



Meeting of the

LICENSING SUB COMMITTEE

Thursday, 8 May 2008 at 6.30 p.m.

A G E N D A

VENUE

Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Carli Harper-Penman	Bethnal Green South
Vice-Chair:	
Councillor Alexander Heslop	Bow East
Councillor M. Mamun Rashid	Shadwell

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:

Paul Ward, Democratic Services,

Tel: 020 7364 4207, E-mail: paul.ward@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 8 May 2008

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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. See attached note from the Chief Executive.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	15 - 28	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 10 th April 2008.		
5. ITEMS FOR CONSIDERATION		
5.1 Application to Vary the Premises Licence: Secrets (St Katherines) Ltd, 43-45 East Smithfield, London E1W 9AP LSC055/708)	29 - 96	St Katharine's & Wapping
6. EXCLUSION OF THE PRESS AND PUBLIC		

In the light of the remaining business on the agenda, the Sub-Committee is asked to agree the following motion:-

“That, under Section 100(a) of the Local Government Act 1972, as amended by the Local Government (Access to Information) Act 1985, the press and public be excluded from the meeting for the consideration of the Section 2 business on the grounds that it contains information defined as exempt in Part 1 of Schedule 12A of the Local Government Act 1972, as detailed.”

EXEMPT/CONFIDENTIAL SECTION (PINK)

The Exempt/Confidential (Pink) Committee papers in the Agenda will contain information which is commercially, legally or personally sensitive and should not be divulged to third parties. If you do not wish to retain the papers after the meeting, please hand them to the Committee Officer present.

7. EXEMPT MINUTES

97 - 126

To confirm as a correct record of the proceedings the restricted minutes of the Licensing Sub-Committees held on 13th December 2007, 8th January 2008, 5th March 2008, 17th March 2008 and 31st March 2008.

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

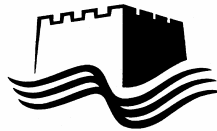
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

TOWER HAMLETS



LICENSING COMMITTEE

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

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

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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Agenda Item 4

LONDON BOROUGH OF TOWER HAMLETS

At a meeting of the LICENSING SUB COMMITTEE held on THURSDAY 10TH APRIL 2008 at 6.30 PM in the ROOM C1, THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG

PRESENT

Members of the Sub Committee:

Councillor S. Harper-Penman (Chair)
Councillor M. Francis
Councillor S. Houghton

Applicants

Gareth Hughes	Solicitor, La Luna
Giovanna Hussain	Applicant, La Luna
Andrew Wang	JRG Solicitors, La Luna
Michael Verling	IRB, La Luna
Rudolph Hubner	Applicant, 77 Redchurch Street

Objectors

Paul Johnson	Environmental Protection
Bill Miller	Queen Mary University
Tracy Smith	Queen Mary University

Officers

Mohshin Ali	Licensing Officer
Zakir Hussain	Councils Legal Advisor
Paul Ward	Clerk to the Committee

Members of the Public in Attendance

None were present.

The Chair welcomed everyone to the meeting and asked those present to introduce themselves. She stated that this was a Licensing Sub Committee hearing under the new Licensing Act 2003. She then drew attention to the Rules and Procedures that governed the procedure for hearing licensing applications, pointing out that a summary of the procedure could be found as item 3 on the agenda.

1. **APOLOGIES FOR ABSENCE**

None.

2. **DECLARATIONS OF INTEREST**

None.

3. **RULES OF PROCEDURE**

The Rules of Procedure were noted.

4. **MINUTES**

None.

5. **ITEMS FOR CONSIDERATION**

At this point the Chair stated that there would be a variation to the order of business to allow item 5.2, Application for a New Premises Licence for 77 Redchurch Street, London E2 7DJ, to be considered first.

5.2 **Licensing Act 2003 Application for a New Premises Licence: 77 Redchurch Street, London E2 7DJ (LSC049/708)**

At the request of the Chair Mr Mohshin Ali introduced the report which sought a new premises licence for 77 Redchurch Street, London E2 7DJ. The days and hours sought for the sale of alcohol were those of Monday to Saturday 12.00 until 00.00 hours and Sunday 12.00 until 23.00 hours. The days and hours sought for regulated entertainment of films were those of Thursday 19.00 until 22.00 hours. Though the applicant had also applied for recorded music he had stated that this was only background music which was not licensable. The days and hours sought for the premise to be open to the public were those of Monday to Saturday 12.00 until 00.00 hours and Sunday 12.00 until 23.00 hours.

Appropriate consultation had been carried out with an objection received from a local resident. The objection was on the grounds that granting the application would cause public nuisance.

Mr Paul Greeno, Councils Legal Advisor, reported that the only remaining objector had spoken to the Clerk of the Committee advising that they were unable to attend the hearing. However their objection remained as they were still concerned with one aspect of the application, that being that patrons would be allowed outside the premises with alcoholic drinks. He had spoken to the applicant who was happy to agree to a condition on the licence that there would

be no consumption of alcohol off the premise, alongside the conditions already agreed with Environmental Protection.

Mr Rudolph Hubner, applicant for 77 Redchurch Street, confirmed that he was happy for the condition regarding no alcohol outside the premise to be included in the licence. The main times alcohol would be supplied would be at exhibitions and patrons would only be allowed to drink in the premise.

The Chair thanked everyone for their contributions and advised that the Sub Committee would be proceeding into private session to consider the evidence submitted.

The meeting adjourned at 6.52pm and reconvened at 6.54pm.

The Chair reported that having considered the report and the evidence and comments presented, the Sub Committee had **RESOLVED**

That the application for a New Premises Licence under the Licensing Act 2003, for 77 Redchurch Street, London E2 7DJ be **GRANTED** for the following days and hours and subject to the following conditions:-

Supply of Alcohol

Monday to Saturday 12.00 until 00.00 hours
Sunday 12.00 until 23.00 hours

Regulated Entertainment (Films)

Thursday 19.00 until 22.00 hours

Hours Open to the Public

Monday to Saturday 12.00 until 00.00 hours
Sunday 12.00 until 23.00 hours

CONDITIONS

- That there be no consumption of alcohol outside the premise at any time;
- That where regulated entertainment is to be provided the noise produced shall be inaudible within adjacent residential and commercial properties and at the facades of nearby residential premises;
- That deliveries to the premise be restricted to between the hours of 08.00 to 20.00 Monday to Saturday;
- That the doors to the entrance lobby not be kept within the open position whilst licensable activities are in progress; and

- That during the hours of between 23.00 hours until 07.00 hours the following morning, all articles and materials including waste, be stored within the main premises and not moved to outbuildings, external bins, gardens, access routes or public areas.

5.1 Licensing Act 2003 Application for a New Premises Licence: La Luna, 438 Mile End Road, London E1 4PE (LSC048/708)

At the request of the Chair Mr Mohshin Ali introduced the report which sought a new premises licence for the basement, ground floor and first floor for La Luna, 438 Mile End Road, London E1 4PE. However the Sub Committee should note that the premise already had an existing premise licence for ground floor only. The days and hours sought for the sale of alcohol were those of Monday to Saturday 10.00 until 06.00 hours and Sunday 12.00 until 06.00 hours. The days and hours sought for regulated entertainment of films, live music, performance of dance and anything of a similar description, provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description were those of Monday to Saturday 10.00 until 06.00 hours and Sunday 12.00 until 06.00 hours. The days and hours sought for recorded music and private entertainment were those of Monday to Sunday, 24 hours. The days and hours sought for late night refreshment were those of Monday to Saturday 23.00 until 05.00 hours and Sunday 23.00 until 05.00 hours. The days and hours sought for the premise to be open to the public were those of Monday to Sunday, 24 hours. Non standard timings were New Years Eve from the end of the permitted hours to the beginning of the permitted hours on New Years Day.

