



Meeting of the

# LICENSING SUB COMMITTEE

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Wednesday, 7 May 2008 at 7.00 p.m.

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## A G E N D A

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### VENUE

Room M71, 7th Floor, Town Hall, Mulberry Place, 5 Clove Crescent,  
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Shirley Houghton	Millwall
Vice-Chair:	
Councillor Anwara Ali	Bow West
Councillor M. Shahid Ali	Limehouse

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](mailto:paul.ward@towerhamlets.gov.uk)

# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Wednesday, 7 May 2008

7.00 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
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. UNRESTRICTED MINUTES</b>	<b>15 - 24</b>	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committee held on 2 <sup>nd</sup> April 2008.		
<b>5. ITEMS FOR CONSIDERATION</b>		
<b>5 .1 Application to Vary the Premises Licence for Laughing Buddha, 653 Commercial Road, London E14 7HW (LSC053/708)</b>	<b>25 - 106</b>	<b>St Dunstan's &amp; Stepney Green</b>
<b>5 .2 Application to Review the Premises Licence for Laughing Buddha, 653 Commercial Road, London E14 7LW (LSC054/708)</b>	<b>107 - 280</b>	<b>St Dunstan's &amp; Stepney Green</b>

# 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:-**

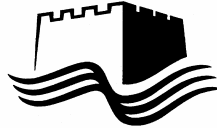
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 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

<b>Action Following receipt of notice of hearing</b>	
<b>1.</b>	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.
<b>2.</b>	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.
<b>3.</b>	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.
<b>4.</b>	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.
<b>5.</b>	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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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 6.30 P.M. ON WEDNESDAY, 2 APRIL 2008**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Carli Harper-Penman (Chair)

Councillor M. Shahid Ali

Councillor M. Mamun Rashid

**Officers Present:**

Mohshin Ali – (Licensing Officer)  
Derrick Harrington – (Environmental Protection)  
Zakir Hussain – Legal Officer

Alan Ingram – (Democratic Services)

**Applicants In Attendance:**

Stephen Foster – Sony (Barrister)  
Roland Henry – Sony (T Block Manager)  
Susan Pluckrose – Sony (Solicitor)  
Sarah Goodchild – Sony (T Block Management Team)  
Brian Cochlane – Hungerford Arms Representative  
Olena Kovalchuk – Hungerford Arms DPS  
Almaz Anteneh – McDonalds Applicant  
Joshua Simons – McDonalds Representative

**Objectors In Attendance:**

Keith Bowler  
John Critchley  
Jane Curtis  
Sheila Lawton

**Members of the Public In Attendance:**

Nil

**1. APOLOGIES FOR ABSENCE**

No apologies for absence were submitted.

## 2. DECLARATIONS OF INTEREST

The Chair declared a personal interest with regard to agenda item 5.3 (McDonalds) in that she was a Ward Councillor for the Bethnal Green South Ward.

## 3. RULES OF PROCEDURE

The Rules of Procedure were noted.

## 4. UNRESTRICTED MINUTES

The minutes of the meetings of the Licensing Sub-Committee held on 17<sup>th</sup> January and 24<sup>th</sup> January 2008 were agreed and approved as a correct record.

## 5. ITEMS FOR CONSIDERATION

### 5.1 Application for a Premises Licence: First and Second Floor, Block T, 13 Hanbury Street, London E1 6QR (LSC043/708)

The Chair welcomed those present and explained the procedure by which the application would be heard.

At the request of the Chair, Mohshin Ali, Licensing Officer, introduced the report and referred in particular to an amendment by the applicant relating to the removal of the requirement for playing of music outdoors; live music and provision of facilities for dancing. In addition, the hours of licensable activities might need revision to include a break prior to cessation thereof and the closure of the premises to the public.

The days and hours sought for the sale of alcohol and provision of regulated entertainment were Monday to Thursday from 10.00 hours to midnight; Friday and Saturday from 10.00 hours to 01.00 hours the following day and Sunday from 10.00 hours to 23.00 hours. Provision of recorded music was requested on Monday to Thursday from 08.30 hours to midnight; Friday and Saturday from 08.30 hours to 01.00 hours the following day and Sunday from 08.30 hours to 23.00 hours. The hours the premises was to open to the public were Monday to Thursday from 09.00 to midnight; Friday and Saturday from 09.00 to 01.00 hours the following day and Sunday from 09.00 hours to 23.00.

Appropriate consultation had been carried out, with objections received from local residents covering allegations of anti-social behaviour on the premises; anti-social behaviour from patrons leaving the premises; noise while the premises was in use; access and egress problems; close proximity to residential properties; noise leakage from the premises; safety problems.

Objections had also been submitted by the Environmental Protection Team with regard to concerns over plant noise, airborne noise breakout and noise/vibration transmitted through the structures.

As there were no questions from Officers, the Chair invited the applicants to present their case. Mr S. Foster, Barrister for Sony Computer Entertainment Europe Limited, indicated that the premises were intended principally as a brand space for Sony to display its products to business clients and partners. Its role would not be as a pub or club and would not be open to the public. It was anticipated that the premises would host a few meetings a week, usually during normal office hours, with some later functions. He confirmed that the application for the provision of live music had been removed, along with the provision of music or dancing on the roof area at any time. The requested hours for licensable activities had also been curtailed, as follows: Sunday to Thursday from 10.00 hours to 23.00 hours plus 30 minutes drinking-up time; Friday and Saturday from 10.00 hours to midnight plus 30 minutes drinking-up time. The Environmental Protection Team's condition regarding the provision of music would also be met in that only low-level recorded music would be provided and never live music.

Mr Foster commented that the main contention now lay with the Environmental Protection request that the premises be used only by Sony employees and their guests. The premises would be required for the use of other companies, which would be subject to a vetting procedure by Sony. The premises would be operated by a company known as 'Making Waves' and there would be a consistent Management Team in the building. There would not be a pay-bar provision and the premises were not intended to be a money-making concern. All use of the premises would be by advance booking, with guest lists controlled by door staff. There would normally be a ratio of one staff member per 10 customers, always with a minimum of three staff in attendance. Smoking was proposed on the roof area until 22.00 hours and at street level after that. Only two or three smokers would be allowed on the street at any time and this would be controlled by staff.

Mr Foster added that door security staff would chaperone patrons leaving the building to Commercial Street and taxis would be booked through a preferred firm. Disposal of rubbish and bottles would be carried out during the next working day, rather than late at night. He expressed the opinion that the requirement for the use of the premises only by Sony employees and their guests was not necessary or proportionate as the use would also be for presentations to other firms, with later socialising. There was no reason to consider that standards of control would slip in the future. Sony were also prepared to comply with the conditions that the premises licence would be surrendered in the event of their disposal. Phone numbers would be made available to residents, should they ever feel the need to address problems and there would not be loud talking outside the premises.

The Chair then invited presentation of the Environmental Protection case. Mr D. Harrington, Principal Environmental Health Officer, stated that there had been development since the preparation of his initial report. He first reiterated that the application had been defective in the request to sell alcohol up to the closing hours. The hours for sale of alcohol should be reduced by 30 minutes in order to allow that period for drinking-up time.

Following a site meeting with the applicants and an acoustician, two separate reports had been received concerning possible noise breakout and insulation for the air conditioning plant. He was accordingly satisfied that the air conditioning plant on the roof (which was still subject to planning and building regulations) would not give rise to high noise levels, assuming compliance with the acoustician's report recommendations. He was further satisfied that the premises would meet the new Tower Hamlets criteria including inaudibility to the next residential premises. Agreement had been obtained for no entertainment or licensable activities on the roof area after 22.00 hours, including no smoking, to avoid talking and laughter being conducted to nearby residential properties.

Conditions had also been agreed that all internal doors (including lobbies) would have self-closing mechanisms and brushes to prevent noise breakout. There should also be a condition that patrons should be escorted when leaving the premises and management assurances had been given in this respect. The clause in the application regarding proper stewardship and door control at all times, with dispersal of patrons to Commercial Street, should also be specifically applied. No licensable activities should be operative until all works/measures had been applied to the satisfaction of the Environmental Protection Team. He had withdrawn the requirement that the premises should be used for meetings only, but reiterated the recommendation that only Sony employees and their guests should use the premises, as deterioration in management control had been experienced in other instances.

The Chair commented that full account would be taken of all written objections submitted and invited comments from those in attendance who had made objections to the application.

Ms Jane Curtis, Wilkes Street resident, stated that speech could be heard clearly from Block T as noise was conducted through the narrow Georgian streets. The premises had been operating over the past 16-18 months, so there was a history of problems that had been experienced. The company website had indicated that the premises was to close last Christmas, so there was surprise that it was now to continue operations. Noise problems had occurred with people leaving the building and not dispersing and one occasion urinating in a doorway. She felt that the assurances given by the applicant were not feasible, with a capacity of 100-110 people who would have been socialising until 11.00 p.m. or midnight and it would not be possible to simply disperse them to Commercial Street which, in any event, also contained residential properties.

She added that people had left the premises one night during the previous week at 11.20 p.m. and there had been no attempt to lead them away: they had been standing around talking. The building was designed for offices, not parties, and there had been a history of problems, even with a closing time of around 11.00 p.m., including disposal of bottles at 11.30 p.m. The requested opening times were unreasonable, considering the requirement for her to rise at 6.00/6.30 a.m. for work and she had children who also needed quiet for schoolwork. She wished to retain her lifestyle and granting the application would be like an insult to people who wanted to live peacefully in their homes

in a residential area, which was not the right location for a potential constant party venue with noise at night.

She felt that the nature of the proposals would result in all users of the premises tending to leave all at the same time, unlike pub clientele. In addition, any activities on the roof area, including smoking, would present problems in that it was on an equal level to children's bedrooms. Smokers at street level could also be clearly heard through closed windows. With the agreement of all parties present, Ms Curtis circulated photographs showing the proximity of the premises to residential properties. She felt that the outside of the property was also disrespectful to the local community and the external hoarding had been in place for 14 months without any details of the link with Sony – merely graffiti-style decoration. It would also not be possible to prevent opportunist cabs from plying outside the venue.

Mr K. Bowler, Wilkes Street resident, also made points relating to the proximity of the premises to homes; noise caused by people entering and leaving the premises with the structure of local streets acting as an echo chamber. He added that he had lived at his home for 25 years and had made a considerable investment into the creation of a community. The proposals also appeared to conflict with the creation of the Fournier Street Conservation Area policy. All households in Wilkes Street had signed the petition opposing the application and the area was now being overwhelmed with drinking establishments.

Mr J. Critchley, Wilkes Street resident, endorsed what the other speakers had said and added that the comments of the Sony representative had seemed reasonable but noise had increased during events until complaints had to be made. The noise reverberated around the area and continued past 11.00 p.m.

Ms S. Lawton, Wilkes Street resident, stated that the premises were closer to residents than any of the other brewery site functions and detrimental effects were suffered due to noise.

In response to questions from Members, residents commented that problems had been linked to the Block T premises by direct visual experience; staff had tried to quieten clients but to no avail.

Questions were then directed to the applicants and Mr Foster replied that the issue of drinking-up time had been addressed by the proposed amendments to times of operation of licensable activities. He commented further on the vetting process for other companies and reiterated that the use of the venue was principally to demonstrate Sony products to similar firms and partners.

Ms S. Pluckrose stated that she was horrified to have heard of premises users urinating and shouting outside. She commented that the premises were not designed for parties and residents' issues would be addressed. The frontage of the building was intended to conceal the fact that a bar was included, so that the public would not attempt entry. Mr R. Henry added that the design of the frontage was currently under consideration.

Following further questions, the meeting adjourned at 7.35 p.m. and reconvened at 7.45 p.m.

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 First and Second Floor, Block T, 13 Hanbury Street, London, E1 6QR be **GRANTED** for the following days and hours and subject to the conditions shown:-

**Sale of Alcohol (on sales) and provision of regulated entertainment  
Films and provision of facilities for making music**

- Sunday to Thursday from 10:00 hours to 23.00 hours
- Friday and Saturday from 10.00 hours to 12 midnight

**Late night refreshment**

- Friday and Saturday from 23:00 hours to 12 midnight

**Recorded music**

- Sunday to Thursday from 08.30 hours to 23.00 hours
- Friday and Saturday from 08.30 hours to 12 midnight

**Recorded music – Non standard timings**

On New Year's Eve from the end of the standard permitted hours shown above to start of permitted hours on the following day.

NOTE: Following amendments by the applicant

- Facilities for the playing of music outdoors have been removed. Music will not be played in the outdoor area of the premises.
- Facilities for live music and dancing have been removed.

**Hours premises are open to the public**

- Sunday to Thursday from 09.00 hours to 23.30 hours
- Friday and Saturday from 10.00 hours to 00.30 hours the next day

**CONDITIONS**

- (1) All conditions agreed between the applicant and the Principal Environmental Health Officer to apply, namely,
  - The licence to be surrendered in the event that the applicant disposes of the premises.

- Only low level recorded music to be provided and never live music. Internal noise limiter to be installed to ensure that the premises meet the Tower Hamlets criterion of inaudibility to the next residential premises. All internal doors, including lobbies, to have self closing mechanisms and brushes to prevent noise breakout.
  - Noise insulation to be provided to the air conditioning plant in accordance with the acoustician's report.
  - No use of the roof terrace area to be permitted after 22.00 hours.
  - Proper measures for stewardship and control of the entrance and other areas of the premises to be implemented to monitor the behaviour of patrons using the premises, leaving the premises and patrons in the vicinity of the premises. Patrons leaving the premises after 19.00 hours to be escorted to Commercial Street.
  - No licensable activities to be conducted at the premises until all works/measures required have been completed to the satisfaction of the Environmental Protection Team.
- (2) No readmission to the premises to be permitted after 22.00 hours.
- (3) A minimum of two SIA regulated door staff to provided from 21.00 hours, to undertake chaperoning measures and minimise noise nuisance.
- (4) CCTV to be provided inside the foyer of the premises and also looking out from the Wilkes Street entrance.
- (5) Nominated out of hours contact details to be circulated (including Ms S. Pluckrose) to be circulated to residents for use in the event of any complaints, etc.

## **5.2 Application for a Variation of the Premises Licence: Hungerford Arms, 240 Commercial Road, London E1 2NB (LSC044/708)**

At the request of the Chair, Mr Mohshin introduced the report, which sought a revised premises licence for the Hungerford Arms, 240 Commercial Road, London, E1 2NB. The days and hours sought for the sale of alcohol were Monday to Saturday from 09.00 hours to midnight; Sunday from 10.00 hours to midnight. Hours sought for the provision of regulated entertainment were Monday to Saturday from 09.00 hours to midnight; Sunday from 10.00 hours to midnight. The hours the premises was to be open to the public were Monday to Saturday from 09.00 hours to midnight; Sunday from 10.00 hours to midnight. Mr Mohshin added that the application had now been advertised satisfactorily.

Appropriate consultation had been carried out and representations had been received from a local resident on the grounds of prevention of crime and disorder and prevention of public nuisance.

As there were no questions from Officers, the Chair invited the applicants to present their case. Mr B. Cochlane, representing the applicants, stated that the variation was being requested to allow service for patrons who came to the premises earlier in the morning and those who wanted a drink on the way home at night after 11.00 p.m.

As there were no questions from Members, the Chair indicated that the objector was not present but full account would be taken of the written objections submitted.

The meeting adjourned at 7.50 p.m. and reconvened at 7.55 p.m.

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

That the application for a variation of the Premises Licence under the Licensing Act 2003, for the Hungerford Arms, 240 Commercial Road, London, E1 2NB, be **GRANTED** for the following days and hours:

**Sale of alcohol (on and off sales)**

- Monday to Saturday from 09.00 hours to 12 midnight
- Sunday from 10.00 hours to 12 midnight

**Provision of regulated entertainment**

**Recorded music and anything of a similar description**

Monday to Saturday from 09.00 hours to 12 midnight  
Sunday from 10.00 hours to 12 midnight

**Hours premises are open to the public**

- Monday to Saturday from 09.00 hours to 12 midnight
- Sunday from 10.00 hours to 12 midnight

The Chair asked that use of the external areas terminate at 22.00 hours, as a gesture of goodwill to resident and Mr Cochlane confirmed that only the area to the side of the premises would be used for outside activities.

**5.3 Application for a New Premises Licence: McDonalds, 432-436 Bethnal Green Road, London E2 0DJ (LSC045/708)**

The Chair again declared a personal interest in that she was a Ward Councillor for Bethnal Green South Ward.



Zakir Hussain, Solicitor, indicated that the objection to the application raised by a local resident had now been withdrawn.

At the request of the Chair, Mr Mohshin introduced the report, which sought a new premises licence for McDonalds, 432-436 Bethnal Green Road, London, E2 0DJ. The application was for late night refreshment and provision of recorded music until 02.00 all the nights of the week. The hours the premises was to be open to the public were from 07.00 hours until 02.00 hours the next day.

As there were no questions from Officers, the Chair invited the applicants to make their case.

Mr J. Simons, representing the applicants, indicated that following negotiations with the objector, the late night hours of operation were now to be amended as follows:

Sunday to Thursday from 23.00 hours to 00.30 hours  
Friday and Saturday from 23.00 hours to 02.00 hours

As there were no further questions or objections, the meeting adjourned at 8.00 p.m. and reconvened at 8.03 p.m.

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 McDonalds, 432-436 Bethnal Green Road, London, E2 0DJ, be **GRANTED** for the following days and hours:

#### **Late Night Refreshment and Recorded Music**

- Sunday to Thursday from 07.00 hours to 00.30 hours the next day
- Friday and Saturday from 07.00 hours to 02.00 hours the next day

#### **Hours Premises are open to the Public**

- Sunday to Thursday from 07.00 hours to 00.30 hours the next day
- Friday and Saturday from 07.00 hours to 02.00 hours the next day

Following additional queries from the Chair, Mr Simons indicated that all music would be low level background music except for children's parties.

The meeting ended at 8.05 p.m.

Chair, Councillor Carli Harper-Penman  
Licensing Sub Committee

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# Agenda Item 5.1

Committee : <b>Licensing Sub Committee</b>	Date	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
Report of <b>Colin Perrins</b> <b>Head of Trading Standards and Commercial</b>	Title <b>Licensing Act 2003</b> <b>Application to Vary the Premises Licence for Laughing Buddha, 653 Commercial Road, London E14 7HW</b>			
Originating Officer: <b>Jackie Randall</b> <b>Principal Licensing Officer</b>	Ward affected <b>St. Dunstons and Stepney Green</b>			

## 1.0 Summary

Applicant: **Rob Miah**  
Name and **Laughing Buddha**  
Address of Premises: **653 Commercial Road**  
**London E14 7HW**

Licence sought: **Licensing Act 2003 variation**

**To include regulated entertainment to the existing premises licence**

Objectors: **Police**  
**Environmental Health**  
**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 a premises licence for Laughing Buddha, 653 Commercial Road, London E14 7HW.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

---

The current hours are as follows:

**Sale of Alcohol**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs

**Recorded Music (Background Music Only)**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs

**Late Night Refreshment**

Monday to Wednesday until 00:30 hrs  
Thursday to Sunday until 03:00 hrs

**Hours premises are open to the public**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs

- 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:  
The addition of Recorded Music and the provision of facilities for making music and dancing.
- 3.5 The hours that have been applied for are as follows:-

**The Provision of Regulated Entertainment consisting of:  
Recorded Music, Provision of facilities for making music and  
facilities for dancing:**

Friday, Saturday and Sunday from 12:00 to 03:00 hrs  
New Years Eve – *no hours stated* – see 3.6

**Hours premises are open to the public**

Monday to Wednesday from 12:00 hrs to 00:30 hrs  
Thursday to Sunday from 12:00 hrs to 03:00 hrs  
New Years Eve from 12:00 to 03:00

- 3.6 Members may wish to note that in relation to New Years Eve the applicant has not described the hours for regulated entertainment. The public notice and the newspaper have only advertised standard timings and therefore the hours can only be considered under the standard timings as stated in 3.5. A photo of the public notice and the extract from the newspaper advert is enclosed in **Appendix 3**.

3.7 A map showing the relevant premises is included as **Appendix 4**.

#### 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 7<sup>th</sup> 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](http://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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

#### 5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:  
Metropolitan Police – **see Appendix 5**  
Environmental Protection – **See Appendix 6**  
Local Residents – **See Appendix 7-10**

5.2 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

5.3 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
- 5.4 The objections cover allegations of (Delete as appropriate)
- Drinking and operating beyond the permitted hours
  - Noise while the premise is in use
  - Disturbance from patrons leaving the premises on foot
  - Disturbance from patrons leaving the premises by car
  - Lack of adequate car parking facilities
  - Close proximity to residential properties
  - Noise leakage from the premises
  - Lack of planning permission
- 5.5 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

## 6.0 Licensing Officer Comments

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

## 6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out this their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).  
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 an 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.
- 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 11-16** 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.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

## **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** Public Notice and newspaper advert
- Appendix 4** Maps of the area
- Appendix 5** Representations of Metropolitan Police
- Appendix 6** Representations of Environmental Protection
- Appendix 7-10** Representations of Local residents
- Appendix 11** Licensing Officer comments on Drinking beyond the permitted hours
- Appendix 12** Licensing Officer comments on Noise while the premises is in use
- Appendix 13** Licensing Officer comments on Access and Egress Problems
- Appendix 14** Licensing Officer comments on Noise leakage from the Premises
- Appendix 15** Licensing Officer comments on Planning
- Appendix 16** Licensing Policy relating to hours of trading



# Appendix 1



# TOWER HAMLETS

Licence / Registration

Certificate Number

11796

(Laughing Buddha)  
653 Commercial Road  
London  
E14 7LW

### 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 *J. Cruse*  
Team Leader Licensing

Date: 26<sup>th</sup> April 2007

FOR OFFICE USE

Receipt Number

Fee Paid

Fee Req.

Date

Initial

CommercialRoad.doc  
0195912

183004

Page 34

£100

23/4/07

JMC



**Part A - Format of premises licence**

Premises licence number

11796

**Part 1 - Premises details**

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

(Laughing Buddha)  
653 Commercial Road

**Post town**

London

**Post code**

E14 7HW

**Telephone number**

None

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

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

**The times the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol:**

Monday, Tuesday, Wednesday from 12:00 hours until 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours until 03:00 hours the following day.

**Late Night refreshment:**

Monday, Tuesday, Wednesday until 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday until 03:00 hours the following day.

**Recorded Music (Background music only)**

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

**The opening hours of the premises**

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

**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**

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ  
07931 770205

Mr. Rob Miah  
663 Commercial road  
London  
E14 7LW  
07956 466001

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

Not applicable

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

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ  
07931 770205

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

London Borough of Tower Hamlets  
No: 10061

## **Annex 1 - Mandatory conditions**

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

## **Annex 2 - Conditions consistent with the operating Schedule**

None

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

None

## **Annex 4 - Plans**

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

23<sup>rd</sup> February 2007



**Part B - Premises licence summary**

**Premises licence number**

11796

**Premises details**

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

(Laughing Buddha)  
653 Commercial Road

**Post town**

London

**Post code**

E14 7HW

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of late night refreshment  
Recorded Music by means of background music only

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday from 12:00 hrs until 00:30 hrs the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hrs until 03:00 hrs the following day.

The opening hours of the premises

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

Name, (registered) address of holder of premises licence

Mr. Forid Uddin 52 Brockmer House Crowder Street London E1 OBJ	Mr. Rob Miah 663 Commercial Rd London E14 7LW
--	--

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

On and off sales

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

Not applicable

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

Mr. Forid Uddin

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

No restrictions

# Appendix 2

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

## 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 KRISH ANAH being the premises licence holder, apply to vary a  
*(Insert name(s) of applicant)*  
premises licence under section 34 of the Licensing Act 2003 for the premises  
described in Part 1 below

#### Premises licence number

11796

#### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference, or description	
LAUGHING BUDDHA 653 COMMERCIAL ROAD	
Post town	Post code
LONDON	E14 7HW

Telephone number at premises (if any):

0207 480 9053

Non-domestic rateable value of premises

£1450

#### Part 2 – Applicant details

Daytime contact telephone number

07956 466001

E-mail address  
(optional)

Current postal  
address if  
different from  
premises address

663 COMMERCIAL ROAD

Post Town

LONDON

Postcode

E14 7LW

17 MAR 2008

**Part 3 - Variation**

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

Please tick **Y**yes

If not do you want the variation to take effect from

Day	Month	Year

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

N/A
-----

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

To include regulated entertainment by way of recorded music and dance within the existing hours

## 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 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 type="checkbox"/>            |
| h) | anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>            |

### Provision of entertainment facilities for:

- |    |   |                                     |
|----|---|-------------------------------------|
| 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)<br>(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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur				
Fri				
Sat			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)	
Sun				
			<b>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</b> (please read guidance note 5)	

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	
Day	Start	Finish	Indoors	
Mon			Outdoors	
Tue			Both	
Wed			<b>Please give further details here</b> (please read guidance note 3)	
Thur				
Fri				
Sat			<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)	
Sun				
			<b>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</b> (please read guidance note 5)	

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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 (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3)	Both	
Tue					
Wed				State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)	
Thur					
Fri			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 (please read guidance note 5)		
Sat					



Sun			
-----	--	--	--

**E**

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

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue					
Wed					
Thur			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		

Fri	12:00	2:30	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  Also for New Year Eve
Sat	12:00	2:30	
Sun	12:00	2:30	

**G**

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

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>			
Day	Start	Finish	<b>Will this entertainment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>		Indoor	
					Outdoor	
Mon					Both	

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Fri			
Sat			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun			

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing  Disc Jockey will be provided								
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)		<table border="1"> <tr> <td>Indoors</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoors</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoors	<input checked="" type="checkbox"/>	Outdoors	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoors	<input checked="" type="checkbox"/>										
Outdoors	<input type="checkbox"/>										
Both	<input type="checkbox"/>										
Day	Start	Finish	Please give further details here (please read guidance note 3)								
Mon											
Tue											
Wed			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)								
Thur											
Fri											
Fri	1200	0300	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)								
Sat	1200	0300									
Sun	1200	0300	Also for new year eve								

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</b>	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give a description of the facilities for dancing you will be providing</b>	
Mon			<b>Please give further details here (please read guidance note 3)</b>	
Tue				
Wed				
Thur			<b>State any seasonal variations for providing dancing facilities (please read guidance note 4)</b>	
Fri	1700	0300	<b>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  Auto for new year eve	
Sat	1700	0300		
Sun	1700	0300		

**K**

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>			
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>			
Mon					Indoor	<input type="checkbox"/>
					Outdoor	<input type="checkbox"/>
			Both	<input type="checkbox"/>		

Tue			Please give further details here (please read guidance note 3)
Wed			
Thur			
Fri			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)
Sat			
Sun			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)

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

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)</b>	On the premises	
				Off the premises	
				Both	
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		

**N**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

NONE

**O**

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations (please read guidance note 4)</b>		
Day	Start	Finish			
Mon	1200	0630			
Tue	1200	0630			

Wed	1700	0300	<b>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</b>  New Year Eve 1200 - 0300
Thur	1200	0300	
Fri	1200	0300	
Sat	1200	0300	
Sun	1200	0300	

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

I have enclosed the premises licence

Please tick  yes

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)

b) The prevention of crime and disorder

Security staff to be on post throughout licensing hours.

c) Public safety

d) The prevention of public nuisance

Noise limiter to be provided with calibration certificate in accordance with formula sound  
AVCZ The equipment to be in

a locked room to avoid interference

e) The protection of children from harm



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 ..... *[Handwritten Signature]*

Date..... *14.3.08* *LLP*

Capacity..... *Solicitor for the applicant*

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> 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)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



# Appendix 3

**LICENSING ACT 2003**

**NOTICE OF APPLICATION  
TO VARY A PREMISES  
LICENCE**

**NOTICE IS GIVEN THAT** ROB MIAH has applied to London Borough of Tower Hamlets Licensing Authority to vary a Premises Licence under the Licensing Act 2003

