

Meeting of the

LICENSING SUB COMMITTEE

Wednesday, 29 March 2006 at 10.30 a.m.

A G E N D A

VENUE

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Brian Son	Blackwall & Cubitt Town
Vice-Chair:	
Councillor Alan Amos	Millwall
Councillor Marian Williams	Bow East

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Wednesday, 29 March 2006

10.30 a.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

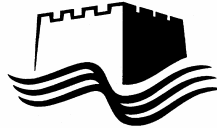
- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	1 - 12	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	13 - 16	
To confirm as a correct record of the proceedings the unrestricted minutes of the meeting of the Licensing Sub-Committee held on 27 th February 2006.		
5. ITEMS FOR CONSIDERATION		
5.1 Application to Vary the Premises Licence: The White Hart, 1-3 Mile End Road, London E1 (LSC110/506)	17 - 58	Whitechapel
EXCLUSION OF PRESS AND PUBLIC		
In light of the content of the report, the Licensing Sub Committee is asked to agree the following motion before considering the matter:		
That, under Section 100(4) of the Local Government Act 1972 (as amended), the press and public be excluded from the meeting for the consideration of the Section 2 business on the grounds that the report contains information defined as exempt in Part 1 of Schedule 12A to the Local Government Act 1972 (as amended), as detailed in the report.		
6. SECTION 2 BUSINESS FOR CONSIDERATION		
6.1 Application for Personal Licence		

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TOWER HAMLETS



LICENSING COMMITTEE

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

**(FOR THE CONDUCT OF HEARINGS WITHIN THE
PERIOD OF TRANSITION BETWEEN 7TH FEBRUARY
2005 AND THE SECOND APPOINTED DAY)**

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority

- transfer of a premises licence
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

Note: Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

4. Procedure at the Hearing

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

- a) their application, representation or notice; and
- b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

- c) The Licensing Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:
 - refuse to permit the person to return; or
 - allow them to return only on such conditions as the authority may specify.

4.5 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises license)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

grant of personal licence).				
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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3. **RULES OF PROCEDURE**

The Rules of Procedure were noted.

4. **MINUTES**

None were presented.

5. **ITEMS FOR CONSIDERATION**

5.1 **New Premises Licence: Red Chilli, 137 Leman Street, London E1 8EY** (LSC105/506)

The Clerk advised that the objections had been **RESOLVED**.

5.2 **New Premises Application: Oops, 30 Alie Street, London E1 8DA** (LSC 106/506)

Ms Butler detailed the contents of the report and advised that the representations made by both the Police and the Environmental Health (H&S) officer had been resolved. Representations remained from both the resident and the LFEPA and the hours as detailed remained unchanged: 11:00 to 03:00 for the provision of regulated entertainment and the sale of alcohol, with the opening hours of the premises covering the same times.

The applicant advised that he was willing to undertake all the requirements detailed by the LFEPA and stated that he wished to close the premises 30 minutes after the end of the regulated entertainment provision to allow a winding down period.

Mr Dewis, LFEPA, reported that it was difficult to advise as to the suitability of the premises as work ongoing and capacity numbers would also be affected by the nature of the work being carried out. He was happy to accept assurances that certain elements of the work would be completed by an agreed date and to discuss the capacity of the premises before it actually opened for trading. If the applicant agreed to this, the LFEPA objections could be removed.

Mr Dewis reported that the indicative capacity of the premises was 100 for the ground floor and 25 for the upper floor though this may change slightly on completion of the building works.

In response to questions from Members, the applicant confirmed that there was a small courtyard area to the front of the premises which had a chain link fence around the boundary and that the door on the right hand side of the photograph of the front of the premises which was included in the response to Mr Hall, provided direct entrance to the upper floor only. Mr Ali also confirmed his proposal to erect illuminated signage as identified on the same photograph and that he wished to operate the premises as a restaurant during the day.

