

# Appendix 1



LICENSING ACT 2003

FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

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) MAX KENNEDY

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	
THE NIGHTWALK AREA WITH VICTORIA PARK WEST, LONDON E3 5TB	
THE NIGHT WALK IS A STRIP OF LAND BETWEEN BOUNNER GATE (E2 9TW) + GORE GATE (E9 7HW)	
THE OS GRID REFERENCE IS TQ35485 88560	
Post town LONDON	Post code E3 5TB

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

Date of Birth  I am 18 years old or over  Please tick yes

Nationality

Current residential address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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

Surname  First names

Date of Birth  I am 18 years old or over  Please tick yes

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	MODERN LONDON MARKETS
Address	[REDACTED]
Registered number (where applicable)	[REDACTED]
Description of applicant (for example partnership, company, unincorporated association etc)	COMPANY
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
01	10	2017

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

Day	Month	Year

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 note 1)

The premises is a pedestrianised rd going through Victoria Park from Gorse Gate to Bower Gate. Glass selling alcohol will be situated on the ~~street~~ concrete. Tables and chairs will be provided for people to sit down when consuming alcohol on site which will be on the next to the stalls

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**

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both - please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 7)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick</b> (please read guidance note 3)	Indoors	
Day	Start	Finish		Outdoors	
Mon				<b>Please give further details here</b> (please read guidance note 4)	
Tue					
Wed			<b>State any seasonal variations for exhibition of films</b> (please read guidance note 5)		
Thur					
Fri			<b>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</b> (please read guidance note 6)		
Sat					
Sun					



**C**

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

**D**

Boxing or wrestling entertainment Standard days and timings (please read guidance note 7)			<p><u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 3)</p>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<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>	Both	
	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	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**F**

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)	Indoors	
				Outdoors	
Day	Start	Finish		Both	
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 5)		
Wed			<b>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</b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**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		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both		
Tue						
Wed				<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur						
Fri						
Sat				<b>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</b> (please read guidance note 6)		
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	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors		
Mon				<b>Please give further details here</b> (please read guidance note 4)	Outdoors	
Tue			Both			
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 5)			
Thur						
Fri						
Sat			<b>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</b> (please read guidance note 6)			
Sun						

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I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)</b>	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<b>Please give further details here (please read guidance note 4)</b>		
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 5)</b>		
Thur					
Fri			<b>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)</b>		
Sat					
Sun					

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8)</b>	On the premises	
Day	Start	Finish		Off the premises	
				Both	<input checked="" type="checkbox"/>
Mon			<b>State any seasonal variations for the supply of alcohol (please read guidance note 5)</b>		
Tue					
Wed			<b>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)</b>		
Thur					
Fri					
Sat					
Sun	10.00	18.00			

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

**Name**

**Date of Birth**

**Address**

**Postcode**

**Personal Licence number(if known)**

**Issuing licensing authority (if known)**

MAXWELL KENNEDY
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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**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)**

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L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon			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)
Tue			
Wed			
Thur			
Fri			
Sat			
Sun	10.00	18.00	

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)

STEP 1 - ALL SERVERS IN THE STALLS SELLING ALCOHOL WILL BE TRADED W THE 'CHALLENGE 21 SCHEME' AND SIGNS WILL BE DISPLAYED.

STEP 2 - THE MARKET MANAGER WILL MONITOR THE DWIS TO MAKE SURE NO LITTER IS GENERATED

STEP 3: ALL ALCOHOL STALLS WILL NOT BE PLACED ANYWHERE NEAR RESIDENTIAL BUILDINGS

STEP 4: THE MARKET MANAGER WILL MONITOR ANY CUSTOMER QUEUES SO THEY DONT OBSTRUCT OTHER PARK VISITORS

b) The prevention of crime and disorder

- A CLEAR AND LEGIBLE NOTICE OUTSIDE STALLS INDICATING THE NORMAL HOURS UNDER THE PREMISES LICENCE WITH LICENSABLE ACTIVITIES ARE PERMITTED.
- CLEAR AND CONSPICUOUS NOTICE WARNING OF POTENTIAL CRIMINAL ACTIVITY, SUCH AS OUT THEFT THAT MAY BE TAKEN CUSTOMERS WILL BE DEPRIVED.