Premises: Laughing Buddha, 653 Commercial Road, London, E14 7HW

The proposed variation is: To provide regulated entertainment from 10.00 and late night refreshment from 23.00, until 0200 the following morning on Fridays and Saturdays and until 0100 Sunday through Thursday

Anyone who wishes to make rep-

resentations regarding this application must give notice in writing to: The Licensing Department, London Borough of Tower Hamlets, Mulberry Place (AH), P.O. Box 55739 5 Clove Crescent, London, E.14. 1BY

Representations must be received no later than 14.4.2008

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)

LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003  
NOTICE OF APPLICATION TO VARY A PREMISES LICENCE

Notice is given that **ROB MIAH** has applied to London Borough of Tower Hamlets Licensing Authority to vary a Premises Licence under the Licensing Act 2003

Premises	Laughing Buddha 653, Commercial Road, London, E.14. 7HW
The proposed variation is:	To provide regulated entertainment from 10.00 and late night refreshment from 23.00, until 0200 the following morning on Fridays and Saturdays and until 0100 Sunday through Thursday

Anyone who wishes to make representations regarding this application must give notice in writing to: The Licensing Department, London Borough of Tower Hamlets, Mulberry Place (AH), P.O. Box 55739, Clove Crescent, London, E.14, 1BY  
Representations must be received no later than 14.4.2008

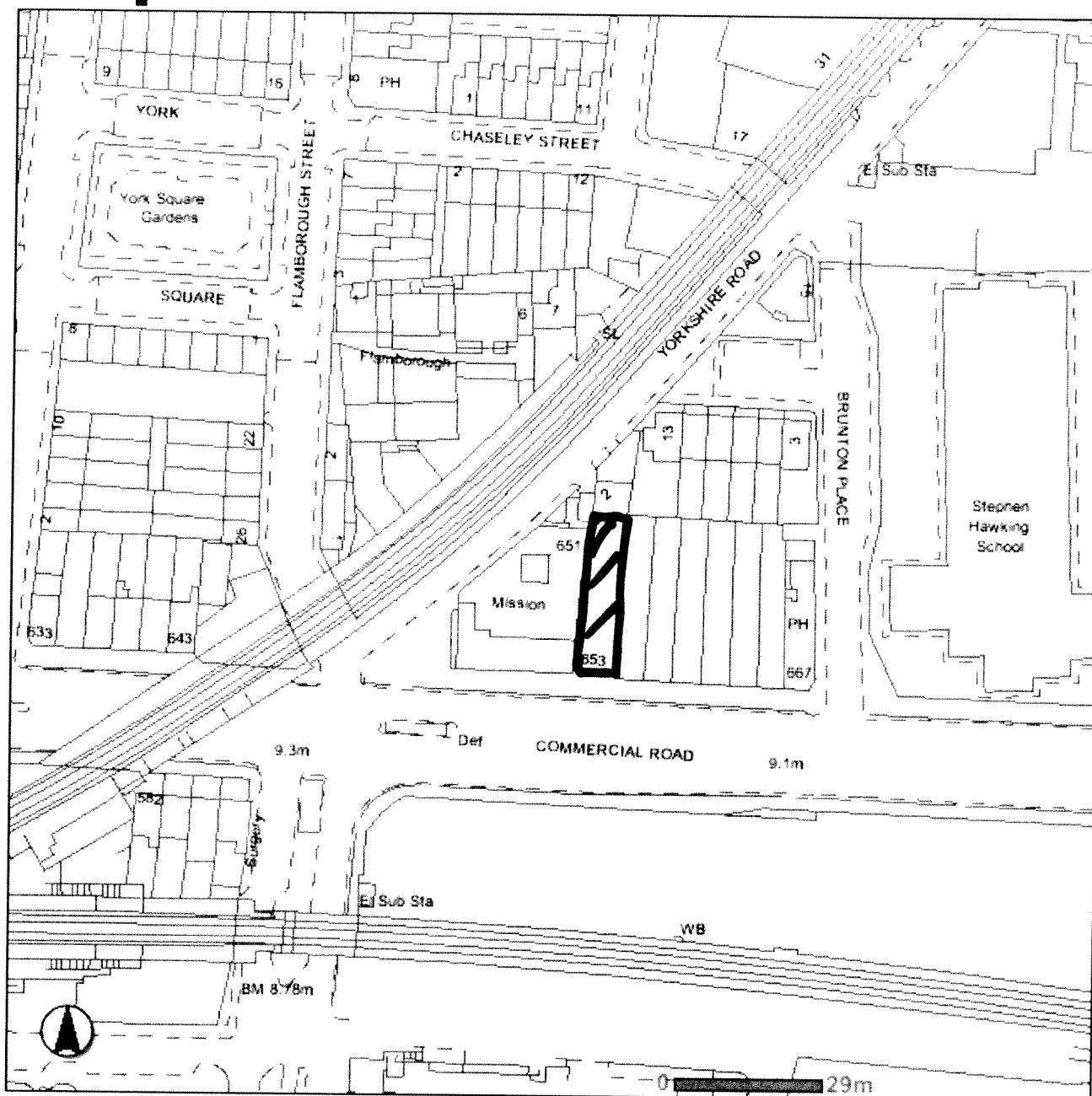
The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address

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)



# Appendix 4

# Map



Scale 1:1250

Map of:

Notes:

## 653 Commercial Road

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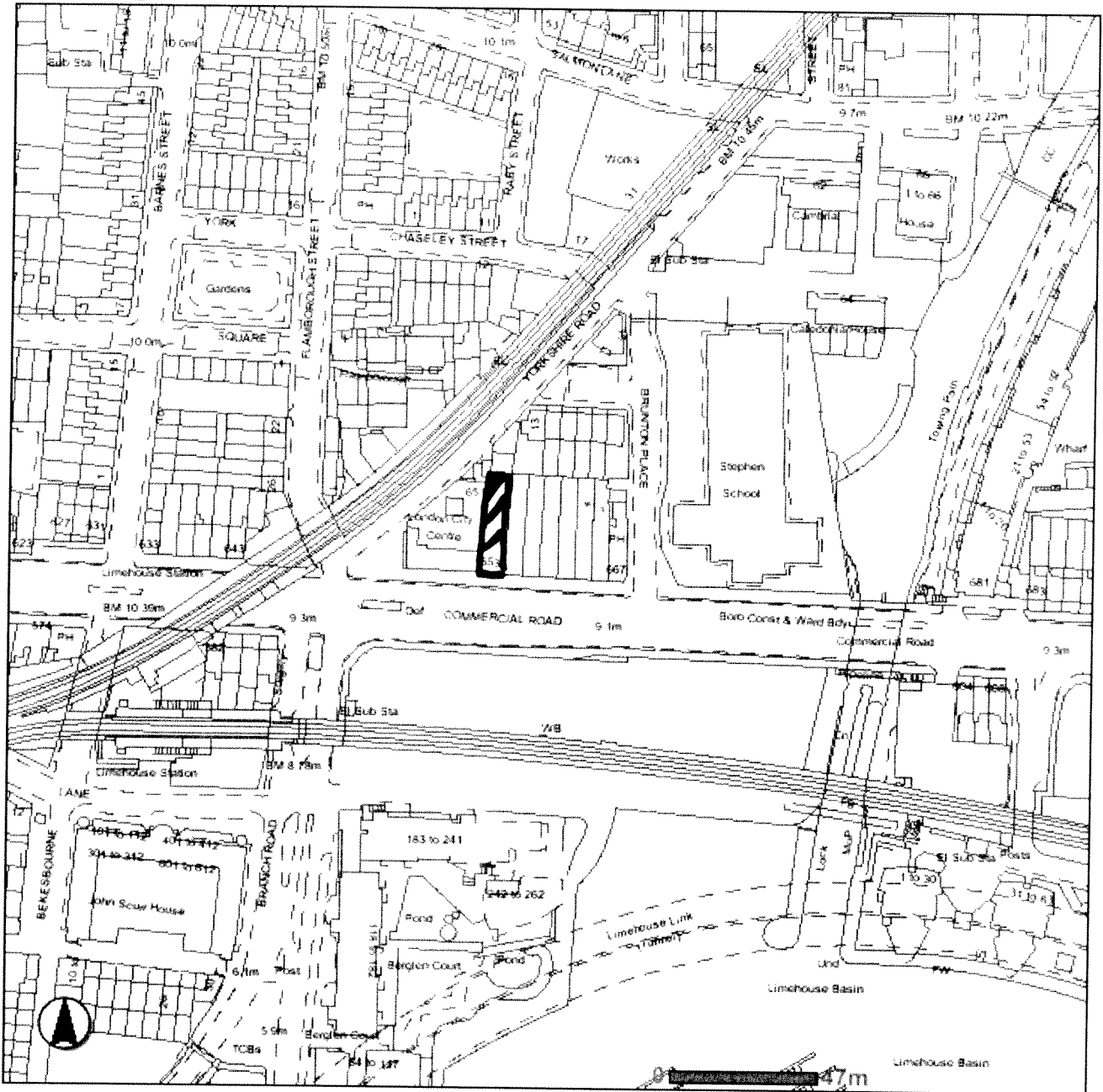
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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288



# Map



Scale 1:2020

Map of:

Notes:

## 653 Commercial Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288



# Appendix 5

Our reference : LIC/ 67/ 2008

Date : 3<sup>rd</sup> April 2008



Jackie Randall  
Principal Licensing Officer  
London Borough of Tower Hamlets  
Licensing Section  
Mulberry Place (AH)

Metropolitan Police Service  
Tower Hamlets Division (HT)

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

Tel: (020) 8217 6699

- 7 APR 2008

Dear Ms Randall

**Re: Application for a variation on the the present Licence**  
**Laughing Buddha : 653 Commercial Road, E14**

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

Please accept this letter as notification that the police, as a responsible authority, are objecting to this application on the grounds that it is likely that if granted, three out of four of the licensing objectives will not be met;

Prevention of crime and disorder  
Prevention of public nuisance.  
Public Safety

The applicant has applied that the variation include regulated entertainment, music and dancing. This would change the nature of the premises from a restaurant to a pub / nightclub. This change will attract a different clientele and increase the amount of people waiting outside the premises.

Although, the police as a regulatory authority, object to the granting of this variation, should the committee decide in their favour, police would wish the following conditions be imposed on their licence.

1. Alcohol to be sold only **ON** the premises. If off sales were to continue, the premises could be seen as another late night off licence, which may attract trouble.

2.  
Upon entry to the premises every customer must be hand searched. These searches will include the searching of the customers' person, wallets, purses, bags and any other items carried on or by the customer. All searches are to be conducted by door staff and must be carried out within an area covered by the premises CCTV system. (Hereafter the term door staff refers to SIA accredited and badged door staff)

Any person not submitting him or herself to a search as outlined above will be refused entry to the premises.

3. To support the written drugs policy at the premises a secure drugs box is to be installed at the premises. Any confiscated items which are, or are believed to be, drugs are to be placed into this box. Any such seizures are to be entered into a drug seizures log, which is to remain in close proximity to the drugs box. This log will record the following details

- The time/ date and location of the seizure
- The member of staff seizing the item
- The name or description of the customer from whom the item was taken
- Any action taken at the time to contact Police regarding the item seized (ie. CAD number or details of officer in attendance)

This drugs log shall be in a durable format, which protects the integrity of the contents therein. The management of the premises will contact Police at least once every calendar month, for an officer to attend the premises, empty the drugs box, and sign the drugs log accordingly.

4. Any customer or member of staff found using, possessing or supplying illegal drugs (of whatever quantity) on the premises is to be permanently excluded from the premises. A record of such exclusions is to be entered into the premises daily register. All reasonable steps must be taken to ensure all staff and door staff are aware of the identity of excluded persons.

Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated, they will be searched on entry and the police may be called if drugs are found.

5. At all times when licensable activity is undertaken at the premises, at least one member of staff must be present in each set of toilets at all times to monitor customer activity. These staff members must be alert at all times they are on duty and be proactive in deterring and preventing any unlawful activity including illegal drug supply and use. Only one person may be allowed in any toilet cubicle at a time.

6. All Personal Licence Holders supervising the sale of alcohol shall hold a nationally recognised licensing qualification

7. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. Bottle bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises

8. A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the name of the person responsible for the premise on each given day. The Premises Daily Register shall record all calls made to the premises where there is a complaint made by a resident or neighbour of noise, nuisance or anti social behaviour by persons attending or leaving the premises. This shall record the details of the caller, the time and date of the call and the time and date of the incident about which the call is made and any actions taken to deal with the

call. The Premises Daily Register will be readily available for inspection by an Authorised Person throughout the trading hours of the premise. The Premises Daily Register will also record all incidents in relation to the use of any force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved. This register will be held in a durable form, which protects the integrity of the contents therein.

9. All Door Supervisors shall enter their full details in the Premises Daily Register at the commencement of work. This shall record their full name, home address and contact telephone number, the Door Supervisor's SIA registration number and the time they commenced and concluded working. If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.
10. Premises will have Door Supervisors of both sexes on duty at all times when regulated entertainment is taking place. A minimum of four supervisors (two at the door and two inside the premises to assist at the fire exit)  
All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.
11. If the new DPS does not yet hold a National Certificate of Drugs Awareness qualification, run by the BIIAB, or similar accredited body, then he must obtain it within 8 weeks of the premises re-opening.  
All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.
12. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.
13. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence, which shall include a photograph of the customer, will include a passport, photographic driving licence, or Proof of Age card carrying a "PASS" logo.
14. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours, both residential and business, and to make the minimum impact upon the neighbourhood in relation to potential nuisance, antisocial behaviour, crime and disorder. The policy shall be approved in writing by the Licensing Authority and Tower Hamlets Police.
15. The CCTV system shall comply with the current and relevant Metropolitan Police guidelines for Standard Minimum Closed Circuit Television Requirements (Issue 1, July 2004). In addition, the premises must allow the Police's Crime Prevention Design Advisor ("CPDA") to inspect the current CCTV system. The premises must comply with and implement any

reasonable advice and recommendations for improvement to the CCTV system within 4 weeks of the premises re-opening unless the Tower Hamlets Police agree in writing to a longer period.

or

A CCTV system shall be installed or the existing system maintained. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image which is regarded as 'identification standard.'

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.

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.

The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of Tower Hamlets Police and the Licensing Authority.

At least one person on the premises will be trained to operate the recording equipment and be competent in its operation

15. To comply with the Fire Safety Officer's recommendation of no more than 200 people, including staff to be on the premises at one time. Specifically, allowing 120 people at the front of the premises and 80 people in the back of the premises.

Submitted for your attention

Yours faithfully



Alan Cruickshank PC 189HT

Licensing Officer





# Appendix 6

## Communities, Localities & Culture

Anthony Edwards  
T.V. Edwards,  
27a Mile End Road,  
London,  
E1 4TB

Environmental Health, Environmental Protection  
Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

**Enquiries** Mr I Wareing  
**Tel** 020 7364 5008  
**Fax** 020 7364 6831  
**Flare Ref** 025332  
**Your Ref**  
Email : [environmentalhealth@towerhamlets.gov.uk](mailto:environmentalhealth@towerhamlets.gov.uk)

Date 3<sup>rd</sup> April 2008

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### **Re: Application for Variation of Premises Licence at Laughing Buddha, 653 Commercial Road, London, E14 7LW**

#### **Environmental Health Representations**

##### **A. Contextual Information**

Description of premises Semi-Detached property with bar area situated on the ground floor.

Description of location. Located on Commercial Road near the junction to the entrance of the Rotherhithe Tunnel.

Proximity of noise sensitive premises:. Residential space directly above the bar incorporated within the same structure.

Description of background noise: Quite high levels during the day, with decreasing levels during the night.

Existing noise sources in use at the premises: Unsure, as it is our belief that the music system and dynamics have changed since the original premises application.

*Corporate Director  
Communities, Localities & Culture  
Stephen Halsey*

**B. Complaint History, Investigation and Enforcement.**

This department has received 12 complaints regarding the playing of excessively loud music since the original licence was granted approximately 12 months ago. Our officers have witnessed statutory nuisance on two occasions and have served a Section 80 noise abatement notice.

**OBJECTION**

Environmental Protection does object to the licence variation. The applicant has failed to adhere to their original Premises Licence and caused Public Nuisance in the local area. The applicant has also carried on licensable activities past the permitted hours on several occasions, and despite several warnings has carried on regardless and thus caused noise nuisance to local residents.

The applicant has failed to address, in the operating schedule, problems already associated with the current trading of the premises and any perceived problems in the future.

We are in receipt of an acoustic noise report, but are unaware of the status of the works suggested in the said report.

This department has submitted an application for review of this Premises Licence.

Environmental Protection would be in a position to consider the application if:

1. The hours of operation were to be brought in line with current planning permission permitted hours.
2. A full specification for any acoustic works undertaken is submitted to us for review and comment.
3. Any works highlighted to be completed to this department's satisfaction.
4. A condition added that - All amplified equipment to be channelled through the noise limiter/compressor as agreed and set by the local authority.

*Corporate Director  
Communities, Localities & Culture*  
**Stephen Halsey**

5. The noise limiter is to be kept in a locked enclosure with the key to be held by the DPS and or the Premises Licence Holder only.
6. A queuing and dispersal policy is completed and submitted to us for review and comment and then added as a condition to the licence.

As the application for variation currently stands, it is considered to undermine the licensing objective of prevention of public nuisance.

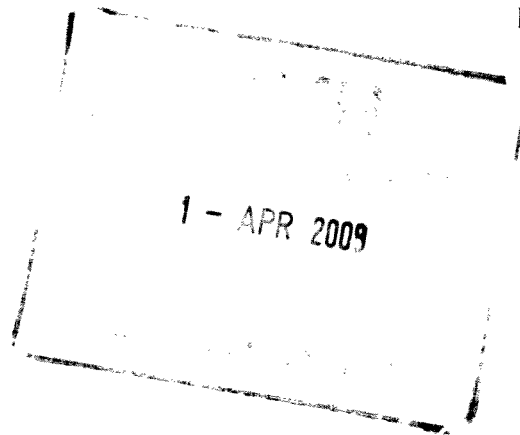
**Ian Wareing**  
**Environmental Health Technical Officer**

*Corporate Director*  
*Communities, Localities & Culture*  
**Stephen Halsey**

# Appendix 7

Flat 3,  
653 Commercial Road,  
London,  
E14 7LW

The Licensing Department,  
London Borough of Tower Hamlets,  
Mulberry Place (AH),  
P.O. Box 55739,  
5 Clove Crescent,  
London,  
E14 1BY



21 March, 2008

To whom it may concern,

I am writing in regards to the proposed variation of licensing under the London Borough of Tower Hamlets Licensing Act of 2003 of:

**Laughing Buddha, 653 Commercial Road, London, E14 7HW.**

I have strong reservations about the proposed usage of the commercial space located beneath the flat currently rented by my wife and I, as well as three other residential flats. The reason for we are unhappy is that for approximately the last eight months the premises has been operating outside of the proposed opening hours and has played music at an unreasonably high level of volume, after originally opening as a restaurant. We find the use of the premises as a 'nightclub,' unacceptable as both the music as well as the patrons of the business creating disturbance in front of and at the side of 653 Commercial Road highly anti-social and this has had a detrimental effect on the quality of life of the residents of the flats above the Laughing Buddha. In the past, the music has started at approximately 22:00 on a Friday, Saturday or occasionally Bank Holiday Monday and although on average it finishes around 03:00 the following morning, there are occasions when the music has been played as late at 07:00 the next morning.

With the above in mind, we would be prepared to accept the continued operation of the business under the following criteria:

- It does not operate as a nightclub.
- On Friday and Saturdays: opening no later than 02:00am with no playing of unsociably loud music (without effective sound-proofing in operation.)
- Sunday through Thursday: Opening no later than 23:00 with no playing of unsociably loud music (without effective sound-proofing in operation.)
- For both of the above criteria the patrons of the premises should be promptly dispersed at the closing time detailed.

Please do not hesitate to contact us in regards to this licensing review if required either at the above address or by phone: (020)7 790 8136.

Your Faithfully,

Ian Bates and NanaYaa Hughes-Brittain

# Appendix 8

Flat 3,  
653 Commercial Road,  
London,  
E14 7LW

The Licensing Department,  
London Borough of Tower Hamlets,  
Mulberry Place (AH),  
P.O. Box 55739,  
5 Clove Crescent,  
London,  
E14 1BY

14 April, 2008

To whom it may concern,

I am writing in regards to the proposed variance of licensing under the London Borough of Tower Hamlets Licensing Act of 2003 of:

**Laughing Buddha, 653 Commercial Road, London, E14 7HW.**

I have strong reservations about the proposed usage of the commercial space located beneath the flat currently rented by my wife and I, as well as three other residential flats. The reason that we are unhappy is that for approximately the last eight months the premises has been operating outside of the proposed opening hours and has played music at an unreasonably high level of volume, after originally opening as a restaurant. We find the use of the premises as a 'nightclub,' unacceptable as both the music as well as the patrons of the business creating disturbance in front of and at the side of 653 Commercial Road highly anti-social and this has had a detrimental effect on the quality of life of the residents of the flats above the Laughing Buddha. In the past, the music has started at approximately 22:00 on a Friday, Saturday or occasionally Bank Holiday Monday and although on average it finishes around 03:00 the following morning, there are occasions when the music has been played as late as 07:00 the next morning. In fact, this past weekend the premises were open until around 03:00am on Saturday 12<sup>th</sup> April and just after 04:00am on Sunday 13<sup>th</sup> April. The volume level on the night of Saturday 12<sup>th</sup> April through to the early hours of Sunday 13<sup>th</sup> April was completely unacceptable, my wife and I could hear what the host of the event was saying on his microphone and the volume of the music was vibrating the building. Furthermore, once the music had stopped we could hear altercations between the patrons outside, many of whose cars were parked in dangerous positions on what is a red-route during normal hours. On Sunday morning the police came, not at my request- so there should be some record of this activity. Over the past months I have witnessed several altercations between patrons both during the hours that the business is open, but more commonly at closing time- the security staff seem to have little effect on this taking place. The windows of the premises were vandalised at some point on Sunday and this is also not the first time this has happened. This vandalism never occurred before the premises changed from its original usage as a restaurant.



With the above in mind, we would be prepared to accept the continued operation of the business under the following criteria:

- It does not operate as a nightclub.
- On Friday and Saturdays: opening no later than 02:00am with no playing of unsociably loud music (without effective sound-proofing in operation.)
- Sunday through Thursday: Opening no later than 23:00 with no playing of unsociably loud music (without effective sound-proofing in operation.)
- For both of the above criteria the patrons of the premises should be promptly dispersed at the closing time detailed.

Please do not hesitate to contact us in regards to this licensing review if required either at the above address or by phone: (020)7 790 8136.

Your Faithfully,

Ian Bates

Ian Bates

Account Manager

Direct Line 020 7657 7883

Fax 020 7657 7971

ian.bates@premiertransportgroup.com

www.premiertransportgroup.com

15-21 Risborough Street, London, SE1 0HG

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# Appendix 9

**From:** Gillian Wasley [mailto:gillian.wasley@lcm.org.uk] **On Behalf Of** Norman Barr  
**Sent:** 15 April 2008 15:05  
**To:** John Cruse  
**Subject:** Licensing Act 2003 - Laughing Buddha, 653 Commercial Road, E14



This email is from Norman Barr, Property Director  
Please reply to [norman.barr@lcm.org.uk](mailto:norman.barr@lcm.org.uk)

Dear Mr Cruse

Your letter of 20 March was not forwarded to my office until this morning and I apologise for the delay in response.

We are appalled at the request by this restaurant/club to extend their opening hours. The flat occupants of our property at 649/651 Commercial Road are finding the noise on Friday and Saturday nights intolerable with penetrating loud and heavy beat music going on till the early hours of the morning. For this to be extended for more than half the week will make their lives intolerable. We therefore think it is imperative that this application should be refused.

We are also concerned about the level of vandalism to the property and the undesirable elements using the facility. This puts our occupants at risk in the early hours of the morning when returning home and again we would object on these grounds as well.

We await to hear from you.

Yours sincerely

W N Barr CA  
Property Director  
Direct Line: 020 7234 3581  
E-Mail: [norman.barr@lcm.org.uk](mailto:norman.barr@lcm.org.uk)

telephone 020 7407 7585  
facsimile 020 7403 6711

email [enquiries@lcm.org.uk](mailto:enquiries@lcm.org.uk)  
website [www.lcm.org.uk](http://www.lcm.org.uk)

175 Tower Bridge Road  
London, SE1 2AH

# SHARING JESUS CHRIST WITH ALL LONDON

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*[Faint, illegible text, likely bleed-through from the reverse side of the page]*



# Appendix 10

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

From: webteam@towerhamlets.gov.uk [mailto:webteam@towerhamlets.gov.uk]

Sent: 15 April 2008 14:33

To: Building Control

Subject: Contact Tower Hamlets Building control query

Contact Tower Hamlets Building control query.

The below e-mail has been submitted by Jaco Pieterse.

Comment or question: Dear Sir/Madam

REGARDING:

Laughing Buddha

653 Commercial Road

London E14 7LW

16/04/2008

Page 2 of 2

Can you please forward this email to the correct person/department

I understand that the night club mentioned above applied for permission to extent their trading hours. I would like to object to this. They play their music very loudly till after 04:00 in the mornings over weekends. It is extremely loud and it makes the walls of the flat where I'm living vibrate. I'm sure it keeps the whole of the neighbourhood awake.

If you give them permission to extent their hours we will have to put up with this more nights of the week.

Please feel free to contact me if you need any more information.

Thank you

Jaco

From: Jaco Pieterse

E-mail: jaco@aneejjack.com

Contact number:

Query type: Building control

\*\*\*\*\*

Working Together for a Better Tower Hamlets Web site :

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

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

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

\*\*\*\*\*



**Kathy Butler**

**From:** Jaco Pieterse [JACO@ANEEJJACK.COM]  
**Sent:** 16 April 2008 13:51  
**To:** Kathy Butler  
**Subject:** RE: Laughing Buddha

Dear Kathy

The details were in the original form, but I assume because it was forwarded to you it must have got lost.

Flat 1, 649-650 Commercial Road, Limehouse, London, E14 7LW

Thank you

Jaco

Dear Jaco,

I have received your representation for Laughing Buddha, however in order to accept this representation I will require details of your address.

I would be grateful if you could forward these details as soon as possible.

*Regards,*

*Kathy Butler  
Senior Licensing Officer*

London Borough of Tower Hamlets  
Council Offices  
Mulberry Place (AH)  
PO BOX 55739  
5 Clove Crescent  
London  
E14 1BY

Tel: 020 7364 5171  
Fax: 020 7 364 0863  
Email: [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

---

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



# Appendix 11

## **Drinking Beyond the Permitted Hours**

### General Advice

Members need to consider the evidence carefully. Is what is being alleged more properly a criminal matter? The Licensing Act 2003 only makes it an offence to supply alcohol after the permitted time. Thus it may perfectly lawful to have patrons on the premise consuming alcohol several hours after it ceased to be legal to supply it (licence terms vary).

However, if this is causing a problem in relation to one of the licensing objectives, which are most likely to be:

- the prevention of crime and disorder
- the prevention of public nuisance

then, if Members consider it proportionate to do so, they should set appropriate conditions, such as reducing the permitted opening hours.

If Members believe that there is a substantial problem of drinking beyond permitted hours and it cannot be proportionately address by licensing conditions they should refuse the application.

### Other Legislation

Planning controls may lay down the hours of operation of the premises.

# Appendix 12

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.4**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Sections 8.2 of the Licensing Policy**).

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

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

- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

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

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





# Appendix 13

## Access and Egress problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

### 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 14

## Noise Leakage from the Premises

### General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example “Jazz Music Only” is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example “no music in the beer garden at any time and no music past 22 30 hrs” although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

### Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to public nuisance. **(See Appendix 2 Annex G of the Licensing Policy)**. In particular Members may wish to consider the following: (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 be restricted in their use
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly

- Conditions controlling the use of explosives, pyrotechnics and fireworks

### Police Powers

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

### Licensing Act 2003

Schedule 1 Part 2 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.

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."