Ms Butler confirmed for Councillor Duffey that the nearest similar premises was in Leman Street, though this had only recently received a licence and was not yet open. The only other similar club was located on The Highway. The nearest residents were located in Alie Street though and a petition from residents in Scarborough Street who objected to the application had been received out of time.

Mr Ali confirmed for the Chair that he intended to advertise the premises in local magazines and intended to have illuminated signage outside the premises. Mr Cruse reported that the latter would be contrary to the Licensing Policy that did not allow any form of advertising that was likely to cause offence. This applied to advertising both inside and outside the premises as well as general advertising of the premises.

At the request of the Chair, Mr Greeno outlined the position regarding planning permission; that the applicant should ensure that the premises had planning permission to operate as detailed in the licensing application and that, if necessary, the applicant would be required to submit a planning application seeking to amend the hours of operation of the premises should a licence be granted.

At this point there were several questions and comments regarding the application from those in the public gallery. Whilst the Chair advised that none of the questions were pertinent to the Sub Committees' consideration of the application, he responded to several questions as he was aware of the concerns of those present, some of whom lived several streets from the premises. Mr Greeno also advised on the process to review a licence.

The Chair then advised that the Sub Committee would now, at 11.20am, adjourn to consider the evidence presented to them. The Sub Committee reconvened at Noon and the Chair reported that Members had

RESOLVED

That the Premises Licence for Oops, 30 Alie Street, London E1 8DA, be **GRANTED** subject to the following conditions:

Hours premises are open to the public: 11:00 – 03:00, Monday to Sunday.

Hours for the sale of alcohol: 11:00 – 02:30, Monday to Sunday.

Hours for the provision of facilities for dancing and performances of dance: 20:00 – 02:30, Monday to Sunday.

External area at the front of the premises to be enclosed by a brick wall and not used for the provision of regulated entertainment or sale or consumption of alcohol.

No person under the age of 18 years to be permitted on the premises at any time dancing is provided.

No external advertising beyond the name of the premises.

All conditions requested by the Metropolitan Police and the Environmental Health (H&S) officer to be complied with.

All outstanding works to be completed (including any further identification of works deemed as necessary), to the satisfaction of the Environmental Health (H&S) officer and the LFEPA and the capacity of the premises to be agreed with the LFEPA, prior to the premises opening.

Mr Greeno advised that the conditions as detailed had been felt to be necessary due to the proximity of school and the fact that the street was a local thoroughfare for local residents. The applicant was again reminded of the need to ensure that any necessary planning permission was sought or enforcement action may result.

The Chair advised that the advertising condition had been added as anyone who passed the premises should not be aware of the nature of the entertainment to be provided.

There being no further business, the meeting closed at 12.05pm.

CHAIR _____

Agenda Item 5a

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Committee	29 MARCH 2006	Unclassified	LSC110/506	5.1

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application to Vary the Premises Licence for White Hart, 1-3 Mile End Road, London E1 4TP
Originating Officer: Kathy Butler Consumer Services Officer	Ward affected Bethnal Green South

1.0 Summary

Applicant: **John Mulligan**
Name and Address of Premises: **White Hart**
1-3 Mile End Road, London E1 4TP

Licence sought: **Licensing Act 2003 variation**
Extending the hours for the sale of alcohol
Extending the hours for the supply of food and hot refreshments
Extending the hours of regulated entertainment

Objectors: **Environmental Health**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Kathy Butler
020 7364 5171

3.0 Background

3.1 This is an application for a variation in a premises licence for White Hart, 1-3 Mile End Road, London, E1 4TP.

3.2 A copy of the existing licence is enclosed in **Appendix 1**.

3.3 A copy of the variation application is enclosed as **Appendix 2**. The applicant has described the nature of the variation as follows:

Extending the hours for the sale of alcohol

Extending the hours for the supply of food and hot refreshments

Extending the hours for regulated entertainment

The hours that have been applied for are as follows:-

Monday to Saturday from 11:00 hours to 03:00 hours

Sunday from 12:00 hours to 01:00 hours

3.4 Maps showing the relevant premises is included as **Appendix 3**.

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.