c) Public safety

- A LOG BOOK OR RECORDING SYSTEM SHALL BE KEPT ON THE PREMISES IN WHICH SHALL BE ENTERED PARTICULARS OF INSPECTIONS AND INFORMATION COLLECTED TO COMPLY WITH ANY PUBLIC SAFETY CONDITION ATTACHED TO THE PREMISES LICENCE.
- ALL STALLS AND EQUIPMENT WILL BE MAINTAINED AT ALL TIMES IN GOOD ORDER AND IN A SAFE CONDITION
- ADEQUATE ACCESS WILL BE PROVIDED FOR EMERGENCY VEHICLES AT ALL TIMES
- ANY CABLES OR CORDS WILL BE MONITORED BY THE MARKET TEAM TO MAKE SURE THEY DON'T OBSTRUCT

d) The prevention of public nuisance

- ALL LITTER BINS WILL BE MAINTAINED AT ALL TIMES BY THE MARKET TEAM + BINS CONSTANTLY EMPTIED
- EXTRA BINS WILL BE PLACED NEXT TO PARK BINS TO ENSURE THEY DO NOT OVERFLOW. THESE BINS WILL BE EMPTIED THROUGHOUT THE DAY.
- ALL ALCOHOL STALLS WILL NOT BE PLACED NEAR ANY RESIDENTIAL BUILDINGS TO MINIMIZE NOISE
- ALL RUBBISH WILL BE COLLECTED AT 5PM SO NO BINS WILL BE LEFT IN THE OPEN



e) The protection of children from harm

- All STAFF/WORKERS will be trained in the 'Challenge 21 Scheme' and signs will be placed at every staff.
- ONLY PASSPORT, DRIVING LICENSE OR CITIZEN CARD WILL BE ACCEPTED AS IDENTIFICATION FOR PROOF OF AGE
- LICENSE HOLDERS WILL KEEP A REFUSAL BOOK ON THE PREMISES WHERE STAFF CAN RECORD DETAILS OF EVERYONE WHO HAVE BEEN REFUSED 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 :
- 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).

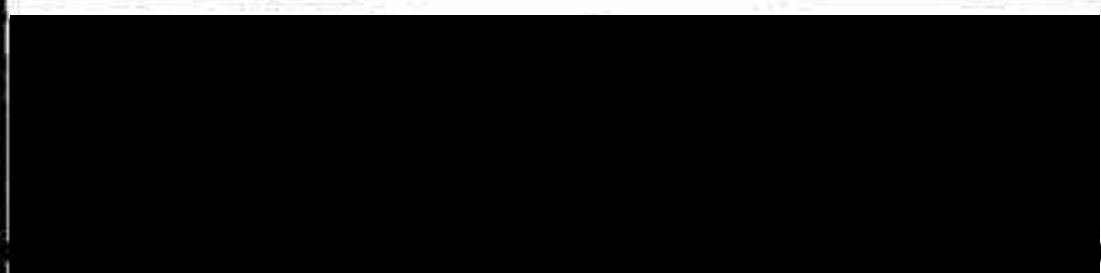
**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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.