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.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

### Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

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

It may be appropriate to require take-aways to provide litter bins. (2.40).

### Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.





# Appendix 15

## **Planning**

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

# Appendix 16

## **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

# Agenda Item 5.2

Committee: <b>Licensing Sub-Committee</b>	Date:	Classification: <b>UNRESTRICTED</b>	Report No.	Agenda Item No.
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Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Mohshin Ali</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003</b>  <b>Application to Review the Premises Licence for Laughing Buddha, 653 Commercial Road, London E14 7LW</b>  Ward affected: <b>St. Dunstons and Stepney Green</b>
---	---

## 1.0 Summary

Name and	<b>Laughing Buddha</b>
Address of premises:	<b>653 Commercial Road London E14 7LW</b>
Licence under review:	<b>Licensing Act 2003</b> <ul style="list-style-type: none"><li>▪ <b>Sale by retail of alcohol</b></li><li>▪ <b>Regulated Entertainment</b></li><li>▪ <b>Late Night Refreshment</b></li></ul>
Representations:	<b>Environmental Protection Planning Local Resident</b>

## 2.0 Recommendations

- 2.1 That the Licensing Committee considers the application for review and then adjudicates 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

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

**Mohshin Ali**  
**020 7364 5498**

### 3.0 **Review Explained**

- 3.1 This is an application for a review of the premises licence for Laughing Buddha, 653 Commercial Road, London E14 7LW. The review was triggered by Environmental Protection.
- 3.2 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 3.3 The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix A**. It is available on the Government’s website, [www.culture.gov.uk](http://www.culture.gov.uk). It was substantially revised on the 28 June 2007.
- 3.4 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 3.5 In relation to its advice on representations in its revision of the 28 June 2007 the DCMS has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix B.**
- 3.6 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix C**. The Pool Conditions in the Policy are the same as the Government’s.
- 3.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix D**.

- 3.8 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 3.9 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).
- 3.10 This review was triggered by Environmental Protection (See **Appendix E**).
- 3.11 The review is supported by the Planning Department (See **Appendix F**). The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to Planning and Building Control (See **Appendix G**).
- 3.12 The review is also supported by a local resident (See **Appendix H**)
- 3.13 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The team leader of licensing Mr. John Edward Cruse is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 3.14 were considered before any representations were accepted for inclusion in this report.
- 3.14 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should not reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
  - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.
- 3.15 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

- 3.16 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders at a later date and consequently the consultation period was increased to the 2<sup>nd</sup> May 2008.
- 3.17 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
  - Consultation is conducted for 28 full days
  - Other responsible authorities or interested parties may join in the review
  - Members conduct a hearing
  - Members make a determination
  - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

#### 4.0 **The Premises**

4.1 The premises licence was issued on 26<sup>th</sup> April 2007. A copy of the current licence is contained in **Appendix 2** of Environmental Protection representation.

4.2 The premises are shown in maps contained in **Appendix I**.

#### 5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Protection, Planning Department and a local resident.

5.2 Only representations that relate to the following licensing objectives are relevant:

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

5.3 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

5.4 The applicant has forwarded further documents following the review (**See Appendix J**).



## **6.0 Licensing Officer Comments**

6.1 The Governments advice in relation to reviews is contained in **Appendix A**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

6.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

6.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

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.

## **7.0 Legal Comments**

7.1 The Council's legal officer will give advice at the hearing.

## **8.0 Finance Comments**

8.1 There are no financial implications in this report.

## 9.0 Appendices

<b>Appendix A</b>	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
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# Appendix A

## Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

### POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
  - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - to suspend the licence for a period not exceeding three months;
  - to revoke the licence.

- 11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

# Appendix B

## Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

### Crime and Disorder Act 1998

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

### Pool Conditions

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

### Annex D

#### Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

**Conditions enforcing these arrangements are therefore unnecessary.**

## **CORE PRINCIPLES**

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

**Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.**

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.



## **CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER**

### **Text/Radio pagers**

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
  - the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
  - any police instructions/directions are complied with whenever given;
- and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

### **Door supervisors**

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
  - keeping out individuals excluded by court bans or by the licence holder;
  - searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
  - maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
    - the number of supervisors;
    - the displaying of name badges;
    - the carrying of proof of registration;
    - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

### **Bottle bans**

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
  - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);
- In appropriate circumstances, the condition could include exceptions, for example, as follows:
  - but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

### **Plastic containers and toughened glass**

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

### **Open containers not to be taken from the premises**

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

## **CCTV**

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sitting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

## **Restrictions on drinking areas**

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

## **Capacity limits**

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

## **Proof of age cards**

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

### **Crime prevention notices**

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

### **Drinks promotions**

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

## **Signage**

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

### **Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)**

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

# Appendix C

## Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.





# Appendix D

London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

## Licensing Policy

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

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 12.11).**

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

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

## Police Powers

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

## Other Legislation

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

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

# Appendix E

20 MAR 2008

20 MAR 2008

# **LAUGHING BUDDHA**

**653 COMMERCIAL ROAD,  
LONDON,  
E14 7LW**

**APPLICATION FOR REVIEW OF  
PREMISES LICENCE**

**Application for the review of a premises licence or club premises certificate 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 ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> LAUGHING BUDDHA 653 COMMERCIAL ROAD,	
<b>Post town</b> LONDON	<b>Post code (if known)</b> E14 7LW

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> FORID UDDIN AND ROB MIAH
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<b>Number of premises licence or club premises certificate (if known)</b> 11796
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

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

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

**Telephone number (if any)**

**E-mail address (optional)**

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION, MULBERRY PLACE (AH), PO BOX 55739, 5 CLOVE CRESCENT, LONDON, E14 1BY
Telephone number (if any) 020 7364 5008
E-mail address (optional) environmentalhealth@towerhamlets.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/>            |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 1)**

Loud music has been witnessed emanating from the premises and causing a statutory nuisance to nearby residents. This is contrary to the licensing objective of the prevention of public nuisance.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

In the original Premises Licence application - see Appendix 1, under Section F – Recorded music, it is stated that "The music will only be incidental to the business. It will be played as background music whilst the premise is open for business". Also in the same application under Section P, subsection d – The Prevention of Public Nuisance it is further stated that, "The applicants are mindful of potential noise nuisance and will take adequate steps to alleviate any perceived disturbance. No loud events should be taking place at the premises".

The original application showed the premises to be a restaurant with a front bar area, hence the need for only background music.

Since the issue of the Premises Licence - see Appendix 2, Laughing Buddha has ignored this condition and has basically traded as a night club. Our department has been contacted many times from the public and nearby residents to report noise disturbance - see Appendix 3.

The council's Out of Hours Noise service has received 12 complaints during 2007/2008 alleging the playing of excessively loud music at the premises - see Appendix 3.

The complaints were logged on the 14th April, 6th and 12th May, 3rd November (2 x complaints), 4th November and 10th November 2007, 7<sup>th</sup> January, 13<sup>th</sup> January, 19<sup>th</sup> January (2x complaints) and 3<sup>rd</sup> February 2008.

On the 19<sup>th</sup> April 2007 an officer from the Council's Out of Hours Noise Patrol Service visited the premises and spoke with Mr Forid Uddin and issued him with a verbal warning. This was followed up with a letter that was sent on the 20th April 2007, see Appendix 4.

Following complaints on the 6th and 12th May, an officer from this department contacted Mr Uddin by telephone on the 17th May. Mr Uddin confirmed that he had held an 'Elvis' night and also used the services of a DJ. Mr Uddin was further warned as to the consequences should he carry on having these type of events. Mr Uddin confirmed that this would not happen again and that he had cancelled all DJ's and live performers.

On the 3rd November we received a complaint alleging the playing of loud music at 00.30. Our officer contacted Mr Rob Miah by telephone and he agreed to turn the music down. We received a further complaint from another member of the public at 05.47. When our officer called the complainant back at 06.11 the music had been turned off, but reported noise from people exiting the premises.

On the 4th November at 04.01 we received a complaint alleging the playing of loud music at the premise. This request was cancelled at 04.20 by the complainant as the music had ceased.

On 5th November this department contacted Mr Uddin and informed him of the events over the weekend. Mr Uddin said he was unaware as to what has been happening during the last 6 weeks as he had not been at the premises due to personal reasons. Mr Uddin was again warned that if the business continues to disturb local residents then we would trigger a review of his premises licence. Mr Uddin asked for time so he could make enquiries and report back to us. To date we have not been received any further contact from Mr Uddin. Also on this day an officer attended the restaurant and spoke with two members of staff. Adverts were found on the floor outside the premises - see Appendix 5, and also cable tied to the traffic lights on Commercial Road near to the premises.



On the 10th November our out of hour's service received a complaint alleging the playing of loud music from The Laughing Buddha. Our officer agreed to visit the complainant and make an assessment. At 01.50 that officer witnessed a Statutory Nuisance and at 02.10 he served a S.80 Noise Abatement notice under the Environmental Protection Act 1990. See Appendix 6.

On the 13th November we were contacted by Mr Rob Miah who pleaded that this would not happen again, but unfortunately we had to explain that enough warnings had been given and that we intended to make an application to review the current premises licence.

On the 21<sup>st</sup> November 2007 we received a letter from Mr Miah's solicitors requesting that we do not request a review of the premises licence and that "...there will be no further noise nuisance or irregularities with his Licence". See Appendix 7.

After several telephone conversations with Mr Rob Miah, a meeting was agreed and held at Anchorage House on the 22<sup>nd</sup> November 2007. Ian Wareing and Iain Pendrigh from the Environmental Protection Team attended along with Mr Rob Miah and his brother. The general outcome of the meeting was that we would defer the review of the premises licence providing that certain works be undertaken. They were mainly that a full acoustic report be undertaken by a qualified acoustician within the next two weeks. That the report be submitted to the council's Environmental Protection Team. Any works highlighted by the report or subsequent requirements by the Environmental Protection Team be completed to our satisfaction. That a variation to the current premises licence be submitted to the Licensing Department immediately. That the premises have no DJ's, promoted events or 'club nights' until the variation has been granted. That the premises closes at midnight 7 days a week. Mr Miah was informed that Mr Uddin is the DPS at the premises and that if Mr Uddin has now left the business, alcohol cannot be served on the premises until there has been a new DPS installed. Mr Miah was also informed at the meeting that the premises does not have planning permission to trade after midnight - see Appendix 8 - current planning consent and hours.

We have had several discussions with Shaun Murkett (acoustic consultant) who was commissioned to complete the noise assessment, see Appendix 9, and we believe that the works highlighted in the noise report have been undertaken and completed although we have yet to be invited to the premises to inspect those works.

We have since still received complaints from local residents. On the 19<sup>th</sup> January 2008 an officer from the Out of Hours Noise Team witnessed a Statutory Nuisance from the playing of loud music at 653 Commercial Road - see Appendix 10 - Alkesh Solanki's witness statement. This constitutes a breach of the previous S.80 noise abatement notice and is currently under review for prosecution.

The acoustician involved informed me that there had been some discrepancy over money and that he had not released the calibration certificate for the noise limiter and that he believed that it was somehow being bypassed. We have since been given a copy of this certificate - see Appendix 9.

The Laughing Buddha - now known as 'Bar 653', continues to have unlicensed events on the premises - see Appendix 11 - and seems totally unwilling to conform to the Licensing Act 2003.

Mr Forid Uddin has been written to by Tower Hamlet's Licensing Department on several occasions about timings and unlicensed events, see Appendix 12.

In conclusion, the application for a Premises Licence when originally submitted centred on the premises trading mainly as a restaurant with a small bar for customers to use before and after dining. During the time that the restaurant has been trading the dynamics have somewhat changed. It now appears that the premise is being used for promoted events which include the playing of loud amplified music with a DJ. In fact during the visit on the 5th November it was noted that there was a quite sizeable 'DJ' setup in the middle of the restaurant. This consisted of large speakers, amplifiers, decks etc. The building is not designed to incorporate a 'nightclub' and should not be used as such. Furthermore this department believes that Mr Forid Uddin is no longer in day to day control of the premises and subsequently has no confidence in the management of the premises.

Due to the building also incorporating residential units directly above the business, and within the shared structure, it is wholly inappropriate for the restaurant to be holding these types of events with the playing of excessively loud music.

This department has issued several warnings over the last few months and taken appropriate action, yet the premises and the management involved seem unable to conform to their Licence and its enclosed conditions and as such it must be reviewed.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

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

**If you have made representations before relating to this premises please state what they were and when you made them**

Please tick **yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 20<sup>th</sup> MARCH 2008

Capacity TECHNICAL OFFICER

**Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)**

Post town

Post Code

Telephone number (if any)

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

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

## **LIST OF APPENDICES**

**APPENDIX 1** – Copy of Original Premises Licence Application.

**APPENDIX 2** – Copy of Premises Licence for 653 Commercial Road.

**APPENDIX 3** – List of Complaints Received.

**APPENDIX 4** – Copy of Warning Letter.

**APPENDIX 5** – Copy of Flyer.

**APPENDIX 6** – Copy of Section 80 Noise Abatement Notice.

**APPENDIX 7** – Copy of Letter from HSR Solicitors.

**APPENDIX 8** – Copy of Planning Permission.

**APPENDIX 9** – Copy of Noise Report and Calibration Certificate.

**APPENDIX 10** – Copy of Witness Statement.

**APPENDIX 11** – Copy of Internet Website Adverts.

**APPENDIX 12** – Copies of Warning Letters from Licensing Department.



# APPENDIX 1

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

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We (Insert name(s) of applicant) ROB MIAH & FORID UDDIN

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
<p>LAUGHING BUDDHA 653 COMMERCIAL ROAD LONDON</p>	
Post town	Post code <u>E14 7LW</u>

**LBTH**  
TRADING STANDARDS  
23 FEB 2007  
**LICENSING**

Telephone number at premises (if any)

Non-domestic rateable value of premises





## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

- Please tick  yes
- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities, or
- I am making the application pursuant to a
- statutory function or
  - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname  First names

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname  First names

I am 18 years old or over

Please tick  yes

Current postal address if different from premises address

Post Town  Postcode

Daytime contact telephone number

E-mail address (optional)

**B) OTHER APPLICANTS**

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
23	03	2007

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

Day	Month	Year

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

--

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

THE PREMISES WILL BE A THAI RESTAURANT AND BAR, SITUATED IN A BUSY MAINLY COMMERCIAL STREET

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

**Provision of regulated entertainment**

- |  | Please tick <input type="checkbox"/> 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 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 type="checkbox"/>                 |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>                 |

**Provision of entertainment facilities for:**

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

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

**Supply of alcohol** (if ticking yes, fill in box M)

**In all cases complete boxes N, O and P**

**A**

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

**B**

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details here</b> (please read guidance note 3)  <b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)  <b>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.</b> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<b>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		<b>Please give further details here</b> (please read guidance note 3)  <b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)  <b>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.</b> (please read guidance note 5)
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

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

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick <input type="checkbox"/> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) <b>THE MUSIC WILL ONLY BE THAT INCIDENTAL TO THE BUSINESS. IT WILL BE PLAYED AS BACKGROUND MUSIC WHILST THE PREMISES IS OPEN FOR BUSINESS</b>	Both	
Tue					
Wed			State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur					
Fri					
Sat			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick <input type="checkbox"/></b> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be providing</b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					



<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>	
			<b>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	
			Indoor	
			Outdoor	
			Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<b>State any seasonal variations for the facilities for making music</b> (please read guidance note 4)	
			<b>Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	

**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for dancing you will be providing</b>			
			<u>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</u>		Indoor	
					Outdoor	
					Both	
Day	Start	Finish	<b>Please give further details here (please read guidance</b>			
Mon						
Tue						
Wed						
Thur						
Fn						
Sat						
Sun			<b>State any seasonal variations for the facilities for dancing (please read guidance note 4)</b>			
			<b>Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>			

**K**

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

L

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both - please tick [X] (please read guidance note 2)</b>	Indoors
Day	Start	Finish		Outdoors
Mon			<b>Please give further details here (please read guidance note 2)</b>  <p style="text-align: center;">SEE PART M</p>	Both
Tue				
Wed				<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>
Thur				
Fri				<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Sat				
Sun				

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption - please tick [X] (please read guidance note 7)</b>	On the premises
Day	Start	Finish		Off the premises
Mon	12-00	00-30	<b>Please give further details here (please read guidance note 7)</b>  /	Both <input checked="" type="checkbox"/>
Tue	12-00	00-30		
Wed	12-00	00-30		<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>
Thur	12-00	03-00		
Fri	12-00	03-00		<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>  /
Sat	12-00	03-00		
Sun	12-00	03-00		

Box M continues on the next page...

Box M continued

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

Name

FORD UODIN

Address

52 BROCKMER HOUSE  
CROWDER STREET  
LONDON  
Postcode E1 0BJ.

Personal Licence number(if known)

Issuing licensing authority (if known)

LONDON BOROUGH OF TOWER HAMLETS

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 DOES NOT PROVIDE ANY  
ADULT ENTERTAINMENT OR SERVICES, OR  
OTHER ENTERTAINMENT OR OTHER MATTERS  
THAT MAY GIVE RISE TO CONCERNS IN RESPECT  
OF CHILDREN. NO UNILD WILL BE SERVED  
ALCOHOL

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12-00	00-30	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	12-00	00-30	
Wed	12-00	00-30	
Thur	12-00	05-00	
Fri	12-00	03-00	
Sat	12-00	03-00	
Sun	12-00	03-00	

P

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

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

THE LICENSING POLICY OF TOWER HAMLETS HAS BEEN CONSULTED AND THE APPLICANTS WILL COMPLY WITH ANY REASONABLE CONDITIONS THE COUNCIL WISH TO IMPOSE WITH REGARD TO THE 4 LICENSING OBJECTIVES. THE APPLICANTS WILL COMPLY WITH ANY PLANNING RESTRICTIONS WITH REGARD TO THE PREMISES. THE APPLICANTS ALSO WELCOME ANY RECOMMENDATIONS THE POLICE AND ANY OTHER RESPONSIBLE AUTHORITY MAY MAKE.

b) The prevention of crime and disorder

THE APPLICANTS WILL COMPLY WITH ANY REASONABLE CONDITIONS IMPOSED BY THE POLICE AND WILL REFUSE TO SELL ALCOHOL TO THOSE POTENTIAL CUSTOMERS WHO MAY CAUSE ANY DISORDER OR COMMIT CRIME. ANY CRIME BEING COMMITTED ON THE PREMISES WILL BE REPORTED TO THE POLICE AND ANY CUSTOMERS CAUSING DISORDER WILL BE EJECTED FROM THE PREMISES. THE APPLICANTS WILL COMPLY WITH CONDITIONS IMPOSED BY THE LICENSING AUTHORITY IN THIS REGARD. THE ALCOHOL WILL BE STORED IN A DESIGNATED AREA INACCESSIBLE TO THE PUBLIC.

c) Public safety

THE PREMISES WILL HAVE AN ADEQUATE ESCAPE ROUTE IN CASE OF EMERGENCY (E.G. FIRE) AND THE APPLICANTS WILL COMPLY WITH FIRE REGULATIONS. THE PREMISES (SEE PLAN) WILL STOCK APPROPRIATE FIRE FIGHTING EQUIPMENT & SMOKE/HEAT ALARMS.

d) The prevention of public nuisance

X  
THE APPLICANTS ARE MINDFUL OF POTENTIAL NOISE NUISANCE AND WILL TAKE ADEQUATE STEPS TO ALLEVIATE ANY PERCEIVED DISTURBANCE. NO LOUD EVENTS SHOULD BE TAKING PLACE AT THE PREMISES

e) The protection of children from harm

ALCOHOL WILL NOT BE SOLD TO THOSE PERSONS UNDER EIGHTEEN YEARS OF AGE. SUITABLE ALTERNATIVE NON-ALCOHOLIC BEVERAGES WILL BE MADE AVAILABLE

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

CHECKLIST:


- |  | Please tick <input type="checkbox"/> yes |
|--|--|
| ▪ I have made or enclosed payment of the fee   | <input checked="" type="checkbox"/>      |
| ▪ I have enclosed the plan of the premises   | <input checked="" type="checkbox"/>      |
| ▪ I have sent copies of this application and the plan to responsible authorities and others where applicable   | <input checked="" type="checkbox"/>      |
| ▪ I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable | <input checked="" type="checkbox"/>      |
| ▪ I understand that I must now advertise my application  | <input checked="" type="checkbox"/>      |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected             | <input checked="" type="checkbox"/>      |



**Part 4 – Signatures** (please read guidance note 10)

**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**

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature  STEPHEN JAMES HUNT

Date 22/2/07

Capacity SOLICITOR, NORMAN H. BARNETT & CO.

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature  STEPHEN JAMES HUNT

Date 22/2/07

Capacity SOLICITOR, NORMAN H. BARNETT & CO.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
STEPHEN HUNT NORMAN H. BARNETT & CO. 397 BARKING ROAD EAST HAM LONDON	
Post town	Post code <u>E6 2JT</u>
Telephone number (if any) <u>0208 471 2112</u>	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) <u>shunt@normanhbarnett.co.uk</u>	



# APPENDIX 2

**(Laughing Buddha)  
653 Commercial Road  
London  
E14 7LW**

**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: 26<sup>th</sup> April 2007**

**Part A - Format of premises licence**

Premises licence number

11796

**Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description**(Laughing Buddha)  
653 Commercial Road**Post town**

London

**Post code**

E14 7HW

**Telephone number**

None

**Where the licence is time limited the dates**

N/A

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

**The times the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol:**

Monday, Tuesday, Wednesday from 12:00 hours until 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours until 03:00 hours the following day.

**Late Night refreshment:**

Monday, Tuesday, Wednesday until 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday until 03:00 hours the following day.

**Recorded Music (Background music only)**

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

**The opening hours of the premises**

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

**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**

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ  
07931 770205

Mr. Rob Miah  
663 Commercial Road  
London  
E14 7LW  
07956 466001

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

Not applicable

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

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ  
07931 770205

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

London Borough of Tower Hamlets  
No: 10061

## **Annex 1 - Mandatory conditions**

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

## **Annex 2 - Conditions consistent with the operating Schedule**

None

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

None

## **Annex 4 - Plans**

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

23<sup>rd</sup> February 2007



**Part B - Premises licence summary**

**Premises licence number**

11796

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Laughing Buddha)  
653 Commercial Road

**Post town**  
London

**Post code**  
E14 7HW

**Telephone number**  
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of late night refreshment  
Recorded Music by means of background music only

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday from 12:00 hrs until 00:30 hrs the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hrs until 03:00 hrs the following day.

The opening hours of the premises

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

Name, (registered) address of holder of premises licence

Mr. Forid Uddin 52 Brockmer House Crowder Street London E1 OBJ	Mr. Rob Miah 663 Commercial Rd London E14 7LW
--	--

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

On and off sales

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

Not applicable

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

Mr. Forid Uddin

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

No restrictions

# APPENDIX 3

## **List of Complaints Received 2007/2008**

### **2007**

14/04 – Complaint received at 00.45. Called complainant back and they stated that music ceased at 01.00.

06/05 – Complaint received at 00.22. Called complainant back and the noise had stopped.

12/05 – Complaint received at 00.25. Message was left with complainant.

03/11 – Complaint received at 00.30. Telephone call to Rob from Laughing Buddha – noise turned down.

03/11 – Complaint received at 05.47. Called complainant back at 06.11 and they stated that music has now been turned down, but there are still people outside the club talking etc. Complainant was told by the owner that the club would be only operating up to 03.00.

04/11 – Complaint received at 04.01. Whilst officer was en route to premises a call was received to state that the noise had ceased.

10/11 – Complaint received at 01.00. Officer visited complainant's premises at 01.50. Officer noted a large group of intoxicated young adults on pavement outside premises. In the household the officer notes 'very loud drum and bass type dance music audible throughout.....at a completely unreasonable level. Certainly would and does prevent tenant from sleeping. Definitely Statutory Nuisance'. At 02.10 the officer approached the door supervisors and introduced himself to them.

**2007 continued...**

He explained why he was there and that he needed to speak to the person in charge who he believed to be Rob Miah. A couple of individuals approached him indicating that they were in control of the premises and that, contrary to his assessment that Licensing conditions were being transgressed; only background music was being played. At this point an Asian man joined them and stated that he was the license holder Rob Miah. The officer had explained that he had witnessed a Statutory Nuisance and that Mr Miah was disregarding Licensing conditions. The officer explained to him that he had been warned by Environmental Health staff and Licensing Officers before and as he had ignored the warnings, a recommendation for review of his Premises Licence would be made on Monday. He then asked Mr Miah if he thought the music being played was background and he replied 'not really'. Mr Miah then pleaded with the officer not to report the matter. The officer warned Mr Miah that he must now face the consequences of non compliance. The officer added that if Mr Miah turned the music off now he might not have the abatement notice served on him. He promised to do so and the officer left. The officer then contacted the complainant 10 minutes later who stated that the music level was unchanged.

## **2008**

07/01 – Complaint received at 10.33. Stated that there are Live DJ's Friday and Saturday starting at 11pm and finishing after 2am.

13/01 – Complaint received at 04.15. The complainant was called back at 04.15 and he confirmed noise was still on. Officer arrived at 04.32 and everyone had left the bar, but there were a lot of people outside the premises making substantial noise.

19/01 – Complaint received at 01.19. see Alkesh Solanki's witness statement.

19/01 – Complaint received at 02.05. see Alkesh Solanki's witness statement.

03/02 – Complaint received at 00.28.

# APPENDIX 4

**Environmental Health, Environmental  
Protection**

Mr Forid Uddin,  
Laughing Buddha.,  
653 Commercial Road,  
London,  
E14 7LW

Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

**Enquiries:** Ian Wareing  
**Tel** 020 7364 5007  
**Fax** 020 7364 6831  
**Flare Ref:** 74666  
**Your Ref:**

**E-mail :** [pestandnoise@towerhamlets.gov.uk](mailto:pestandnoise@towerhamlets.gov.uk)

Dear Mr Uddin,

Date 20<sup>th</sup> April 2007

**Re: Environmental Protection Act 1990  
Alleged Noise Nuisance From Loud Music  
At Laughing Buddha, 653 Commercial Road, London, E14 7LW**

I am writing to inform you that the Council has recently received a complaint alleging excessive noise amounting to a nuisance coming from your business.

I realise that at this time of year it is necessary to open the external doors and windows of restaurants to improve ventilation in such premises. However, this can and often does lead to complaints from neighbouring residents regarding noise from music and social activity in and around the restaurant. I would therefore request you to consider reducing the noise level of music and social activity by taking the following measures:-

1. During the evenings when noise complaints are more likely, please limit the noise of music to an acceptable level.
2. Doors and windows should be closed at 22.00 every evening.
3. Regularly patrol areas outside the premises to control noise.

I should point out that if an officer from this department witnesses a noise nuisance coming from your premises, a noise Abatement Notice will be served under the Environmental Protection Act 1990. If the situation does not subsequently improve, legal proceedings may be considered which could lead to a fine upon conviction of up to £20,000.



2007 - 2008  
School Improvement  
2003 - 2007  
Winner of 5 previous  
Beacon Awards



*Corporate Director  
Environment & Culture  
Alex Cosgrave*



Furthermore I will be taking appropriate measures to monitor the situation and I must warn you that if we consider that you or your premises are not giving due consideration to the licensing objective of Prevention of Public Nuisance, under The Licensing Act 2003, our department may decide to make a representation against your premises licence.

This complaint has also been copied to our Licensing department.

You may contact me on the above number if you wish to discuss this matter further.

