

# Appendix 20



**Mohshin Ali**

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**From:** Donna D [REDACTED]  
**Sent:** 29 November 2010 17:30  
**To:** Mohshin Ali  
**Subject:** Fwd: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760

**Follow Up Flag:** Follow up  
**Due By:** 01 December 2010 00:00  
**Flag Status:** Red

Dear Sir,

I have received your letter with regard to the change of hours amendment for the above named property, 159 Commercial Street.

I would like to reiterate that my objection to the premises and its change of use remains, and that I am opposed to the late hour use of the restaurant on Friday and Saturday evening.

This is primarily a residential area and the premises shares its location with a high density residential block. The noise resulting from nearly 600 patrons leaving at late hours is intolerable in such a residential area, as we have seen before with previous area businesses (The Edge, 157 Commercial Street).

In addition, I remain concerned about the following:

- signage in keeping with the conservation area
- Appropriate extraction and ventilation equipment
- Noise and crowd control
- Appropriate use (restaurant with real food service, not solely the appearance of a restaurant but operating as a bar)

Thank you in advance for your consideration.

Donna DeWick  
[REDACTED]

----- Forwarded message -----

**From:** Donna D [REDACTED]  
**Date:** Thu, Oct 14, 2010 at 4:36 PM  
**Subject:** RE: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760  
**To:** Richard.Murrell@towerhamlets.gov.uk,  
Nick.Kemp@towerhamlets.gov.uk, [REDACTED]  
**Cc:** [REDACTED] Spitalfields Society

To Whom It May Concern:

I am copying each of you on this message as, since 2009, you have all been involved in the change of usage and licensing of 159 Commercial Street.

150 Commercial Street is on the junction of Commercial and Fleur de Lis Streets, E1. The

property being discussed is a two story venue (basement ground) and all sides and above are residential properties.

The Planning Application seeks to turn the basement and ground floor to a 556 person capacity bar, with a smaller rear floor 72 cover restaurant, for a total capacity of 628 people.

This is completely inappropriate for a location surrounded by high density residential properties. At a minimum the venue should have installed adequate sound proofing, ventilation, and access for such large capacity. None of which is evidenced in their application.

The original permissions (change from office to restaurant) made no provision of adequate extraction - the restaurant which until recently occupied the property was ventilating onto the back of the property, thus the back yard of Elder Street. This meant that properties in Elder Street suffered from the smell of cooking.

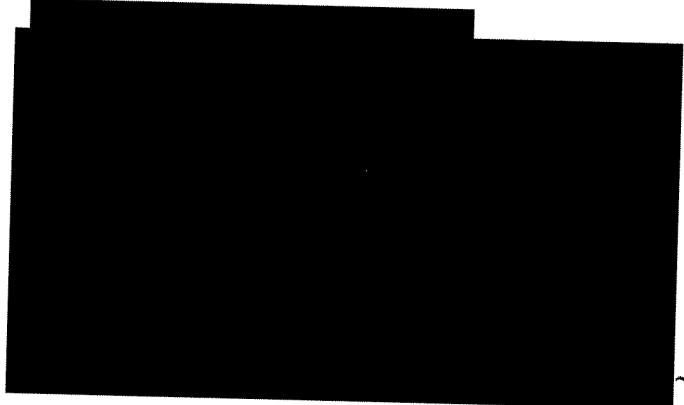
The original premises included cladding and signage not in keeping with a conservation area. There is installed fluorescent lighting.

Bright signage. This is a conservation area and such matter, design and printing should be agreed with the Conservation Team before installation is allowed. Please ensure adequate consideration for future planning.

The hours of trading are completely unacceptable for a high density residential area. There are years of complaints documented from previous unenforced ventures operating outside of planning hours in the same area. Residents have endured years of loud, drunken behaviour. Prostitution, drugs, and solicitation arising from the behaviour and client of previous late night enterprises. Urination and vomiting on our doorsteps. Sex in the streets. As such I strenuously object to the proposed 2am closing time for this property.

Please safeguard residential amenity and refuse late hour operation, large venue size, and maintain the smaller venue permission only with adequate provisions for noise, ventilation, pollution and signage.

With best regards,  
Donna DeWick



~~~~~  
What do you do, because you can?

I do triathlons - in support of a cure for CMT. I TRI because I CAN

[www.beatinglimitations.com](http://www.beatinglimitations.com)

**Mohshin Ali**

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**From:** Nick Kemp  
**Sent:** 15 October 2010 16:17  
**To:** Mohshin Ali  
**Subject:** FW: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760

**Follow Up Flag:** Follow up  
**Due By:** 18 October 2010 00:00  
**Flag Status:** Red

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

**From:** Donna D [mailto: [REDACTED]]  
**Sent:** 14 October 2010 16:37  
**To:** Richard Murrell; Nick Kemp; Beth Eite  
**Cc:** [REDACTED] CRA; Spitalfields Society  
**Subject:** RE: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760

To Whom It May Concern:

I am copying each of you on this message as, since 2009, you have all been involved in the change of usage and licensing of 159 Commercial Street.

150 Commercial Street is on the junction of Commercial and Fleur de Lis Streets, E1. The property being discussed is a two story venue (basement ground) and all sides and above are residential properties.

The Planning Application seeks to turn the basement and ground floor to a 556 person capacity bar, with a smaller rear floor 72 cover restaurant, for a total capacity of 628 people.

This is completely inappropriate for a location surrounded by high density residential properties. At a minimum the venue should have installed adequate sound proofing, ventilation, and access for such large capacity. None of which is evidenced in their application.

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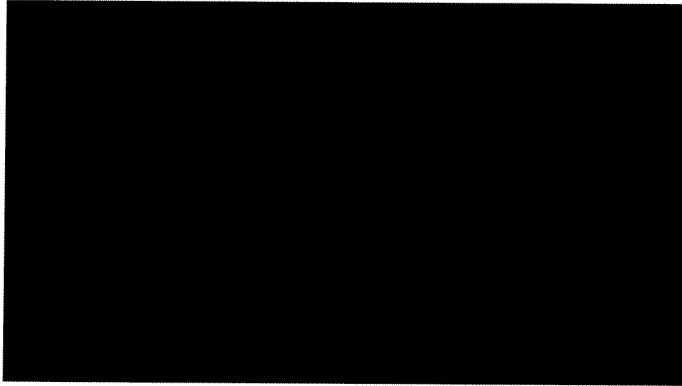
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Please safeguard residential amenity and refuse late hour operation, large venue size, and maintain the smaller venue permission only with adequate provisions for noise, ventilation, pollution and signage.

With best regards,  
Donna DeWick