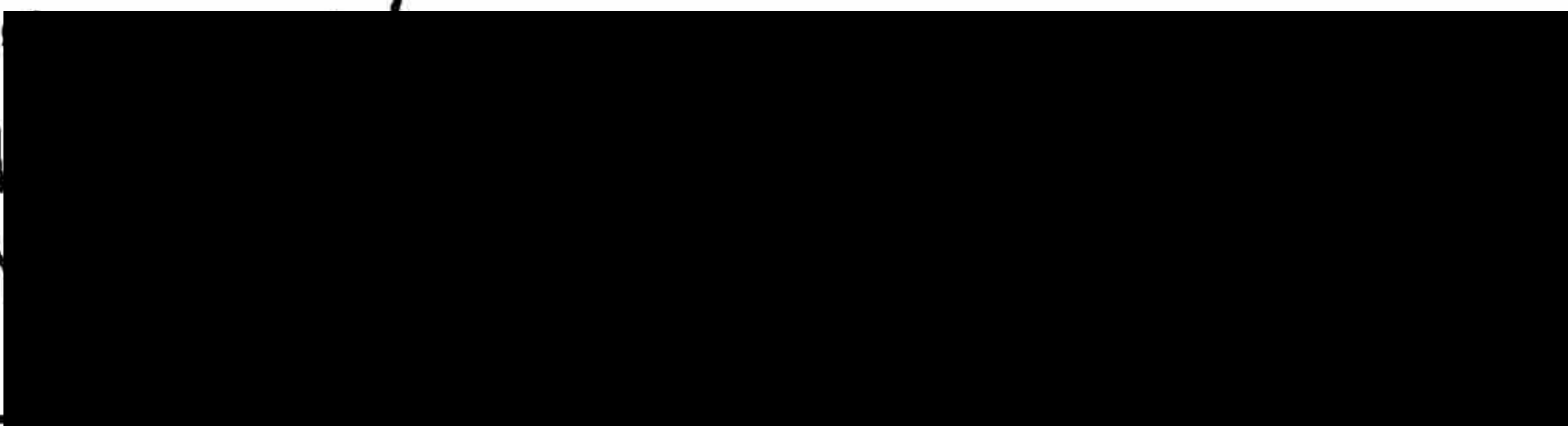
<b>Declaration</b>	<ul style="list-style-type: none"> <li>[Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or 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).</li> <li>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)</li> </ul>
<b>Signature</b>	
<b>Date</b>	11.08.17
<b>Capacity</b>	APPLICANT

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

<b>Signature</b>	
<b>Date</b>	
<b>Capacity</b>	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

MAX KENNEDY

	
<b>P</b>	
<b>T</b>	

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

[REDACTED]

## Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
  - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
  - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
  - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
  - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
  - Live music: no licence permission is required for:
    - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
    - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
    - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
  - Recorded Music: no licence permission is required for:
    - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
    - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
    - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from:

(i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08 00 and 23 00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
  - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
    - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
    - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
    - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
    - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
  4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
  5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
  6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
  7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
  8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
  9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
  10. Please list here steps you will take to promote all four licensing objectives together.
  11. The application form must be signed.
  12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
  13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
  14. This is the address which we shall use to correspond with you about this application.
  15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

Any premises licence issued in respect of an application made on or after 6 April 2017 will

become invalid if the holder ceases to be entitled to work in the UK.

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

#### **Documents which demonstrate entitlement to work in the UK**

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

- **A current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- **A current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- **A current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- **A current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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





LICENSING Act 2003

FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

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>

**Consent of individual to being specified as premises supervisor**

I MAX KENNEDY  
 [full name of prospective premises supervisor]

of. [REDACTED]  
 .....

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for PREMISES LICENCE .....[type of application]

by MAX KENNEDY .....[name of applicant]

relating to a premises licence .....[number of existing licence, if any]

for VICTORIA PARK MARKET, VICTORIA PARK, E3 5EQ STB 05 GRID TQ 35485  
 .....

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by MAX KENNEDY .....[name of applicant]

concerning the supply of alcohol at VICTORIA PARK MARKET, VICTORIA PARK, E3 5EQ STB 05 GRID TQ 35485  
 .....

[name and address of premises to which application relates].

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

.....  
[insert personal licence number, if any]

Personal licence issuing authority .....