Yours faithfully,

**Ian Wareing**  
**Environmental Protection Technical Officer (Licensing)**

*Corporate Director  
Environment & Culture*  
**Alex Cosgrave**



# APPENDIX 5

<< click here to see the other side of this flyer >>

**IT'S THE BIGGEST**

# REGGAE REVIVAL & RARE GROOVES Party

**SATURDAY 10TH NOVEMBER 2007**  
**AT BAR 653**  
**653 COMMERCIAL ROAD LONDON E.14 7LW**

PLAYING CLASSIC REVIVAL REGGAE & RARE GROOVES WILL BE:

**CALVIN FRANCIS**  
**GEMI MAGIC SOUND**  
**DESI G & BARRY WHITE**  
**THE TAG TEAM**

**ADMISSION £10.00**

**DRESS CODE SMART CASUAL (NO TRAINERS)**

**FOR TABLE BOOKINGS AND MORE INFO**  
**CALL 07985 116 107**

**THIS IS ANOTHER NIGHT FOR THOSE WHO HAVE WITH REAL RAVERS TO REAL MUSIC. MAKE SURE YOU REACH!! YOU WON'T BE DISAPPOINTED!!**

# APPENDIX 6

81767

ABATEMENT NOTICE in respect of Statutory Nuisance  
ISSUED BY THE LONDON BOROUGH OF TOWER HAMLETS

copy

**ENVIRONMENTAL PROTECTION ACT 1990 PART III SECTION 80**  
**AS AMENDED BY THE NOISE AND STATUTORY NUISANCE ACT 1993, SECTION 3**

TO: Rob Miah  
663 Commercial Road, London E14 7LW

1. Notice

THIS IS A FORMAL NOTICE issued by the LONDON BOROUGH OF TOWER HAMLETS ('The Council') because it is satisfied that a statutory nuisance is likely to recur at the premises known as 'Bar 653', 653 Commercial Road, London E14 7LW

within its area in that

excessive noise has been caused by the playing of loud amplified music

2. What You Are Required To Do

As the person responsible for the nuisance you are required to prohibit the recurrence of the nuisance forthwith from the date upon which this Notice was served upon you:

3. What Happens If You Fail To Comply

If without reasonable excuse you contravene or fail to comply with any requirement or prohibition of this Notice:

- 3.1 you will be guilty of a criminal offence and will be liable on summary conviction to a fine not exceeding level 5 on the standard scale, together with an additional fine for each day on which the offence continues after conviction; or
- 3.2 if the offence is committed on industrial, trade or business premises, you will be liable a summary conviction to a fine not exceeding £20,000;
- 3.3 in order to secure an abatement, prohibition or restriction of the nuisance, the Council may bring proceedings in the High Court and;
- 3.4 the Council reserve the right to execute the works specified in the Notice and recover from you any expenditure incurred.

4. Your Right Of Appeal

You may appeal to a Magistrates' Court against this Notice within 21 days, beginning with the date on which this Notice is served upon you.

5. Suspensions Of Notices

In the event of an appeal this Notice shall **NOT** be suspended until the appeal has been abandoned or decided by the Court as, in the opinion of the Council [the expenditure which would be incurred by any person in carrying out works in compliance with this Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance].

Dated

10th November 2007

Signed

Authorised Officer ENVIRONMENTAL HEALTH OFFICER

This matter is being dealt with by Ian Wareing Environmental Health, Mulberry Place (AH),  
PO Box 55739, 5 Clove Crescent, London E14 1BY Tel: 020 7364 5007

# APPENDIX 7

# HSR

solicitors

Our Ref: HSR/Miah/2/22106  
Your Ref: Ian Wareing  
Date: 19<sup>th</sup> November 2007

Victoria House  
526 Commercial Road  
London E1 0HY

DX 300715 Tower Hamlets

Tel: 020 7791 1111  
Fax: 020 7791 2222

www.hrsolicitors.com  
info@hrsolicitors.com

London Borough of tower hamlets  
Enviromental Health  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

F.A.O: IAN WAREING

BY FAX & DX - 020 7364 6831

Dear Sirs,

**LAUGHING BUDDHA**  
**653 COMMERCIAL ROAD LONDON E1 7HW**

We write further to our telephone conversation on Friday 16<sup>th</sup> November and confirm that we act for the above named.

Our client has forwarded us a copy of your Abatement Notice of 10<sup>th</sup> November 2007, together with copies of two notices dated 31<sup>st</sup> August 2007 and 5<sup>th</sup> November under the Licensing Act, the contents of which we note.


As discussed on the telephone, we confirm that we have strongly advised our client on the conditions of his Licence for the above premises. We understand that you were contemplating taking this matter to Court to review our client's Licence. However, we respectfully request you not to take this matter to Court, as our client now clearly understands all the conditions of his Licence. Our client assures us and wishes to assure you that there will be no further noise nuisance or irregularities with his Licence.

Our client wishes to formally apply for the variation of his Licence in due course and would obviously be willing to agree to any conditions you deem necessary, i.e. sound proofing etc.

In relation to the Planning Permission, we have requested our client to forward us any relevant documentation he may have. We would be grateful if you could forward us a copy of the Planning Permission, stating the actual timings he has planning permission for. Once again, if the Planning permission is only until 12am, then our client will also formally apply to vary the same in due course.

We thank you for your assistance and look forward to hearing from you.

Yours faithfully,

  
**HSR Solicitors**

Criminal  
Defence Service



Partners: H.S.Rana LL.B(Hons) J.M.Rufai LL.B(Hons) S.Wallis BA(Hons)  
Regulated by the Solicitors Regulation Authority

Community  
Legal Service





# APPENDIX 8

**SCHEDULE**

**Full Planning Permission**

**Location:** 653 Commercial Road, London, E14 7LW

**Proposal:** Change of use of ground floor to restaurant and bar (Class A4).  
(Resubmission).

**Date:** 11 December, 2006

**Reference:** PA/06/01807

**Application Received on:** 3 October, 2006

**Application Registered on:** 3 October, 2006

**Drawings Approved:**

**Registered Number:** PA/06/01807

**Applicant's Number:** Drawing nos. (9)24/1, (9) 24/2, (9) 24/3, (9)24/4, (9) 24/5

**Reason(s) for Grant:**

This application was granted for the following reason(s):

The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that it:

- a) satisfies the land use / design / environmental criteria adopted by the Council and/or;
- b) does not result in material harm to the amenity of residents or to the character and environment of the adjacent area.

**Conditions and Reasons:**

1. The development allowed by this permission must begin within three years from the date of this decision.

To ensure planning applications are carried out within a reasonable time period in accordance with Section 91 of the Town and Country Planning Act 1990.

2. You must only carry out the use/development allowed by this permission within the following times:-
  - 09:00 Hours to 23:30 Hours, Monday to Thursday]
  - 09:00 Hours to 00:00 Hours on Fridays and Saturdays]

- 09:00 Hours to 23:00 Hours on Sundays or Bank Holidays.]

All patrons including staff must vacate the premises within 1 hour of closing time.

Reason: To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV50 Noise

HSG15 Preservation of Residential Character

3. The proposed door within the shopfront shall be implemented as shown on drawing no. (9) 24/1 which shows the door to be 1000mm in width.

Reason: to comply with disabled access requirements

**Informatives:**

1. Any external signage and advertisements will require separate advertisement consent.
2. Food business must be registered with the Environmental Health department at least 28 days before opening.



# APPENDIX 9

# Report on Noise survey at Laughing Buddha Restaurant, 653 Commercial Road, London

<b>Date of report</b>	<b>Tuesday 4th December 2007</b>
Dates of visit	Monday 26 <sup>th</sup> , Wednesday 28 <sup>th</sup> November 2007
Present	Rob Miah, owner and Shaun Murkett
Location	Laughing Buddha Restaurant, 653 Commercial Road, London E14 7LW.
Purpose	To conduct a noise survey for late licence.
Author of report	Shaun Murkett BSc. C.Eng. MIEE. MIOA.

## 1 Executive summary

1.1 The management of the restaurant bar are to apply for extended hours to their music and dance licence, and the local authority have concerns about music noise breakout. It is understood there have been some complaints from local residents about noise from the bar. This report gives professional advice about the noise issue and addresses those concerns.

1.2 The bar has been investigated for building construction and potential noise problems. The building is large, and substantially built and is certainly capable, with improvements as recommended, of operating as a music bar without causing disturbance to residents. Sound levels have been monitored under typical operating conditions and general observations were made at various locations in and around the bar and at the residents.

1.3 Some potential noise break-out was observed and requires immediate attention for the bar to be able to play music at a reasonable volume without complaints, especially if the licence application is to be successful.

1.4 A scheme of building works and noise reduction measures has been proposed to remedy the noise situation. A detailed list of recommendations has been made throughout the project and is listed in the report, and these are now being implemented. The improvements to the building will have long term benefits and enable the bar management to fulfil all the local authority noise criteria.

1.5 When these works are complete then a final noise test should be performed. This will generally involve the setting up and calibration of these sound limiters and inaudibility tests, and then the issue of calibration certificates by the consultant. This will ensure full compliance with all the local authority noise criteria conditions and provide acceptance for the late licence and planning application.

© **Shaun Murkett 2007**. This report is intended for the sole use of Rob Miah and those acting under his immediate direction; any third party use of this report is forbidden unless prior permission is granted in writing by Shaun Murkett Acoustic Consultants Ltd.

## **2 Introduction and Background.**

**2.1** This report was commissioned by the manager to investigate the noise situation.

The bar already has a late licence for background till 3am on Friday and Saturday nights, although there is some confusion about planning permission, which is understood to be only granted till 12.30am on Friday and Saturday nights. The management has applied for extended hours, under the new licensing laws to bring both times into agreement. The local authority has some concerns about music noise breakout. It is understood that there have been some noise complaints from local residents just recently; however there may also be objections to the application. This report gives professional advice about the noise issue and addresses those concerns about the licence application.

### **2.2 History.**

The building is over 100 years old and has always been used in recent times as a commercial premises. Up until about 18 months ago the premises were double glazing workshop and sales room with residential accommodation above. The new owners have taken over the premises and been running it as a restaurant wine bar with music in the rear room for almost one year now and have made many improvements to the soundproofing and interior décor of the bar. It is understood that there have been some recent complaints from residents about noise. The local authority have visited and are now considering issuing a premises licence for later hours in their planning permission; there is no application to increase the capacity. It is understood the bar is licensed for around 200 people, all on the ground floor.

### **2.3 Location.** (See sketch map and photo).

The large three storey terraced building is located on the north side of the busy Commercial Road near the junction with Bruton Place. There are some staff residential flats and other residential flats above. To the south over the main road is some commercial with a large residential block; to the west adjoining the building is commercial as a book shop, and to the east adjoining is commercial with residential above. The area is mixed commercial and residential with many shops, bars and restaurants in the area, many of which have late licenses for music and dancing.

### **2.4 Nearby residents.**

There are four flats above the restaurant and music bar and music room to the rear. These are arranged flat 1 at the front 1<sup>st</sup> floor, flat 2 at the rear 1<sup>st</sup> floor, flats at the front 2<sup>nd</sup> floor, flat 4 at the rear 2<sup>nd</sup> floor. At present flat 2 at the rear is empty and this is to be a staff management flat. There are residents in occupation at flat 1, 3 and 4. There are also residents at a distance of 25m across the main road

### **2.5 Local authority noise criteria.**

The local authority noise team criteria is basically to prevent a noise nuisance, and is generally for no difference or increase in Laeq sound level after 11pm measured in the residents home between when the music is on and when off in the bar. The main criteria is near inaudibility of the bar music at the nearest residents' home after 11pm.

### **2.6 Operating Times and Mode of Operation.**

The restaurant bar usually opens at around 12am and is open through the week until 12pm midnight and to 3am Friday and Saturday evenings. Occasionally temporary event notices have been issued till later hours.

The bar intends to apply for 3am on Friday and Saturday for the planning permission to bring the rest of this inline with the existing graded licensing hours till 3am on Friday and Saturday. There is background music playing on a small permanent sound system in the front of the bar. DJs occasionally play at the bar in the evening from about 8pm until the bar closes; there is no live music. There are full kitchen facilities and food is served lunchtime throughout the afternoon and evening.

### **2.7 Layout and construction of bar.** (See sketch map and photographs)

The main building is three stories high, with the ground floor as the main reception bar with tables and seating leading through to the extension at the rear which is a large restaurant bar with music. There is a half partition about half way along the length of the bar of the restaurant and there is a bar servery on the left hand side. The bar is about 6m wide and 28m deep, with a ceiling height of about 3.5m. There are toilets to the right half way down and a kitchen to the right at the rear. There is a fire exit to the left about half way down leading out to the alleyway coming out to the front on the street. At the rear section there is a flat roof and the remains of large skylight window, 6m by 2.5m. The rear music bar starts 2m before the edge of the floors above ie: the last 2m of the residential rooms above are directly above the last part of the large restaurant music bar below at the rear.

It is understood the construction is substantial 15inch brick work walls and joists supporting the floors above with traditional timber floors, and plasterboard ceilings.

### **2.8 Doors and fire exits**

The main entrance door opens inwards directly from the street and is made of glass. There are also fire exits from the main music room about half way up on the left hand side leading out to the alleyway back to the main road.

### **2.9 Windows**

There are large, single pane glass windows on the front wall on the main road. These appear to be in good condition and were refurbished recently. There are no windows on the side walls on the rear wall for the kitchen. This large sky light window in the centre of the music room has been effectively blocked off with plywood and plasterboard and sound proofing materials.

### **2.10 Ventilation.**

There were three air-conditioning units, a quite small one, kilowatt mounted on the wall on the eastern wall, and ventilation for the kitchen cooking system.

### **2.11 Sound system.**

There is at present a small sound system permanently installed in the bar; this comprised CD players a simple HiFi amplifier carry small speakers for background music in the front section, and a more substantial music system in the rear part of the restaurant in the music bar. This comprised CD players and a DJ mixer, a large power amplifier, and two large bass bins and two large 12inch midrange units. Occasionally DJs' have been bringing in additional equipment in use for the evening events but this has now been discouraged.

There was no sound limiter fitted and sound levels could easily exceed 100dB with this sound system.



### **3 Measurements and Observations.**

#### **3.1 First visit. Daytime 3 - 5 pm Monday 26<sup>th</sup> November 2007**

The first visit was made to meet the management team and to inspect the premises and look at the construction of the building, and to get an idea of the layout of the bar and location, and relation to nearby residents.

This visit was also to set up arrangements for access to the residents' above to enable an audibility monitoring sound test to be made with music playing at typical sound levels in the bar below.

#### **Second visit Evening 3pm-6pm Wednesday evening 28<sup>th</sup> November 2007**

This visit was to determine any noise break out routes and to monitor near the residents; to discuss the local authority requirements of a late entertainment licence, and to produce an immediate list of recommendations to the bar management.

The sound system were set up playing dance music at typical evening sound level, and the building construction was examined and the effectiveness of the doors, windows and walls of the building was then checked on a simple basis by walking around outside with the manager. Access had been arranged to monitor at the residents immediately above on the first and second floor levels. The sound system was set up and monitoring was made in the residents' bed rooms and lounges, to conduct a full sound test.

#### **3.2 Monitoring out on the street near residents.**

With the music playing in the bar at the music room at the rear of the restaurant the music was clearly heard out on the street but only when the front door was opened and this was only just heard on the other side of the road near the residents. There was no audible plant noise. The entrance doors are inward opening doors, and this will not be acceptable due to fire regulations.

#### **3.3 Monitoring in the residents rooms above.**

The monitoring was made in the residents roomss immediately above and 1<sup>st</sup> and 2<sup>nd</sup> floor level with the music played in the bar below. Sound level of each of the music system was adjusted up and down by radio communication until the music noise was inaudible in each of the residents' rooms for the time noted. The sound level meter was logging the sound music sound levels in the bar on a one minute interval regularly throughout the monitoring session. The music noise was clearly heard in the first room at the initial sound levels and then the music sound level was slowly adjusted and reduced until it was inaudible. The first flat to be monitored flat 1; this was conducted with a resident in attendance and the noise breakout was primarily structural borne but also some airborne noise break out from the fire exit immediately below his window. At flat 2 , to the rear, the music was primarily structure borne also some airborne from the flat roof below. Again in flat 4 above the music noise was again structure borne but also some airborne radiating from the flat roof.

#### **3.4 Monitoring out on the flat roof.**

There was some vibration coming from the flat roof and the large sky light was inspected but this appeared to have similar levels of vibration to the other areas of the roof and was not a problem in itself. There was also clearly music noise breakout heard from the old fan apertures in the side wall facing east. The vibration was clearly felt on the main vertical wall to the house at the junction of the flat roof and where it butts up to the main building; this was of a higher level than the vibration to the side walls and the end wall.

#### **3.5 Music noise breakout heard and potential noise breakout routes**

- Airborne breakout through the main entrance doors.
- Airborne noise breakout through the fire exit door at the side.
- Structural music noise through to the residents above.
- Airborne music noise breakout through the old fan apertures above the flat roof.

### **3.6 Initial discussions, for immediate recommendations**

Discussions were held with the manager about what had already been done about noise control and some possible solutions to improve the noise break out which could be put into place quickly. A list of recommendations was discussed and is summarised in the discussion section of this report.

### **3.7 Sound measurements and locations.**

The main monitoring locations were chosen, and sound levels measured. The main sound level meter, a Bruel and Kjaer 2260 type 1 sound analyser, was used at a height of 1.5m. The meter was set in third octave and octave band environment mode and snapshot mode as appropriate to each measurement period.

The meter was used with a wind shield, and calibrated before and after the survey.

The monitor locations were chosen as below;

- A In the rear music bar at the far end in the middle of the room 2m from the nearest loud speaker.
- B Outside the fire exit doors.
- C Outside the main front entrance doors.
- D In residents flat 1.
- E In residents flat 2.
- F In residents flat 4.
- G Out on the flat roof.

## 4 Results and Analysis.

### 4.1 Music sound levels inside bar. (Wednesday 28<sup>th</sup> November 2007)

The sound system was set up with the music playing typical dance music through the CD decks at a typical evening sound level, and measured at a distance of around 2m from the nearest speaker. The sound level meter was set in octave band logging mode and gave a result in terms of music sound level in dB Leq linear<sub>1 min.</sub>

#### Initial Music sound levels:

Monitor location A, near the dj, in the music bar at the rear (2 metres from the speakers):

Initial Music Sound level = 114 dB Leq<sub>1 min.</sub> (Linear), 103 dBA Laeq<sub>1 min.</sub>

### 4.2 Acceptable music sound levels:

The sound level in the bar was reduced until acceptable whilst monitoring in the residents' rooms.

#### Monitoring in flat 1.

Monitor position A, in the rear music room bar (2 metres from the speakers):

Acceptable music Sound level = 98 dB Leq<sub>1 min.</sub> (Linear), 87 dBA Laeq<sub>1 min.</sub>  
( time 3.52 to 3.53)

#### Monitoring in flat 4.

Monitor position A, in the rear music room bar (2 metres from the speakers):

Acceptable music Sound level = 94 dB Leq<sub>1 min.</sub> (Linear), 82 dBA Laeq<sub>1 min.</sub>  
(time 4.35 to 4.36)

#### Monitoring in flat 2.

Monitor position A, in the rear music room bar (2 metres from the speakers):

Acceptable music Sound level = 89 dB Leq<sub>1 min.</sub> (Linear), 82 dBA Laeq<sub>1 min.</sub>  
( time 4.49 to 4.50)

An octave spectrum graph at the end of the report shows the measured music sound level in the bar, and shows the typical bass beat around 63Hz and 125 Hz for this type of recorded music, when at acceptable levels in the residents flat 2.

## **5 Discussion.**

**5.1** The application for later hours on the late entertainment license from the bar management, and complaints from the residents has given some concern to the local authority and these have been investigated fully in this survey and report. The bar has been investigated and discussed for building construction and potential noise break out. Noise levels have been monitored, at various locations around the bar and at the residents outside the bar, with the music off, and then with the music on, at typical times of the day. The construction of the building was examined and sources of potential noise break out identified and pointed out to the owner. A detailed list of recommendations was left with the manager after the first visit and these are now being implemented.

### **5.2 Sound system and sound levels intended in bar.**

The sound system used for background CDs in the front bar was fine, just a very small sound system. The rear music was well set up and had suitable amplifiers and loud speakers., however a better coverage of the whole area would be achieved with a greater number of smaller speakers and less substantial sub bass units. There was no sound limiter in the sound system and music levels could easily exceed 120 dB with such a system.

### **5.3 Responsible attitude shown by bar owners, and measures already put in place.**

The owners of the bar are well aware of the implications of the noise issues surrounding the bar, and the value of their business, and they have shown a responsible attitude in taking expert advice and commissioning this report to investigate the noise situation. They have already put some noise reduction measures in place prior to, and in addition to the professional advice and recommendations made in this report.

They have:-

- Moved the music operation from the front bar where the residents are immediately above to the rear music bar as far away from the residents as possible.
- Moved the loud speakers as far away from the residential area as possible.
- Put in place the improved staff management.
- Reduced the volume at once if any complaints were received.
- Taken good advice in commissioning a professional independent acoustic consultants noise survey and report.

### **5.4 Noise reduction measures**

A simple immediate solution would be to turn down the volume of the music to a lower level, and keep it at this level. Although some reduction in music sound level may be desirable, the club is operating as an entertainment venue and it would not be realistic to reduce the sound level to very low levels as this would become unviable as a music business. The music sound levels measured in the rear bar after the volume was reduced certainly fall into this category and some serious improvement to the sound proofing of the building is required.

Of course the more improvements are made to the construction of the building the louder the music can be without giving rise to complaints. To continue to play the music at a reasonable volume some immediate basic soundproofing improvements to reduce the noise breakout are recommended, and are detailed below.

### **5.5 Music noise breakout heard and potential noise breakout routes**

- Airborne breakout through the main entrance doors.
- Airborne noise breakout through the fire exit door at the side.
- Structural music noise through to the residents above.
- Airborne music noise breakout through the old fan apertures above the flat roof.

## **5.6 Proposed solutions and improved soundproofing.**

The soundproofing improvements detailed below, when complete, will enable the music sound levels in the basement to be operated at a reasonable level, if desired, and still meet the criteria of the local authority. If the music sound levels are required to be much louder, then much more substantial building work and sound proofing will be necessary. The volume control sound limiters would then need to be re-calibrated and set for sound limits that still meet the criteria when all the building work improvements have been completed.

The building works should be considered in phases to see if more work is necessary to still maintain the sound level, or, if a reduction in sound level is acceptable then less building work is needed.

Regular noise tests at major stages of the project are recommended; this ensures the most cost effective use of any budget set for sound proofing and noise reduction measures. Note that building control and also the fire officer must give confirmation of acceptance after these works are complete.

## **5.7 List of initial recommendations for the Laughing Buddha Restaurant Bar.**

(Building works) (See sketches)

### **A Full acoustic entrance lobby.**

The entrance door presently used as a main entrance has one outer door that opens inwards, which is not acceptable for fire exit reasons. This is not very satisfactory as once the door opens there is a clear direct path for music noise to break out and be clearly heard at the residents outside. It is therefore recommended that a new lobby be installed with doors that open outwards to meet the fire regulations, and to ensure that there is a full acoustic lobby with two sets of doors in use. This will ensure that in normal operation with music playing, both sets of doors are never open at the same time. Thus one door opens to allow two or three people into the lobby whilst the second door is closed, the first door then closes and the second door opens to allow them into the main bar. With this effective operation, there will be no clear path for music noise breakout from the main bar directly outside to residents. There is a clear benefit in having a security person placed in the lobby to operate the doors at critical times through out the evening.

### **B Fire exit door in the main music area also.**

This door would benefit from increased mass and proper acoustic seals fitting both inside and outside.

### **C Internal partition wall to create an acoustic lobby between bars**

It is recommended that a partition wall is built under the beam that separates the flat roof from the residents above to completely enclose the music room at the rear, and this partition to have double doors that open outwards towards the fire exit. Partition should be built in timber stud work with plaster board sides, as detailed in the sketches; an alternative is to have windows in this partition wall using 8.8mm or 6.4mm laminated glass depending on the area. The glass should be on each of the partition walls.

### **D Improve the existing Partition**

There is already a small open partition with a fish tank in between the leaves of the opening. This should be improved again with double doors and windows in the existing apertures with 6.4mm or 8.8mm laminated glass either side.

Fit door closers on all internal doors between the bar and the kitchen, and the two bars.

### **E New independent acoustic ceiling**

The ceiling of the music room and also the ceiling of the area between the two partition walls should be improved substantially to reduce music noise break out with a new independent acoustic ceiling. New joists on rubber insulated joist hangers should be suspended across the shortest span of the room and layers of plasterboard fixed to the underside of the joists with substantial amounts of rockwool insulation above in the void. The greater the gap

between the old existing ceiling and the new independent ceiling the better particularly for bass reduction, up to and beyond 500mm is acceptable.

**F Block off old aperture hole in side wall.**

This should be blocked off with plasterboard and rockwool insulation and then sealed tightly closed.

**Consider these two building works as second phase of works after interim sound test:-**

**F New independent stud walls**

To complete the rear music room the walls should be isolated with the installation of additional acoustic walls against all the existing structural walls. This is basically again a timber stud construction with plasterboard fixed to the front and rockwool in the void and sitting on a rubber isolation system. The greater the gap between the new acoustic wall and the old existing structural wall the better the reduction in low frequency in bass music noise.

**H Air-conditioning and ventilation**

Consideration should be given to improving the air-conditioning as required and also consideration for ventilation in line with building control recommendations. Where we have got blocking off the fans I would take out with blocking off with brick work and block off with layers of plasterboard and Rockwool insulation.

**5.7 Sound system. (See sketches)**

**It is recommended to:**

- Use four smaller full range loud speakers rather than just two large loud speakers,
- Suitable speakers would be Electrovoice SAX 300 or similar.
- Install all loud speakers on anti-vibration foam matt shelves or on anti-vibration spring mounts on chains suspended from the ceiling.
- Install Formula Sound AVC2 sound limiter to effectively control music sound levels in the bar.
- Fit all control electronics behind tamper proof panels in the music area behind the bar.
- Acoustic Consultant to set up sound system and then to calibrate the sound limiter when all building work complete and sound system ok, and issue calibration certificates.

**5.8 Volume controllers and sound limiters.**

It is generally understood that most local authorities now require licensed premises in operation with music after 11pm to have some kind of volume controller or limiting device to control sound levels. The use of a volume controller does give a lot of peace of mind to senior management when the possibility of complaints exists with music noise. They also protect the expensive loudspeakers from damage due to excessively loud sound levels.

This will ensure that in future the local authority noise criteria is always met, and there are no more complaints. The management is also given more peace of mind with new staff, who generally are not so aware of the problems caused by high sound levels.

It is recommended that the sound web system be set up with compressor limiters installed at various stages of the programme chain primarily for the DJ system the MC microphone and the overall sound system to ensure that sound levels do not exceed set levels. If this can not be successfully achieved, it is then recommended that for complete peace of mind and protection, a Formula Sound AVC2 volume controller be installed and calibrated by the consultant to a set music sound level which is determined by listening outside the bar, and adjusting the music level in the bar until any music noise breakout is just inaudible at residents. Obviously when the soundproofing improvements are complete then this music sound level could be higher since the noise break-out will be reduced. When the local authority noise criteria is met near the residents for inaudibility after 11pm the music sound level is set on the controller and the unit is calibrated. A full certificate of calibration is then issued by the consultant.

### **5.9 Staff and management procedure.**

It is essential that all the staff are made aware of the noise implications to the business and the consequences of further noise complaints. A briefing is recommended to inform staff, with notices to remind staff placed around the bar. Lobby doors should be kept closed as much as possible as this forms a clear route for the music noise to break out; customers must be persuaded not to linger around near the doors and come in and out as quickly as possible. The operation of the entrance lobby should be such that two or three people can come in at any time with door always closed between the bar and the street. This needs to be impressed upon the door security staff and regularly monitored by the bar management to ensure the procedure is working effectively.

It is further recommended that the duty manager of the bar regularly conducts inspections outside to ensure there is no noise breakout, and to monitor the effective operation of the security staff. A set of notices posted on each of the exit doors would remind customers of the noise situation and ask them to respect the neighbours and leave as quietly as possible.

### **5.10 Door security, and outside bar.**

Security doormen, registered with the local authority should be considered after 11pm to control the customers entering and leaving the bar; a good doorman can make a big difference in the behaviour of the customers, and prevent unnecessary shouting and car door slamming. He should also have a good knowledge of the local mini-cab firms to prevent horns blaring late at night from cabs and customers cars. A good reliable mini-cab firm should be selected and used on an exclusive contract to provide a quiet way for customers to leave the bar late at night.