Appropriate consultation had been carried out with objections received from a local business and Environmental Protection. The objections were on the grounds that granting the application would cause public nuisance.

As there were no questions for the officers the Chair asked the applicants to present their case.

Mr Gareth Hughes, Solicitor for La Luna, confirmed Mr Ali's assessment of the application adding that the facility for the private entertainment, recorded music and opening hours were already granted to the premise. If the premise had been operating longer than its licensable hours this was as part of a private party or under a Temporary Event Notice (TEN). The applicant, Giovanna Hussain, had operated similar businesses for some years and currently also operated 54 Commercial Street. Registered SIA door staff operated at the premise and would continue to do so. The applicants were concerned that they had appropriate management measures in place and did not want to disturb their neighbours. They had therefore employed Mr Richard Vivien to produce a Noise Assessment Report and Mr Michael Verling who had produced a Licensing Report, all of which Members had.

There were no objections from the Police and the only licensing objective concerning the application was that of public nuisance. Environmental Protection's objection had been submitted prior to the acoustic report which they now had. This objection was asking for shorter hours than the premise currently operated which was not acceptable. However the applicant had complied and undertaken all measures asked of them by Environmental Protection. Environmental Protection also mentioned noise complaints last summer but these occurred before the applicants had been operating the premise which was only from the end of October 2007. Even then they had not opened the premise to the public until New Years Eve.

Mr Hughes then referred Members to the reports of Mr Vivien and Mr Verling. Mr Vivien had undertaken an assessment of potential noise breakout from the premise, which was to quantify the possible effect on nearby properties. He had assessed the building, analysed the sound system in the premise and made internal noise measurements in flats in Lindop House that were closest to the premise. He had made recommendations for noise control through remedial works, which had been undertaken and through the sound system, which had been accepted and which would include a noise limiter. The premise would have good noise management.

Mr Verling had investigated pedestrian and traffic flow in the area, including parking activity in the evening and early morning hours. He had concluded that there was little difference between pedestrian numbers passing the premises between midnight to 3.00am and 3.00am to 6.00am. There was also only a small decrease in traffic using Mile End Road, which was a very busy, noisy road. The premise did attract a young crowd, many living locally and from Queen Mary University, with dispersal shown to be even throughout the evening. There were fewer patrons in the premise the longer the night went on. Granting the later hours would ease dispersal as the premise would be closing as the tube started by then and there was a bus stop directly outside the premise. Also there would be a dramatic reduction in illegal taxis as the premise used a designated taxi company. Mr Verling had made recommendations which would all be implemented, with several already in place.

In relation to Mr Miller's objection, he mentioned noise issues for those living in Lindop House, yet there were letters from students living there in support of the application. It was the same letter but signed by individual students.

In conclusion Mr Hughes stated that they were happy to agree to the 28 proposed conditions which Members had seen, being included on the licence. These including having additional door security, restricting times for deliveries and limiting the use of the forecourt and yard to 11.00pm Monday to Sunday with patrons smoking outside set to a maximum of ten patrons at any time and only for a maximum of ten minutes each. The premise had already applied for and operated seven temporary event notices up to 6.00am without any problems. If there were any problems in future the local residents and responsible authorities could always request a review of the licence.

The Chair asked the objectors to present their case.

Mr Bill Miller, Queen Mary University, commented that the premise had changed over the years from being a pub, a wine bar/restaurant and now a club. The application was for licensable activities over three floors which would greatly affect students living in Lindop House. The proposals from the premise were only to mitigate noise as it was impossible to stop noise from travelling into Lindop House disturbing students sleep and quality of life.

Ms Tracy Smith added that she was the manager for Lindop House which housed 74 students. She was particularly concerned that with access and egress and that live music in the premise would disturb students in Lindop House. Those who had written in favour of the application lived the furthest away from the premise and were not affected as those living next to the premise. She had received complaints from students regarding noise emanating from the premise but none of them had been prepared to formally object.

Mr Paul Johnson, Environmental Protection, stated that the premise was adjacent to a large residential building with public areas at the back and front of the premise which was only 5 meters from Lindop House. He had particular concerns with access and egress and the use of these outside areas for which there were no noise measures that could be established to stop noise from patrons conversations disturbing nearby residents. There were some issues with previous noise nuisance witnessed by Environmental Protection at the premise last summer, particularly regarding egress and patrons smoking outside and whilst these could not be attributed to the applicants, this did highlight the problems there was with this premise being adjacent to residential properties.

The reports by Mr Vivien and Mr Verling were based on winter time events and not summer events when local residents were more likely to have windows open and suffer from noise nuisance. There was no reference in the application as to what the first floor was currently used as and therefore he had based his comments on information he had found about the premise on the internet. This information advertised the premise as a new space for disco dancing and as a sister venue to 54 Commercial Street. It stated that the premise would be the cutting edge for live music dancing and had a large outside terrace for use in the summertime. The first floor area was to be used as a VIP lounge. This advertising did not equate to the premise being used as the applicants had described tonight.

The premise had applied for and been granted numerous TEN's and managed to operate without any problems. However, on 21st March 2008, an Environmental Protection officer was passing the premise at 3.10am and witnessed that the premise was still open and that there was noise nuisance. Upon investigation the officer found that there was no TEN in place at the premise and therefore the licensee was in breach of their licence.

Mr Greeno commented that the new evidence being submitted by Mr Johnson regarding 21st March 2008 could only be considered with the permission of the applicants. As the incident he was referring to happened some weeks ago, Mr Johnson could have raised this in an email to the applicants prior to the meeting.

Mr Hughes confirmed that they objected to the new evidence being presented.

Mr Johnson stated that it was due to this incident that he had to amend his original hours and conditions. He had emailed Mr Wong a week previous advising that he was amending the hours and conditions

At this point, 7.42pm, the Chair adjourned the meeting to seek further legal advice. The meeting reconvened at 7.46pm.

The Chair reported that if the applicants were unwilling to accept the new evidence, Members could not consider this. However Mr Johnson could make reference to the information he had sent by email to Mr Wong.

Mr Johnson continued that granting the application would lead to an increase in capacity at the premise from 200 to between 450 to 600 patrons, depending on which floors of the premise were operating. Whilst he was confident that noise nuisance could be contained within the premise by installing sound limiters on all floors where there would be music played, his main concern with the application was with the proposed hours for midweek and the increase in capacity there with three floors being licensed which would lead to greater entry and egress noise nuisance. These problems could only be addressed by restricting the operating hours.

In conclusion Mr Johnson requested that should the licence be granted that there be no new admission or re-entry policy, that all the proposed conditions and the recommendations in Mr Vivians and Mr Verlings report be implemented, that there be noise limiters installed set to a suitable level by Environmental Protection, that his conditions detailed in Page 70 of the report be implemented and that the licence not become operable until all necessary works were completed to the satisfaction of Environmental Protection.

The chair asked if there were any questions for the applicants or objectors.

In response to questions from Members the applicants stated that the Police did not attend the alleged incident on 21st March 2008. When they had received Mr Millers objection they had asked to meet him and invited him to inspect the premise but he had commented that he was very upset and did not want to talk to them. Since then they had been to Lindop House and spoke to the students residing there. The student who lived closest had said that if he experienced any problems then he would contact the premise. To date he had not contacted them.

The letters in support of the application by students living in Lindop House had been submitted by them of their own accord. These were in front of the Sub committee whilst the alleged complaints from students regarding problems with

the premise were not. Students residing in Lindop House did change every year and therefore the new students would be advised of contact numbers for the premise if there were any problems, with these put on the student notice board. However they were confident that by implementing the proposed conditions and Mr Vivians and Mr Verlings recommendations that any possible noise nuisance would be addressed.