[insert name and address and telephone number of personal licence issuing authority, if any]

.....signed

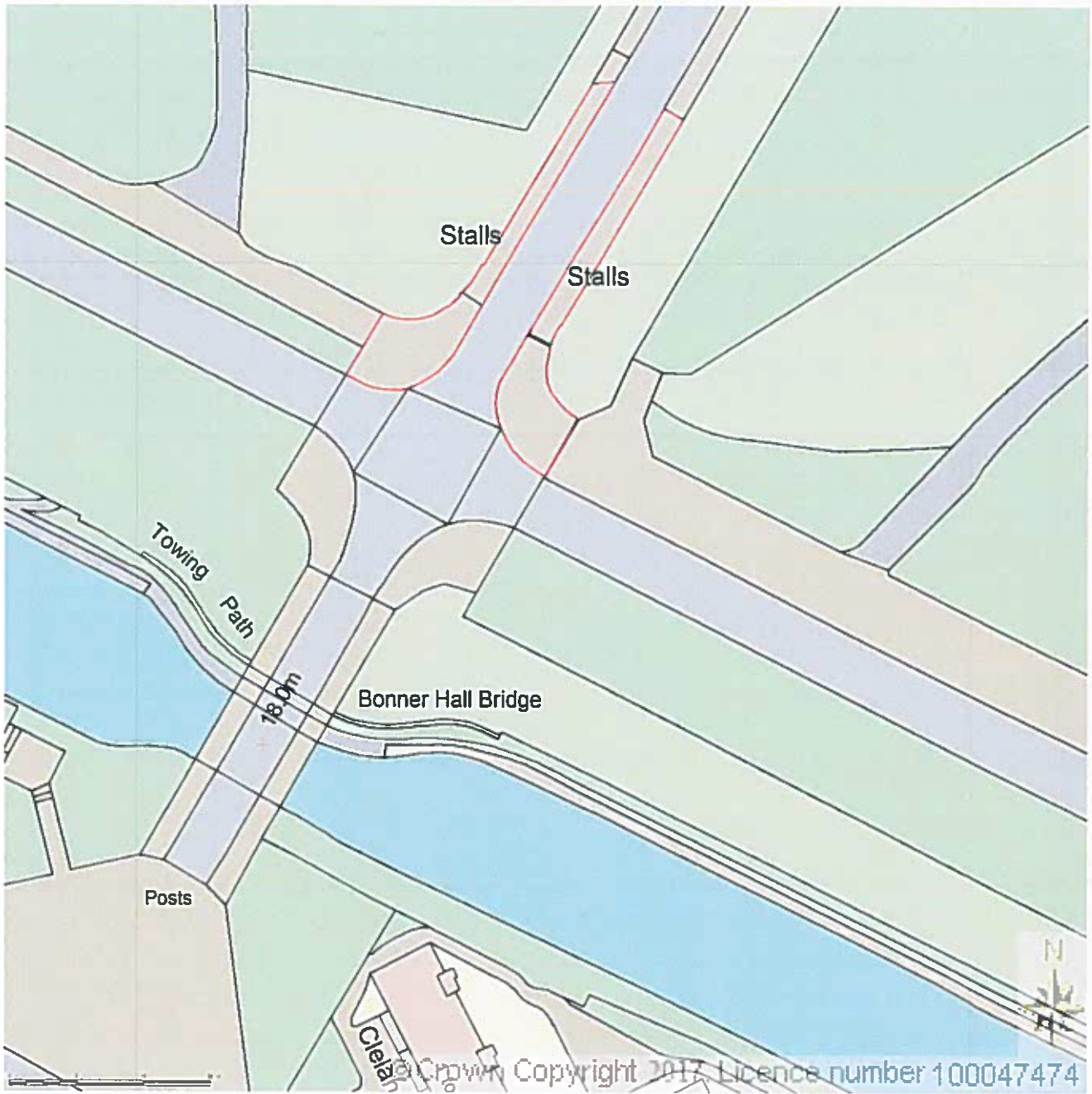
MAX KENNEDY .....name (please print)