4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It will also be available at the hearing.

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Objections

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Health (**See Appendix 4**)

5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

5.3 Essentially, the regulatory Authority oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
the prevention of public nuisance

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

6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

- ❖ As stated in the guidance it is "provided for licensing authorities carrying out this their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.4).
- ❖ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (2.3).
- ❖ Also Members should note "A Licensing Authority may depart from it's own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives."
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives. "For example, conditions relating to night café and take away outlets operating from 11pm must relate to the night time operation of the premises."(S7.1)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (S.7.4).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ In Letter to the Chief Executive from the DCMS 30 Sept 2005. There is no presumption in the Act for longer hours over objections from local people and organisations. When there are objections and the licensing committee believes that changing the hours would undermine the statutory licensing objectives, they can reject the application or grant it with appropriate conditions and/or different hours from those requested.

6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.

6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

6.6 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

7.0 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 5 Licensing Officer comments on Noise While The Premise Is In Use

Appendix 6 Licensing Officer comments on Egress Problems

8.0 Legal Comments

8.1 The Council’s legal officer will give advice at the hearing.

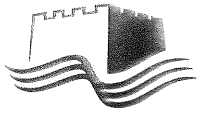
9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** Copy of existing licence
- Appendix 2** A copy of the application for variation.
- Appendix 3** Maps of the area
- Appendix 4** Representations of Environmental Health
- Appendix 5** Licensing Officer comments on Noise While The Premise Is In Use
- Appendix 6** Licensing Officer comments on Egress Problems

Appendix 1




(White Hart)
1-3 Mile End Road
London
E1 4TP

Licensable Activities authorised by the licence
The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 14 November 2005



Part A - Format of premises licence

Premises licence number

10584

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(White Hart)
1-3 Mile End Road

Post town
London

Post code
E1 4TP

Telephone number
0207 790 2894

Where the licence is time limited the dates
Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

11.00 hours until 01.00 the next day

Sunday 12.00 hours until midnight

The provision of regulated entertainment including recorded music

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

11.00 hours until 01.00 the next day

Sunday 12.00 hours until midnight

In the event of a transmission of any international sporting event involving any other countries from the UK and Republic of Ireland which falls outside the current permitted hours on the premises, to permit the provision of hot food and drinks commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the police seven days before hand and provided that the police have not yet objected to the additional hour within 72 hours of being notified.

New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of late night refreshment

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

11.00 hours until 01.00 the next day

Sunday 12.00 hours until midnight

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

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 11.00 hours until 01.30 hours the next day.

Sunday 12.00 hours until 00.30 hours the next day.

And non standard timings.

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and off sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

John Mulligan
35 Baron Street
London
N1 9ET

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

N/A

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

Neal Patrick James Helly
35 Baron Street
London N1 9ET

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

Licence Number: **96619**
Licensing Authority: **London Borough of Islington**

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence
3. Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.
This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or in respect of premises in relation to-
any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

11.00 hours until 01.00 the next day

Sunday 12.00 hours until midnight

The provision of regulated entertainment

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

11.00 hours until 01.00 the next day

Sunday 12.00 hours until midnight

In the event of a transmission of any international sporting event involving any other countries from the UK and Republic of Ireland which falls outside the current permitted hours on the premises to permit the provision of hot food and drinks commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the police seven days before hand and provided that the police have not yet objected to the additional hour within 72 hours of being notified.

New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.