~~~~~

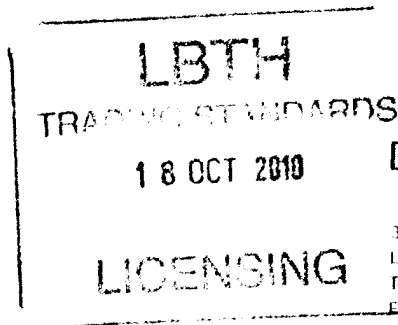


# Appendix 21





Your Ref: Jackie Randall  
Our Ref: JS/AT/BRI.0048.0002



**D**  
Davenport Lyons

30 Old Burlington Street  
London W1S 3NL  
Tel: +44(0)20 7468 2600  
Fax: +44(0)20 7437 8216

London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

By post and by email to: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

15 October 2010

Dear Sirs

**Licensing Act 2003 and the Black Stone, Ground Floor and Basement, 159 Commercial Street E1 6BJ (the "Premises")  
Representation Objecting to New Premises Licence Application**

We act for Brimheath Developments Limited ("BDL"). BDL occupies and operates the 'Commercial Tavern' at 142-144 Commercial Street. We are also instructed to act for the sole director of BDL, Mr Michael Burgess, and the company secretary, Ms Maria Bather, who both reside [REDACTED]

Our clients object to the new premises licence application dated 17 September 2010 made by Bengal Bites Limited in respect of the Premises (the "Application"). This representation is made on behalf of BDL in its capacity as a local business and on behalf of Mr Burgess and Ms Bather in their capacity as local residents.

The Application is for the provision of late night refreshment until 02:00 (the following day) on Thursday to Saturday and midnight on Sunday to Wednesday. It does not seek authorisation for the sale and supply of alcohol. However we are aware that the Application has been advertised as seeking a licence authorising the sale and supply of alcohol. We would be grateful if you could clarify this inconsistency and notify us of any subsequent applications that may be made to authorise this activity.

For the avoidance of doubt our clients object to the Application whether it seeks a licence for the sale and supply of alcohol or not, particularly in respect of any late night licensable activity occurring after 23:00pm.

**Location**

Our client's premises and residence is located almost immediately opposite the Premises. The Commercial Tavern closes at 23:00pm. There is a high level of residential property surrounding the immediate vicinity of the Premises. There are a number of businesses and other licensed premises in the area and Christ Church Spitalfields is also located on Commercial Street. Our clients, together with other local residents and businesses, have



experienced various problems caused by late night premises operating in the area over the last few years. An increase in licensed premises in the area will exacerbate these problems and undermine the licensing objectives.

In 2008 the Tower Hamlets Licensing Sub-Committee revoked the premises licence of 157 Commercial Street following an application to review the licence. This premises is adjacent to the current Premises and had long history of noise nuisance in relation to its use as a nightclub. Our clients are also aware of similar problems recently experienced from premises opposite Christ Church Spitalfields on Commercial Street.

This representation is made on the basis that the Application will fail to promote the following licensing objectives:

**1. The Prevention of Crime and Disorder**

Our clients are seriously concerned by a potential increase in the proliferation of crime and disorder caused by patrons using the Premises late at night. This is a particular concern for our clients given that their business and residence is across the street from the Premises

The current local infrastructure is not suitable to allow the effective dispersal of patrons using the Premises late at night. This could be a real problem, particularly when considering the size of the Premises and likely number of patrons dispersing at closing time. If patrons are not able to leave the area quickly then the risk of crime and disorder will be increased.

Furthermore, whether or not the Premises sells alcohol, it is likely that some of those patrons visiting the Premises late at night will have consumed alcohol. This imposes an additional risk of alcohol related crime and disorder in the Commercial Street area.

**2. The Prevention of Public Nuisance**

Our clients currently experience nuisance caused by patrons dispersing from the numerous existing licensed premises on Commercial Street. Patrons using the restaurants and bars in the local area also roam the street late at night. Our clients live and operate their business almost directly opposite the Premises so are very likely to suffer nuisance from the Premises should the application be successful.

Noise nuisance in the area is a problem which has been recently recognised by the Tower Hamlets local authorities and Licensing Sub-Committee during the review of the premises licence of 157 Commercial Street. An additional licensed premises will increase this problem, particularly in relation to littering and noise nuisance late at night.

To authorise the provision of licensable activities until as late as 02:00am on some nights is beyond the "norm" for the area. Noise emanating from the premises will have a serious impact on the residential amenity, not to mention noise caused by patrons dispersing from the Premises late at night. This could include noise from patrons themselves or from taxis pulling up and parking near the Premises. As stated above there is an insufficient system in place for late night dispersal, meaning increased noise nuisance caused by those patrons waiting for taxis and leaving the area by foot.

**Cumulative Impact**

While the Commercial Street area may already have a number of licensed premises and other entertainment uses, our clients would stress that the overall number of such uses and units is increasing and the cumulative impact of allowing further establishments of this nature is and will have a very detrimental effect on the area. Premises providing licensable activities after 23:00pm impose additional negative effects in the local area.

The over proliferation of late night entertainment premises and their ancillary uses is seen to be increasing problems in the Commercial Street area. The effect of an over saturation of uses such as late night premises causes harm to the local amenity.

**Summary**

Our clients object to the Application in the strongest terms. We should be grateful if you could keep us informed of any forthcoming licensing committee dates and progress of the Application and ensure our clients concerns are properly addressed.

Yours faithfully



Davenport Lyons

Your Ref: Jackie Randall  
Our Ref: JS/AT/BRI.0046.0002

**D**  
Davenport Lyons

London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

30 Old Burlington Street  
London W1S 3NL  
Tel: +44(0)20 7468 2600  
Fax: +44(0)20 7437 8218

By post and by email to: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

30 November 2010

Dear Sirs

**Licensing Act 2003 and the Black Stone, 159 Commercial Street E1 6BJ (the "Premises")**  
**Representation Objecting to New Premises Licence Application**

We act for Brimheath Developments Limited ("BDL"). BDL occupies and operates the 'Commercial Tavern' at 142-144 Commercial Street. We are also instructed to act for the sole director of BDL, Mr Michael Burgess, and the company secretary, Ms Maria Bather, who both reside [REDACTED]

Our clients have previously made a representation in respect of an application dated 17 September 2010 for a new premises licence at the Premises. A copy of that representation, dated 15 October 2010, is enclosed and should be read alongside this letter of representation. We note that the new application dated 3 November 2010 (the "Application") varies from the previous application, namely that there is a reduction in the capacity and hours of the licensable activities.