18.08.12 .....dated

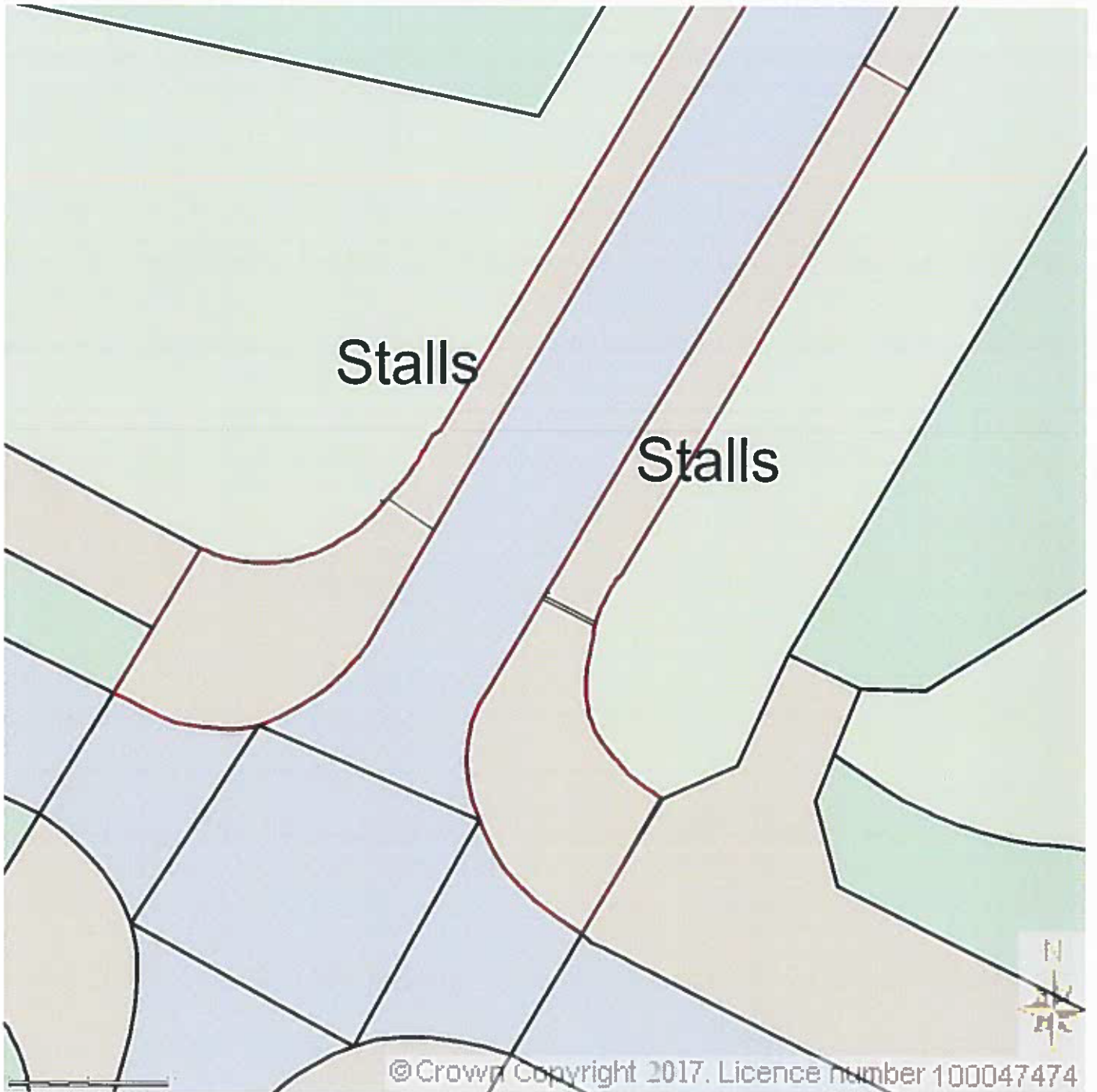
# Appendix 2



# Appendix 3



by Streetwise Maps Ltd  
www.streetwise.net  
Licence No: 100047474  
08/2017 11:49:49



# Appendix 4



[Redacted]

**From:** Deb Khan [Redacted]  
**Sent:** 04 October 2017 15:26  
**To:** Catrina Marshall  
**Subject:** Re: Objection for Premises Licence - Victoria Park Farmers Market

My full name

Deborah Khan  
[Redacted]  
[Redacted]

Under data protection act please can I ask where this information is held and where will it be distributed?