The provision of late night refreshment

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday

11.00 hours until 01.00 the next day

Sunday 12.00 hours until midnight

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

Annex 2 - Conditions consistent with the operating Schedule

1. Notices will be displayed at the exit to the premises asking customers to leave quietly.
2. The venue will participate in the local pub watch or equivalent scheme.
3. Any person who appears to be intoxicated will not be allowed entry to the premises.
4. Toughened Glasses will continue to be used during the additional hours of trading.
5. The venue will only accept photographic evidence as proof of age.
6. All instances of crime and disorder will be reported to the police and will be kept in an incident log book which will be monitored.
7. Free drinking will be available at all times during the additional hours.
8. Customers will be encouraged to leave quietly.
9. A person under 18 years will only be permitted to the venue with a responsible adult.
10. A person under 18 years will not be allowed to use any AWP machines.
11. The inward opening doors of providing exit to Cambridge Heath Road/Mile End shall be secured fully open at the times the premises are occupied under this licence.
12. Rear kitchen door (adjacent to staircase) to be effectively self-closing.
13. The maximum number of persons within the premises at any one time shall not exceed:
First Floor 100. Ground Floor 170.
14. There shall be no form of public entertainment provided in the first floor function room that is not provided in the ground floor bar.

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

N/A

Annex 4 - Plans

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

5th August 2005



Part B - Premises licence summary

Premises licence number

10584

Premises details

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

(White Hart)
1-3 Mile End Road

Post town
London

Post code
E1 4TP

Telephone number
0207 790 2894

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.
In this condition, permitted hours means:

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
11.00 hours until 01.00 hours the next day
Sunday 12.00 hours until midnight

Late Night Refreshment

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
11.00 hours until 01.00 hours the next day
Sunday 12.00 hours until midnight

Regulated Entertainment

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
11.00 hours until 01.00 hours the next day
Sunday 12.00 hours until midnight

In the event of a transmission of any international sporting event involving any other countries from the UK and Ireland which falls outside the current permitted hours on the premises to permit the provision of hot food and drinks commencing one hour before the start of the event and one hour after the end of the event, the details of the transmission to be notified to the police seven days before hand and provided the police have not objected to the additional hour within 72 hours of being notified

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

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday and Saturday
11.00 hours until 01.30 hours the next day
Sunday 12.30 hours the next day

Name, (registered) address of holder of premises licence

John Mulligan
35 Baron Street
London
N1 9ET

Where the licence authorises supplies of alcohol whether these are on and / or off supplies

On and Off sales

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

N/A

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

Neal Patrick James Helly

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

Restricted

Appendix 2

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

London Borough of Tower Hamlets
Licensing Section

Application to Vary a Premises Licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in BLOCK capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

(1) Delete as applicable.
(2) Insert name(s) of applicant(s).

(1) ~~[]~~ (2) John Mulligan

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

Premises licence number

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description Murphy's White Hart 1-3 Mile End Road	
Post town London	Post code E1 4TP

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Daytime contact telephone number

E-mail address (optional)

Current postal address if different from premises address

Post Town Postcode

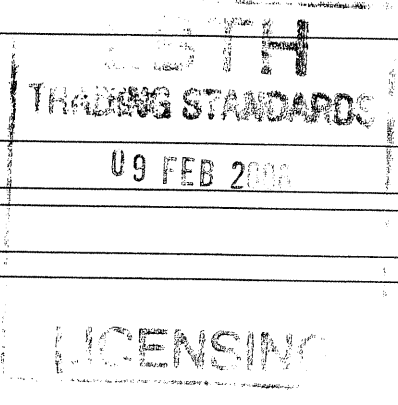
Part 3 - Variation

Please tick Yes

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

If not do you want the variation to take effect from

--	--	--	--	--	--	--	--



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

To extend the hours for the provision of licenseable activities until 0300 on Mondays to Saturdays inclusive and until 0100 on Sundays.