For the avoidance of doubt, our clients maintain their representation in respect of the Application, for the same reasons previously given in their representation dated 15 October 2010. The Application proposes a significant capacity of 270 and will have an adverse effect on the local amenity contributing to the cumulative impact in the area and will fail to promote the licensing objectives for the prevention of public nuisance and the prevention of crime and disorder. These concerns are more particularly set out in our previous letter dated 15 October 2010.

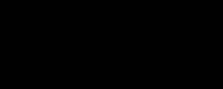
We note that the covering letter attached to the Application proposes restaurant use of the Premises, rather than nightclub/bar use. Our client is concerned that the applicant has not proposed any 'restaurant conditions', which would restrict the supply of alcohol to waiter service to seated customers taking a table meal.

**D**

**Davenport Lyons**

Our clients object to the Application in the strongest terms. We would be grateful if you could keep us informed of any forthcoming licensing committee dates and progress of the Application and ensure our clients concerns are properly addressed.

Yours faithfully



**Davenport Lyons**

Encl.



# Appendix 22

**Mohshin Ali**

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**From:** [REDACTED]  
**Sent:** 09 October 2010 13:43  
**To:** Mohshin Ali  
**Subject:** licensing ref.number;043778

09/10/2010

Mr S M Brewer

Dear Sir,

Ref. the Application for a premises license:Bengal Bites t/a Black Stone,Ground Floor and Basement, 159 Commercial Street, E1 6BJ.

I would like to object to this application, this application will, if granted, increase public disorder and public nuisance, ie noise, people urinating, rowdy crowds hanging around outside, drunken fights, increase in traffic queues of taxis etc, We already have licensed premises nearby which close much earlier, this will draw crowds from other nearby drinking venues.

There was a club at next door to this address a couple of years ago, named 'The Edge' which did not stay open very long due to the trouble that occurred outside in the night time, i do not wish to experience this again.

yours sincerely, S.M.Brewer



# Appendix 23

Alexandra Davidson

6 October 2010

Dear Mohshin Ali,

I am writing this letter in regards to an application for a premise license (**Licensing Ref: 043778**).

I live in [REDACTED]. Our whole flat is above the bar that is applying for the license. In particular our bedrooms face the street (at the front of the building) and are directly above the bar.

I strongly object to granting this bar a license. These are my concerns.

**Noise:** The noise of music and also the noise of people on the street will massively disrupt my day to day life. I have to wake up at 5:30 in the morning each week day and 7:30 am on Saturday mornings. This bar is embedded in a residential property and street block which I feel is completely inappropriate.

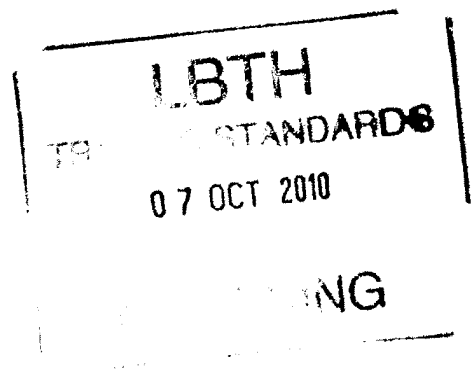
**Safety:** As a 24 year old female I am concerned about my safety with the bar below our flat. The front door to our building is right next to the front door of the bar. With the late hours the bar operates and with alcohol involved, I am very worried about people approaching me or harassing me as I go to and from my flat. I also think a bar like this, which operates quite late hours, would attract a lot of violence in and outside the bar.

**Health:** All of our windows to our flat are directly above the bar. I am extremely concerned about second hand smoke. When clientele are smoking outside the bar, this will be directly below our windows (which have air vents) and next to the entrance of our flat. Therefore, I worry smoke will come up to our windows (to the rooms where we sleep!) And not to mention each time I leave and return the flat I will have to walk by a group of smokers.

The location of this bar is completely inappropriate. This is a residential building and street block. I strongly appose granting them a license as I fear for my daily well being, health and above all my safety.

Kind regards,

Alexandra Davidson



# Appendix 24



RECEIVED BT EMAIL -  
6/10/2010

## Contact Tower Hamlets

Fields marked with an asterisk (\*) are mandatory

Name

Carlo Maria Ciaroni

Email address

Contact phone

If you want the council to respond, please provide a contact number or an email address.

I am a Tower Hamlets  
resident

Yes

Address including  
postcode

Please provide your address if you are making a complaint

Query type \*  
Your comment or  
question \*

Complaints

Dear Tower Hamlet's Council,

on behalf of all the residents of 159 Commercial Street E16BJ, I would like to communicate that it has just come to our attention that Bengal Bites t/a Black Stone is planning to install a 637 capacity bar on the Ground Floor & Basement of 159 Commercial Street London E1 6BJ.

We understand that Bengal Bites t/a Black Stone has submitted the following application for a Premises Licence (Licensing Ref: 043778): To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.

On behalf of all the residents in 159 Commercial Street, I would like to voice our concerns related to this License application. Indeed, we are all seriously concerned that the presence of a bar which is allowed to sell alcohol and stay open until late will negatively impact our living conditions by causing an increase in public nuisance and potential crime and general disorder.

As you are well aware, the whole Shoreditch area (pubs, bars and clubs) is always populated by quite strange individuals who most of the times are ill-mannered and disrespectful of the residents. As such, we're seriously concerned that the opening of the new bar will attract these types of individuals with negative consequences to our living standards and to the detriment of our peace.

In this view and for the reasons mentioned above, we would like to object to Bengal Bites t/a Black Stone being granted a Premises Licence to install a 637 capacity bar on the Ground Floor & Basement of 159 Commercial Street London E1 6BJ.

We appreciate your availability in helping Tower Hamlet's residents maintain acceptable living standards and feel confident that you understand the genuine reasons of our concerns.

We would appreciate if you could get in touch regarding this issue in due course.

Kind regards,  
Carlo Maria Ciaroni on behalf of all the residents  
of 159 Commercial Street E16BJ

# Appendix 25





**Mohshin Ali**

**From:** Sally Barrow [REDACTED]  
**Sent:** 06 October 2010 12:54  
**To:** Mohshin Ali  
**Subject:** Re: Licensing Ref: 043778

Dear Mr Ali,

I feel that to have a night club with such a loud capacity will effect all residents in and around 159 Commercial St. Furthermore the selling of alcohol late at night outside my front door does not fill me with the safest feeling about my living environment.

My concerns expressed are under the terms of the 4 Licensing Objectives: Prevention of Public Nuisance & Prevention of Crime & Disorder.

Thank you for your time,

Yours sincerely,

Sally Laura Barrow.