Best

Deb

Sent on the move. Apologies for typos.

On 4 Oct 2017, at 15:18, Catrina Marshall [Redacted] > wrote:

Good afternoon Sir/Madam,

Apologies I may've not made myself clear in the email below but we will need all these details that I asked for in the email below and as follows by the 5<sup>th</sup> October 2017: we will need the full names, addresses and signatures of all who are completing this petition you refer to including your full name, address and contact details.

Regards

[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

[Redacted]  
[Redacted]  
[Redacted]

**Please note:** Meetings with Licensing Officers are by prearranged appointment only.

[Redacted]  
[Redacted]

[Redacted]



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**From:** Catrina Marshall **On Behalf Of** Licensing  
**Sent:** 04 October 2017 11:10  
**To:** 'deborah khan'  
**Subject:** RE: Objection for Premises Licence - Victoria Park Farmers Market

Good morning Sir/Madam,

Further to your email regarding the above licence application, I write to acknowledge your representation to the above application we will need the full names, addresses and signatures of all who are completing this petition you refer to including your full name, address and contact details.

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be notified by the Democratic Services of the date, time and venue of the public hearing and invited to attend. Please note that your representation will become a public document (contact details will be redacted from website) and the applicant is entitled to a full, un-redacted copy of your representation.

The Licensing Sub Committee hearing will be held at Mulberry Place, 5 Clove Crescent, London E14 2BG, you will be notified two weeks prior of the hearing.

The applicants may contact you directly to negotiate any changes to the application.

Regards

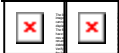
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[Redacted signature block]



**From:** deborah khan [[mailto:\[Redacted\]](#)]  
**Sent:** 03 October 2017 16:28  
**To:** Licensing  
**Subject:** Objection for Premises Licence - Victoria Park Farmers Market

Hello

We would like to object to the granting of the License for the above market , situated in the Night walk, on the following grounds

- Early arrival on every Sunday morning of high volume ( 50+)of commercial traffic in a Hackney Residential street causing disturbance and intrusion - despite reassurance form Market staff these vehicles are waiting to enter the market from 7.30am. Totally unacceptable.
- Noise of early get in and erection of market stalls - vehicles reversing, horns, shouts from traders etc
- Use of Hackney Roads and Hackney Gate to enter the park for an event that is managed by and raising funds for Tower Hamlets. Impact on road infrastructure
- Additional congestion of market traffic into Gore Road in Hackney - large commercial vehicles adding to problems in a very narrow road, busy at the weekends with traffic park either side. This results in frequent grid lock and road rage
- Entry of large vehicles into a very tight gate, very high volume of traffic inc cabs turning in a very small space Sunday am when the intersection of the inner road and night walk is very busy with dog walkers, joggers, children etc - there are serious health and sarefty implications
- Introduction of a weekly large commercial event at an anti social time i.e early Sunday - with no full consultation or dialogue with local residents other than small notices in the park
- Granting of a highly unusual Licence relative to other London street markets sale and consumption of alcohol form early Sunday am
- High density of large permanent signage in a public park for a private commercial event
- Lack of traffic monitoring outside of the park

We have met with the Market Management and LBH Tower Hamlets. We have made practical suggestions - later start, approach the Night Walk form an alternative route not adjacent to a high volume of housing, direct the traffic from Tower Hamlets as they do with other very well manged LBTH events eg Lovebox where traffic is directed away from Hackney

This complaint will be supported by a petition residents of Gore Road, Hackney and Traders association of Victoria park and supported by evidence as photographs etc inc use of Approach Gate bridge over the canal by large trucks. This is a viable alternative but we have been informed by LBTH Park management the bridge has a problem with load bearing. We are also seeking legal advice inc from other street market organisers

To sum up the market is extremely intrusive and we are suffering disturbance of commercial convenience - early drops offs for the stall holders and the easiest route into the park.