The advertising of the premise on the internet was undertaken by a public relations company with whom the applicants no longer dealt with. The first floor of the premise would not be used for licensable activities and this was withdrawn from the application. They would accept Environmental Protections conditions detailed in page 70 of the report except those concerning hours. Late night refreshment would only be inside the premise.

In response to questions from Members Ms Smith commented that she did not keep a log of when the students complained to her regarding noise nuisance form the premise. However some had been very upset by being woken and kept awake, particularly from patrons leaving the premise in the early hours.

The Chair thanked everyone for their contributions and advised that the Sub Committee would be proceeding into private session to consider the evidence submitted.

The meeting adjourned at 8.10pm and reconvened at 8.37pm.

The Chair reported that having considered the comments presented, the Sub Committee had **RESOLVED**

That the application for a new Premises Licence under the Licensing Act 2003, for the basement, ground floor and first floor for La Luna, 438 Mile End Road, London E1 4PE be **GRANTED** for the basement and ground floor areas only for the following days and hours and subject to the following conditions proposed by the applicant, the following recommendations contained within the Noise Assessment Report by Richard Vivian and the Licensing Report by Mr Michael Verling and the following conditions:-

Supply of Alcohol

Monday to Thursday 10.00 until 01.00 hours
Friday to Saturday 10:00 until 03.00 hours
Sunday 10:00 until 22.30 hours

Regulated Entertainment (Films, Live Music, Performance of Dance and anything of a similar description, Provision of facilities for Making Music, Provision of Facilities for Dancing and Provision of Facilities for Entertainment of a similar description)

Monday to Saturday 10.00 until 03.00 hours
Sunday 10.00 until 00.00 hours

Recorded Music

Monday to Sunday 00.00 until 00.00 hours (24 hours)

Private Entertainment

Monday to Sunday 00.00 until 00.00 hours (24 hours)

Late night Refreshment

Monday to Thursday 23.00 until 01.00 hours

Friday to Saturday 23.00 until 03.00 hours

Hours Open to the Public

Monday to Sunday 00.00 until 00.00 hours (24 hours)

Non Standard Timings

New Years Eve for the end of the permitted hours to the beginning of the permitted hours on New Years Day

CONDITIONS

- That there be no new admission or re-entry to the premise, except for staff, after 23.00 hours Sunday to Thursday and 00.00 hours Friday to Saturday;
- That there be a minimum of four SIA registered door staff available on the premise with one per 100 customers or part thereof on duty whilst the premise are in use under the License during Friday and Saturday evening and on occasions where outside promoted events are being held; Door supervisors shall be maintained until the premises are closed and shall be in position early enough in the evening to ensure that procedures for promoting public safety and preventing public nuisance are effective;
- That the Licence Holder provide and maintain a dedicated telephone number of the Designated Premises Supervisor for use by any responsible authority, or any person who may wish to make a complaint during the operation of the licence; This number shall be provided to the Licensing Authority, Police, Local Residents Associations and Queen Mary University and displayed in Lindop House; The Licence Holder shall ensure that any changes to these details are sent to all parties within seven days and circulated to persons residing in Lindop House.
- That there be no supply of alcohol under the Premise Licence at a time where there is no Designated Premises Supervisor in respect of the premise licence and at a time when the Designated Premises Supervisor does not hold a personal licence or their personal licence is suspended;

- That every supply of alcohol under the premise licence be made or authorised by a person who holds a personal licence;
- That admission of children (under 18) to the exhibition of any film be restricted in accordance with:-
 - (a) Recommendations made by the film classification body where the film classification body is specified in the licence, or
 - (b) Recommendations made by the licensing authority where the film classification body is not specified in the licence, or the relevant licensing authority has not notified the holder of the licence that this subsection applies to the film in question
 - (c) “film classification body” means person(s) designated under S4 of the Video Recordings Act 1984(c.39)
- That all individuals carrying out a security activity must be licensed by the Security Industry Authority (SIA);
- That there be a comprehensive CCTV system that ensures that all areas of the licensed premise are monitored, including all entry points, and which enables frontal identification of every person entering in any light condition; all cameras shall continually record whilst the premise are in operation and the recording shall be kept for a minimum of 31 days with time and date stamping; recordings shall be made available to a duly authorised Tower Hamlets Council officer or a police officer together with facilities for viewing; the recordings for the preceding 31 days shall be made available immediately on request; the CCTV system shall be operated in accordance with the Data Protection Act 1998 and any other relevant legislation;
- That the premise operate a Challenge 21 policy; employees shall be trained and must request sight of evidence of the age of any person appearing to be under 21 years of age; such evidence may include a driving licence;
- That in consultation with Environmental Protection a noise limiter be employed in a separate and remote (from the volume control) lockable cabinet and be fitted to the music amplification system in the basement and ground floors with noise levels set by a competent person/acoustician and set for inaudibility within adjacent properties; no supplementary sound system to be used by acts without a full risk assessment and prior notice given to Tower Hamlets Environmental Protection Team;
- That the amount of people going outside the venue to smoke be limited to no more than ten at any one time and only for a maximum of ten minutes each with signage advising this placed in the smoking area;

- That reasonable steps be taken to ensure that an authorised person is a member of Pubwatch or Clubwatch and attends at least three meetings a year; if there is no Pubwatch or Clubwatch the premise holder will establish one;
- That adequate/improved security lighting be provided outside the premise with consideration given to light pollution of neighbouring properties; external spotlights mounted on the premise frontage should be pointed downwards so not cause nuisance to neighbours and be switched on for a brief period at the terminal hour;
- That a documented search policy be implemented and signs provided at the queuing point to advise intending customers of the premises age check, search procedure and zero tolerance towards drugs policy with the queues supervised by staff to prevent disorder and Door Supervisor shall assist in the dispersal of customers; proof of identity equipment be used to ensure that no underage persons or persons banned from other premises be allowed into the premise;
- That measures be implemented aimed at discouraging anti social behaviour;
- That measures be implemented to ensure that patrons cannot take glass or open containers outside the premise;
- That toilets be checked by staff randomly and at least every hour after 20.00 and an entry made in a register and made immediately available to police at reasonable request;
- That the premise provide the police and tower Hamlets Environmental Protection Department with a dispersal policy and comply with its contents to ensure that all patron leave the premise and the vicinity quickly and quietly;
- That notices be displayed at exits and in prominent positions requesting that patrons respect the needs of local residents and leave the premise and area quietly;
- That all instances of crime or disorder or nuisance be reported by the designated premises supervisor or responsible member of staff;
- That all staff employed at the premise be over 18 years old with photo identification seen to confirm this;
- That non intoxicating beverages, including drinking water, be available throughout the permitted hours in all parts of the premise where alcohol is sold;
- That the licence holder ensure that the details of all complaints are recorded in an occurrence book;

- That the licence holder or designated person use a refusal book to record details of instances where staff have refused to serve a customer and the reasons for doing so (believed underage, intoxicated, etc);
- That use of the outside forecourt and yard for licensable activities be 23.00 hours Monday to Sunday;
- That only instruments that have the ability to be used though the sound limiter be allowed at the premise unless otherwise agreed in advance with Tower Hamlets Environmental Protection Department;
- That deliveries to the premise be restricted to between 08.00 and 22.00 hours Monday to Saturday only or such other times as agreed with Tower Hamlets Environmental Protection Department;
- That the doors to the entrance lobby not be kept in the open position whilst regulated entertainment is in progress;
- That remedial works to the building fabric to reduce airborne noise breakout such as extending the lobby/foyer into the premise by one metre with door seals on the lobby door system, maintaining/replacing the fire exit door and the cellar loading door and lagging and encasing the air conditioning system/ventilation outlet cowls, be completed to the satisfaction of Environmental Protection prior to the licence being operated;
- That in consultation with Environmental Protection the basement bar sound system be reconfigured with speaker location and system tuning changed to reduce noise levels in Lindop House;
- That staff be encouraged to undertake first aid training;
- That the operators provide free lollipops to customers as they leave the premises at cessation of trade;
- That the patio fencing at the front of the premise be redesigned with the area reduced in size, to include an entry point at the far end of the fencing in the direction of Mile End underground station;
- That a risk assessment and policy implementation strategy regarding anti terrorism measures detailing an evacuation procedure and assembly point for customers and staff, which should differ from those used in the event of a fire, be implemented;
- That all imbedded restrictions currently on the premise licence be transferred to the new premise licence.