### **5.11 Video security cameras. CCTV**

Video cctv cameras and recorders should be installed to increase security around the bar, near the lobby doors and immediately outside the bar on the street. This is often in line with local police recommendations and helpful general advice can be given by local police neighbourhood officers.

### **5.12 Progress so far.**

The bar management are well aware of the implications of the noise issues surrounding the bar, and have taken professional advice in commissioning this report to investigate the noise situation. Immediate instructions have been given to contractors based on the recommendations given in this report. They are currently doing as much as possible to implement the recommendations made in this report as quickly as possible in order to meet the noise criteria of the local authority and to keep any disturbance to nearby residents to the absolute minimum. Most of the major building works are now being costed and implemented. After the initial improvements are made, the sound limiter and sound system can be set for an interim acceptable music sound level and calibrated. As the more extensive building works are completed and the improvements in place then the limiter music sound level may be re-set, whilst still ensuring of course that there is no music noise breakout and the situation remains acceptable for the residents. The bar management are actively in discussion with the landlord to take the lease of flats two and four for staff purposes in which case the inaudibility criteria will then be able to be reset at a higher level, to suit existing residents in flat 1, than at present as the criteria would be set for flat 2.

### **5.13 Late licence application.**

The local authority noise criteria for a late licence application after 11pm is one of inaudibility at the nearest resident's house. The new sound system for music will need to be well installed and also there is a need for some essential improvements to the sound proofing to create a reasonable sound level. There has been some noise break out observed, however the noise reduction measures recommended in this report should achieve that requirement and a simple inspection after the final recommendations are complete when the sound limiter is set will confirm the acceptability of the bar for the late licence. The bar management will then have fulfilled all the requirements and conditions of the local authority to enable the licence to be granted.

## **6 Conclusion and Recommendations.**

**6.1** The management of the bar are to apply for extended hours to their music and dance licence, and the local authority have concerns about music noise breakout. It is understood there have been some complaints from local residents about noise from the bar. This report gives professional advice about the noise issue and addresses those concerns.

**6.2** The bar has been investigated for building construction and potential noise problems. The building is large, and substantially built and is certainly capable, with improvements as recommended, of operating as a music bar without causing disturbance to residents. Sound levels have been monitored under typical operating conditions and general observations were made at various locations in and around the bar and at the residents.

**6.3** Some potential noise break-out was observed and requires immediate attention for the bar to be able to play music at a reasonable volume without complaints, especially if the licence application is to be successful.

**6.4** A scheme of building works and noise reduction measures has been proposed to remedy the noise situation. A detailed list of recommendations has been made throughout the project and is listed in the report, and these are now being implemented. The improvements to the building will have long term benefits and enable the bar management to fulfil all the local authority noise criteria.

**6.5** When these works are complete then a final noise test should be performed. This will generally involve the setting up and calibration of these sound limiters and inaudibility tests, and then the issue of calibration certificates by the consultant. This will ensure full compliance with all the local authority noise criteria conditions and provide acceptance for the late licence and planning application.

**6.6 List of initial recommendations for the Laughing Buddha Restaurant Bar (See sketches).**

### **Building works.**

- Main entrance lobby
- Fire exit doors; improve mass and seals.
- New partition wall with double doors.
- Improve existing partition wall to form effective lobby near the fire exit doors.
- New independent acoustic ceiling.
- Block off old fan routes on flat roof

Consider as second phase of works after interim sound test

- New independent acoustic walls.

### **Sound system.**

- Install four new mid range and full range speakers one in each corner of the room set into the room well on anti-vibration foam matt or spring system. If sub bass speakers are used put at the far end towards the DJ. Install Formula Sound AVC2 sound limiter to effectively control music sound levels in both bars
- Acoustic Consultant to set up sound system and then to calibrate the sound limiter with all building work complete and sound system ok, and issue calibration certificates.



**Staff management:-**

- Keep all doors and windows closed after 8pm.
- Notices posted asking customers to respect the neighbours and to leave quietly.
- Remind all staff of the noise issues; briefing to staff and notices in kitchen and bar. Instruct staff in operating sound system correctly.
- DJs and musicians **not** to bring in any additional PA sound equipment, use in house system.
- Keep all lobby doors closed as much as possible: Prevent customers lingering outside or in lobbies under direction of security staff.
- Sufficient Registered security staff on doors to supervise clients leaving quietly and in an orderly fashion, late at night, especially outside on the street.
- Manager to regularly monitor outside for any noise breakout and to confirm effective operation of security staff.
- Install CCTV cameras to monitor security inside and outside.
- Consultant to calibrate and inspect the sound limiters annually and issue calibration certificates to maintain licence conditions.

Shaun Murkett 4<sup>th</sup> December 2007

  
Shaun Murkett  
Acoustic Consultants Ltd.

## Certificate of calibration. Feb 2007

This is a certificate of calibration for the sound controlling equipment installed at the Laughing Buddha Restaurant bar, 653 Commercial rd under the management of Rob Miah. The noise limiting device installed is a Formula Sound AVC 2 volume controller sound limiter, serial number 022760, for the sound system, to control internal sound levels in the bar.

The sound system comprised cd players and decks, a Numark dj mixer, and then to the sound limiter, and then to the rack with an IMG Stageline STA 700 amplifier for the two large mid high units Kam ims pro 15 on stands.

To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, with inaudibility at the residents, a limit on the internal music sound level from amplified music has been agreed.

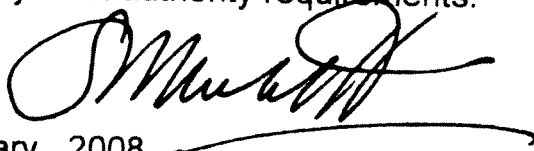
The sound controller limiter has been set to an internal music sound level limit of:-

96 dB Leq <sub>1 min.</sub> linear, 86 dBA Laeq <sub>1 min.</sub>, 87 dB at 63 Hz; 95 dB at 125 Hz

Measured at around center of rear music bar, near dj, at 2 m from the nearest loudspeaker.

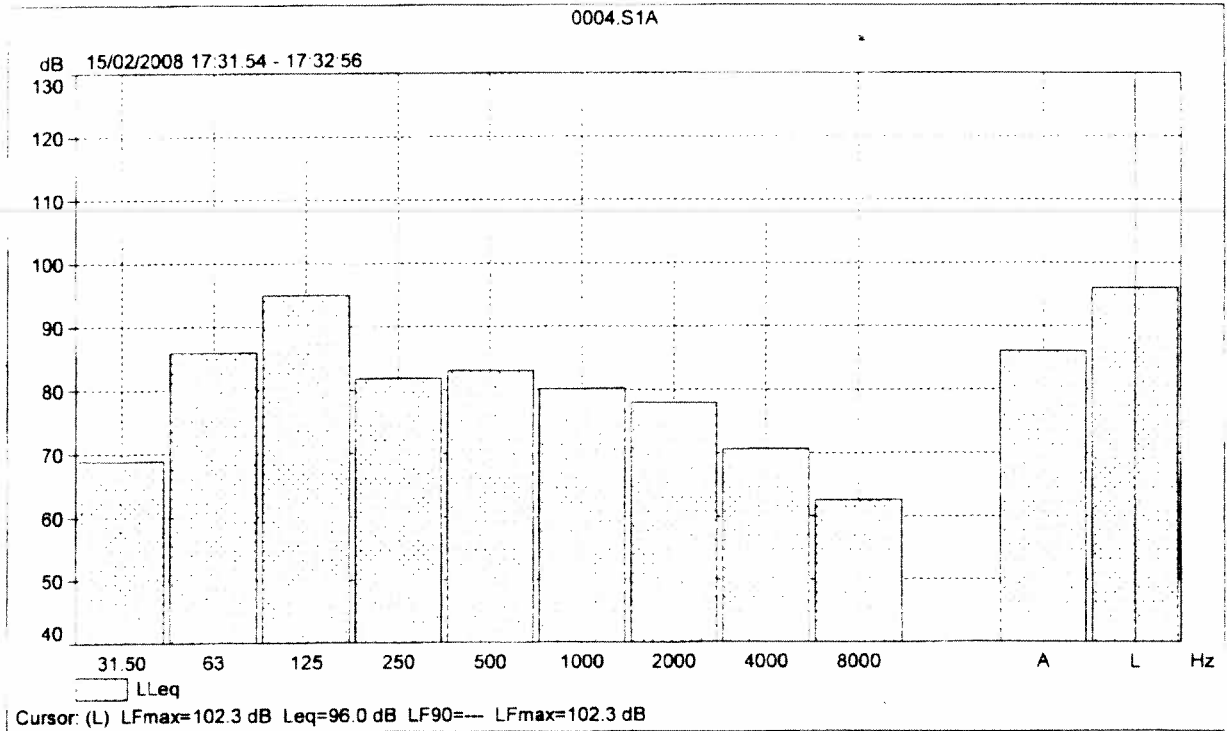
This calibration was made with a Bruel and Kjaer type 1 sound level meter in accordance with relevant British Standards, at around 3 pm on 15<sup>th</sup> February 2008, and witnessed by bar manager, the managing agent for the residents, and Shaun Murkett, and to be confirmed by a member of the Local authority noise team as convenient.

This calibration is valid only for the equipment as specified above, and for one year only. It is part of the licence conditions to inspect and re-calibrate the limiters annually by a professionally qualified consultant accredited by the Institute of Acoustics to satisfy local authority requirements.



Shaun Murkett 18<sup>th</sup> February 2008

1 Clissold Road, Stoke Newington, London N16 9EX  
tel 020 7923 7275 fax 020 7503 4917  
www.shaunmurkett-acoustics.com  
mb 07956 367598 or market@aol.com  
registered company no. 3708245 vat. reg no. 778 - 2825 - 80  
Managing Director and Principal consultant: Shaun Murkett BSc. C.Eng. MIEE. MIOA



Octave frequency spectrum of sound of music measured  
in centre of rear bar, near dj at 2 metres from nearest speaker.  
Sound limiter calibration,

Laughing Buddha Restaurant Bar, 653 Commercial rd. E14  
15th February 2008,

Sound level 96 dB Leq linear 1min , ( 86 dBA Laeq. 1 min.)

©  Shaun Murkett  
Acoustic Consultants Ltd.

tel 020 7923 7275



# APPENDIX 10

**STATEMENT OF WITNESS**

(C.J. ACT 1967, S.9; M.C. ACT 1980 S. 102; M.C. RULES 1981 R.70)

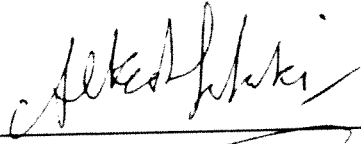
Statement of Alkesh Harilal Solanki

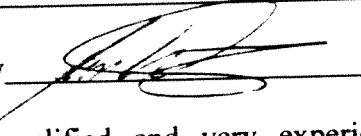
Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

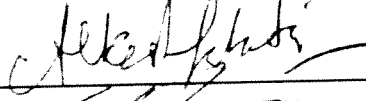
This statement consisting of 4 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 6<sup>th</sup> day of February, 2008

Signed 

Signature witnessed by 

1 My name is Alkesh Harilal Solanki. I am a qualified and very experienced  
2 Environmental Health Officer having obtained the BSc (Hons) Environmental Health  
3 having qualified since July 1998. I have worked in several Local Authorities  
4 throughout London over the past 10 years and have obtained considerable experience  
5 in the investigation of both noise complaints and the enforcement of noise control  
6 legislation under the Environmental Protection Act 1990 (as amended by the Noise  
7 and Statutory Nuisance Act 1993 and the Control of Pollution Act 1974). Currently, I  
8 am employed by the London borough of Tower Hamlets in the Environmental  
9 Protection Division within the Directorate of Communities, Localities & Culture at  
10 Anchorage House, Clove Crescent, E14 as an Environmental Health Officer. On  
11 Saturday the 9<sup>th</sup> January, 2008, at approximately 02.05 hours whilst on duty on the  
12 Council's Out of Hours Noise Patrol Service, I received a complaint from Mr Sims,

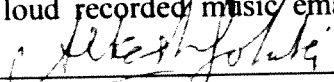
Signature 

Signature witnessed by 

STATEMENT OF WITNESS

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70)

Continuation of statement of Alkesh Harilal Solanki

13 who resides at flat 4, 653, Commercial Road, London, E14 7LW of noise nuisance  
14 being caused from the playing of excessively loud music emanating from the  
15 Laughing Buddha, 653, Commercial Road, London, E14 7LW. At approximately  
16 02.10 hours I arrived in Commercial Road. Upon arriving in Commercial Road, I  
17 parked my car a short distance from the premises and got out with my security officer.  
18 I observed a large crowd of people standing outside on the public footpath smoking  
19 and talking loudly. At approximately 02.13 hours, I arrived in the complainants flat  
20 and could clearly hear very loud amplified music being played causing a statutory  
21 noise nuisance as defined under section 79 of the Environmental Protection Act 1990.  
22 Excessively loud bass music and vocal music was clearly audible within the  
23 complainant's one bedroom flat with all the windows closed. I duly logged and  
24 recorded this on the complaint/service request form whilst in the complainants flat.  
25 Shortly afterwards, myself and my security officer visited the Laughing Buddha I  
26 asked a member of the door staff to ask that the owner leaves the premises and comes  
27 outside so that I could interview him. A short while later a middle aged gentleman  
28 emerged from the premises and gave his name as Mr Rob. Mr Rob informed me that  
29 he is the licensee and the designated premise supervisor. I produced my identification  
30 and informed him that I was an Environmental Health Officer on duty on the  
31 Council's Out of Hours Noise Patrol Service and that I had received a noise complaint  
32 from a resident of excessively loud recorded music emanating from the premises. I  
33 then informed him that I had witnessed a statutory noise nuisance being caused from  
34 the playing of excessively loud recorded music emanating from the premises and  
Signature \_\_\_\_\_ 

Signature witnessed by \_\_\_\_\_ 

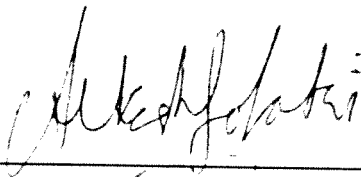
**STATEMENT OF WITNESS**

(C.J. ACT 1967, S.9; M.C. ACT 1980 S.102; M.C. RULES 1981 R.70

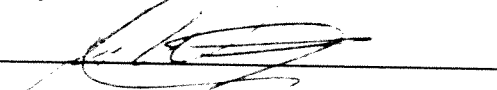
Continuation of statement of Alkesh Harilal Solanki

35 intended to serve an Abatement Notice on him under section 80 of the Environmental  
36 Protection Act 1990 requiring him to abate the nuisance unless he goes back inside  
37 and turns the music down to an acceptable level. Whilst Mr Rob went inside to adjust  
38 the volume I called the client, Mr Sims, and asked him to stay on the line whilst I  
39 negotiate a reduction in the volume. Mr Rob and his doorman went in and out of the  
40 venue until Mr Rob conceded that he will have to switch the music completely off to  
41 satisfy the client. At 02:45 hours the client confirmed that he could no longer hear  
42 any music. I explained to the client that Mr Rob has turned the music off. Mr Rob  
43 asked me not to inform my colleague, Mr Ian Wareing, who is a Technical Officer  
44 employed by the Council in the Environmental Protection Division, about tonight's  
45 complaint. I did not acknowledge this request. I left the Laughing Buddha at 02:52  
46 hours.

Signature \_\_\_\_\_



Signature witnessed by \_\_\_\_\_





# APPENDIX 11

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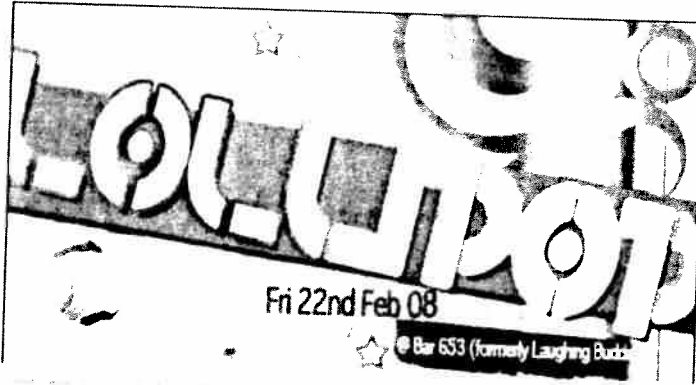
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Terry Harman. <terryh1990>: LOLLIPOP, WHICH NIGHT?



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2) Click "Calculate Your Love"

Calculate Your Love

Done

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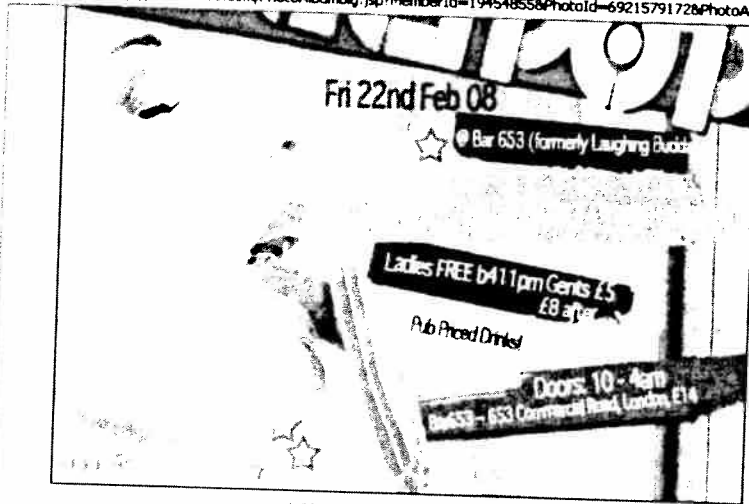
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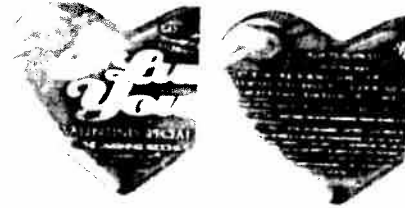
Events

I Luv You Valentines Special

Featured

Calendar

- 1 Friday
- 2 Saturday
- 3 Sunday
- 4 Monday
- 5 Tuesday
- 6 Wednesday



STREET STYLE ENT AND TENZ ENT PRESENTS I LUV YOU VALENTINES SPECIAL

5	Tuesday	
6	Wednesday	
7	Thursday	STREET STYLE ENT AND TENZ ENT PRESENTS I LUV YOU VALENTINES SPECIAL
8	Friday	
9	Saturday	DATE
10	Sunday	16-02-2008
11	Monday	TIME
12	Tuesday	22:00:00 to 00:00:00
13	Wednesday	VENUE
14	Thursday	The Laughing Buddha
15	Friday	ADDRESS
16	Saturday	653 Commercial Road
17	Sunday	CITY
18	Monday	London
19	Tuesday	POST CODE
20	Wednesday	E14 7LW
21	Thursday	GENRE
22	Friday	Sexy RnB, Hip Hop, Bashment, Funky House & Slow Jams
23	Saturday	FREE ROSE & A GLASS OF CHAMPAGNE FOR THE 1ST 50 LADIES!
24	Sunday	BEST DRESSED! ANY GETS £100 CASH!

- Friday
- Thursday
- Wednesday
- Tuesday
- Monday
- Sunday
- Saturday
- Friday
- Next

FREE ROSE & A GLASS OF CHAMPAGNE FOR THE 1ST 50 LADIES!

BEST DRESSED LADY GETS £100 CASH!

Info & Guestlist: 07960 400 701 // 07961 025 019

FOR A FREE SLOWJAM CD TEXT CD WITH UR NAME & ADDRESS TO 07960 400 701 ASAP

INFO

COLD AS ICE  
G-ENTS  
CELEBRITY SUPA  
DT  
MUSIC MAN  
DJ FACE & ROCKYBOSS  
MR WHYTE  
DTL  
DJ NECTAR & RAVEN  
S-CLIQUE  
ROADBLOCK LTD  
DJ SEAN

ADMISSION  
£10 ON GUESTLIST / MOTD  
PRESSED



- Thursday
- Friday
- Next

INFO

COLD AS ICE  
G-ENTS  
CELEBRITY SUPA  
DT  
MUSIC MAN  
DJ FACE & ROCKYBOSS  
MR WHYTE  
DTL  
DJ NECTAR & RAVEN  
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Free Cursors!

People

Search

powered by Google

### Music >> All Shows for MC VERSATILE

[View Band Profile](#)

**03/01/2008 08:00 PM - BLUE ICE**  
ILFORD, LONDON, FUNKY -

1 HOUR SET

**03/01/2008 08:00 PM - TBC**  
BIRMINGHAM, LONDON, -

1 HOUR SET

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http://collect.myspace.com/index.cfm?fuseaction=bandprofile.listAllShows&friendid=112923344&n=MC+VERSATILE

Go

**03/01/2008 08:00 PM - TBC**  
BIRMINGHAM, LONDON, -

1 HOUR SET

**03/09/2008 08:00 PM - BAR 523**  
COMMERCIAL ROAD 523, LONDON, London and South East -

DA JOURNEY EVERY SUNDAY

**03/15/2008 08:00 PM - TELEGRAPH**  
BRIXTON HILL, LONDON, London and South East -

FUNK NB FIRST TIME IN TELEGRAPH

**03/16/2008 08:00 PM - BAR 653**  
653 COMMERCIAL ROAD, LONDON, -

DA JOURNEY

**03/16/2008 08:00 PM - BAR 653**  
653 COMMERCIAL ROAD, LONDON, -

DA JOURNEY

**03/21/2008 08:00 PM - SE 1**  
LONDON BRIDGE, LONDON, London and South East -

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FUNK NB FIRST TIME IN TELEGRAPH

03/16/2008 08:00 PM - BAR 653  
653 COMMERCIAL ROAD, LONDON, -

DA JOURNEY

03/16/2008 08:00 PM - BAR 653  
653 COMMERCIAL ROAD, LONDON, -

DA JOURNEY

03/21/2008 08:00 PM - SE 1  
LONDON BRIDGE, LONDON, London and South East -

JAMBREE LIVE P.A OF TELL ME

03/23/2008 08:00 PM - BAR 653  
COMMERCIAL ROAD 653, london, London and South East -

DA JOURNEY EVERY SUNDAY THIS NIGHT IS VERY SERIOUS

MySpace - Microsoft Internet Explorer provided by Tower Hamlet.

File Edit View Favorites Tools Help

Back

Search

Favorites

http://collect.myspace.com/index.cfm?fuseaction=bandprofile.lstAllShows&friendid=851732668n=DJ+NG%3A+URBANCE+

MySpace.com Privacy | Help | Sign Up

**WINTER NIGHTS** Top Secret Hotels  
up to 25% off  
4\* & 5\* hotels → [lastminute.com](http://lastminute.com)

People Search powered by Google

Music >> All Shows for DJ NG: URBANCE - TELL ME - RINSE.FM FRIDAYS 5 - 7PM

[View Band Profile](#)

02/29/2008 11:00 PM - Funky Circles @ Circle Bar Clapham  
Clapham sw Ldn, SW LDN, -

03/01/2008 08:00 PM - Blue Ice Ilford. - TELL ME LIVE P.A. + DJ set  
Blue Ice, Ilford, Ilford, East LDN, -

03/01/2008 11:00 PM - TELL ME LIVE n.a. @Melodias. Kinns Norton.

Internet 17:36

MySpace - Microsoft Internet Explorer provided by Tower Hamlet.

File Edit View Favorites Tools Help

Back Search Favorites

http://collect.myspace.com/index.cfm?fuseaction=bandprofile.lstAllShows&friendid=851732668n=DJ+NG%3A+URBANCE+

03/15/2008 11:00 PM - TELL ME p.a. + DJ/MC set @ FUNK N B @  
Telegraph, Brixton  
Telegraph, Brixton Hill, SW LONDON, LIVE P.A. / DJ/MC, -

03/16/2008 11:00 PM - NEW weekly Sunday night: "The Journey"  
@ a new Private Location, more details to come, -

03/21/2008 11:00 PM - Virgos Night club, Old Kent Road  
old kent road (near fly over), SE. LONDON, UK, -

03/21/2008 11:00 PM - Jamberee @ SE1 Club, London Bridge (TBC)  
SE1, London Bridge, SE1, London Bridge, -

03/23/2008 08:00 PM - Kiss an Tell @ The Manor, Manor House (TBC)  
The Manor, Manor House, N. LDN, N.London, UK, -

03/23/2008 11:00 PM - "The Journey" (Sunday weekly)  
@ a new Private Location, more details to come, -

03/23/2008 11:00 PM - "Essential" parties - TELL ME LIVE P.A. = DJ Set  
@ Urban Inc, Millenium Dome, London, -

Internet 17:37

MySpace - Microsoft Internet Explorer provided by Tower Hamlet.

File Edit View Favorites Tools Help

Back Search Favorites

http://collect.myspace.com/index.cfm?fuseaction=bandprofile.lstAllShows&friendid=851732668n=DJ+NG%3A+URBANCE+

**03/28/2008 08:00 PM - Tell Me What it is?! @ Milton Keynes**  
Milton Keynes - see flyer on page, MK, -

**03/30/2008 11:00 PM - THE JOURNEY - BAR 653 Commercial Road**  
BAR 653, 653 commercial Road, E14 7LW, -

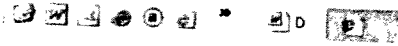
**04/04/2008 11:00 PM - Sex and the city @ Loom Bar**  
Loom Bar, West End, West End, London, -

**04/05/2008 11:00 PM - True Blue @ Blue Ice, Streatham**  
Blue Ice Bar, Streatham High road, SW London, -

**04/06/2008 11:00 PM - THE JOURNEY - BAR 653 Commercial Road**  
BAR 653, 653 commercial road, E14, E.14 7LW, -

**04/12/2008 11:00 PM - Ardour @ The Papermill**  
The Papermill 2-6 Curtain rd, LDN, EC2A 3NQ, 1hr DJ set, -

**04/19/2008 11:00 PM - Sex and the city / Ravershing PR - TELL ME**  
LIVE P.A. + DJ set  
central LDN, venue t.b.c., -





# APPENDIX 12



**Environment & Culture  
Trading Standards and Environmental  
Health (Commercial)**

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ

Head Of Service    Colin Perrins  
Tower Hamlets  
Licensing Section  
Mulberry Place (AH)  
PO BOX 55739  
5 Clove Crescent  
London E14 1BY

31 August 2007

Tel    020 7364 5171  
Fax    020 7364 0863  
Enquiries to    Kathy Butler  
Email [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)

Your reference  
My reference TSS/LA03/031993

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Mr. Uddin,

**Licensing Act 2003, Sections 136 and 137  
Premises: Laughing Buddha, 653 Commercial Road, London, E14 7LW**

This Licensing Authority have received complaints regarding your premises alleging carrying on regulated activities later than permitted on your current premises licence. A visit has been made by an officer and has noted your advertisement stating you are open until 4:00am.

I must remind you that your current hours are:  
**Monday, Tuesday, Wednesday from 12:00hours until 00:30 hours  
Thursday, Friday, Saturday and Sunday from 12:00 hours until 03:00 hours**

I must advise you that;  
It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation.

**A person guilty of an offence under section 136 and 137 of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.**

You are advised to cease the unauthorised licensing activity with immediate effect.

M:\Licensing\Word97\ENFORCEMENT\EnfLetters\Unlicensed\CommercialSt653.001 doc




2007 - 2008  
Best Local Government  
2003 - 2007  
Winner of 5 Consecutive  
Beacon Awards



Corporate Director  
Environment & Culture  
Ms. Alex Cosgrave

For further advice please contact your legal representative. If you wish to apply for a variation of the premises licence, the application forms and further details are available upon request from the Licensing Authority, please contact me on the number given at the top of this letter.