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

Part 4 - Operating Schedule

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

Provision of regulated entertainment

Please tick yes

(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 entertainment facilities for:

(i) making music (if ticking yes, fill in box I)

(j) dancing (if ticking yes, fill in box J)

(k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays			Standard days and timings (please read guidance note 6)	Will the performance of a play take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
Day	Start	Finish			Outdoors	
Mon					Both	
Tue						
Wed					Both	
Thur						
Fri					Both	
Sat						
Sun						

Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for performing plays (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)

B

Films			Standard days and timings (please read guidance note 6)	Will the exhibition of films take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
Day	Start	Finish			Outdoors	
Mon					Both	
Tue						
Wed					Both	
Thur						
Fri					Both	
Sat						
Sun						

Will the exhibition of films take place indoors or outdoors or both - please tick (please read guidance note 2)

Please give further details here (please read guidance note 3)

State any seasonal variations for the exhibition of films (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> <input checked="" type="checkbox"/> (please read guidance note 2)	
			Indoors	
			Outdoors	
			Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Tue				
Wed				
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/>] (please read guidance note 2)		Indoors	x
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	1100	0300				
Tue	1100	0300				
Wed	1100	0300	State any seasonal variations for the performance of live music (please read guidance note 4)			
Thur	1100	0300				
Fri	1100	0300	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	1100	0300				
Sun	1200	0100				

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/>] (please read guidance note 2)		Indoors	x
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	1100	0300				
Tue	1100	0300				
Wed	1100	0300	State any seasonal variations for the playing of recorded music (please read guidance note 4)			
Thur	1100	0300				
Fri	1100	0300	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat	1100	0300				
Sun	1200	0100				

G

Performances of dance			Will the performance of dance take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
Standard days and timings (please read guidance note 6)				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g)			Please give a description of the type of entertainment you will be providing		
Standard days and timings (please read guidance note 6)			Will this entertainment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors <input checked="" type="checkbox"/>
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	1100	0300			
Tue	1100	0300			
Wed	1100	0300	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	1100	0300			
Fri	1100	0300	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1100	0300			
Sun	1200	0100			

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing 	
			Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	
			Indoors <input checked="" type="checkbox"/> x Outdoors <input type="checkbox"/> Both <input type="checkbox"/>	
Day	Start	Finish	Please give further details here (please read guidance note 3)	
Mon	2300	0300		
Tue	2300	0300		
Wed	2300	0300		
Thur	2300	0300		
Fri	2300	0300		
Sat	2300	0300		
Sun	2300	0100	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	
			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 5)	

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box <input checked="" type="checkbox"/>) (please read guidance note 7)		On the premises	
					Off the premises	
					Both	x
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Mon	1100	0300				
Tue	1100	0300				
Wed	1100	0300				
Thur	1100	0300	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 5)			
Fri	1100	0300				
Sat	1100	0300				
Sun	1100	0300				

N

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 8)

None

Hours premises are open to the public Standard days and timings (please read guidance note 6)		
Day	Start	Finish
Mon	1100	0330
Tue	1100	0330
Wed	1100	0330
Thur	1100	0330
Fri	1100	0330
Sat	1100	0330
Sun	1200	0130

State any seasonal variations (please read guidance note 4)

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

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

Please tick yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
Original licence not received from previous owner following purchase of premises.

P

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

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

1. Premises are fully lit and covered by emergency lighting.

(b) The prevention of crime and disorder

1. CCTV (to be) installed to the satisfaction of the Crime Prevention Officer.

2. Roaming supervision to prevent possession, supply or consumption of illegal drugs and possession of weapons

(c) Public safety

1. Drinking water and soft drinks always available.

(d) The prevention of public nuisance

(e) The protection of children from harm

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

X
X
X
X
X

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 - Signatures (please read guidance note 10)

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

Signature 

Date 7/2/06

Capacity Solicitors

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

Signature

Date

Capacity

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

Mr R M Edney
KSB Law LLP
Elan House
5-11 Fetter Lane

Post town London

Post code EC4A 1QD

Telephone number (if any) 020 7822 7583

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
redney@ksblaw.co.uk

Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (eg 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on. If you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 3

Map



Scale 1:1250

Map of:

Notes:

1-3 Mile End Road

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Map



Scale 1:2500

Map of:

1-3 Mile End Road

Notes:

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Appendix 4

**Directorate of Environment &
Culture**

To Licensing

**Environmental Health,
Environmental Protection**

From Alkesh Solanki,
Environmental Health

Council Offices

Reference 14284
Extension 5008
Date 28th February 2006

Southern Grove
London E3 4PN

Regarding Premise License

Tel: 020 7364 5008

Fax: 020 7364 6831

E-mail :
envhealth.envprotection@towerhamlets.gov.uk

**Re: Application for a Variation Licence at Murphy's White Hart, 1-3 Mile
End Road, London, E1 4TP**

A. Contextual Information –

The public house is situated within a mixed residential / commercial area.

Description of location. Murphy's White Hart is situated on the busy Mile End Road at the junction of the Cambridge Heath Road.

Description of background noise Road traffic noise.

Existing noise sources in use at the premises Speakers.

B. Complaint History, Investigation and Enforcement
No complaints.

C. Assessment

There is great likelihood of disturbance to residential premises at the noise sensitive hours sought;

However after a very useful meeting with the applicant this department are willing to withdraw our objections if the following recommendations are undertaken in full;

Recommendations

- 1. Noise breakout from the doors and windows of Murphy's White Hart has to be minimised as much as possible to prevent potential public nuisance. Therefore to prevent doors and windows being used to provide fresh air at the premises artificial ventilation is necessary. At the time of the inspection the air conditioning was not functioning effectively. The applicant is currently repairing the air conditioning system. If, however, a new system is required then it will be subject to the approval by the London Borough of Tower Hamlets Environmental Protection Department and Planning Department if required.**
- 2. All new plant approved and any associated equipment to be designed to a level 10 dB below the lowest background noise level as measured one metre from the nearest affected façade (be it commercial or residential). The assessment of the background noise shall be made in the absence of all operating plant that services the premises that is subject of this application. THE PLANT SHALL NOT CREATE AN AUDIBLE TONAL NOISE NOR CAUSE PERCEPTIBLE VIBRATION TO BE TRANSMITTED at the nearest affected façade.**
- 3. To minimise public nuisance (and prevent the existing background noise level of the area increasing) no drinking or congregating by patrons of the Murphy's White Hart is to take place outside the premises after 11 pm.**

4. A noise-limiting device (Noise Limiter) must be installed to control the noise levels within the Public House on both ground floor and 1st floor. The noise limiter must have a graphic equaliser to allow the control of the low frequencies (bass frequencies). Noise levels within the Public House are required to be set in co-operation with our department to ensure no disturbance is caused at the nearest residential premises.
5. All speakers, woofers etc that are situated on the floor must be placed on anti-vibration mats.
6. All wall mounted speakers should be hung off the walls.
7. To minimise public nuisance the hours for use of the premises are to be:
 - 11:00 hours to 01:30 hours, Monday to Wednesday;
 - 11:00 hours to 03:00 hours, Thursday;
 - 11:00 hours to 03:30 hours, Friday to Saturday; and
 - 11:00 hours to 12:30 hours, Sunday.

All doors and windows at the premises must be kept closed at all times.

THIS REPORT HAS BEEN COPIED TO THE APPLICANT.

Appendix 5

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

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

- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (7.58).

The Pool of Conditions, adopted by the council is recommended (7.58).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally (7.40).

Licence conditions should not duplicate other legislation (7.41).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (7.43) but it is essential that conditions are focused on measures within the direct control of the licence holder" (7.45).

Other Legislation

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

Appendix 6

Egress Problems

Such as:

- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons 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 Sections 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 Sections 8.2 of the Licensing Policy, and also Section 12.5**).

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 will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll 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 (7.58).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally (7.40).

Licence conditions should not duplicate other legislation (7.41).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (7.43) but it is essential that conditions are focused on measures within the direct control of the licence holder” (7.45).

Otherwise there has to be a causal connection (7.45).

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