**5.3 Licensing Act 2003 Application for a Time Limited Premises Licence:
Victoria Park Eastern Section, Grove Road, London E3 (LSC050/708)**

This item had been resolved.

The meeting closed at 8.42pm.

CHAIR_____

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Agenda Item 5.1

Committee : Licensing Sub Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
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Report of Colin Perrins Head of Trading Standards and Commercial Originating Officer: Colin Perrins Licensing Officer Jackie Randall	Title Licensing Act 2003 Application to Vary the Premises Licence for Secrets(St Katherines) ltd 43-45 east Smithfield London E1W 9AP Ward affected St Katherines & Wapping
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1.0 Summary

Applicant: **Secrets(St Katherines) Ltd**
Name and
Address of Premises: **43-45 East Smithfield**
London E1W 9AP

Licence sought: **Licensing Act 2003 Variation**
Extending the hours for the sale of alcohol,
Regulated entertainment and Late Night
Refreshment

Objectors: **Local Residents**

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

Jackie Randall
020 7364 5109

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Secrets (St Katherine's) 43-45 East Smithfield, London E1W 9AP
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current hours are as follows:

Sale of Alcohol and Regulated Entertainment

- Monday to Saturday, 10:00 hours to 03:00 hours
- Sunday, 12:00 hrs to 22:30 hours

Late Night Refreshment

- Monday to Saturday, 10:00 hours to 03:00 hours

Hours premises are open to the public

- Seven days a week 00:00 hrs to 24:00 hours

There are further non standard times

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.

- 3.3 A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as:
Extending the hours for the sale of alcohol
Extending regulated entertainment
Extending late night refreshment

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

Sale of Alcohol (on and off sales)

Monday to Saturday until 03.30 hours

The Provision of Regulated Entertainment:

Monday to Saturday until 04:00 hours

The Provision of Late Night Refreshment:

Monday to Saturday until 04:00 hours

Hours premises is open to the public:

Seven days a week 00:00 hrs to 24:00 hours

- 3.6 Maps showing the position of the premises within East Smithfield and surrounding properties are attached in **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 revised policy came into effect on the 7th January 2008.
- 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 was substantially revised on the 28 June 2007.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than 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 Representations

- 5.1 All the representations in this report have been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003.
- 5.2 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
Local Residents
See Appendices 4 & 5
- 5.3 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection

- 5.4 In addition 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
- 5.5 The objections cover allegations of Anti-social behaviour as follows;
- Anti social behaviour from patrons leaving the premises
 - Disturbance from patrons leaving the premises on foot
 - Disturbance from patrons leaving the premises by car
- 5.6 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.
- 5.7 The Police have requested that conditions are added to the variation should it be granted. These are attached in **Appendix 6**.

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. 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 their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
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 (1.7).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
 - ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).
 - ❖ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (7.79). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition. In the case of the premises licence for SECRETS there is an existing condition on that licence which states:
- Whilst any striptease is taking place, no customer under the age of 18 shall be allowed on any part of the premises licensed for the sale of alcohol and a notice shall be displayed in clear terms at each entrance using the wording: **NO PERSON UNDER 18 TO BE ADMITTED**
- 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 Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 7 -10** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

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** A copy the existing licence.
- Appendix 2** A copy of the application for variation.
- Appendix 3** Map of the area
- Appendix 4** Representation of Local resident
- Appendix 5** Representation of Local resident
- Appendix 6** Police Letter with conditions
- Appendix 7** Licensing Officer comments on access and egress problems
- Appendix 8** Licensing Officer comments on Anti-Social Behaviour From Patrons Leaving The Premises
- Appendix 9** Licensing Officer comments Access and Egress problems
- Appendix 10** Licensing Officer comments on Planning

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

11623

(Secrets St. Katherines Ltd.)

43-45 East Smithfield

London

E1W 9AP

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: 22 February 2007

FOR OFFICE USE

Receipt Number

Fee Paid

Fee Req.

Date

Initial

MA LICENSING word 97 2003 Lic Act certs & licst Prem Licst East Smithfield 43-45.doc

Page 1 of 10



Part A - Format of premises licence

Premises licence number

11623

Part 1 - Premises details

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

43-45 East Smithfield

Post town

London

Post code

E1W 9AP

Telephone number

020 7488 0990

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

Alcohol and Regulated Entertainment (live music, recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing)

- Monday to Saturday, 10:00 hrs to 03:00 hrs
- Sunday, 12:00 hrs to 22:30 hrs

Late Night Refreshment

- Monday to Saturday, 10:00 hrs to 03:00 hrs

Non-Standard Hours

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

The opening hours of the premises

- Monday to Monday, 00:00 hrs to 24:00 hrs

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

Secrets (St. Katherines Ltd)
13/14 Hanover Street
London
W1S 1YH

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

4763205

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

Nicholas Paul Christoper Byfield Ward
Flat 3 29 Kensington Garden Square
London
W2 4BG

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: 05/09095/LIPERS
Issuing Authority: City of Westminster

Annex 1 - Mandatory conditions

Alcohol

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

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

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

Door Supervisors

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

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

in respect of premises in relation to-

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

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

Times

Alcohol and Regulated Entertainment (live music, recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing)

Performances of dance may take place either on the stage or in any area where customers are seated. When live music is provided space for the musicians will be provided on the stage.

- Monday to Saturday, 10:00 hrs to 03:00 hrs
- Sunday, 12:00 hrs to 22:30 hrs

Late Night Refreshment

- Monday to Saturday, 10:00 hrs to 03:00 hrs

Non-Standard Hours

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

Entertainment Conditions

This is subject to the following

1. The rules of the Council relating to the management of places of public entertainment
2. Capacity of 190 persons, such capacity to include members of public, staff and performers.
3. That the above approval be subject to the terms and conditions to be stipulated and approved by the Environmental Health (Noise) Team.
4. All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-Section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.
5. That the above approval be subject to the necessary planning permission being in place.
6. All references to striptease in these conditions shall be deemed to apply to all forms of striptease or nudity by male or female performers but no physical contact between performers shall be permitted during any performance.
7. Striptease shall be given only by performers engaged exclusively for that purpose by or through Secrets (St Katharine's) Limited or any associated company running other premises also trading as 'Secrets'.
8. Striptease entertainment shall be given only by performers, and not by Members of the public.
9. Striptease may be performed only on either the designated stage or at tables within the area edged red on the plan deposited with and approved by the Council
10. After each stage performance the performer shall immediately replace clothing. Performers at tables shall replace clothing immediately upon completion of performance.
11. All performers must be provided with one copy of those conditions of this licence which appertain to the conduct of the performer.
12. There shall be no striptease performances to customers seated at the bar, or to standing customers.

13. On the designated stage, there shall be no more than four performers at any one time unless all performers are fully clothed
14. There shall be a limit to the number of performers who may perform at any given time to customers at tables. The number of performers is to be set by the Environmental Health Licensing Safety Officer and in that regard, a plan showing the seating plan within the premises is to be deposited with that Officer for his approval. (If the Licensees cannot agree the number set by the Environmental Health Licensing Safety Officer than the matter is to be referred back to the Licensing and General Services Committee).
15. The layout of the premises must remain unaltered from that inspected and approved previously by the Council at the time of the grant of the Licence or renewal, and any alterations that the Licensee wishes to carry out during the currency of the Licence must be approved by the Council prior to any works being commenced.
16. From the beginning of a performance until the performer has replaced her clothing following the conclusion of a performance, there shall be no physical participation or contact between customers and performers except for:-
 - (a) The placing of money or money's worth in a garter worn by the performer for that purpose.
 - (b) The placing of money or money's worth in the hand of the performer.
 - (c) A hand shake between the performer and the customer prior to or following a performance.
17. At all other times, there shall be no physical contact between performers and customers which could be construed as prostitution or as being of a sexual nature.
18. The Licensee shall ensure that no gratuities are thrown to or at any performer.
19. Any performance will be restricted to dancing and the removal of clothes. There must not be any other form of sexual activity.
20. Save in respect of the performances on the designated stages and podiums, all performers must remain on their feet throughout any performance unless she is sitting on a table or chair.
21. All striptease must take place in an area that is not visible from the street or overlooking buildings.
22. Performers shall be provided with a changing room to which the public does not have access.
23. There shall be no sexually explicit external advertising likely to cause offence to a reasonable person as to the nature of the activity being held at the premises.

24. On any day when the premises are open for entertainment not involving striptease prior to striptease becoming available, a notice shall be prominently displayed in a conspicuous position on the premises at least one hour before striptease performances are due to start, advising customers when those performances are to commence.
25. Whilst any striptease is taking place, no customer under the age of 18 shall be allowed on any part of the premises licensed for the sale of alcohol and a notice shall be displayed in clear terms at each entrance using the wording:

NO PERSON UNDER 18 TO BE ADMITTED

26. No performer under the age of 18 shall be allowed to perform at the premises.
27. The following notice shall be displayed at the reception desk within the premises and at each table and in each bar area:-

During a performance, which shall consist of dancing and the removal of clothes only by the performer and not members of the public:-

No customer shall touch the performer;

No customer shall remove their own clothing;

Payment or gratuities shall not be thrown to or at the performer, payment shall be made either before the performance starts or when it has concluded – this may not form part of the performance

Any customer not observing these rules will be asked to leave the premises

Annex 2 - Conditions consistent with the operating Schedule

Under no circumstances are persons under the age of 18 admitted to the premises while table dancing is taking place

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

Not Applicable

Annex 4 - Plans

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

24 June 2005



Table ♦ Dancing

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

Reply to Secrets 1: Hammersmith
Phone: 0208 942 2501
Fax: 0208 942 6269
Mobile: 07956 545 928
e-mail: gina@thesecretsgroup.com

12th March 2008

Dear Sir/Madam,

Re: Secrets, 43/45 East Smithfield, E1W 1AP

Please find attached an application for Variation of a Premises Licence, under the Licensing Act 2003.

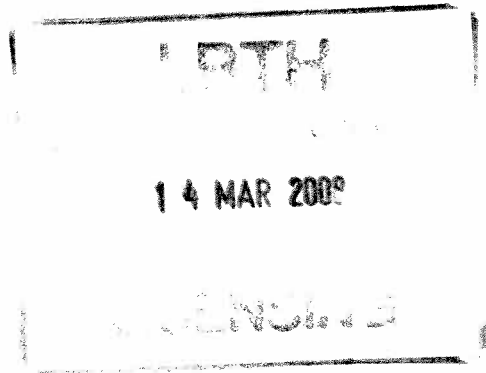
I also enclose a cheque for £315.00 the required fee, based upon the rateable value of £57,000, the existing Premises Licence and a copy of the site notice which will be displayed (on light blue paper) from 15th March 2008.

I can confirm that an advertisement of the application will appear in East End Life within ten days of the receipt of application, and that copies of the application have been sent to all of the Responsible Authorities as per the attached list.

Please do not hesitate to contact me in the event of any query.

Yours sincerely

Gina Gallagher
Technical Manager
Secrets Group of Companies



Secrets 1 - Hammersmith
Wiltonpark Limited
62 Glenthorne Road,
Hammersmith
London W6 0LR.
Tel: 020 8563 7974
Fax: 020 8563 0652
Reg. in England 3349510

Secrets 2 - Swiss Cottage
Secrets (Promotions) Limited
309 Finchley Road,
Swiss Cottage
London NW3 6EH.
Tel: 020 7794 1267
Fax: 020 7431 2372
Reg. in England 3385428

Secrets 3 - Holborn
Secrets (Holborn) Limited
3 Grays Inn Road, Holborn
(Near Chancery Lane Station)
London WC1X 8HG.
Tel: 020 7242 6266
Fax: 020 7242 5232
Reg. in England 3952792

Secrets 4 - Nr Tower Bridge
Secrets (St. Katharine's) Limited
43-45 East Smithfield
(Near Tower Bridge)
London E1W 1AP.
Tel: 020 7488 0990
Fax: 020 7488 2552
Reg. in England 4763205

Secrets 5 - Euston
Secrets (Euston) Limited
34/38 Eversholt Street,
Euston (Near Euston Station)
London NW1 1DA.
Tel: 020 7388 6487
Fax: 020 7388 1618
Reg. in England 4310216

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

**London Fire and Emergency Planning Authority
Tower Hamlets Fire Safety Team
43 Westferry Road
London E14 8JH**

**Local Weights and Measures Authority
Trading Standards
Administration Section
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY**

**London Borough of Tower Hamlets
Environmental Protection
Administration Section
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY**

**The Chief Officer of Police
Metropolitan Police Service
Tower Hamlets Division, Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
London E2 9NZ**

**Health and Safety
London Borough of Tower Hamlets
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY**

**Directorate of Development and Renewal
Development Control
London Borough of Tower Hamlets
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY**

**Jane Cooke, Group Manager, Child Protection
CPRS unit
2nd Floor
Mulberry Place
5 Clove Crescent
London E14 2BG**

Licensing Act 2003
Notice of Application to vary a Premises Licence

Notice is hereby given that Secrets (St Katherine's) Ltd has applied to London Borough of Tower Hamlets Licensing Authority to vary a premises licence under the Licensing Act 2003 for Secrets, 43-45 East Smithfield, London E1W 9AP so as to change and extend the terminal hour for the provision of licensable activities as detailed below on mornings following Monday to Saturday of each week:-

to authorise the provision of the sale of alcohol from 0300 (current hour) to 0330, regulated entertainment from 0300 (current hour) until 0400 and the provision of late night refreshment from 0300 (current hour) until 0400.

Any person who wishes to make representations in relation to this application must give notice in writing to The Licensing Department, London Borough of Tower Hamlets, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY. Representations must be received by no later than 12th April 2008. The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000).

14 MAR 2008

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We SECRETS (ST KATHERINES) LIMITED

(Insert name(s) of applicant)

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

Premises licence number 11623

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description SECRETS 43-45 EAST SMITHFIELD			
Post town	LONDON	Post code	E1W 9AP

Telephone number at premises (if any)	020 7488 0990
Non-domestic rateable value of premises	£57000

Part 2 – Applicant details

Daytime contact telephone number	020 8942 2501		
E-mail address (optional)	gina@theseecretsgroup.com		
Current postal address if different from premises address	62 GLENTHORNE ROAD HAMMERSMITH		
Post Town	LONDON	Postcode	W6 0LR

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

Day		Month		Year	

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

1. TO EXTEND THE TERMINAL HOUR FOR THE SALE OF ALCOHOL ON THE MORNINGS FOLLOWING MONDAY TO SATURDAY OF EACH WEEK UNTIL 03.30.

2. TO EXTEND THE TERMINAL HOUR FOR THE PROVISION OF REGULATED ENTERTAINMENT ON THE MORNINGS FOLLOWING MONDAY TO STURDAY OF EACH WEEK UNTIL 0400.

3. TO EXTEND THE TERMINAL HOUR FOR THE PROVISION OF LATE NIGHT REFRESHMENT ON THE MORNINGS FOLLOWING MONDAY TO SATURDAY OF EACH WEEK UNTIL 0400.

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) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input checked="" type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)
(if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

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

C

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

D

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> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
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)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) PERFORMANCES OF LIVE MUSIC WILL BE RARE.		
Mon	1000	0400			
Tue	1000	0400	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) NONE		
Wed	1000	0400			
Thur	1000	0400	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) ON NEW YEARS EVE/NEW YEAR'S DAY THE TIMINGS FOR THE PROVISIONS OF LIVE MUSIC WOULD MATCH THE TIMINGS FOR THE SALE OF ALCOHOL.		
Fri	1000	0400			
Sat	1000	0400			
Sun	1200	2230			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1000	0400	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	1000	0400			
Wed	1000	0400	State any seasonal variations for the playing of recorded music (please read guidance note 4) NONE		
Thur	1000	0400			
Fri	1000	0400	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) ON NEW YEAR'S EVE/NEW YEARS DAY THE TIMINGS FOR THE PROVISION OF RECORDED MUSIC WOULD MATCH THE TIMINGS FOR THE SALE OF ALCOHOL.		
Sat	1000	0400			
Sun	1200	2230			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1000	0400	Please give further details here (please read guidance note 3) PERFORMANCES OF DANCE MAY TAKE PLACE EITHER ON THE STAGE OR IN ANY AREA WHERE CUSTOMERS ARE SEATED (EXCEPT AT THE BAR).	Both	<input type="checkbox"/>
Tue	1000	0400			
Wed	1000	0400	State any seasonal variations for the performance of dance (please read guidance note 4) NONE		
Thur	1000	0400			
Fri	1000	0400	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) ON NEW YEAR'S EVE/NEW YEAR'S DAY THE TIMINGS FOR PERFORMANCES OF DANCE WOULD MATCH THE TIMINGS FOR THE SALE OF ALCOHOL.		
Sat	1000	0400			
Sun	1200	2230			

H

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

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u> ON THE VERY RARE OCCASIONS WHEN LIVE MUSIC IS PROVIDED, SPACE FOR THE MUSICIANS WILL BE PROVIDED ON THE STAGE	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	1000	0400		
Tue	1000	0400		
Wed	1000	0400		
Thur	1000	0400		
Fri	1000	0400		
Sat	1000	0400		
<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4) NONE			<u>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</u> (please read guidance note 5) ON NEW YEAR'S EVE/NEW YEAR'S DAY THE TIMINGS FOR THE PROVISION OF FACILITIES FOR MAKING MUSIC WOULD MATCH THE TIMINGS FOR THE SALE OF ALCOHOL.	
Sun	1200	2230		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> DANCING MAY TAKE PLACE EITHER ON THE STAGE OR IN ANY AREA IN WHICH CUSTOMERS ARE SEATED (EXCEPT AT THE BAR).	
Day	Start	Finish		
Mon	1000	0400	<u>Please give further details here</u> (please read guidance note 3)	
Tue	1000	0400		
Wed	1000	0400	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4) NONE	
Thur	1000	0400		
Fri	1000	0400	<u>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</u> (please read guidance note 5) ON NEW YEAR'S EVE/NEW YEAR'S DAY THE TIMINGS FOR THE PROVISION OF FACILITIES FOR DANCING WOULD MATCH THE TIMINGS FOR THE SALE OF ALCOHOL	
Sat	1000	0400		
Sun	1200	2230		

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)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>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</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	1000	0400	<u>Please give further details here</u> (please read guidance note 3) NO HOT FOOD OR DRINK WILL BE SOLD FOR CONSUMPTION OFF THE PREMISES.	Both	<input type="checkbox"/>
Tue	1000	0400			
Wed	1000	0400	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) NONE		
Thur	1000	0400			
Fri	1000	0400	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5) ON NEW YEAR'S EVE/NEW YEAR'S DAY THE TIMINGS FOR THE PROVISION OF LATE NIGHT REFRESHMENT WOULD MATCH THE TIMINGS FOR THE SALE OF ALCOHOL.		
Sat	1000	0400			
Sun	1200	2230			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE 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) ON NEW YEAR'S EVE/NEW YEAR'S DAY, THE SALE OF ALCOHOL MAY CONTINUE FROM THE NORMAL TERMINAL HOUR ON NEW YEAR'S EVE (OR THE MORNING FOLLOWING) UNTIL THE NORMAL TERMINAL HOUR ON NEW YEAR'S DAY (OR THE MORNING FOLLOWING).		
Mon	1000	0330			
Tue	1000	0330			
Wed	1000	0330			
Thur	1000	0330			
Fri	1000	0330			
Sat	1000	0330			
Sun	1200	2230			

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)
 THE PREMISES ARE A TABLE DANCING VENUE AND ARE THEREFORE OBVIOUSLY NOT SUITABLE FOR THE PRESENCE OF CHILDREN.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4) NONE
Day	Start	Finish	
Mon	0000	2400	
Tue	0000	2400	
Wed	0000	2400	
Thur	0000	2400	
Fri	0000	2400	
Sat	0000	2400	
Sun	0000	2400	
			<u>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</u> (please read guidance note 5) NONE

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 SEE PAGE 2 FOR FULL DETAILS OF THE CONDITIONS WHICH COULD BE AMENDED.

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

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)

NONE

b) The prevention of crime and disorder

NO ADDITIONAL STEPS WILL BE NECESSARY. THE EXISTING STEPS (USE OF REGISTERED DOOR SUPERVISORS, CCTV ETC) WILL SIMPLY BE CONTINUED FOR AN EXTRA HOUR. NO DIFFICULTIES ARE ANTICIPATED TO ARISE FROM THE VARIATION IN HOURS AS WE HAVE DEMONSTRATED OVER SEVERAL WEEKS IN NOVEMBER AND DECEMBER 2007 WHEN WE WERE GRANTED TEMPORARY EVENT NOTICES OF ADDITIONAL HOURS IN EXCESS OF THOSE CURRENTLY APPLIED FOR (UNTIL 0430 FOR THE SALE OF ALCOHOL AND 0500 FOR THE PROVISION OF ENTERTAINMENT), ON 15 OCCASIONS, AND DURING WHICH WE RECEIVED NO NOTIFICATION OF ANY CONCERNS ARISING AS A RESULT OF THOSE LATER HOURS.

c) Public safety

NO ADDITIONAL STEPS WILL BE NECESSARY, THE TIMES AT WHICH THE PREMISES OPERATE HAVE NO IMPACT ON PUBLIC SAFETY.

d) The prevention of public nuisance

NO ADDITIONAL STEPS WILL BE NECESSARY, SOUNDPROOFING AND MANAGEMENT PROCEDURES CURRENTLY EMPLOYED WHICH ARE EFFECTIVE AT 0300 WILL ALSO BE EFFECTIVE AT 0400.

e) The protection of children from harm

NO ADDITIONAL STEPS WILL BE NECESSARY. IT IS OUR CONTINUING POLICY THAT THERE ARE NO CIRCUMSTANCES UNDER WHICH PERSONS UNDER THE AGE OF 18 WILL BE ADMITTED TO THE PREMISES, IN ADDITION TO WHICH THE EXISTING LICENCE CONDITIONS PROHIBIT SUCH ENTRY WHEN THE VENUE IS IN USE FOR TABLE DANCING.

Please tick yes

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

IT IS AN OFFENCE, LIABLE ON 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	<i>A. O'Connell</i>
Date	12/3/08
Capacity	TECHNICAL MANAGER

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)

GINA GALLAGHER
SECRETS
62 GLENTHORNE ROAD
HAMMERSMITH

Post town	LONDON	Post code	W6 0LR
------------------	--------	------------------	--------

Telephone number (if any)	020 8942 2501
----------------------------------	---------------

If you would prefer us to correspond with you by e-mail your e-mail address (optional) gina@thesecretsgroup.com

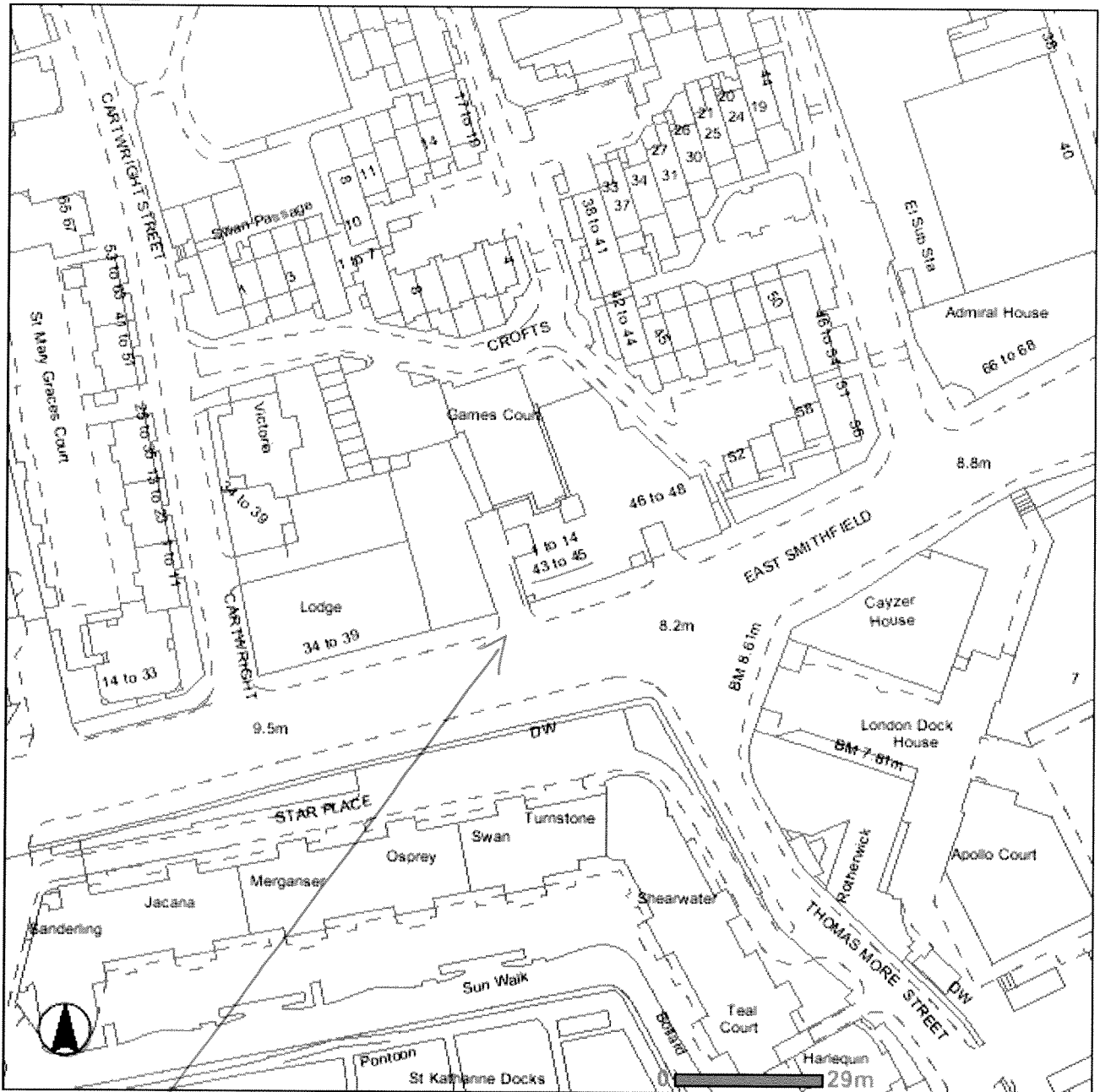
Notes for Guidance

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

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, 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:

Secrets

Notes:

43-45 East Smithfield

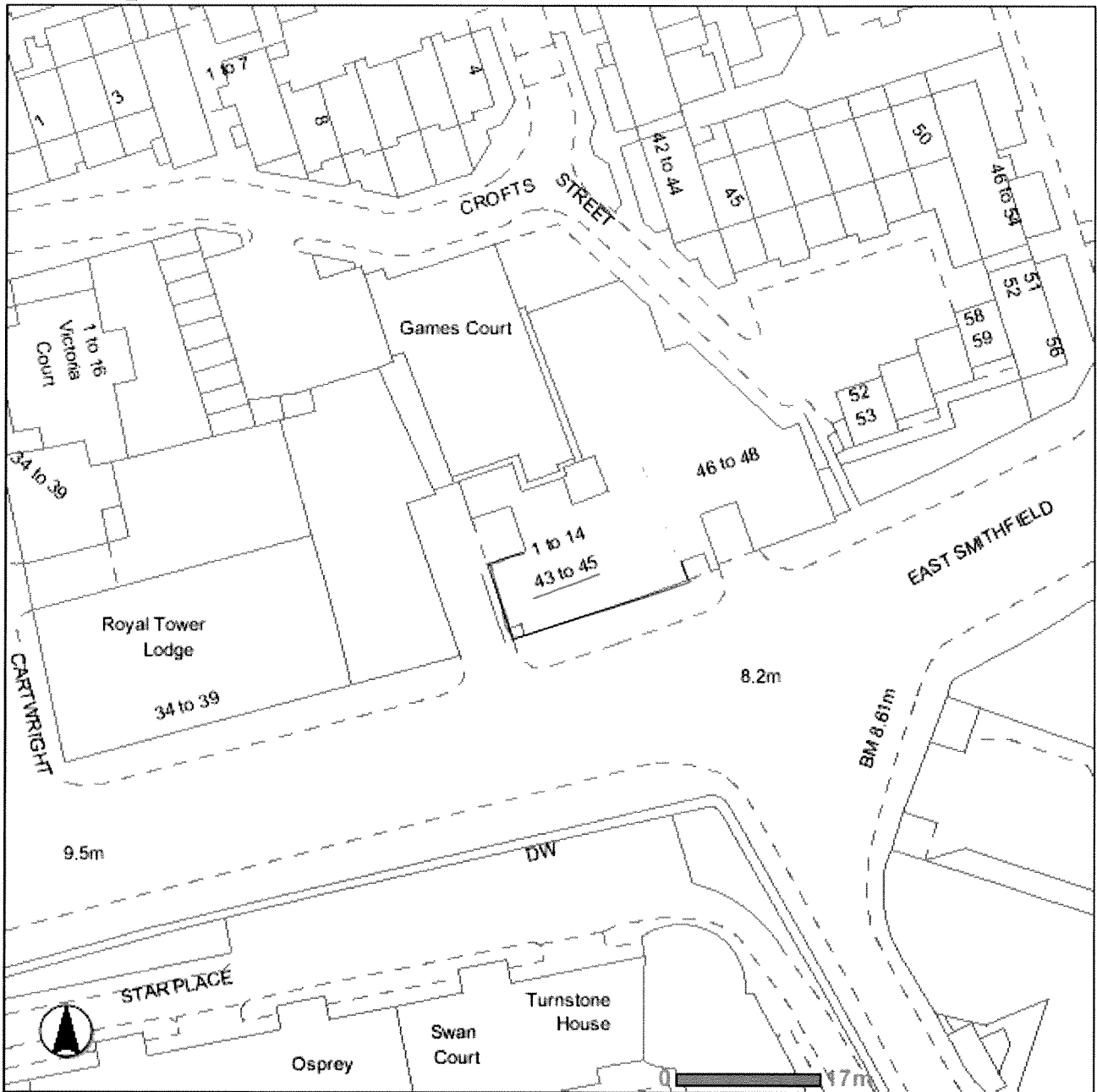
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Map



Scale 1:750

Map of:

Secrets

Notes:

43-45 East Smithfield

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Appendix 4

Ben Cockfield
Apt 9, The K Building
43-45 East Smithfield
London E1W 1AP
11 Apr 2008

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

Dear Sir,

Re: Secrets East Smithfield, E1W 1AP

I understand that Secrets is once again trying to alter its license to extend licensing hours. I recall a similar submission occurring 1 year ago where Secrets withdrew the application at the 11th hour under intense and mounting opposition from residents and business owners nearby.

During the last year, Secrets has seemingly done nothing to reduce the impact of the objections raised last year. Indeed I have seen the situation worsening.

I will bring to you attention the 2 break-ins to the K Building both in Jan 2008.

- 1) 4th Jan 2008. Crime Reference: 4200642/08
- 2) 20th Jan 2008. Crime Reference: 4204519/08

Also I am aware of at least 2 car related thefts affecting local residents of the area; these allegedly occurring on 14th Mar 2007 and 6th Jun 2007 during the late drunken opening hours of Secrets Business.

There has also been a marked increase in traffic related issues over the intervening period. I have witnessed two such accidents myself.

Last year, I raised the following points to you in support of my objection to any increase in operating hours or activities by Secrets. I regret to advise there has been no real resolution to any of these.

- There has been a marked increase in minicabs present on the site. These vehicles park on Red routes, Double Red routes and on the pedestrian pavement itself, causing a high-risk accident zone for vehicular traffic due to curvatures on the road and also to pedestrians who are sometimes forced off the pavement as access is blocked and to walk on the road.
- Touting from the minicabs (which may or may not be licensed) is increasing in regularity and vulgarity and is directed to both clients of the club as well as pedestrians walking along the street.
- Clients of this establishment also part on Red routes, Double Red routes and on the Pedestrian pavement. This issue has been escalated to the council.
- Clients / Customers of the establishment who leave the club happily often depart loud, inebriated, and boisterous; shouting and laughing and creating nuisance. When the clients leave unhappy or angry they shout obscenities and vile comments to all and sundry.
- Taxi drivers and also Door staff often converse and create their own noise - talking and generally being loud whilst waiting for the next tout/fare.
- Numerous complaints have been made to the council and the police on these matters.

I bring to your attention a statement from the council surrounding this development (dated 9th March 2004), which was granted on the condition of "*To ensure a satisfactory standard of external appearance of the building and to enhance the character of the adjoining 'The Tower Conservation Area' "*

The club is sited ten metres from the Tower Conservation area, and includes residential apartments above the site and next door. It clearly does not meet a satisfactory standard. It shines a garish light up and down the main street, creates disturbances to pedestrians with aggressive minicabs and placards obstructing traffic and cars (from clients, staff, minicabs) violate traffic laws by parking on red routes and on the pedestrian pavement itself.

Given the list of issues that is occurring during the current opening hours, my opinion is that extending the operational hours will be of **detriment to residents, businesses and to the conservation area.**

I am particularly concerned about **the growth of Crime and Disorder** – especially when it directly affects the building which houses my apartment and the immediate surrounds.

Also of note is the traffic situation: A long list of cars parking on red routes and along the street which increases the **likelihood and effect of traffic accidents and reducing public safety.**

A continuation of **Public Nuisance: including regular noise disturbance** caused by patrons drunkenly leaving the club; whistling at Taxi's; throwing up and vomiting in the local area.

I am happy to answer any questions relating to these comments.

Sincerely,

Ben Cockfield

Appendix 5

Kathy Butler

From: John Cruse
Sent: 11 April 2008 12:28
To: Jacqueline Randall
Subject: FW: [KBuildingResAssoc] FW: Secrets

Jackie-if this is about to mexpire give me a shout and I'll sort out info for Paul Ward.

thanks

John Cruse

From: Philip Hickson [mailto:philip.hickson@tiscali.co.uk]
Sent: 10 April 2008 20:25
To: Catrina Marshall; John Cruse
Subject: Fw: [KBuildingResAssoc] FW: Secrets

Philip Hickson
Flat 11, 43-45 East Smithfield,
London
E1W 1AP
020 7680 4055 (H)
07708 044964 (M)

Dear Mr Cruise,

I, on behalf on the K Building Residents Association, would like to object to the planned extension of hours by Secrets on the grounds of current noise disturbance. Our flats are situated immediately above the club's premises and residents regularly complain of the following:-

- Shouting from intoxicated clients leaving and smokers congregating outside.
- Noise from taxis beeping and doors slamming.
- The beeping of horns as a result of traffic changing lanes to avoid the line of parked vehicles on the opposite side of the road.

We feel the club is already open too late in the evening considering its proximity to our flats. A further extension of hours would mean even less sleep for residents.

Yours Sincerely,

Philip Hickson

From: Catrina Marshall [mailto:Catrina.Marshall@towerhamlets.gov.uk]
Sent: 25 March 2008 12:43
To: pauline.wong@usi.com.hk
Subject: Secrets

Visit Your Group

Yahoo! Groups

Appendix 6

Our reference : LIC/ 69/ 2008

Date : 4th April 2008



Metropolitan Police Service
Tower Hamlets Division (HT)

Nicholas Ward
c/o Secrets
43-45 East Smithfield, E1

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
London E2 9NZ

Tel: (020) 8217 6699

Dear Mr Ward

Re: Application for a variation on the the present Licence
Secrets, 43- 47 East Smithfield , E1

I write with reference to the above application, which was received in this office on the 17th March 2008.

Having attended the premises along with my colleague, PC Philp , the Crime Prevention Design Advisor, he has written a report stating your current CCTV complies with Home Office Standards .

In light of this , we we will not be objecting to your application for a variation to your licence , if the following conditions are amended to your operating licence. These were discussed with you and your colleague , Ms Gallagher , when we met on the 3rd of April 2008 .

1. The CCTV system shall comply with the current and relevant Metropolitan Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004).
- 2 . The current CCTV system will be maintained to operating standards.
3. To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
4. 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 one calendar month. 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.
5. Any alteration to the system should only be carried out after consultation with and written approval of Tower Hamlets Police and the Licensing Authority.

6. Whilst the premises is conducting its licensable activities , there will always be a member of staff present who can operate the system and be able to retrieve the images from the CCTV.

As we discussed yesterday, you are already complying with these conditions , they just need to be added to your operating licence. Please can you write to the Licensing Dept at Tower Hamlets confirming you agree to these conditions being added to your operating licence. Having done so , we will not object to your application

Submitted for your attention

Yours faithfully

Alan Cruickshank PC 189HT
Licensing Officer

Appendix 7

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” (**See Section 4.10 and 4.11 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 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 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):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions

- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 6 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 (13.20).

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, but can relate to 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, police liaison, no glasses are all relevant (s.2.7-2.11).

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

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

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).

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 8

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Disturbance from conversations of Door Staff with cab drivers

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 9

Planning

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

Appendix 10

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

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