Please could you acknowledge this email?

Very many thanks in advance

Deb Khan

--

Deb Khan Ltd Registered in England Company No. 06782335. Registered Office address 54 Gore Road Victoria Park London E9 7HN

\*\*\*\*\*  
\*\*\*\*\*

Working Together for a Better Tower Hamlets

Web site : [REDACTED]

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[REDACTED]  
[REDACTED]

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# Appendix 5

[REDACTED]

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**From:** Martin Shortis <[REDACTED]>  
**Sent:** 04 October 2017 21:27  
**To:** Licensing  
**Subject:** Fwd: Licensing Act 2003 Victoria Park Market, Night Walk/Gore London E2

Dear Kathy Driver,

I am resending my objection below as I have realised I failed to state my address when I sent it first time. I have included the address this time.  
Thank you for your help with this.

Yours sincerely,  
Martin Shortis,

[REDACTED]

----- Forwarded Message -----

**Subject:**Licensing Act 2003 Victoria Park Market, Night Walk/Gore London E2  
**Date:**Wed, 4 Oct 2017 21:20:21 +0100  
**From:**Martin Shortis <[REDACTED]>  
**To:**[REDACTED]

Dear Kathy Driver,

Licensing Act 2003 Victoria Park Market, Night Walk/Gore London E2

Your ref: CLF/EHTS/LIC/103158

I am writing to object to this application. I am not sure why this market has appeared, there was no consultation about it. The area does not require regeneration which is the usual reason for these things. Also the park is full to capacity most weekends and doesn't need to attract further visitors. I have no particular objection to the market except for the amplified live music that we now have to hear through our closed windows in these flats every Sunday.

I don't think people go to the market to drink and if they want to drink outside there are 3 good pubs in the immediate vicinity of the park which provide for this and are already part of our community. Many local families use the park at weekends and I doubt that people sitting around drinking is going to enhance their visit to either the park or the market.

There is also a long-standing problem in this part of the park with groups of drinkers getting mindlessly drunk and playing loud music in the evenings particularly at weekends. Licensing the sale of alcohol right next to to where this occurs doesn't make any sense. I have not met anyone in this block in favour of this proposal.

For these reasons I am writing to object.

Yours sincerely,

Martin Shortis

[Redacted]

---



[Redacted]

# Appendix 6



[REDACTED]

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**From:** Sarah Perritt [REDACTED] >  
**Sent:** 05 October 2017 22:26  
**To:** Licensing  
**Subject:** Your ref: CLC/EHTS/LIC/103158 Victoria Park Market, Night Walk Approach Road/Gore Road London E2

Dear Kathy Driver,

I would like to object to the proposal to sell alcohol at the Victoria Park Market.

The market is one of the many attractions Victoria Park offers at the weekend, it is very popular and busy, as is the rest of the park.

The atmosphere is good, family friendly and relaxed.

The sale of alcohol would inevitably change this.

It would bring no benefit to the park as a whole (which already has three popular pubs on its periphery).

There are already drinkers in the park (who habitually occupy the benches and tables just to the left of the market, Agnes Gate side).

They play amplified music from a beat box, increasingly loud as more drink goes down, on Saturday and Sunday afternoons and evenings.

This creates an atmosphere out of keeping with the quiet enjoyment of the beautiful park.

It is also really intrusive in our flats, even with closed windows.

The sale of alcohol at the market, and the change of emphasis this would bring, would go some way to legitimise this, which is potentially really anti-social.

There is live amplified music from the market too. We are very lucky to live so near the park in our four blocks (Cleland, Goodrich, Kemp and

Piggot) and we accept that from time to time, especially in the Summer, there will be a certain amount of intrusive noise from various events in the park.

However, the Market happens every Sunday.

There was no consultation about this, as far as I am aware.

I do wonder who would benefit from the sale of alcohol at the Sunday Market?