On 05/10/2010 16:43, "Mohshin Ali" <Mohshin.Ali@towerhamlets.gov.uk> wrote:

Dear Madam,

I would be grateful if you could explain how this particular application will have a negative impact on you.

Regards

*Mohshin Ali - Acting Senior Licensing Officer,*  
London Borough of Tower Hamlets - Licensing Section Mulberry Place (AH) PO BOX 55739  
5 Clove Crescent London E14 1BY  
Tel ☎: 020 7364 5498 | Fax ☎: 020 7364 0863 | E-mail ✉:  
mohshin.ali@towerhamlets.gov.uk <mailto:mohshin.ali@towerhamlets.gov.uk>

**From:** Sally Barrow [REDACTED]  
**Sent:** 04 October 2010 17:21  
**To:** Mohshin Ali  
**Subject:** Licensing Ref: 043778

Dear Mr Ali,

Licensing Ref: 043778, Bengal Bites.

It has come to my attention that below my building there is going to be a potential club/ bar/ restaurant opening and is currently applying for a license. Me and my roommate have serious concerns, a few of which being: the opening times, till 2am 3 days a week, the selling of alcohol, loud music and finally the capacity 637 people.

07/10/2010

**I wish for the license to this establishment to be denied.**

**Yours sincerely,**

**Sally Laura Barrow and Slan O'Flaherty.**

\*\*\*\*\*

Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk> <<http://www.towerhamlets.gov.uk/>>

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If your request relates to a Freedom of Information enquiry, please resend this to [foi@towerhamlets.gov.uk](mailto:foi@towerhamlets.gov.uk)

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# Appendix 26

## Contact Tower Hamlets

Fields marked with an asterisk (\*) are mandatory

Name

Allison Burns

Email address

Contact phone

If you want the council to respond, please provide a contact number or an email address.

I am a Tower Hamlets  
resident

Yes

Address including  
postcode

Please provide your address if you are making a complaint

Query type \*  
Your comment or  
question \*

Complaints

There are plans to install a 637 capacity bar directly below my flat which will be open until 2am on Thursday and weekends and 12am during the week. As this is a residential building, and having a bar directly below my bedroom, not to mention having people leaving after and smoking outside, I would like to register a complaint. I would also like to know what other actions are available to me.

Kind regards,

Allison Burns.

## Mohshin Ali

---

**From:** Allison Burns [REDACTED]  
**Sent:** 05 October 2010 15:53  
**To:** Mohshin Ali  
**Subject:** Bar on ground floor and basement of 159 Commercial Street

**Follow Up Flag:** Follow up  
**Due By:** 06 October 2010 00:00  
**Flag Status:** Red

Good Afternoon Mr. Ali;

I wanted to register a complaint about the bar opening directly below my bedroom. I live at [REDACTED] [REDACTED] and I think it is utterly ridiculous that a bar that plays music until 2am, technically then a club, is to be opened in a residential building. As a young lawyer, I work extremely long hours as it is and my sleep would obviously be disrupted by this venture. My flatmate and I can hear workmen speaking to each other below us, clearly we would be able to hear music. As two young girls, we also worry about the anti-social behaviour associated with drinking and late licensing.

I would also like to know what other action I can take on this matter. Also, do I need to send a formal complaint to Tower Hamlets in writing? Thank you so much for your assistance with this matter.

Kind regards,

Allison Burns.

**Mohshin Ali**

---

**From:** Allison Burns [REDACTED]  
**Sent:** 30 November 2010 13:38  
**To:** Mohshin Ali  
**Subject:** TSS/LIC/043778/MA

Good Afternoon Mr. Ali,

I am writing on behalf of myself, Allison Burns, and my flatmate, Alexandra Davidson, to advise you that we would still like to make a representation to the application for the Licence of 159 Commercial Street. We are aware that the terms have changed, however, they are still completely unacceptable to us. Also, the white noise device installed (and tested Saturday November 20th) sounds like an airplane taking off, particularly in my bedroom which is immediately above the premises. Thank you so much for your assistance with this.

Kindest Regards,

Allison Burns and Alexandra Davidson  
[REDACTED]  
[REDACTED]

# **Appendix 27**





Kenneth Theron

1<sup>st</sup> October, 2010

Mr Moshin Ali  
Moshin.ali@towerhamlets.gov.uk  
Licensing Officer in Charge  
The Licensing Team  
Mulberry Place (AH)  
P.O. Box 55739  
Clove Crescent  
London  
E14 1BY

**LBTH**  
**TRADING STANDARDS**  
**04 OCT 2010**  
**LICENSING**

Dear Sir,

**(Licensing Ref: 043778) Application For a Premises Licence  
Ground Floor & Basement, 159 Commercial Street London E1 6BJ.  
To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to  
The Public; Sun-Wed Midday to Midnight; Thurs-Sat Midday to 2.00am;  
24hours Midday New Year's Eve to Midday New Year's Day.**

I have objected in writing to an application to change of use of premises at 159 Commercial Street into a 637 capacity majority A4 bar, but have become aware of a separate application seeking a Premises Licence to sell alcohol to match it's late bar trading ambitions; to which I would also like to strenuously object.

Without wanting to overstate the obvious, this is a huge 2 floor venue, embedded in the heart of residential properties, totally unsuitable for a bar, and especially a bar selling alcohol until late at night!

In terms of your licensing objectives, I would simply like to state, as someone deeply affected by developments in this area, that refusal of this application is the only way to ensure:

1. Prevention of Public Nuisance
2. Prevention of Crime & Disorder

A catalogue of dramatic examples of anti-social fallout including public nuisance and crime and disorder involving past and even present late night bars in the Spitalfields area are a matter of record. **PLEASE** protect longstanding members of the community!

Yours sincerely,



**Mohshin Ali**

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**From:** Jacqueline Randall  
**Sent:** 01 December 2010 08:33  
**To:** Mohshin Ali  
**Subject:** Fw: objection re application - 159 Commercial Street  
**Follow Up Flag:** Follow up  
**Due By:** 01 December 2010 00:00  
**Flag Status:** Red  
**Attachments:** Letter re licensing application 1st December, 2010.doc

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**From:** Kenneth Theron  
**To:** Jacqueline Randall  
**Sent:** Wed Dec 01 00:49:31 2010  
**Subject:** Fw: objection re application - 159 Commercial Street

Dear Ms. Randall,

Please find attached my written objection to an application regarding 159 Commercial Street.