Yours sincerely



**Kathy Butler**  
**Consumer Services Officer**  
**Licensing**

**Environment & Culture  
Trading Standards and Environmental  
Health (Commercial)**

Mr. Rob Miah  
663 Commercial road  
London  
E14 7LW

Head Of Service    Colin Perrins  
Tower Hamlets  
Licensing Section  
Mulberry Place (AH)  
PO BOX 55739  
5 Clove Crescent  
London E14 1BY

31 August 2007

Tel    020 7364 5171  
Fax    020 7364 0863  
Enquiries to Kathy Butler  
Email [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)

Your reference  
My reference TSS/LA03/031993

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Mr. Miah,

**Licensing Act 2003, Sections 136 and 137  
Premises: Laughing Buddha, 653 Commercial Road, London, E14 7LW**

This Licensing Authority have received complaints regarding your premises alleging carrying on regulated activities later than permitted on your current premises licence. A visit has been made by an officer and has noted your advertisement stating you are open until 4:00am.

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2007 - 2008  
School Improvement  
2003 - 2007  
Winner of 5 previous  
Beacon Awards



Corporate Director  
Environment & Culture  
Ms. Alex Cosgrave

For further advice please contact your legal representative. If you wish to apply for a variation of the premises licence, the application forms and further details are available upon request from the Licensing Authority, please contact me on the number given at the top of this letter.

Yours sincerely



**Kathy Butler**  
**Consumer Services Officer**  
**Licensing**

**Environment & Culture  
Trading Standards and Environmental  
Health (Commercial)**

Head Of Service    **Colin Perrins**

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ

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

Tel    **020 7364 5171**

Fax    **020 7364 0863**

Enquiries to **Kathy Butler**

Email [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)

5 November 2007

Your reference  
My reference TSS/LA03/033640

Dear Mr. Uddin

**Licensing Act 2003**

**Premises: Laughing Buddha, 653 Commercial road, London E14 7LW**

The Licensing Authority has received further complaints regarding your premises alleging noise and unlicensed activities into the early hours of the morning. It has also been found that events are being advertised by means of flyposters and internet adverts for your premises on Friday 9<sup>th</sup> November 2007 and Saturday 10<sup>th</sup> November 2007.

You were warned on 31<sup>st</sup> August 2007 regarding unlicensed activities and again must remind you that you are licensed for sale of alcohol, late night refreshment and **background music only**.

Your hours are as stated below and **INCLUDE** drinking up time

**Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day  
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days**

The details of the adverts are:

**EVENT: Friday 9<sup>th</sup> November 2007**

Just Fabulous @ Laughing Buddha  
653 Commercial Road, London, E14  
& Every Friday After

7pm-4am

**FREE ENTRY**

M:\LICENSING\Word97\ENFORCEMENT\Enf\Letters\Unlicensed\CommercialRd653 002.doc



2007 - 2008  
School Improvement  
2003 - 2007  
Winner of 5 previous  
Beacon Awards



*Corporate Director  
Environment & Culture  
Ms. Alex Cosgrave*

**EVENT: Saturday 10<sup>th</sup> November 2007**  
Reggae Revival & Rare Groove Party.  
Bar 653  
653 Commercial Road, London E14 7LW

Admission £10  
Doors 10pm till Late

"This is another night for those who rave with real ravers to real music Make sure you reach"  
You won't be disappointed.

**It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;**

- 1) the sale by retail of alcohol (off or on sales)
- 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) the provision of late night refreshment (selling meals past 11pm)

**A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.**

**You are advised to cease the unauthorised licensing activity with immediate effect.**

For further advice please contact your legal representative.

Yours sincerely



**Kathy Butler**  
Senior Licensing Officer

c.c. Police Licensing Section, Bow Road Police Station, 111 Bow Road, London E3 2AN



**Environment & Culture  
Trading Standards and Environmental  
Health (Commercial)**

Head Of Service    Colln Perrins

Mr. Rob Miah  
663 Commercial road  
London  
E14 7LW

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

Tel    020 7364 5171

Fax    020 7364 0863

Enquiries to    Kathy Butler

Email [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)

5 November 2007

Your reference  
My reference TSS/LA03/033640

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**Premises: Laughing Buddha, 653 Commercial Road, London E14 7LW**

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**Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days**

The details of the adverts are:  
**EVENT: Friday 9<sup>th</sup> November 2007**  
Just Fabulous @ Laughing Buddha  
653 Commercial Road, London, E14  
& Every Friday After  
7pm-4am  
**FREE ENTRY**

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2007 - 2008  
School Improvement  
2003 - 2007  
Winner of 5 previous  
Beacon Awards



SENIOR PEOPLE



Corporate Director  
Environment & Culture  
**Ms. Alex Cosgrave**

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Reggae Revival & Rare Groove Party.  
Bar 653  
653 Commercial Road, London E14 7LW

Admission £10  
Doors 10pm till Late

"This is another night for those who rave with real ravers to real music Make sure you reach"  
You won't be disappointed.

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- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) the provision of late night refreshment (selling meals past 11pm)

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You are advised to cease the unauthorised licensing activity with immediate effect.

For further advice please contact your legal representative.

Yours sincerely



**Kathy Butler**  
**Senior Licensing Officer**

c.c. Police Licensing Section, Bow Road Police Station, 111 Bow Road, London E3 2AN

**Communities, Localities & Culture  
Trading Standards and Environmental  
Health (Commercial)**

Head Of Service    Colin Perrins

Mr. Forid Uddin  
52 Brockmer House  
Crowder Street  
London  
E1 OBJ

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

Tel    020 7364 5171  
Fax    020 7364 0863  
Enquiries to Kathy Butler  
Email [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

15 January 2008

Your reference  
My reference TSS/LA03/034548

Dear Mr. Uddin

**Licensing Act 2003**

**Premises: Laughing Buddha, 653 Commercial Road, London E14 7LW**

The Licensing Authority has received further complaints regarding your premises alleging noise and unlicensed activities into the early hours of the morning.

You have been warned on 31<sup>st</sup> August 2007 and 5<sup>th</sup> November 2007 regarding unlicensed activities and again must remind you that in regards to regulated entertainment you are licensed for background music only, if you wish to have any other entertainment you must apply for a variation of your premises licence.

In addition you do not have grandfather rights in relation to New Years Eve opening, therefore the hours of operation are your normal times.

**I have no option but to warn you again of the offences, however any further unlicensed activities will be referred to our Legal Department.**

**It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;**

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- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) the provision of late night refreshment (selling meals past 11pm)

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2007 - 2008  
Local Government  
2003 - 2007  
Mayor of London  
Award Awards



Corporate Director  
Communities, Localities & Culture  
Stephen Halsey

**A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.**

You are advised to cease the unauthorised licensing activity with immediate effect.

This letter is being copied to Environmental Health who may consider triggering a review of your licence if further noise complaints are received.

Yours sincerely



**Kathy Butler**  
**Senior Licensing Officer**

c.c. Police Licensing Section, Bethnal Green Police Station, 12 Victoria Park Road, London E2 9NZ  
Ian Wareing, Environmental Health Department, Anchorage House, E14  
HSR Solicitors, 526 Commercial Road, London E1 OHY

**Communities, Localities & Culture  
Trading Standards and Environmental  
Health (Commercial)**

Mr. Rob Miah  
663 Commercial road  
London  
E14 7LW

Head Of Service     Colin Perrins

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

Tel     020 7364 5171  
Fax     020 7364 0863  
Enquiries to Kathy Butler  
Email [Kathy.butler@towerhamlets.gov.uk](mailto:Kathy.butler@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

15 January 2008

Your reference  
My reference TSS/LA03/034548

Dear Mr. Miah,

**Licensing Act 2003**

**Premises: Laughing Buddha, 653 Commercial Road, London E14 7LW**

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2007-2008  
Licensing Authority  
2003-2007  
Licensing Authority  
2000-2003



Corporate Director  
Communities, Localities & Culture  
Stephen Halsey

- 3) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment (with or without a licence to sell alcohol)
- 4) the provision of late night refreshment (selling meals past 11pm)

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Yours sincerely



**Kathy Butler**  
**Senior Licensing Officer**

c.c. Police Licensing Section, Bethnal Green Police Station, 12 Victoria Park Road, London E2 9NZ  
Ian Wareing, Environmental Health Department, Anchorage House, E14  
HSR Solicitors, 526 Commercial Road, London, E1 OHY

# Appendix F



TOWER HAMLETS

Memorandum

31 MAR 2008

To Licensing Department  
From Planning Enforcement  
Contact Cain Duncan  
Extension 3975  
Date 31/03/08  
Our Ref. ENF/07/00343  
Your Ref.  
Subject Licensing Review and Objection

Development & Renewal Directorate  
Planning Enforcement  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY  
Tel 020 7364 3975  
Fax 020 7364 5415  
e-mail cain.duncan@towerhamlets.gov.uk

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

**Licensing Review, Laughing Buddha, 653 Commercial Road, London, E14 7LW**

It has come to the attention of the Planning Enforcement Service that the current premises licence hours are well in excess of the permitted hours granted under the planning permission for the property (PA/06/01807). The current permitted opening hours for the premise are as follows:

- a) 9am to 11:30pm Mondays to Thursdays,
- b) 9am to midnight Fridays and Saturdays, and
- c) 9am to 11:30pm on Sundays.

The current licensed hours for the premises (3am Friday and Saturday) are in direct conflict with the planning permission hours and are unacceptable due to the premises location, layout and late night noise and disturbance being caused to surrounding residents.

Information supplied from Environmental Health clearly shows the premises has caused significant noise problems to surrounding residents, has failed to keep to the conditions of the premises licence in terms of opening hours and by playing amplified music on a regular basis. These breaches are supported by observations from Planning Enforcement Officers who have seen illegal fly-posting throughout the Borough advertising events, and complaints to this department from surrounding residents.

Planning Enforcement wishes to support the review of the premises licence and object to the granting of a variation of the license on the following grounds:

**Public Nuisance**

The late night operation of the property, until 3am on weekends, is considered inappropriate and detrimental to the predominately residential character of the surrounding area. The property was granted planning permission for a restaurant use with an associated bar, however the use of the premises later in the evenings and early mornings (weekends) has now changed to a late night entertainment venue with amplified music and DJ's.

A planning application for a nightclub use was refused in 2005 as it was considered that the use of the site for this purpose, in such close proximity to a high concentration of surrounding residential uses, would be unacceptable and contrary to planning policy to prevent public nuisance and to protect the amenity of the area.



In the planning application for a nightclub, it was stated that the venue can hold up to 300 people and the hours of operation would be 10pm – 4am, Thurs-Sat & 10pm – 2am, Sun-Wed. Considering the significantly high number of proposed users it was considered that the proposal would result in a detrimental impact on the amenity of surrounding occupiers. The planning department also considered the proposal would lead to an increased level of noise and disturbance on the pavement surrounding the site, when patrons are both queuing to enter the premises and leaving in high volumes within unsociable hours.

Judging from evidence obtained from Environmental Health, it would appear that all of the above problems are now occurring and hence a review of the premises license on public nuisance grounds is justified.

When planning permission was granted in December 2006 for a restaurant, the noise insulation measures were considered appropriate based on restaurant conditions not a late night entertainment venue. There is a significant difference in the noise insulation requirements needed for a restaurant playing background music to that required by a nightclub with DJ's and dance music.

Environmental Health have indicated that some works have been undertaken to improve noise insulation, however this has not been adequate to prevent noise nuisances to neighbours as proven by the continued statutory noise nuisances being observed by the after hours noise team, nor will any form of insulation prevent late night noise and disturbances to residents from people leaving the premises.

Continuing to allow the late night operation of this premise's will almost certainly result in a continuing public nuisance.

### **Prevention of Crime**

Flyers from the premises have been displayed throughout the Borough on both public and private property. The flyers removed by Planning Enforcement have been for late night party events at 653 Commercial Road and have caused damage to street furniture and private dwellings. Restricting the use of the venue as a nightclub will prevent the continued illegal advertising and criminal damage carried out by the advertisers for this venue.

### **Conclusion**

Planning Enforcement support the application for a review of the Laughing Buddha's premises license and object to the proposed variation to the license to allow amplified music. The operation of this premise as a bar/club until 4am is causing an unacceptable level of noise and disturbance to surrounding residents at a time of the night when background noise is generally at a minimum. The advertising of late night party events has also resulted in illegal fly-posting throughout the Borough on both private and public property.

As a minimum, Planning Enforcement would request that the hours of operation are restricted to 12 midnight on weekends and 11:30pm on all other nights. This will prevent the use of the premises as a club and prevent the resultant early morning noise and disturbances to residents living on top of and in the vicinity of the premises.

As an aside, the hours currently granted on the premises license cannot legally be implemented as the premises only has planning permission to be open till 12 midnight on weekends. Action is due to be taken by planning to ensure compliance with these hours.



Cain Duncan  
**Planning Enforcement Officer**



Stephen Irvine  
**Development Control Manager**

# Appendix G

## Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Planning and Building Control

### PLANNING AND BUILDING CONTROL

- 13.64 The statement of licensing policy should indicate that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 13.65 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 13.66 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 13.67 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 13.68 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap. A planning authority may also make representations as a responsible authority as long as they relate to the licensing objectives.



# Appendix H

**Mohshin Ali**

**From:** Ian Bates [ian.bates@premierdespatch.com]  
**Sent:** 14 April 2008 15:01  
**To:** Mohshin Ali  
**Subject:** FW: Review of License Laughing Buddha, 653 Commercial Road

Flat 3,  
653 Commercial Road,  
London,  
E14 7LW

The Licensing Department,  
London Borough of Tower Hamlets,  
Mulberry Place (AH),  
P.O. Box 55739,  
5 Clove Crescent,  
London,  
E14 1BY

14 April, 2008

To whom it may concern,

I am writing in regards to the proposed review of licensing under the London Borough of Tower Hamlets Licensing Act of 2003 of:

**Laughing Buddha, 653 Commercial Road, London, E14 7HW.**

I have strong reservations about the proposed usage of the commercial space located beneath the flat currently rented by my wife and I, as well as three other residential flats. The reason that we are unhappy is that for approximately the last eight months the premises has been operating outside of the proposed opening hours and has played music at an unreasonably high level of volume, after originally opening as a restaurant. We find the use of the premises as a 'nightclub,' unacceptable as both the music as well as the patrons of the business creating disturbance in front of and at the side of 653 Commercial Road highly anti-social and this has had a detrimental effect on the quality of life of the residents of the flats above the Laughing Buddha. In the past, the music has started at approximately 22:00 on a Friday, Saturday or occasionally Bank Holiday Monday and although on average it finishes around 03:00 the following morning, there are occasions when the music has been played as late at 07:00 the next morning. In fact, this past weekend the premises were open until around 03:00am on Saturday 12<sup>th</sup> April and just after 04:00am on Sunday 13<sup>th</sup> April. The volume level on the night of Saturday 12<sup>th</sup> April through to the early hours of Sunday 13<sup>th</sup> April was completely unacceptable, my wife and I could hear what the host of the event was saying on his microphone and the volume of the music was vibrating the building. Furthermore, once the music had stopped we could hear altercations between the patrons outside, many of whose cars were parked in dangerous positions on what is a red-route during normal hours. On Sunday morning the police came, not at my request- so there should be some record of this activity. Over the past months I have witnessed several altercations between patrons both during the hours that the business is open, but more commonly at closing time- the security staff seem to have little effect on this taking place. The windows of the premises were vandalised at some point on Sunday and this is also not the first time this has happened. This vandalism never occurred before the premises changed from its original usage as a restaurant.

With the above in mind, we would be prepared to accept the continued operation of the business under the following criteria:

- It does not operate as a nightclub.

- On Friday and Saturdays: opening no later than 02:00am with no playing of unsociably loud music (without effective sound-proofing in operation.)
- Sunday through Thursday: Opening no later than 23:00 with no playing of unsociably loud music (without effective sound-proofing in operation.)
- For both of the above criteria the patrons of the premises should be promptly dispersed at the closing time detailed.

Please do not hesitate to contact us in regards to this licensing review if required either at the above address or by phone: (020)7 790 8136.

Your Faithfully,

Ian Bates

Ian Bates  
Account Manager

Direct Line 020 7657 7883

Fax 020 7657 7971

ian.bates@premiertransportgroup.com

www.premiertransportgroup.com

15-21 Risborough Street, London, SE1 0HG

**PREMIER** *transportgroup*

**Intelligent Transport Solutions**

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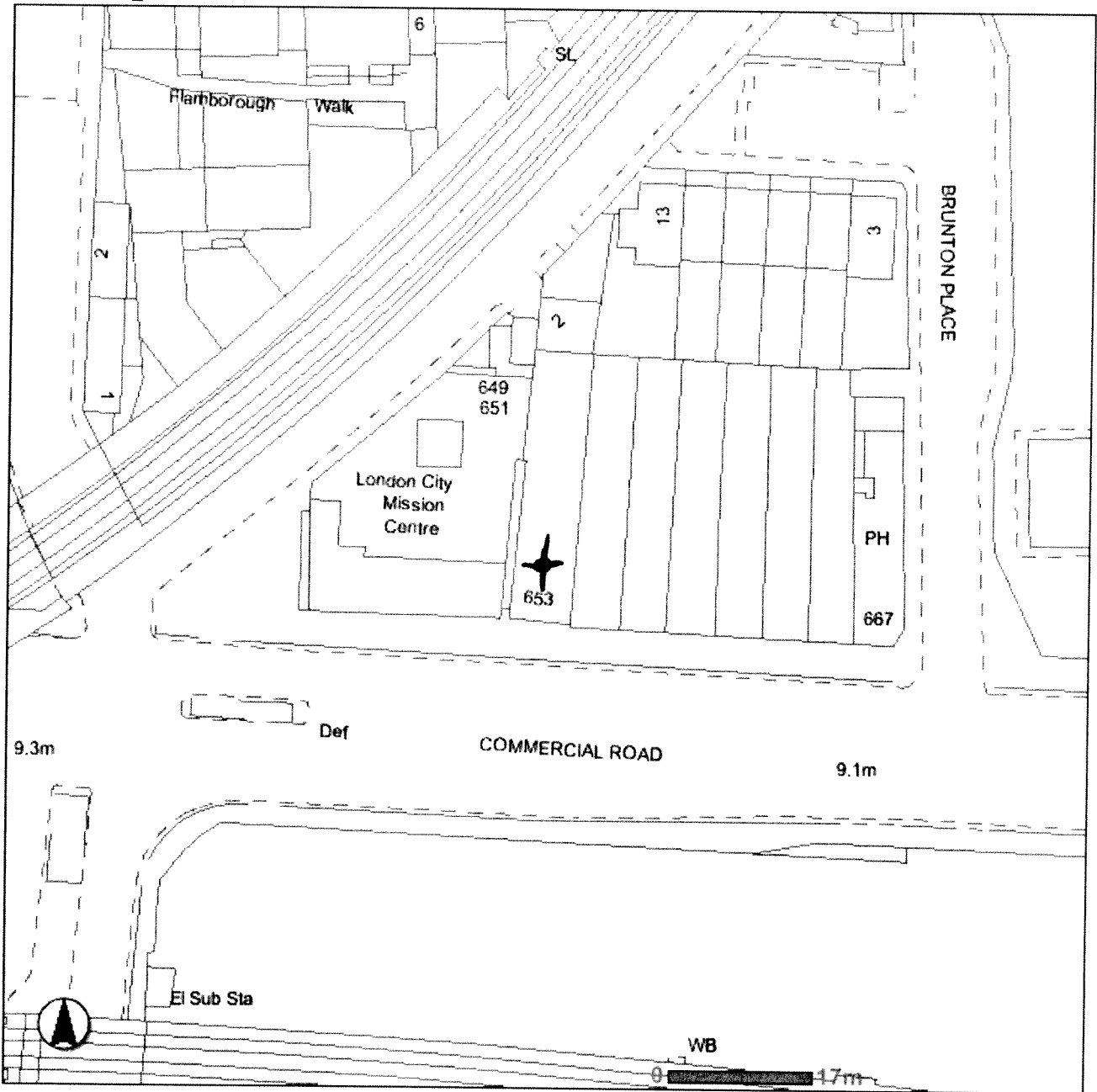
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# Appendix I

# Map



Scale 1:750

Map of:

## Laughing Buddha

Notes:

653 Commercial Road

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# Map



Scale 1:1750

Map of:

## Laughing Buddha

Notes:

653 Commercial Road

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# Appendix J



SOLICITORS

INCORPORATING TAYLOR NICHOL SOLICITORS

TELEPHONE 020 7790 7000  
FAX 020 7790 2553  
E-MAIL

DIRECT DIAL

PLEASE ASK FOR Anthony Edwards  
27a Mile End Road

Tower Hamlets  
Licensing Section  
Mulberry Place (AH)  
PO BOX 55739  
5 Clove Crescent  
LONDON, E14 1BY

OUR REF.

YOUR REF.

AE/CH/MAIAH

- 8 APR 2008

3<sup>rd</sup> April, 08

Dear Sirs,

**RE: Laughing Buddha -653 Commercial Road, London, E.14. 7HW  
REPRESENTATIONS ON APPLICATION FOR A REVIEW OF THE LICENCE**


We write to confirm that we act for the proprietors of the business known as the Laughing Buddha at 653 Commercial Road, London, E.14. 7LW.

You will be aware that these premises are already the subject of an application to vary the licence.

You have received an application for a review of the premises licence. This letter should please be treated as our initial representations in connection with that matter.

We would respectfully ask that the two matters be listed together.

Further representations will be made before the 18<sup>th</sup> of April.

At this stage we attach the certificate of calibration issued by Shaun Murkett Acoustic Consultants Limited where automatic volume control paper and their EU certificate of conformity. We also wish to confirm that our clients have reached an amicable settlement with the residents who were previously in flats 2 and 4 above these premises and to the rear of the premises. It would appear that these were the only premises for which noise was causing a concern. As a result the premises are now owned by our clients. If there has been a nuisance  therefore not continue to cause concern in the same way.

MEMBER PARTNERS  
ANTHONY EDWARDS  
SENIOR PARTNER  
JENNY BUCK  
MANAGING PARTNER  
LEIK COCHRAN  
SUSAN FERGUSON  
ALISON HILLSLEY  
JAMES NICHOL  
DICK STAPLING

NON-MEMBER PARTNERS  
MARK AYLIFORD  
LUCIANA RUFIMAN-GROK  
JAMIE LOKE  
FRAN O'BRIEN  
BIN SUNDERS  
CONSULTANT  
CARMEN TOLLE

PARK HOUSE 29 MILE END ROAD LONDON E1 4TP DX300700 TOWER HAMLETS  
TV EDWARDS IS REGULATED BY THE SOLICITORS REGULATION AUTHORITY



2/.....

The ~~entire business~~ is under new management and we will write to you more fully in that connection.

We shall be grateful if you will register these representations and acknowledge safe receipt.

Yours faithfully

**T V Edwards LLP**

Cc: Metropolitan police

- 8 APR 2008

Shaun Murkett

Acoustic Consultants Ltd.

# Certificate of calibration. Dec 2007

This is a certificate of calibration for the sound controlling equipment installed at the Laughing Buddha Restaurant bar, 653 Commercial rd under the management of Rob Miah. The noise limiting device installed is a Formula Sound AVC 2 volume controller sound limiter, serial number 022760, for the sound system, to control internal sound levels in the bar.

The sound system comprised cd players and decks, a Numark dj mixer, and then to the sound limiter, and then to the rack with an IMG mcx cross over unit, a IMG Stageline STA 700 amplifier for mid highs and a Kam KXR 2000 amplifier for the bass units. There were two large mid high units Kam ims pro 15 on stands and two Kam sub bass units.

To fulfill the conditions of the local authority entertainment licence for this establishment, and to keep external noise breakout to a minimum, with inaudibility at the residents, a limit on the internal music sound level from amplified music has been agreed.

The sound controller limiter has been set to an internal music sound level limit of:-

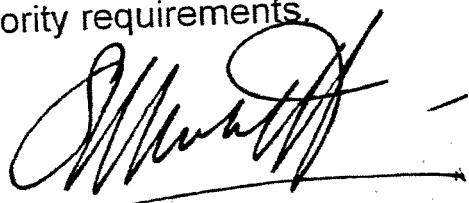
104 dB Leq 1 min. linear, 93 dBA Laeq 1 min, 102 dB at 63 Hz; 97 dB at 125 Hz

Measured at around center of rear music bar, near dj, at 3 m from the nearest loudspeaker.

This calibration was made with a Bruel and Kjaer type 1 sound level meter in accordance with relevant British Standards, at around 7 pm on 21<sup>st</sup> December 2007, and witnessed by bar manager, the managing agent for the residents, and Shaun Murkett, and to be confirmed by a member of the Local authority noise team as convenient.

This calibration is valid only for the equipment as specified above, and for one year only. It is part of the licence conditions to inspect and re-calibrate the limiters annually by a professionally qualified consultant accredited by the Institute of Acoustics to satisfy local authority requirements.

Shaun Murkett 22<sup>nd</sup> December 2007



1 Clissold Road, Stoke Newington, London N16 9EX

tel 020 7923 7275 fax 020 7503 4917

www.shaunmurkett-acoustics.com

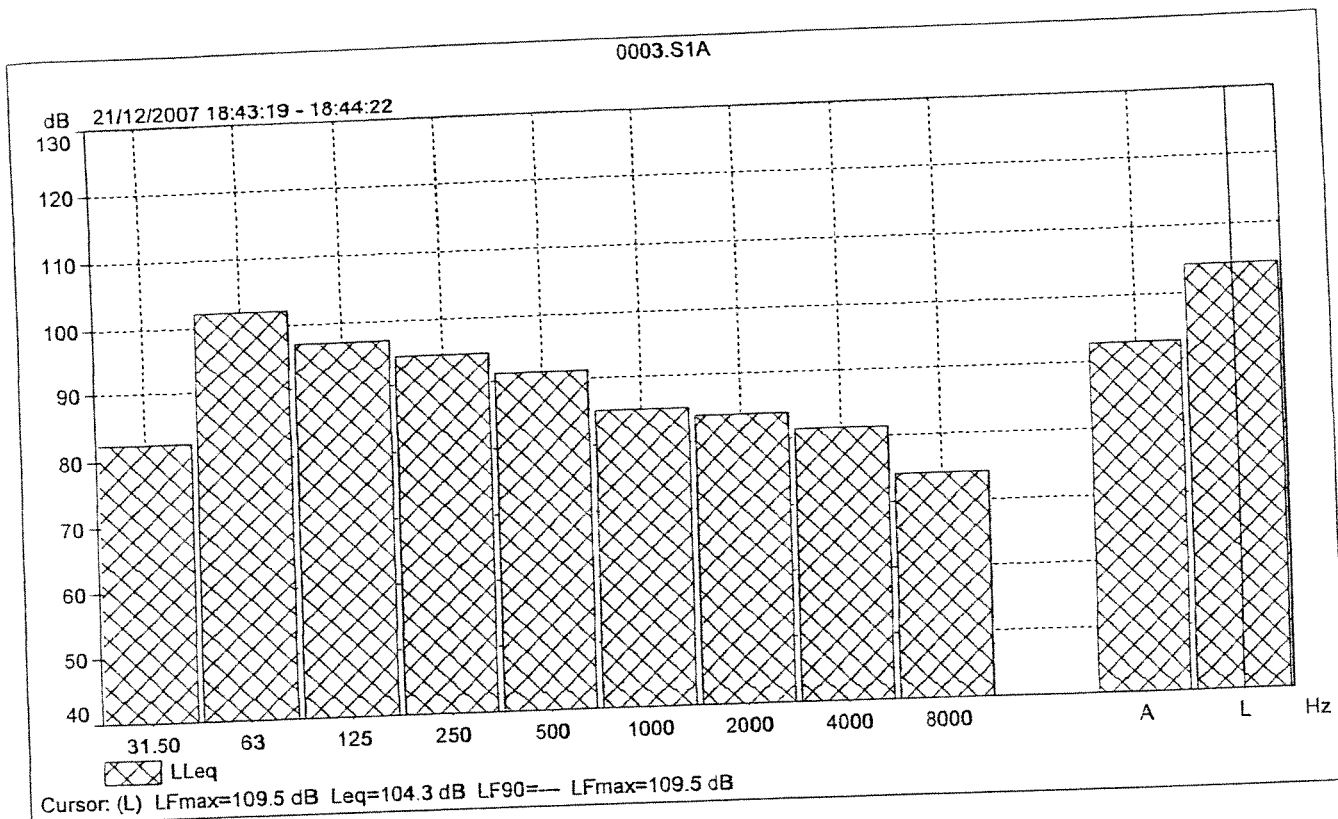
mb 07956 367598 e- murkett@aol.com

registered company no. 3708245 vat. reg no. 778 - 2825 - 80

Managing Director and Principal Consultant: Shaun Murkett BSc. C.Eng. MIEE. MIOA

- 8 APR 2008





Octave frequency spectrum of sound of music measured  
 in centre of rear bar, near dj,  
 at 3 metres from nearest speaker.  
 Sound limiter calibration,

Laughing Buddha Restaurant bar, 653 Commercial rd. E14  
 21st December 2007,

Sound level 104 dB Leq linear 1min, (93 dBA Laeq. 1 min.)