Thank you for reading these comments.

If you would like to visit us at Goodrich House while the market is on, you would be very welcome.

Yours faithfully,  
Sarah Perritt

[REDACTED]  
[REDACTED]  
[REDACTED]

# Appendix 7

## **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 8

## Catrina Marshall

---

**From:** Victoria Park Market <[REDACTED]>  
**Sent:** 25 September 2017 13:35  
**To:** [REDACTED]  
[REDACTED]  
**Subject:** Re: Application for a premises licence - Victoria Park Market - reference no.103158



Hi Kevin

Thanks for the email.

In answer to your 2 questions:

- Yes we are more than happy to adopt "Challenge 25" and make that part of the conditions of our licence.
- In terms of " further details about how the stall holders will supply the alcohol" details are as follows

The beer stall will be serving beer on draught into biodegradable plastic glasses and cans of beer (to drink on site or take home)

The wine stall serves wine by the glass into plastic recyclable cups and bottles of wine to take home

The distillery stall serves gin and tonics which are mixed on site and poured into recyclable paper cups. Pre-mixed Negronis poured into recyclable paper cups. Bottles of gin and vodka to take home.

If you require any further information whatsoever please let me know.

Many thanks

Max



Sent with [Mailtrack](#)

On Mon, Sep 25, 2017 at 1:06 PM, Kevin Maple <[Kevin.Maple@towerhamlets.gov.uk](mailto:Kevin.Maple@towerhamlets.gov.uk)> wrote:

**FAO: Mr Max Kennedy / Modern London Markets**

Dear Mr Kennedy,

As part of the consultation process, I have received a copy of your application for a premises licence under the Licensing Act 2003.

Trading Standards is one of the “responsible authorities” and as such we can make representations to the licensing authority in relation to your application.

Should we make representations it must be about the likely effect of granting the application on the promotion of the licensing objectives. One of the licensing objectives concerns the *'the protection of children from harm'* including preventing the sale and supply of alcohol to children. Trading Standards has responsibility for enforcing legislation in relation to this.

I have therefore considered section M of your application in which you describe the additional steps you will take to take promote the Licensing objectives. Your comments that relate to the ‘protection of children from harm’ are stated as follows:

- a) General – ‘All services in the stalls selling alcohol will be trained in the Challenge 21 scheme and signs will be displayed’
- e) The protection of children from harm:
  - ‘All Stallholders will be trained in the Challenge 21 scheme and signs will be displayed at every stall’
  - ‘Only passport, driving licence or Citizen card will be accepted as identity for proof of age’
  - ‘licence holders will keep a refusal book on the premises where staff can record details of everyone who have been refused alcohol’

I wish to advise you that you that although your policy meets an acceptable standard, many premises have adopted ‘Challenge 25’ so that they have a robust procedure in place to prevent underage sales.

I am of the opinion that there is an increased risk that the supply of alcohol by stallholders in Victoria Park may attract underage persons.

I would therefore like you to consider adopting the ‘Challenge 25’ policy. Please find further details of ‘Challenge 25’ attached.

**Please let me know if you are willing to adopt this policy and if so are you are willing for the ‘Challenge 25’ policy to be made a voluntary condition of your licence. The condition would be as follows:**

*A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.*

We are able to provide you with support materials to assist you in adopting the ‘Challenge 25’ – please refer to the attached leaflet for further details.

**In addition, please could you also provide further details about how the stallholders will supply the alcohol** i.e. operation of a bar supplying draught alcoholic beverages or are the beverages supplied pre-packaged or in receptacles (if so, please describe the receptacles).

Should you have any query please do not hesitate in contacting me. I look forward to hearing from you.

Best regards,

Kevin Maple

[Redacted]

[Redacted]

[Redacted]

[Redacted]



[Redacted]

\*\*\*\*\*

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[Redacted]  
[Redacted]  
[Redacted]

# 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 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 10

# 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 11



## 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 12

## **Planning**

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



# Appendix 13

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates