17z/data=!4m8!1m2!2m1!1smaps!3m4!1s0x0:0x6e83bb3e98819d8e!8m2!3d51.5230019!4d-0.0688322>

Hope that's all alright with everyone.

Best,

James

Director of NCG

www.nomadicgardens.weebly.com

[REDACTED]
On Fri, Jul 21, 2017 at 12:10 PM, Nicola Cadzow <[Nicola.Cadzow@\[REDACTED\]](mailto:Nicola.Cadzow@[REDACTED])> wrote:

Hi James,

As well as agreement to the amendment to the hours for Plays and Films, and with headphones being used all films being shown, I would like the following noise condition to be apply on the license as follows:

No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.

I await your confirmation to the above

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm - Environmental Health and Trading Standards

London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

From: MARK.J.Perry [mailto:MARK.J.Perry]

Sent: 21 July 2017 11:55

To: Nicola Cadzow; Licensing; Corinne Holland

Subject: RE: Time limited licence for Nomadic Community Gardens

Hi,

Third time is a charm so they say.

Right just to confirm the applicant agrees to reduce the hours that Films and Plays are shown so that they match up with the hours the premises is open to the public, and that headphones will be used for the films, plus the noise condition Nicola will be requesting.

So Plays and Films to start & finish:

Tuesday, Wednesday and Thursday: From 09:00 - 20:00

Friday: 09:00 - 21:00

Saturday and Sunday: 09:00- 21:30

James if you can do the honours and reply to all saying you agree that would be great.

Thanks

Mark

PC Mark Perry
Police Licensing Officer

[Redacted signature block]

From: Perry MARK J - HT
Sent: 21 July 2017 11:27
To: 'Nicola Cadzow'; [REDACTED]; 'Licensing'
Subject: RE: Time limited licence for Nomadic Community Gardens

Dear all,

Apologies just to confirm that plays and films are to finish at 21:30 and that the premises closes at 21:30, and that all films are to be played using headphones for customers.

Nicola will be adding a condition about noise not being audible at the nearest noise sensitive residential premises.

If you could reply to everyone just to confirm that you are happy with these changes it will be much appreciated.

Regards

Mark

PC Mark Perry
Police Licensing Officer

[REDACTED]
[REDACTED]
[REDACTED]

From: Perry MARK J - HT
Sent: 21 July 2017 11:14
To: 'Nicola Cadzow'; [REDACTED] 'Licensing'
Subject: RE: Time limited licence for Nomadic Community Gardens

Hi James,

Good to speak to you earlier on. Just to confirm that you wish to amend your license so that you close to the public at 21:30. Once this is done confirm that I have no objection to your license application.

If you could reply to everyone just to confirm that it will be much appreciated.

Regards

Mark

PC Mark Perry
Police Licensing Officer

[REDACTED]
[REDACTED]
[REDACTED]

From: Nicola Cadzow [<mailto:Nicola.Cadzow> [REDACTED]]
Sent: 21 July 2017 08:30
To: Perry MARK J - HT
Subject: FW: Time limited licence for Nomadic Community Gardens

Hi Mark,

FYI. Did you get a chance to speak to James?

Regards

Nicola

From: James Wheale [<mailto:>]
Sent: 20 July 2017 20:23
To: Nicola Cadzow; Corinne Holland
Subject: Time limited licence for Nomadic Community Gardens

Dear Corrine and Nicola,

Following on from a conversation with Nicola earlier today in which she expressed confusion over the timings of our licence I feel it due course to write an email explaining and hopefully clearing up any misunderstanding.

The first issue for Nicola was our closing time of 9.30pm and the finish time for serving alcohol as 8.30pm. She cited that all places across Tower Hamlets are only given half an hour to empty their places.

I understand this to be necessary in the case of bars and other venues where the only activity taking place is drinking and possibly listening to music.

However we are a community garden that has lots of activities for the local residents and during the long summer daylight hours they are pursued until later when it gets dark- these activities are not licensable and include watering and weeding plants, creating or practicing art or attending workshops and educational sessions.

It seems overly restrictive to close the entire gardens half an hour after we stop serving and therefore deprive the residents and other visitors to the gardens the resource we are providing for them. We have never had any problems with people leaving the premises and causing a public nuisance as people are very respectful of our mission and what we're trying to do.

As mentioned we are primarily a community garden and local resource not a pub, club or other venue and during weekends we would like to be able to engage in the retail sale of alcohol in order to generate income from which we are able to sustain the gardens not charging the residents for use of the grow boxes and continuing to provide resources so they can create a sense of community. Its really a means to an end not an end in itself.

We have been operating this way for over two years and in all that time there has not been one incident the police or other emergency services have been called. We are not trying to sell as much alcohol as possible but rather be able to use this activity to fund the needs of the gardens which as a not-for-profit enterprise doesn't need a huge amount of money to run.

The second issue raised was the discrepancy between the later closing time during the week for film screenings and theatre (Thursday and Friday) and the sale of alcohol until 8.30.

In explanation, these two activities are mutually exclusive. I don't believe they are occur in the same part of the week (unless I am mistaken, I don't have a copy of the licence application in front of me), the alcohol being restricted to weekends and the film and theatre during the week.

If they do merge the reasoning is that we aren't planning on selling alcohol until the end of a performance, much like the theatre- you can't buy drinks after the performance has ended the bar closes during the show. So the licensable activity of the sale of alcohol would finish in advance of the licensable activity of the performance.

The reason for the later closing time is that during the summer months it doesn't get dark till later so in order to project a film onto our big wall it would have to be later than sunset. These events however will be ticketed- there will be restricted access to the gardens and we will close earlier to the public on these occasions.

Nicola mentioned the potential noise issue of the later finish and we have insisted that anyone wishing to host a film night will have to do so by using wireless headphones so there will be no amplified sound.

In terms of noise complaints in general we have been very compliant with all requests and not received any complaints this year to my knowledge. Last year there was a couple from disgruntled neighbours who have never liked our space and what we're trying to do for the area (I believe there's a word for it, is it nimbyism?).

Nor have we received any formal noise abatement notices, Nicola should be able to inform you should you wish to know how many complaints in total have been made in the entire time we have been there and by whom. I'm willing to bet almost all have come from two people in particular who are located in the same building on the other side of the park on Buxton St, but this is just a hunch...needless to say as a young project we have been finding our feet and there have been none this year to date.

It is impossible to please everybody and all things considered, especially the work we have done in creating community in the local area during our time there (a member of the Met police actually wrote to the development team who own the land to say how much he supports our project as they are never called there anymore!) we have

demonstrated- by lack of actual incidents, we are able to operate and manage the space in a responsible manner that meets the needs of the licensing objectives and beyond.

Many thanks again both of you for your time in reading and considering this email. I hope some of the confusion has been cleared up. I'm happy to answer any more questions anytime.

Warm regards,

James

Director of NCG

www.nomadicgardens.weebly.com



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

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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

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 13

Anti-Social Behaviour on the Premises

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 Section 6 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):

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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.

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 safety.

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the Council is recommended (Annexe D).

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in 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) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. 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.

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

- 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

Appendix 14

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 15

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 Council's 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 16

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

Updated April 2017

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 17

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

Updated April 2017

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 18

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 19

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 20

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