© Shaun Murkett  
 Acoustic Consultants Ltd.  
 tel 020 7923 7275



# ***AVC2***

## ***AUTOMATIC VOLUME CONTROL***

### ***USERS MANUAL***

***XLR VERSION***

***- 8 APR 2008***

## GENERAL DETAIL

The AVC2 is a stereo unit and performs as an intelligent volume control. The operation is very simple. If the average operating level is kept below the internally set threshold the AVC2 has no effect. If the average programme level exceeds the threshold AVC2 will reduce its output level. The level is reduced in discreet steps indicated by the led bargraph meter on the front panel of the unit. The action of the AVC2 is to fade between these steps and is almost undetectable in use. The more one tries to increase the volume the more the AVC2 will decrease it so that the system will barely change in perceived level. If driven to maximum attenuation the output level will be reduced by more than the increase in input level. The mixer or pre-amp feeding the AVC2 will probably be clipping but the system will actually be at a lower than normal level. A clip indicator is provided to show when the input stage of the AVC2 is being over driven. Reducing the input level will gently release the attenuation provided by the AVC2.

The AVC2 has no external controls for the operator to worry about - just a bargraph meter and some indicator led's to inform the operator of the status of the unit.

An external remote warning indicator may be connected to warn the operator that the operating level is 3dB away from the threshold at which the AVC2 will start to control level.

A mute relay is fitted which can be operated by an external switch to improve system security or a fire alarm connection to mute the system in case of fire.

A provision is also included to dim the unit by 20dB.

The AVC2 also has provision to connect an external time switch (not supplied) to switch between two output levels.

As local conditions and noise control specifications can vary these facilities allow the unit to be used in several ways to comply with regulations.

For more detail see the section on AUXILIARY CONNECTIONS on the next page.

## INSTALLATION

The unit should normally be installed in the signal chain either between the mixer or pre amp and the amplifiers, or in larger systems the mixer/ preamp and the electronic crossover.

The unit should ideally be mounted where the operator can see the indicator leds on the front panel or alternatively a remote indicator could be installed (see auxiliary connections section)

Connections are via XLR connectors for the audio and 2 X 4 way connectors for auxiliary connections. ***A tamper proof cover is available which can be sealed. This cover prevents the connectors from being disconnected and is often a requirement when the unit is installed as a noise controlling device specified in a licencing application .***

The unit features balanced inputs and outputs which are self compensating. Either side may be tied to the screen for unbalanced operation without loss of level or performance. (N.B. For unbalanced operation the negative output should be tied to the screen and not left single ended. An unbalanced connection between positive and screen with no connection to negative will result in a loss of signal level).

When wiring to balanced circuits for stereo operation both left and right channels should be identical to maintain phase.

To avoid ground loop problems, the audio common (cable screens) in this equipment is NOT connected to mains earth within the unit. The mains lead earth connection is only connected to the case and this must always be connected to MAINS EARTH.

As supplied the unit will be detecting the incoming signal to control the output level.

## AUXILIARY CONNECTIONS

2 X 4 way connectors are provided for the auxiliary connections. The connectors are labelled 1,2,3,4 for the first connector and 5,6,7,8 for the second connector. The mating halves for these connectors are supplied with each unit.

The unit is supplied with a link which is fitted between pins 1 and 2. This is the security link and these two terminals need to be joined for the unit to operate. Removing the link will mute the unit.

Pins 3 and 4 when joined allow the unit to be dimmed by 20dB. When the connection is removed the unit will fade back to the previous level.

Pins 5 and 6 are provided to allow a warning indicator to be connected to the system. An led indicator may be connected directly to pins 5 and 6 observing polarity to avoid damaging the led. Alternatively a conventional effects lighting, switching pack may be connected that is compatible with a 10V D.C. input to provide larger warning indication. This output provides a current limited 10V D.C. signal 3dB before the unit starts to control volume levels.

Pins 7 and 8 are provided for switching between two output levels. This function may be controlled by a time switch if required. (Time switch not supplied).

**All the auxiliary connections are low voltage low current connections, When connected to external switches fire alarms etc. they must be totally isolated and fully floating from any other electrical circuit.**

## OPERATION AND SET-UP

As supplied the unit is adjusted to operate at an average nominal programme line level of 0Vu (+4dBu) and in most cases will not need any adjustment. This is the level that a standard Vu meter will read before going into the red (end section), therefore the operator can use the readings on the Vu meters fitted to his mixer to be an indication of maximum permitted volume level.

To achieve the required system volume level adjust the output level of the AVC2 by using the output pots on the rear panel. The output pot's are accessible through small holes located between the input and output connectors and are labelled 1 & 2, Pot 1 is used normally to set the output level. When level 2 is selected by joining pins 7&8 on the auxiliary connectors the output is switched via number 2 pot which should then be adjusted to provide the second required output level.

Check the level by driving the system until the first led illuminates on the attenuation meter located on the front panel of the AVC2 and readjusting outputs as necessary.

Black plastic snap rivets are provided to blank these holes after the initial set up. If these rivets need to be removed lift the head by prising with a thin object - finger and thumb nails will usually suffice. **Always refit the snap rivets after adjustments are complete.**

For different applications the unit may be set to operate at different levels by internal adjustments. See later section INTERNAL ADJUSTMENTS.

The "AVC2" is slow acting to differentiate between dynamic peaks of music and an increase in average level. Bear this in mind when making adjustments.

## INTERNAL ADJUSTMENTS

Do not attempt to make any internal adjustments unless you are qualified to do so and you know what you are doing.

### **ALWAYS DISCONNECT POWER BEFORE REMOVING COVERS.**

Access is gained by removing the top cover. Remove 3 screws from either side of the case. Remove 2 screws from the top and lift top cover off. When the adjustments are completed refit the case top.

FIG 1.A. Shows the position of the range setting jump plug. This sets high and low operating ranges for the unit.

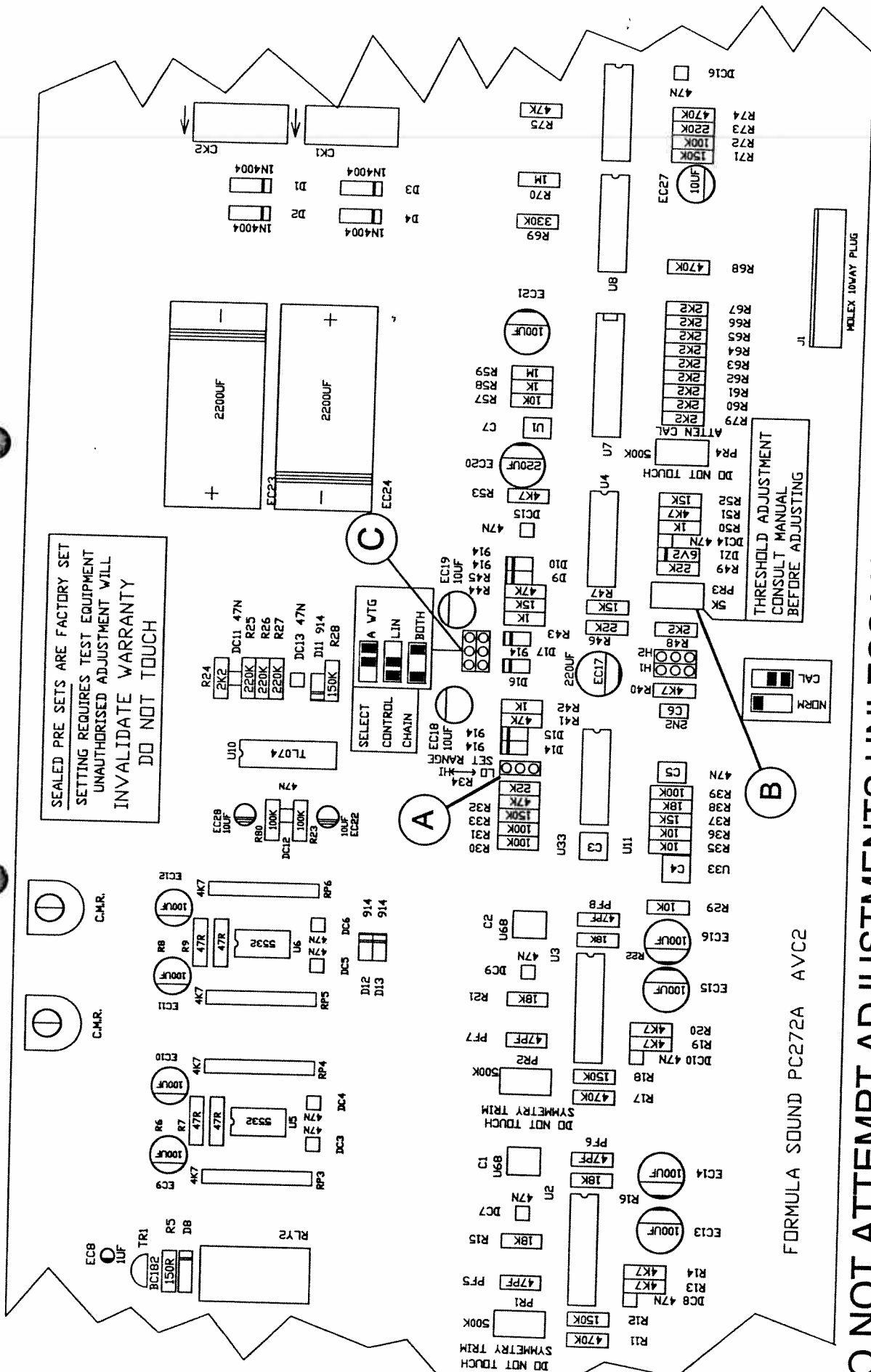
FIG 1.B. Shows the position of the sensitivity adjustment preset. This is a multi-turn preset. Use this if you wish to change the operating threshold of the unit. Use in conjunction with the range setting jump plug to increase or decrease the sensitivity of the unit.

FIG 1.C. Shows the position of 2 jump plugs. These are used to select the type of control chain used to trigger the attenuators. This may be set to linear, 'A' weighted or both. The "AVC2" uses two control chains in parallel, one with a flat response and one 'A' weighted. The output of the highest chain is used to control the unit. In special applications either may be selected by setting the jump plugs as indicated on the P.C.B.

**IF YOU ARE NOT SURE OR FOR GENERAL PURPOSE USE LEAVE AS FACTORY SET (BOTH).**

**ALL OTHER PRESETS AND JUMPERS ARE FOR ALIGNMENT AND TEST PURPOSES AND ARE FACTORY SET. DO NOT - REPEAT - DO NOT TOUCH!**

**INCORRECT SETTING OF ANY INTERNAL ADJUSTMENT WILL INVALIDATE THE WARRANTY.**



SEALED PRE SETS ARE FACTORY SET  
 SETTING REQUIRES TEST EQUIPMENT  
 UNAUTHORISED ADJUSTMENT WILL  
 INVALIDATE WARRANTY  
 DO NOT TOUCH

THRESHOLD ADJUSTMENT  
 CONSULT MANUAL  
 BEFORE ADJUSTING

FORMULA SOUND PC272A AVC2

**DO NOT ATTEMPT ADJUSTMENTS UNLESS YOU ARE QUALIFIED TO DO SO**



TEL 0161 494 5650 (+44 161 494 5650)  
 FAX 0161 494 5651 (+44 161 494 5651)

TITLE AVC2 USERS MANUAL PAGE 4

FIG 1

DRG No. 719

ASHTON ROAD, BREDBURY, STOCKPORT, CHESHIRE, SK6 2SR, UK

DATE 12-06-1995

ISSUE 2

## AVC2 SPECIFICATIONS

Frequency response	20Hz - 30kHz	+/- 0.5dB
Distortion (THD and noise) freq 1kHz	O/P level	Attenuation
	0dBu	0dB < 0.01%
	0dBu	12dB < 0.015%
	0dBu	30dB < 0.05%
Noise measured 20Hz-20kHz	Equiv. input noise < -90dBu	
<b>INPUTS</b> Electronically balanced, connect pins 1 & 3 to screen pin 2 hot for unbalanced use		
XLR Connector	Pin 1 screen Pin 3 -Ve Non Phase Pin 2 +Ve Phase	
Input impedance	Balanced 20K ohms Unbalanced 10K ohms	
Maximum input level	+22dBu	
Clip indicator	Indicates @ +20dBu	
<b>OUTPUTS</b> Electronically balanced, connect pins 1 & 3 to screen pin 2 hot for unbalanced use		
XLR Connector	Pin 1 screen Pin 3 -Ve Non Phase Pin 2 +Ve Phase	
Source impedance	100 ohms	
Minimum load impedance	600 ohms	
<b>Operating Threshold Range</b>		
High range	Average level	adjustable +5 dBu -2dBu
Low range	Average level	adjustable -8 dBu -14dBu
N.B. If a signal generator is used as the source for making adjustments to the operating threshold, the threshold will be approx. 6dB lower than using a music source due to the averaging measurement which the unit uses for control. For operation outside the above ranges contact Formula Sound Ltd.		
<b>ATTENUATOR RANGE</b>	-3dB -6dB -9dB -12dB -15dB -18dB -24dB -30dB	
<b>CONTROL CHAIN</b>		
A control chain with a flat frequency response Linear, "A" weighted, or a combination of both may be selected to control the attenuators.		
<b>AUX CONNECTIONS</b>	1 & 2 Mute 3 & 4 Dim output -20dB 5 & 6 Remote warning 7 & 8 Level 2 select	
<b>POWER</b>		
220-240V AC (110V to order) Mains Fuse 250mA slow blow I.E.C. Mains connector		
<b>FINISH</b>		
Front and Rear panels - Black anodised aluminium with silver notation Case black plastic-coated steel.		
<b>DIMENSIONS</b>		
19" Rack mounting 1RU Width 482mm (19") Depth 200mm (7.9") Height 44mm (1.75")		
<b>FORMULA SOUND LTD.</b>		
Ashton Road Bredbury Stockport Cheshire UK SK6 - 2SR		
TEL 0161 494 5650 (+44 161 494 5650) FAX 0161 494 5651 (+44 161 494 5651)		



FORMULA SOUND LIMITED  
STUART ROAD, ASHTON ROAD, BREDBURY STOCKPORT, CHESHIRE SK6 2SR  
TELEPHONE +44 (0)161-494-5650 FAX +44 (0)161-494-5651



### E.U. CERTIFICATE OF CONFORMITY

We declare that the products listed conform to the following directives and standards

89/336/EEC amended by 92/31/EEC and 93/68/EEC

BS EN 50082-1 BS EN 50081-1

### PRODUCT TYPE

**AVC2 AUTOMATIC VOLUME CONTROL UNIT**

The CE mark was first applied in 1995

Signed.....*R. A. Cockell*.....

R. A. Cockell Managing Director

- 8 APR 2008

Attention

The attention of the specifier, purchaser, installer, or user is drawn to the fact that good wiring practice must be observed when connecting the above equipment. Good quality connectors and screened cables must be used for all audio connections. Twin screened cables should be used for all balanced lines.

**THIS EQUIPMENT MUST BE EARTHED  
CONSULT THE USERS MANUAL FOR TECHNICAL DETAILS**



# Report on Noise survey at Laughing Buddha Restaurant, 653 Commercial Road, London

<b>Date of report</b>	<b>Tuesday 4th December 2007</b>
Dates of visit	Monday 26 <sup>th</sup> , Wednesday 28 <sup>th</sup> November 2007
Present	Rob Miah, owner and Shaun Murkett
Location	Laughing Buddha Restaurant, 653 Commercial Road, London E14 7LW.
Purpose	To conduct a noise survey for late licence.
Author of report	Shaun Murkett BSc. C.Eng. MIEE. MIOA.

## 1 Executive summary

**1.1** The management of the restaurant bar are to apply for extended hours to their music and dance licence, and the local authority have concerns about music noise breakout. It is understood there have been some complaints from local residents about noise from the bar. This report gives professional advice about the noise issue and addresses those concerns.

**1.2** The bar has been investigated for building construction and potential noise problems. The building is large, and substantially built and is certainly capable, with improvements as recommended, of operating as a music bar without causing disturbance to residents. Sound levels have been monitored under typical operating conditions and general observations were made at various locations in and around the bar and at the residents.

**1.3** Some potential noise break-out was observed and requires immediate attention for the bar to be able to play music at a reasonable volume without complaints, especially if the licence application is to be successful.

**1.4** A scheme of building works and noise reduction measures has been proposed to remedy the noise situation. A detailed list of recommendations has been made throughout the project and is listed in the report, and these are now being implemented. The improvements to the building will have long term benefits and enable the bar management to fulfil all the local authority noise criteria.

**1.5** When these works are complete then a final noise test should be performed. This will generally involve the setting up and calibration of these sound limiters and inaudibility tests, and then the issue of calibration certificates by the consultant. This will ensure full compliance with all the local authority noise criteria conditions and provide acceptance for the late licence and planning application.

© **Shaun Murkett 2007**. This report is intended for the sole use of Rob Miah and those acting under his immediate direction; any third party use of this report is forbidden unless prior permission is granted in writing by Shaun Murkett Acoustic Consultants Ltd

## **2 Introduction and Background.**

**2.1** This report was commissioned by the manager to investigate the noise situation.

The bar already has a late licence for background till 3am on Friday and Saturday nights, although there is some confusion about planning permission, which is understood to be only granted till 12.30am on Friday and Saturday nights. The management has applied for extended hours, under the new licensing laws to bring both times into agreement. The local authority has some concerns about music noise breakout. It is understood that there have been some noise complaints from local residents just recently; however there may also be objections to the application. This report gives professional advice about the noise issue and addresses those concerns about the licence application.

### **2.2 History.**

The building is over 100 years old and has always been used in recent times as a commercial premises. Up until about 18 months ago the premises were double glazing workshop and sales room with residential accommodation above. The new owners have taken over the premises and been running it as a restaurant wine bar with music in the rear room for almost one year now and have made many improvements to the soundproofing and interior décor of the bar. It is understood that there have been some recent complaints from residents about noise. The local authority have visited and are now considering issuing a premises licence for later hours in their planning permission; there is no application to increase the capacity. It is understood the bar is licensed for around 200 people, all on the ground floor.

### **2.3 Location.** (See sketch map and photo).

The large three storey terraced building is located on the north side of the busy Commercial Road near the junction with Bruton Place. There are some staff residential flats and other residential flats above. To the south over the main road is some commercial with a large residential block; to the west adjoining the building is commercial as a book shop, and to the east adjoining is commercial with residential above. The area is mixed commercial and residential with many shops, bars and restaurants in the area, many of which have late licenses for music and dancing.

### **2.4 Nearby residents.**

There are four flats above the restaurant and music bar and music room to the rear. These are arranged flat 1 at the front 1<sup>st</sup> floor, flat 2 at the rear 1<sup>st</sup> floor, flats at the front 2<sup>nd</sup> floor, flat 4 at the rear 2<sup>nd</sup> floor. At present flat 2 at the rear is empty and this is to be a staff management flat. There are residents in occupation at flat 1, 3 and 4. There are also residents at a distance of 25m across the main road

### **2.5 Local authority noise criteria.**

The local authority noise team criteria is basically to prevent a noise nuisance, and is generally for no difference or increase in Laeq sound level after 11pm measured in the residents home between when the music is on and when off in the bar. The main criteria is near inaudibility of the bar music at the nearest residents' home after 11pm.

### **2.6 Operating Times and Mode of Operation.**

The restaurant bar usually opens at around 12am and is open through the week until 12pm midnight and to 3am Friday and Saturday evenings. Occasionally temporary event notices have been issued till later hours.

The bar intends to apply for 3am on Friday and Saturday for the planning permission to bring the rest of this inline with the existing granted licensing hours till 3am on Friday and Saturday. There is background music playing on a small permanent sound system in the front of the bar. DJs occasionally play at the bar in the evening from about 8pm until the bar closes; there is no live music. There are full kitchen facilities and food is served lunchtime throughout the afternoon and evening.

### **2.7 Layout and construction of bar. (See sketch map and photographs)**

The main building is three stories high, with the ground floor as the main reception bar with tables and seating leading through to the extension at the rear which is a large restaurant bar with music. There is a half partition about half way along the length of the bar of the restaurant and there is a bar servery on the left hand side. The bar is about 6m wide and 28m deep, with a ceiling height of about 3.5m. There are toilets to the right half way down and a kitchen to the right at the rear. There is a fire exit to the left about half way down leading out to the alleyway coming out to the front on the street. At the rear section there is a flat roof and the remains of large skylight window, 6m by 2.5m. The rear music bar starts 2m before the edge of the floors above ie: the last 2m of the residential rooms above are directly above the last part of the large restaurant music bar below at the rear.

It is understood the construction is substantial 15inch brick work walls and joists supporting the floors above with traditional timber floors, and plasterboard ceilings.

### **2.8 Doors and fire exits**

The main entrance door opens inwards directly from the street and is made of glass. There are also fire exits from the main music room about half way up on the left hand side leading out to the alleyway back to the main road.

### **2.9 Windows**

There are large, single pane glass windows on the front wall on the main road. These appear to be in good condition and were refurbished recently. There are no windows on the side walls on the rear wall for the kitchen. This large sky light window in the centre of the music room has been effectively blocked off with plywood and plasterboard and sound proofing materials.

### **2.10 Ventilation.**

There were three air-conditioning units, a quite small one, kilowatt mounted on the wall on the eastern wall, and ventilation for the kitchen cooking system.

### **2.11 Sound system.**

There is at present a small sound system permanently installed in the bar; this comprised CD players a simple HiFi amplifier carry small speakers for background music in the front section, and a more substantial music system in the rear part of the restaurant in the music bar. This comprised CD players and a DJ mixer, a large power amplifier, and two large bass bins and two large 12inch midrange units. Occasionally DJs' have been bringing in additional equipment in use for the evening events but this has now been discouraged.

There was no sound limiter fitted and sound levels could easily exceed 100dB with this sound system.

### **3 Measurements and Observations.**

#### **3.1 First visit. Daytime 3 - 5 pm Monday 26<sup>th</sup> November 2007**

The first visit was made to meet the management team and to inspect the premises and look at the construction of the building, and to get an idea of the layout of the bar and location, and relation to nearby residents.

This visit was also to set up arrangements for access to the residents' above to enable an audibility monitoring sound test to be made with music playing at typical sound levels in the bar below.

#### **Second visit Evening 3pm-6pm Wednesday evening 28<sup>th</sup> November 2007**

This visit was to determine any noise break out routes and to monitor near the residents; to discuss the local authority requirements of a late entertainment licence, and to produce an immediate list of recommendations to the bar management.

The sound system were set up playing dance music at typical evening sound level, and the building construction was examined and the effectiveness of the doors, windows and walls of the building was then checked on a simple basis by walking around outside with the manager. Access had been arranged to monitor at the residents immediately above on the first and second floor levels. The sound system was set up and monitoring was made in the residents' bed rooms and lounges, to conduct a full sound test.

#### **3.2 Monitoring out on the street near residents.**

With the music playing in the bar at the music room at the rear of the restaurant the music was clearly heard out on the street but only when the front door was opened and this was only just heard on the other side of the road near the residents. There was no audible plant noise. The entrance doors are inward opening doors, and this will not be acceptable due to fire regulations.

#### **3.3 Monitoring in the residents rooms above.**

The monitoring was made in the residents rooms immediately above and 1<sup>st</sup> and 2<sup>nd</sup> floor level with the music played in the bar below. Sound level of each of the music system was adjusted up and down by radio communication until the music noise was inaudible in each of the residents' rooms for the time noted. The sound level meter was logging the sound music sound levels in the bar on a one minute interval regularly throughout the monitoring session. The music noise was clearly heard in the first room at the initial sound levels and then the music sound level was slowly adjusted and reduced until it was inaudible. The first flat to be monitored flat 1; this was conducted with a resident in attendance and the noise breakout was primarily structural borne but also some airborne noise break out from the fire exit immediately below his window. At flat 2, to the rear, the music was primarily structure borne also some airborne from the flat roof below. Again in flat 4 above the music noise was again structure borne but also some airborne radiating from the flat roof.

#### **3.4 Monitoring out on the flat roof.**

There was some vibration coming from the flat roof and the large sky light was inspected but this appeared to have similar levels of vibration to the other areas of the roof and was not a problem in itself. There was also clearly music noise breakout heard from the old fan apertures in the side wall facing east. The vibration was clearly felt on the main vertical wall to the house at the junction of the flat roof and where it butts up to the main building; this was of a higher level than the vibration to the side walls and the end wall.

#### **3.5 Music noise breakout heard and potential noise breakout routes**

- Airborne breakout through the main entrance doors.
- Airborne noise breakout through the fire exit door at the side.
- Structural music noise through to the residents above.
- Airborne music noise breakout through the old fan apertures above the flat roof.

### **3.6 Initial discussions, for immediate recommendations**

Discussions were held with the manager about what had already been done about noise control and some possible solutions to improve the noise break out which could be put into place quickly. A list of recommendations was discussed and is summarised in the discussion section of this report.

### **3.7 Sound measurements and locations.**

The main monitoring locations were chosen, and sound levels measured. The main sound level meter, a Bruel and Kjaer 2260 type 1 sound analyser, was used at a height of 1.5m. The meter was set in third octave and octave band environment mode and snapshot mode as appropriate to each measurement period.

The meter was used with a wind shield, and calibrated before and after the survey.

The monitor locations were chosen as below;

- A In the rear music bar at the far end in the middle of the room 2m from the nearest loud speaker.
- B Outside the fire exit doors.
- C Outside the main front entrance doors.
- D In residents flat 1.
- E In residents flat 2.
- F In residents flat 4.
- G Out on the flat roof.

## 4 Results and Analysis.

### 4.1 Music sound levels inside bar. (Wednesday 28<sup>th</sup> November 2007)

The sound system was set up with the music playing typical dance music through the CD decks at a typical evening sound level, and measured at a distance of around 2m from the nearest speaker. The sound level meter was set in octave band logging mode and gave a result in terms of music sound level in dB Leq linear<sub>1 min.</sub>

#### Initial Music sound levels:

Monitor location A, near the dj, in the music bar at the rear (2 metres from the speakers):

Initial Music Sound level = 114 dB Leq<sub>1 min.</sub> (Linear), 103 dBA Laeq<sub>1 min.</sub>

### 4.2 Acceptable music sound levels:

The sound level in the bar was reduced until acceptable whilst monitoring in the residents' rooms.

#### Monitoring in flat 1.

Monitor position A, in the rear music room bar (2 metres from the speakers):

Acceptable music Sound level = 98 dB Leq<sub>1 min.</sub> (Linear), 87 dBA Laeq<sub>1 min.</sub>  
(time 3.52 to 3.53)

#### Monitoring in flat 4.

Monitor position A, in the rear music room bar (2 metres from the speakers):

Acceptable music Sound level = 94 dB Leq<sub>1 min.</sub> (Linear), 82 dBA Laeq<sub>1 min.</sub>  
(time 4.35 to 4.36)

#### Monitoring in flat 2.

Monitor position A, in the rear music room bar (2 metres from the speakers):

Acceptable music Sound level = 89 dB Leq<sub>1 min.</sub> (Linear), 82 dBA Laeq<sub>1 min.</sub> ✓  
(time 4.49 to 4.50)

An octave spectrum graph at the end of the report shows the measured music sound level in the bar, and shows the typical bass beat around 63Hz and 125 Hz for this type of recorded music, when at acceptable levels in the residents flat 2.