Yours sincerely,  
Kenneth Theron

01/12/2010

Kenneth Theron

1<sup>st</sup> December 2010

Kathy Driver  
kathy.driver@towerhamlets.gov.uk

Jacqueline Randall  
jacqueline.randall@towerhamlets.gov.uk

Dear Ms Driver and Ms Randall,

**Re: Application for a Premises Licence for Bengal Bites**  
**T/A Blackstone Ground Floor & Basement, 159 Commercial Street,**  
**London E1 6BJ**

Planning has been refused for 159 (ex-Lahori Masala) to Change of Use to Bar; leaving it as an A3 restaurant with Conditions on Closing Hours of 23.00 hrs Mon - Thurs; 00.00 hrs Fri & Sat; 22.00 hrs Sun & Bank Holidays.

This has now been amended to an application to allow: Recorded Music; Late Night Refreshment & the Supply of Alcohol with Close to the Public: - 11am – 23.00hrs Mon – Thurs; 11am – 23.59hrs Fri & Sat; 11am – 22.00hrs Sun & Bank Holidays; With New Years Eve – Midday to 04.00hrs New Year's Day.

I wish to object in the strongest terms to this new application.

This is still a massive space - even as a reduced capacity restaurant closing a bit earlier. History demonstrates that rather than trust to luck, relevant conditions need to be added to protect our residential amenity; such as - Supply of Alcohol should finish at least 30 minutes before Close – so customers are not throwing back drinks in seconds before leaving or are tempted to depart with them; Late Night Refreshment should also end earlier so that kitchen flues are off line & customers cannot help but linger. Neither condition would be at all unreasonable.

The prospect of a 4.00am close New Year's Day with accompanying on-street disturbance under residents' windows takes no account residents who choose not to stay up all night, and who might have an early start to their day.

Finally; Cain Duncan (T/H Planning Enforcement Officer) shares concern that this huge 2 floor venue still holds potential to be a nuisance & needs to be watched *very* carefully. Such a vast space with a well hidden basement; even with (the more restrained) Licence in no way guarantees that (well advanced) late bar ambitions are abandoned & may still go ahead - either with or without any of the correct permissions.

This is not necessarily a too cynical a view to hold when the 'small wedge' of an ordinary Licence was *exactly* what opened the way for that other hidden basement operation called Edge - to become a nightmare for residents!

I hope you will PLEASE take residents' being into account.

Yours sincerely,

Kenneth Theron

# Appendix 28

**Mohshin Ali**

---

**From:** Jenny Maslin [REDACTED]  
**Sent:** 02 October 2010 18:56  
**To:** Mohshin Ali  
**Subject:** Licensing Ref 043778

Dear Mohshin Ali,

I write to object to licensing application 043778 to sell alcohol, play recorded music, serve food and stay open Sun to Wed until midnight and Thur to Sat until 2am with 24 hour opening over New Year's Eve.

My objections are as follows:

1. To prevent public nuisance. There are many residential properties in the immediate vicinity of this venue, including flats above the venue. There are already a number of bars in the area selling alcohol late into the evening. The noise from people leaving them late at night means that it is very hard to get a good night's sleep and be fresh for work in the morning. In the past when a similar type of venue was operating close by, with similar licensing hours, the road where I live became a popular parking spot and pick up point for mini cab drivers. Consequently, door slamming, shouting and horns blasting were regular unpleasant features of the evenings. I believe these problems would increase again if the licensing application is granted.
2. To prevent crime and disorder. We already suffer continual problems of vandalism, anti-social behaviour and littering because of the number of similar venues operating locally, with calls to the police because of street fighting and vandalism from people leaving the bars drunk. I believe another bar of this size would significantly increase this problem.

Please do not grant this application without considering the views of local residents.

Jenny Maslin  
[REDACTED]

04/10/2010

# Appendix 29





**Mohshin Ali**

**From:** heard nora [REDACTED]  
**Sent:** 02 October 2010 13:42  
**To:** Mohshin Ali  
**Subject:** Licensing Ref: 143778

Dear Mr. Ali,

**Re: Licensing application no. 143778 for a Premises Licence:**

**Bengal Bites t/a Black Stone; Ground Floor & Basement 159, Commercial Street, London E1 6BJ**

**To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.**

I live at The Cloisters, a residential block a few doors down from the above premises, and wish to object to the above application for the following reasons:

- this is a predominantly residential area, and as such is totally unsuitable for late-opening premises selling alcohol and playing music
- my understanding was that closures beyond midnight were now considered unacceptable by the local authority in residential areas
- the premises are big (capacity 600), and so large numbers of customers would be using it and exiting at closing time, inevitably causing quite unacceptable levels of noise disturbance in the early hours - talking, shouting, singing, cars revving up, car stereos etc.
- there would be almost inevitably be drunken, anti-social behaviour of varying degrees- fighting, damage to property, urinating in doorways, breaking glasses, intimidation of innocent passer-by etc., as well as other criminal behaviour such as drug-dealing and prostitution
- all of the above problems have been experienced in this area, and well documented in the relevant council meeting minutes, in relation to licensed premises remaining open after midnight, in particular the club EDGE which used to operate at 157, Commercial Street.

I trust that the council will consider that the well-being of the residents should be paramount, and will therefore reject the application.

Yours sincerely,  
Nora Heard,

[REDACTED]

04/10/2010

**Mohshin Ali**

---

**From:** heard nora [REDACTED]  
**Sent:** 19 November 2010 17:16  
**To:** Kathy Driver  
**Cc:** Jacqueline Randall; Mohshin Ali; CRA  
**Subject:** Licensing application 043778  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Ms. Driver,

**Re:** Licensing Application 043778 - Black Stone, 159, Commercial Street, E1 6BJ

I have received a letter from Moshin Ali informing me that the original application made for these premises, to which I objected, has been amended.

While the new proposed hours of operation are clearly more acceptable, I still feel uneasy at the prospect of premises with such a large capacity operating in this residential area, and hope that the council will apply strict conditions to any licence they may grant - for example, that the sale of alcohol cease 30 minutes before closing time, so that customers are not purchasing alcohol immediately before they leave and either lingering with it on the premises or taking it outside - and also that the kitchen flues are shut down in good time.

I am also extremely concerned at the request for a 4am close on New Year's Day. This is bound to cause disturbance to residents in terms of noise, anti-social behaviour etc. The fact that it is New Year's Day doesn't mean that nobody has to go to work, and those that do (e.g. doctors, nurses) will need to have had a good night's sleep - to which even those not working have the right!

I strongly urge the council, in order to safeguard the wellbeing of residents, to apply conditions such as I have described, and also to limit the hours of opening on New Year's Eve to 00.30 (or 1am at the very latest) on Jan. 1st.

With thanks,  
Yours sincerely,  
Nora Heard,  
[REDACTED]

01/12/2010

# Appendix 30

**Mohshin Ali**

---

**From:** David Snowdon [REDACTED]  
**Sent:** 01 October 2010 16:42  
**To:** Mohshin Ali  
**Subject:** Application reference number 043778  
**Follow Up Flag:** Follow up  
**Due By:** 01 October 2010 00:00  
**Flag Status:** Red  
**Attachments:** CROS objectors letter 01.10.10.doc

Dear Mr Ali,

Please find the attached letter which outlines our reasons for objecting to this application.

Thank you,

Yours sincerely,

David and Lynda Snowdon

05/10/2010

Email sent 01.10.10

Your reference: 043778

Dear Mr. Ali,

**RE: 159 COMMERCIAL STREET E1.  
APPLICATION FOR LICENCE TO SELL ALCOHOL**

I refer to the application from Bengal Bites t/a Black Stone to sell alcohol, to play recorded music and to stay open to the public to midnight on certain days and to 2.0am on certain days and for more than 24 hours over the New Year period.

We urge you to reject this application for the following reasons:-

This particular venue is not in a suitable location to service up to 600 customers without significant disruption to the local residential community. It has absolutely no car parking facilities of its own. It is on a red-route with minimal on-road parking and it is surrounded by a large residential community, both on Commercial Street and neighbouring side streets. The premises do not have the facilities to allow the peaceful departure of its patrons in the early hours of the morning.

We have already experienced the problems which can occur. An operator in a neighbouring property variously called Hawksmoor, Protocol and Edge, at 157, Commercial Street, has over a long period of time demonstrated that it was not possible to control its patrons outside its premises. Its customers repeatedly showed a complete disregard for local residents by slamming car doors, engaging in fights, intimidating residents, urinating in doorways, damaging property and generally being excessively rowdy in the early hours of the morning. The Police were regularly called in but, due to limited resources were unable to contain the problem.

Eventually the management installed a 'security team', which was supposed to exercise control over the departing crowd and to impose the condition required by the Council to hold departing patrons *inside* the venue whilst awaiting transport. This completely failed to have any effect. There were reports of regular fist & bottle fights within the club, some of which spilled onto the street at 3.0am, and the noise and disruption in the local streets continued unabated.

Regrettably there seems to be no way of controlling clients who have consumed alcohol once they have left the premises. This is not a comment on the management, but it seems to be a fact of life. There is a great risk that history will repeat itself if this application is permitted, to the detriment of the peaceful existence of local residents. If the facility was remote from a largely residential area this would not be a problem.

Local residents have very strong memories of the enormous disruption to their lives over a long period of time caused by operation described above. As a result many residents regularly suffered from a serious loss of sleep and many of them have to work the next day.

For the reasons given above, this venue, in our opinion, is not suitable for this kind of operation.

Please reject the Application.

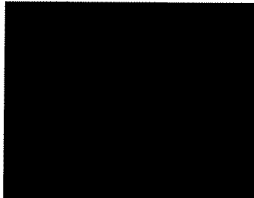
Yours sincerely,

David & Lynda Snowdon

Apartment Address:-



Home Address:-



# Appendix 31





**Mohshin Ali**

**From:** Frank Pickard [REDACTED]  
**Sent:** 01 October 2010 09:16  
**To:** Mohshin Ali  
**Subject:** Licensing Ref: 043778

**Licensing Ref: 043778: Application For a Premises Licence: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.**

As resident and owner of [REDACTED] I object to this application for a license. Spitalfields has a vibrant night time culture however this location is unsuitable for such a venue especially given the hours requested. The site is situated directly underneath and adjacent to residential properties as well as in the neighbouring streets.

The capacity of the proposed is too high at 637 and the hours are too long given the surrounding residential environment and the high number of other venues operating in close proximity. It does not contribute to the community in any way and would clearly lead to drunken patrons causing a public nuisance at late hours, anti-social behaviour and I ask that it is refused as a means of preventing crime & disorder in the area and ensuring that precious scant police resources are directed towards more meaningful problems.

Many thanks

[REDACTED]

[REDACTED]



Think before you print

\*\*\*\*\*

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01/10/2010

**Kathy Driver**

---

**From:** Frank Pickard [REDACTED]  
**Sent:** 12 November 2010 05:12  
**To:** Mohshin Ali  
**Subject:** TSS/LIC/043778/MA 159 Commercial St

TSS/LIC/043778/MA 159 Commercial St

Thankyou for your letter of 8 November 2010. I continue to wish to object to this application as the amendments do not affect the nature of my complaint and therefore i would like my original objection to stand.

Many thanks  
Frank

--

Frank Pickard  
[REDACTED]

25/11/2010

# **Appendix 32**

**Mohshin Ali**

---

**From:** Martin Pepperell [REDACTED]  
**Sent:** 30 September 2010 14:35  
**To:** Mohshin Ali  
**Subject:** Licensing Ref: 043778

Please register my objection to the above application on the grounds of Prevention of Public Nuisance & Prevention of Crime & Disorder. There is a well-documented history of problems of disturbance to residents and loss of amenity caused by late-night drinking in this area and allowing another large venue to serve correspondingly large numbers of drinkers will only serve to increase the level of crime and disorder in the area, already a concern to residents.

Yours sincerely

Martin Pepperell

landlord, [REDACTED]  
[REDACTED]

01/10/2010

# Appendix 33

**Mohshin Ali**

---

**From:** Claire Melia [REDACTED]  
**Sent:** 30 September 2010 11:28  
**To:** Mohshin Ali  
**Cc:** Ian Melia  
**Subject:** Licensing Ref: 043778

**Licensing Ref: 043778**

Licensing Objective: Prevention of Public Nuisance & Prevention of Crime & Disorder.  
Objection raised by: Claire and Ian Melia  
[REDACTED]

Dear Mr Ali,

We wish to object to the planned licence application for 159 Commercial Street. As residents of Wheeler Street, we are already exposed to a particularly high volume of drunk and disorderly passers-by, often late at night. We feel that the issuing of another late-night licence will lead to yet more anti-social behaviour in the area.

Please advise as to whether this email will suffice as a 'formal' objection.

Many thanks and best wishes,  
Claire and Ian Melia

01/10/2010

# Appendix 34

**Mohshin Ali**

---

**From:** Collingwood, Andrew [REDACTED]  
**Sent:** 30 September 2010 11:01  
**To:** Mohshin Ali  
**Subject:** Licensing Ref: 043778: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ

**RE: Application For a Premises Licence:**

**Bengal Bites t/a Black Stone**

**Ground Floor & Basement 159 Commercial Street London  
E1 6BJ**

Dear Sir/Madam

I wish to object to the above application in the strongest possible terms. The venue is in the middle of one of the most highly populated residential area in the country - with very limited parking and vehicular access; quite literally there are a few hundred residential homes within meters of the entrance of this venue, both directly above it, immediately adjacent and like myself directly over the road. To suggest that such an extremely large venue be given a licence to remain open to serve alcohol until 2am Monday to Saturday, and midnight on Sunday is completely unacceptable to me, and the hundreds of other households that live within sight and earshot of this venue who have to get up, go to work and put in what would be regarded as a normal working day.

As a community we have only just recovered from the horrors of Protokol/Edge (previously at 157 Commercial Street), who were granted a similarly late licence - I do not think any of us (including Tower Hamlets) wish to return to

01/10/2010



the myriad of problems (e.g. taxis waiting outside, honking of horns, doors slamming, large groups of people shouting, increased vomit and urine on the streets) that large groups of people - possibly over 600 according to the application - falling out of a venue that serves alcohol until such a late hour will bring.

I'm sure the licensee will fulfil their obligations to us whilst their patrons are inside the venue, history teaches us there is absolutely no control over these people when they leave the venue. None of the other restaurants or bars nearby have requested such an late opening. I am a reasonable person, everybody should be entitled to make a living but doing so should not infringe on the rights of others, and to expect a reasonable night of sleep is a basic human right (even in central London). I think mirroring the hours that have been given to the The Commercial Tavern (11pm) would be a very appropriate licence bearing in mind the location of the venue.

Thank you for your consideration,

Yours sincerely,

Andrew

Andrew Collingwood



The information contained in this email (and any attachments) is confidential and

01/10/2010

**Mohshin Ali**

---

**From:** Jacqueline Randall  
**Sent:** 01 December 2010 23:56  
**To:** Mohshin Ali  
**Subject:** Fw: Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

---

**From:** Andrew Collingwood  
**To:** Kathy Driver; Jacqueline Randall  
**Sent:** Wed Dec 01 22:14:58 2010  
**Subject:** Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ  
Dear Sir/Madam

Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

I wish to continue my objection to the revised premises licence made by the above.

This is an absolutely huge venue - I think it's closing time should be in line with the Commercial Tavern over the road, which is 2300 each night, with, based on the potential size of the venue the Supply of Alcohol licence to finish 30 minutes before close. Further the prospect of a 4am licence on New Year's Day is also completely unacceptable - this is supposed to be a restaurant after all. What are people going to be doing after about 1am? I would suggest not just eating!

I would like to again point out that the potential capacity of this venue is absolutely massive, which considering it's location in the middle of a residential area and potential impact on the inhabitants I really feel the needs of the residents need to be put first, I politely request that the needs of myself and the hundreds of other residents who live within shouting distance of the entrance be taken into account.

Thank you for your continuing consideration in this matter.

Yours faithfully,

Andrew Collingwood

02/12/2010

# Appendix 35

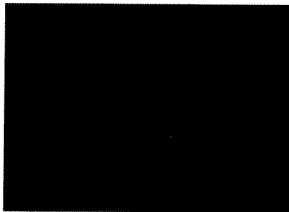
**Mohshin Ali**

**From:** Matthew Hayhurst [REDACTED]  
**Sent:** 25 September 2010 14:50  
**To:** jaqueline.randall@towerhamlets.go.uk  
**Cc:** licensing  
**Subject:** New application - Black Stone - 159 Commercial street - E1 6BJ

Hi Jaqueline,

Our apartment shares a wall with the basement of this new bar being developed on commercial street. We have endured weeks of loud construction noise, during the week and weekend and are dreading the opening of this late license venue. How are we able to make a formal complaint against this application? We would greatly appreciate your help in pointing us in the right direction.

Regards



01/10/2010

# Appendix 36



**Mohshin Ali**

---

**From:** Alan.D.Cruickshank@met.pnn.police.uk  
**Sent:** 17 November 2010 11:57  
**To:** Derrick Harrington  
**Cc:** Mohshin Ali  
**Subject:** 159 Commercial Street, Black Stone Restaurant  
**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Derrick , Mohshin

An update on the application. The following has been agreed ( see below)

1. Removal of non standard times ( until 4am )
2. CCTV

● Install / maintain CCTV

**CCTV**

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority,

( Can one camera be placed o/s the entrance and on entry, )

It is still with some concern I will agree to the rest of the times and conditions

Best wishes

● Alan

---

**From:** Space Projects Ltd [mailto:office@spaceprojects.co.uk]  
**Sent:** 17 November 2010 11:51  
**To:** Cruickshank Alan D - HT  
**Subject:** Re: 159 Commercial Street, Black Stone Restaurant

Hi Alan,

I can confirm that my client is in agreement with the CCTV condition,

kind regards

Martin

---

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01/12/2010

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EC2A 3QT  
T: - 020 7739 2800  
F: - 020 7684 3520  
office@spaceprojects.co.uk  
www.spaceprojects.co.uk

On Nov 17, 2010, at 11:45 am, <Alan.D.Cruickshank@met.police.uk> wrote:

Hi Martin

Thank you for the quick agreement on the non standard times. I think we are nearly ready to agree this but can you confirm that you have also accepted the following condition

**Install / maintain CCTV**  
**CCTV**

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority,

( Can one camera be placed o/s the entrance and on entry, )

Thanks  
Alan

---

**From:** Space Projects Ltd [mailto:office@spaceprojects.co.uk]  
**Sent:** 16 November 2010 15:22  
**To:** Cruickshank Alan D - HT  
**Cc:** Derrick Harrington; Islam  
**Subject:** 159 Commercial Street, Black Stone Restaurant

Alan Cruickshank

Police Licensing Officer

Metropolitan Police

Bethnal Green

01/12/2010



16<sup>th</sup> November 2010

Dear Mr Cruickshank,

RE: - 159 Commercial Street, London E1 6BJ

Thank you for your email this morning, having discussed the issue of non-standard timings with my client, I am pleased to advise that he is content to remove this from the application.

If you require any further information or discussion, please don't hesitate to contact me.

Kind regards,

**Martin Howells**

Cc: -

Mr D Harrington LBTH

Mr S Barrow - Space Projects Ltd

---

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# Appendix 37

**Jacqueline Randall**

**From:** Derrick Harrington  
**Sent:** 11 November 2010 17:05  
**To:** Mohshin Ali  
**Cc:** Alan.D.Cruikshank@met.police.uk; Iain Pendrigh; Thomas Doyle; Simmi Yesmin; Cain Duncan; Jacqueline Randall; Kathy Driver  
**Subject:** FW: Black Stone Restaurant, 159 Commercial Street, E1 6BJ  
**Attachments:** License 11 11 10.pdf; ATT145257.htm; 02 11 10 App rev A.pdf; ATT145258.htm

Hi Mohshin

Following on from yesterday's productive meeting at the premises which was also attended by Alan Cruikshank from the Metropolitan Police and myself with the applicants and their consultant, I have carefully examined the revised details submitted above relating (a) the amended opening hours and (b) the revised hours for the sale of alcohol for consumption on the premises including the Late Night Refreshment License and would confirm the revised hours (allowing for 30 minutes "drinking up time" are now acceptable.

I have discussed in detail the proposed managerial controls referred to in part (d) of the revised application form relating to the Prevention of Public Nuisance and would confirm that these control measures are also acceptable. However, an additional condition I would add should be the following:

"Only persons frequenting the premises for dining in are to be sold either alcoholic or non-alcoholic drinks for consumption on the premises".

This overcomes the issue that the new proposed small bar now to be located on the ground floor adjacent to the dining area could be used by patrons not dining in the premises since planning permission for change of use of the premises from A3 to A4 has been refused recently by the Council's Planning Department. (Bethnal Green Development Control).

I am currently awaiting to have sight of the applicants revised acousticians report relating to the requirement for adequate sound insulation to be provided separating the ground floor premises from the first floor residential flat immediately above. In addition, all entrances/exits to the premises are to be provided with lobbied doors fitted with approved overhead pneumatic door closers on suitable brushes and seals to prevent unwanted low frequency "noise breakout" occurring. In addition, to ensure that the external window and door glazing is examined carefully and upgraded as required so that no music noise is audible externally at the nearest noise sensitive window or residential facade to comply with the Council's declared policy of "Inaudibility". Such necessary additional sound insulation works to be agreed beforehand and carried out to the entire satisfaction of the Environmental Protection Division.

On this basis plus the strict managerial controls that I have agreed with the applicants, I am prepared to withdraw my objections to the granting of a new Premises License in respect of the above premises.

I trust that the above clarifies the position.

Regards,

D C Harrington  
Principal Environmental Health Officer

---

**From:** Space Projects Ltd [mailto:office@spaceprojects.co.uk]  
**Sent:** 11 November 2010 14:13  
**To:** Mohshin Ali  
**Cc:** Derrick Harrington; Alan.D.Cruikshank@met.police.uk; Andy Bower; paul.stewart@london-fire.gov.uk; Thomas Doyle; Trading Standards; Jane Cooke; David Tolley

12/11/2010

# Appendix 38



LONDON FIRE  
AND EMERGENCY  
PLANNING AUTHORITY

Fire Safety Regulation: North East Area 2  
169 Union Street London SE1 0LL  
T 020 8555 1200 x59158  
F 020 8536 5926  
Minicom 020 7960 3629  
www.london-fire.gov.uk

London Fire and Emergency Planning  
Authority runs the London Fire Brigade

Date: 15 November 2010  
Our Ref: 05/002080/SH  
Your Ref: Black Stone

Dear Sir/Madam

### LICENSING ACT 2003

**Premises: 159 Commercial Street, London E1 6BJ**

With reference to the application dated **03 November 2010**, as shown on plan numbers ISL-1-001 & ISL1-1-101, the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application and provided:

- the width of the escape routes & doors can accommodate the proposed occupancy, and;
- satisfactory smoke control measures are in place for the open staircase to ensure a fire in the basement cannot compromise the escape from the ground floor.

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928. All alterations should comply with the appropriate provisions of the current Building Regulations.

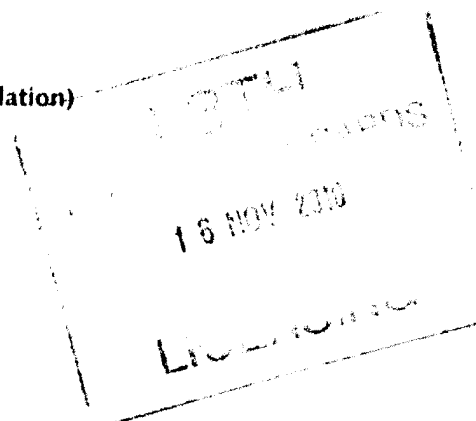
Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

**for Assistant Commissioner (Fire Safety Regulation)**  
Fire and Community Safety Directorate  
firesafetyregulationNE@london-fire.gov.uk

cc: Licensing Authority

Reply to Paul Stewart  
Direct T 020 8555 1200 ext. 59158  
Direct F 020 7587 2959



# Appendix 39

## Crime and disorder 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 Sections 5.2. 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 Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- 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 is acknowledged (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 on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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 40

## Crime and disorder 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.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 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 2 Annex D 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 pool of conditions, adopted by the council is recommended (Annexe D).  
The key role of the police is acknowledged (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 on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity "vertical consumption" premises (10.40).

*There is also guidance issued around the heading of "public nuisance as follows*

The pool of conditions, adopted by the council is recommended (Annexe G).  
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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder" (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

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 41

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

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 12.4**).

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 Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

#### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

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

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

#### Other Legislation

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

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

# Appendix 42

## 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.

### 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 8.1 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 8.2 of the Licensing Policy)**.

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.10)**.

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 12.10)**

The Council has adopted a set of framework hours (**See 12.8 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 Appendix 2 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 pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

# Appendix 43

## Safety problems

### General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

### Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Pool of Conditions relating to public safety. (See Appendix 2 Annex E, F and J of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

### Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

#### Annex F

This concerns Theatres and Cinemas

#### Annex J

The safe clubbing checklist

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

The guidance commends the Model Pool of Conditions adopted by our licensing policy in relation to public safety (2.19).

The public safety objective is the physical safety of the people using the relevant premises," not public health (2.19).

It is permissible to require certificates or checks provided this does not duplicate other legislation. Responsible authorities should make their expectations clear to applicant's (2.26).

"Safe capacities " should only be imposed where necessary for the promotion of public safety or the prevention of disorder." (2.27). So conditions of a fire certificate must not be reproduced.

#### Other Legislation

The Health and Safety at Work Act 1974, and various regs.

The Regulatory Reform Order (Fire Safety) 2005.

#### Other Guidance

Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance

The Event Safety Guide

Managing Crowds Safely

5 Steps to Risk Assessment

Safer Clubbing

Safety Guidance for Street Art etc.

Various BS and ISO standards



# Appendix 44

## **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 or 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 45

## 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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 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 applicants 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 12.8 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
- Premises licensed for off sales only