## **5 Discussion.**

**5.1** The application for later hours on the late entertainment license from the bar management, and complaints from the residents has given some concern to the local authority and these have been investigated fully in this survey and report. The bar has been investigated and discussed for building construction and potential noise break out. Noise levels have been monitored, at various locations around the bar and at the residents outside the bar, with the music off, and then with the music on, at typical times of the day. The construction of the building was examined and sources of potential noise break out identified and pointed out to the owner. A detailed list of recommendations was left with the manager after the first visit and these are now being implemented.

### **5.2 Sound system and sound levels intended in bar.**

The sound system used for background CDs in the front bar was fine, just a very small sound system. The rear music was well set up and had suitable amplifiers and loud speakers., however a better coverage of the whole area would be achieved with a greater number of smaller speakers and less substantial sub bass units. There was no sound limiter in the sound system and music levels could easily exceed 120 dB with such a system.

### **5.3 Responsible attitude shown by bar owners, and measures already put in place.**

The owners of the bar are well aware of the implications of the noise issues surrounding the bar, and the value of their business, and they have shown a responsible attitude in taking expert advice and commissioning this report to investigate the noise situation. They have already put some noise reduction measures in place prior to, and in addition to the professional advice and recommendations made in this report.

They have:-

- Moved the music operation from the front bar where the residents are immediately above to the rear music bar as far away from the residents as possible.
- Moved the loud speakers as far away from the residential area as possible.
- Put in place the improved staff management.
- Reduced the volume at once if any complaints were received.
- Taken good advice in commissioning a professional independent acoustic consultants noise survey and report.

### **5.4 Noise reduction measures**

A simple immediate solution would be to turn down the volume of the music to a lower level, and keep it at this level. Although some reduction in music sound level may be desirable, the club is operating as an entertainment venue and it would not be realistic to reduce the sound level to very low levels as this would become unviable as a music business. The music sound levels measured in the rear bar after the volume was reduced certainly fall into this category and some serious improvement to the sound proofing of the building is required.

Of course the more improvements are made to the construction of the building the louder the music can be without giving rise to complaints. To continue to play the music at a reasonable volume some immediate basic soundproofing improvements to reduce the noise breakout are recommended, and are detailed below.

### **5.5 Music noise breakout heard and potential noise breakout routes**

- Airborne breakout through the main entrance doors.
- Airborne noise breakout through the fire exit door at the side.
- Structural music noise through to the residents above.
- Airborne music noise breakout through the old fan apertures above the flat roof.

## **5.6 Proposed solutions and improved soundproofing.**

The soundproofing improvements detailed below, when complete, will enable the music sound levels in the basement to be operated at a reasonable level, if desired, and still meet the criteria of the local authority. If the music sound levels are required to be much louder, then much more substantial building work and sound proofing will be necessary. The volume control sound limiters would then need to be re-calibrated and set for sound limits that still meet the criteria when all the building work improvements have been completed.

The building works should be considered in phases to see if more work is necessary to still maintain the sound level, or, if a reduction in sound level is acceptable then less building work is needed.

Regular noise tests at major stages of the project are recommended; this ensures the most cost effective use of any budget set for sound proofing and noise reduction measures. Note that building control and also the fire officer must give confirmation of acceptance after these works are complete.

## **5.7 List of initial recommendations for the Laughing Buddha Restaurant Bar.**

(Building works) (See sketches)

### **A Full acoustic entrance lobby.**

The entrance door presently used as a main entrance has one outer door that opens inwards, which is not acceptable for fire exit reasons. This is not very satisfactory as once the door opens there is a clear direct path for music noise to break out and be clearly heard at the residents outside. It is therefore recommended that a new lobby be installed with doors that open outwards to meet the fire regulations, and to ensure that there is a full acoustic lobby with two sets of doors in use. This will ensure that in normal operation with music playing, both sets of doors are never open at the same time. Thus one door opens to allow two or three people into the lobby whilst the second door is closed, the first door then closes and the second door opens to allow them into the main bar. With this effective operation, there will be no clear path for music noise breakout from the main bar directly outside to residents. There is a clear benefit in having a security person placed in the lobby to operate the doors at critical times through out the evening.

### **B Fire exit door in the main music area also.**

This door would benefit from increased mass and proper acoustic seals fitting both inside and outside.

### **C Internal partition wall to create an acoustic lobby between bars**

It is recommended that a partition wall is built under the beam that separates the flat roof from the residents above to completely enclose the music room at the rear, and this partition to have double doors that open outwards towards the fire exit. Partition should be built in timber stud work with plaster board sides, as detailed in the sketches; an alternative is to have windows in this partition wall using 8.8mm or 6.4mm laminated glass depending on the area. The glass should be on each of the partition walls.

### **D Improve the existing Partition**

There is already a small open partition with a fish tank in between the leaves of the opening. This should be improved again with double doors and windows in the existing apertures with 6.4mm or 8.8mm laminated glass either side.

Fit door closers on all internal doors between the bar and the kitchen, and the two bars.

### **E New independent acoustic ceiling**

The ceiling of the music room and also the ceiling of the area between the two partition walls should be improved substantially to reduce music noise break out with a new independent acoustic ceiling. New joists on rubber insulated joist hangers should be suspended across the shortest span of the room and layers of plasterboard fixed to the underside of the joists with substantial amounts of rockwool insulation above in the void. The greater the gap



between the old existing ceiling and the new independent ceiling the better particularly for bass reduction, up to and beyond 500mm is acceptable.

**F Block off old aperture hole in side wall.**

This should be blocked off with plasterboard and rockwool insulation and then sealed tightly closed.

**Consider these two building works as second phase of works after interim sound test:-**

**F New independent stud walls**

To complete the rear music room the walls should be isolated with the installation of additional acoustic walls against all the existing structural walls. This is basically again a timber stud construction with plasterboard fixed to the front and rockwool in the void and sitting on a rubber isolation system. The greater the gap between the new acoustic wall and the old existing structural wall the better the reduction in low frequency in bass music noise.

**H Air-conditioning and ventilation**

Consideration should be given to improving the air-conditioning as required and also consideration for ventilation in line with building control recommendations. Where we have got blocking off the fans I would take out with blocking off with brick work and block off with layers of plasterboard and Rockwool insulation.

**5.7 Sound system. (See sketches)**

**It is recommended to:**

- Use four smaller full range loud speakers rather than just two large loud speakers,
- Suitable speakers would be Electrovoice SAX-300 or similar.
- Install all loud speakers on anti-vibration foam matt shelves or on anti-vibration spring mounts on chains suspended from the ceiling.
- Install Formula Sound AVC2 sound limiter to effectively control music sound levels in the bar.
- Fit all control electronics behind tamper proof panels in the music area behind the bar.
- Acoustic Consultant to set up sound system and then to calibrate the sound limiter when all building work complete and sound system ok, and issue calibration certificates.

**5.8 Volume controllers and sound limiters.**

It is generally understood that most local authorities now require licensed premises in operation with music after 11pm to have some kind of volume controller or limiting device to control sound levels. The use of a volume controller does give a lot of peace of mind to senior management when the possibility of complaints exists with music noise. They also protect the expensive loudspeakers from damage due to excessively loud sound levels.

This will ensure that in future the local authority noise criteria is always met, and there are no more complaints. The management is also given more peace of mind with new staff, who generally are not so aware of the problems caused by high sound levels.

It is recommended that the sound web system be set up with compressor limiters installed at various stages of the programme chain primarily for the DJ system the MC microphone and the overall sound system to ensure that sound levels do not exceed set levels. If this can not be successfully achieved, it is then recommended that for complete peace of mind and protection, a Formula Sound AVC2 volume controller be installed and calibrated by the consultant to a set music sound level which is determined by listening outside the bar, and adjusting the music level in the bar until any music noise breakout is just inaudible at residents. Obviously when the soundproofing improvements are complete then this music sound level could be higher since the noise break-out will be reduced. When the local authority noise criteria is met near the residents for inaudibility after 11pm the music sound level is set on the controller and the unit is calibrated. A full certificate of calibration is then issued by the consultant.

### **5.9 Staff and management procedure.**

It is essential that all the staff are made aware of the noise implications to the business and the consequences of further noise complaints. A briefing is recommended to inform staff, with notices to remind staff placed around the bar. Lobby doors should be kept closed as much as possible as this forms a clear route for the music noise to break out; customers must be persuaded not to linger around near the doors and come in and out as quickly as possible. The operation of the entrance lobby should be such that two or three people can come in at any time with door always closed between the bar and the street. This needs to be impressed upon the door security staff and regularly monitored by the bar management to ensure the procedure is working effectively.

It is further recommended that the duty manager of the bar regularly conducts inspections outside to ensure there is no noise breakout, and to monitor the effective operation of the security staff. A set of notices posted on each of the exit doors would remind customers of the noise situation and ask them to respect the neighbours and leave as quietly as possible.

### **5.10 Door security, and outside bar.**

Security doormen, registered with the local authority should be considered after 11pm to control the customers entering and leaving the bar; a good doorman can make a big difference in the behaviour of the customers, and prevent unnecessary shouting and car door slamming. He should also have a good knowledge of the local mini-cab firms to prevent horns blaring late at night from cabs and customers cars. A good reliable mini-cab firm should be selected and used on an exclusive contract to provide a quiet way for customers to leave the bar late at night.

### **5.11 Video security cameras. CCTV**

Video cctv cameras and recorders should be installed to increase security around the bar, near the lobby doors and immediately outside the bar on the street. This is often in line with local police recommendations and helpful general advice can be given by local police neighbourhood officers.

### **5.12 Progress so far.**

The bar management are well aware of the implications of the noise issues surrounding the bar, and have taken professional advice in commissioning this report to investigate the noise situation. Immediate instructions have been given to contractors based on the recommendations given in this report. They are currently doing as much as possible to implement the recommendations made in this report as quickly as possible in order to meet the noise criteria of the local authority and to keep any disturbance to nearby residents to the absolute minimum. Most of the major building works are now being costed and implemented. After the initial improvements are made, the sound limiter and sound system can be set for an interim acceptable music sound level and calibrated. As the more extensive building works are completed and the improvements in place then the limiter music sound level may be re-set, whilst still ensuring of course that there is no music noise breakout and the situation remains acceptable for the residents. The bar management are actively in discussion with the landlord to take the lease of flats two and four for staff purposes in which case the inaudibility criteria will then be able to be reset at a higher level, to suit existing residents in flat 1, than at present as the criteria would be set for flat 2.

### **5.13 Late licence application.**

The local authority noise criteria for a late licence application after 11pm is one of inaudibility at the nearest resident's house. The new sound system for music will need to be well installed and also there is a need for some essential improvements to the sound proofing to create a reasonable sound level. There has been some noise break out observed, however the noise reduction measures recommended in this report should achieve that requirement and a simple inspection after the final recommendations are complete when the sound limiter is set will confirm the acceptability of the bar for the late licence. The bar management will then have fulfilled all the requirements and conditions of the local authority to enable the licence to be granted.

## **6 Conclusion and Recommendations.**

**6.1** The management of the bar are to apply for extended hours to their music and dance licence, and the local authority have concerns about music noise breakout. It is understood there have been some complaints from local residents about noise from the bar. This report gives professional advice about the noise issue and addresses those concerns.

**6.2** The bar has been investigated for building construction and potential noise problems. The building is large, and substantially built and is certainly capable, with improvements as recommended, of operating as a music bar without causing disturbance to residents. Sound levels have been monitored under typical operating conditions and general observations were made at various locations in and around the bar and at the residents.

**6.3** Some potential noise break-out was observed and requires immediate attention for the bar to be able to play music at a reasonable volume without complaints, especially if the licence application is to be successful.

**6.4** A scheme of building works and noise reduction measures has been proposed to remedy the noise situation. A detailed list of recommendations has been made throughout the project and is listed in the report, and these are now being implemented. The improvements to the building will have long term benefits and enable the bar management to fulfil all the local authority noise criteria.

**6.5** When these works are complete then a final noise test should be performed. This will generally involve the setting up and calibration of these sound limiters and inaudibility tests, and then the issue of calibration certificates by the consultant. This will ensure full compliance with all the local authority noise criteria conditions and provide acceptance for the late licence and planning application.

**6.6 List of initial recommendations for the Laughing Buddha Restaurant Bar** (See sketches).

### **Building works.**

- Main entrance lobby
- Fire exit doors; improve mass and seals.
- New partition wall with double doors.
- Improve existing partition wall to form effective lobby near the fire exit doors.
- New independent acoustic ceiling.
- Block off old fan routes on flat roof

Consider as second phase of works after interim sound test

- New independent acoustic walls.

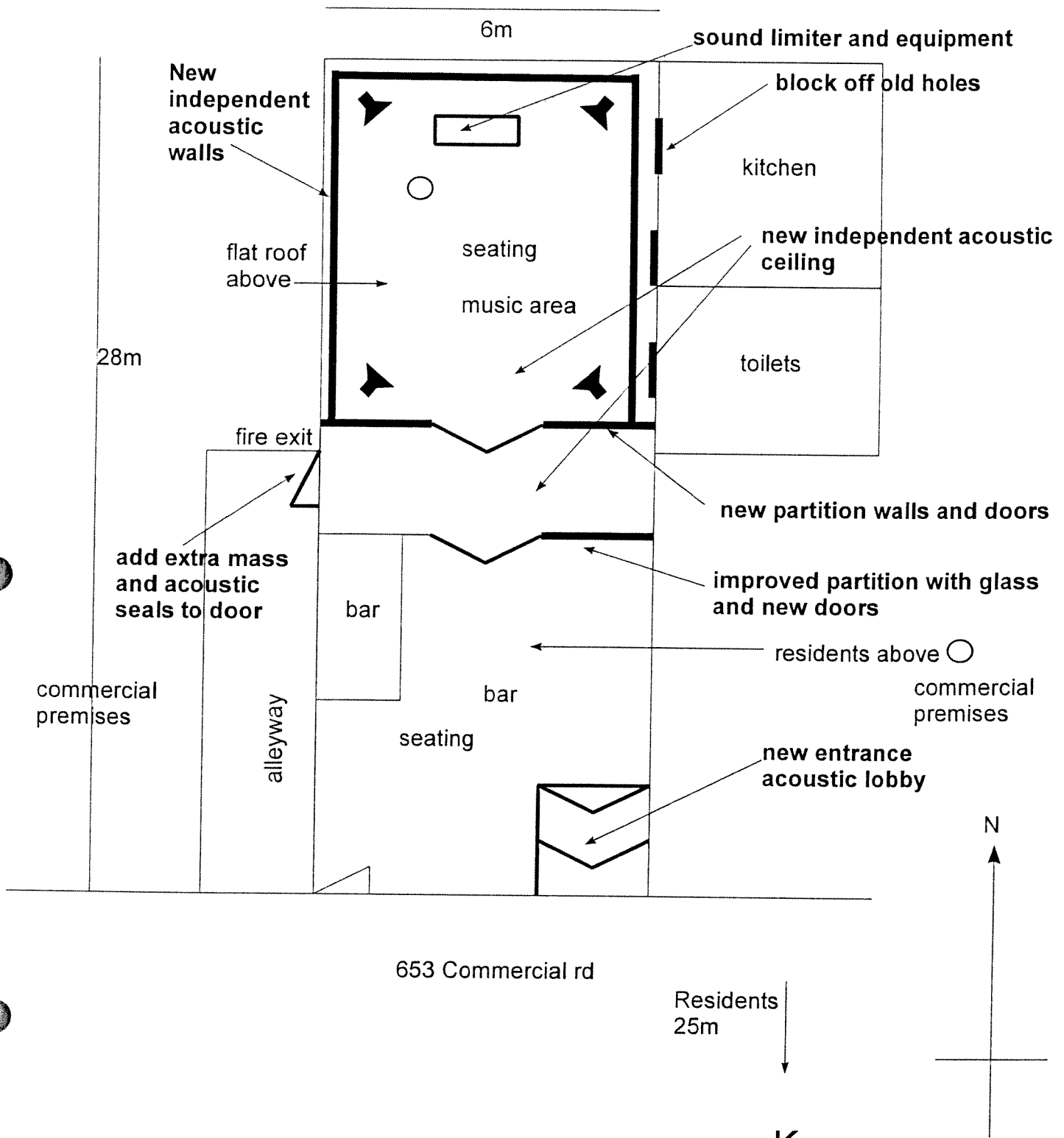
### **Sound system.**



- Install four new mid range and full range speakers one in each corner of the room set into the room well on anti-vibration foam matt or spring system. If sub bass speakers are used put at the far end towards the DJ. Install Formula Sound AVC2 sound limiter to effectively control music sound levels in both bars
- Acoustic Consultant to set up sound system and then to calibrate the sound limiter with all building work complete and sound system ok, and issue calibration certificates.

**Staff management:-**

- Keep all doors and windows closed after 8pm.
- Notices posted asking customers to respect the neighbours and to leave quietly.
- Remind all staff of the noise issues; briefing to staff and notices in kitchen and bar. Instruct staff in operating sound system correctly.
- DJs and musicians **not** to bring in any additional PA sound equipment, use in house system.
- Keep all lobby doors closed as much as possible: Prevent customers lingering outside or in lobbies under direction of security staff.
- Sufficient Registered security staff on doors to supervise clients leaving quietly and in an orderly fashion, late at night, especially outside on the street.
- Manager to regularly monitor outside for any noise breakout and to confirm effective operation of security staff.
- Install CCTV cameras to monitor security inside and outside.
- Consultant to calibrate and inspect the sound limiters annually and issue calibration certificates to maintain licence conditions.

Shaun Murkett 4<sup>th</sup> December 2007



- Key**
- Recommendations shown in **bold**
- New loudspeaker 
- Sound level monitor point 

Layout of restaurant bar,  
Laughing Buddha, Commercial rd  
showing recommendations.

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Outside

External wall

Top of lobby to ceiling of bar, or else a top of lobby of similar construction to side walls is required, with 18mm plywood for strength.

Stud wall with layers of plasterboard each side, rockwool infill. windows could be incorporated; 8.8 mm laminated safety glass is suitable. or two layers of 6.4mm laminated glass.

2 m

1.5 m

Inside

sizes shown are effective minimums especially when space restricted; the larger the lobby the better.

Effective position for security staff is inside the lobby, supervising operation of doors and customers.

Notes.

Plan view

1. All doors must open outwards to suit fire regulations, and have approved push bar opening systems. Single or twin doors are suitable, (a double set of twin doors are shown in sketch). Outer doors must not protrude over pavement unless land is owned or permission is specifically granted by building control.
2. Size of lobby must allow for at least 2 or 3 people to enter through the first set of doors and still keep the second set of doors closed, until the first set are then closed after them allowing the second set to be opened and the customers enter, (or exit), the bar. Thus at least one set of doors is always closed to prevent direct noise breakout to the outside.
3. All doors to have large observation windows 750 long by 350mm wide at least, ( starting at 1m high ) in suitable laminated 8.8 mm safety glass.
4. All doors must be of solid wood construction, at least 1/2 hour fire rated, and be close fitting, and have acoustic rubber compression seals to seal all air gaps. Suitable rubber seals are available from a company called Sealmaster in Cambridge. Lintel seals NB or GA, with NBWB, and for the sides TT holder and M type insert seal. Other less effective seals from Gold seal at B& Q.
5. Walls and any top of lobby to be made of 75mm by 50mm wood studs at 450mm centres, with noggins, and with at least one layer of 15mm sound block plasterboard each side, with 75mm RW3 rockwool infill.  
(A suitable alternative would be two layers of 12.5 mm standard plasterboard each side.)
6. For additional security outside when bar not in use a steel roller shutter flush to external wall should be considered.
7. All designated fire exit lobbies should have fire exit signs to BS 5499 part 4 and have primary and secondary emergency lighting leading into the lobby area and also within the lobby itself.
8. Good detailing and workmanship are essential to achieve the best acoustic performance; regular on site inspection recommended at all major stages.

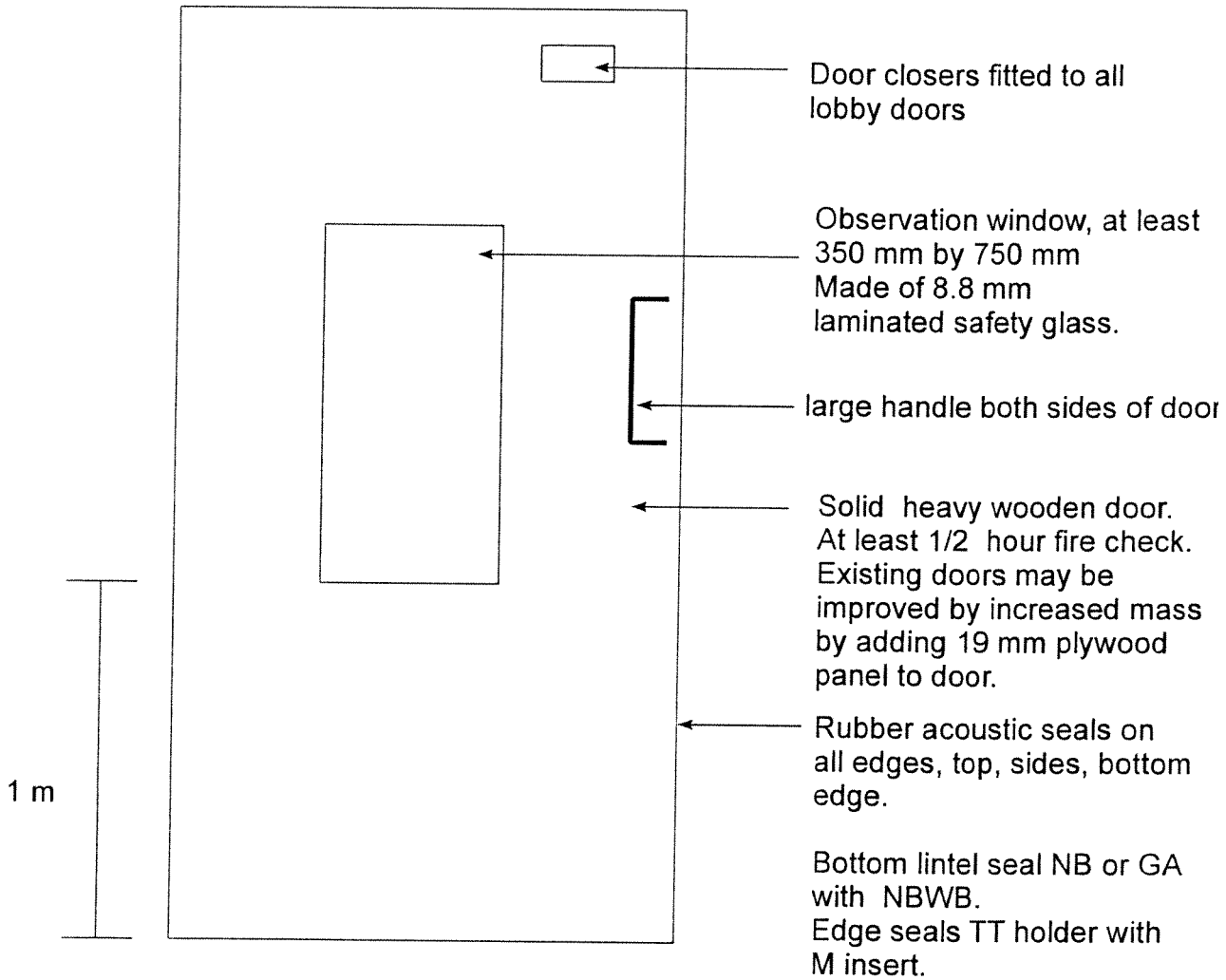
New additional acoustic  
entrance lobby, double doors  
general.

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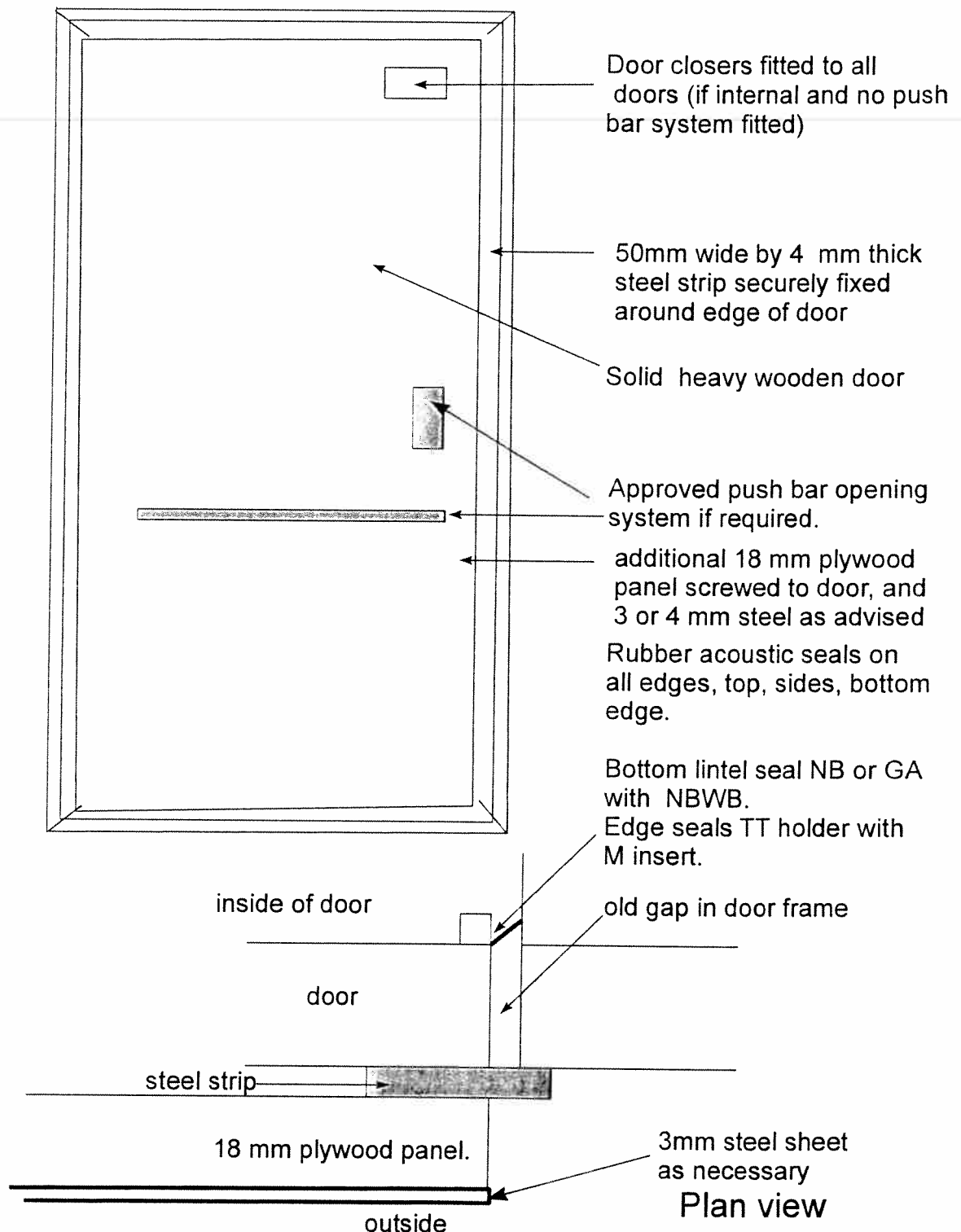


## Notes.

Suitable acoustic rubber seals are available from Sealmaster of Cambridge, tel; 01223 832851 (less efficient seals are also available from B and Q).

Sketch of observation window, and improvements to all lobby doors.

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Suitable acoustic rubber seals are available from a company called Sealmaster in Cambridge. Lintel seals NB or GA, with NBWB, and for the sides TT holder and M type insert seal, less effective, but cheaper seals are from B and Q. Sealmaster of Cambridge, tel; 01223 832851

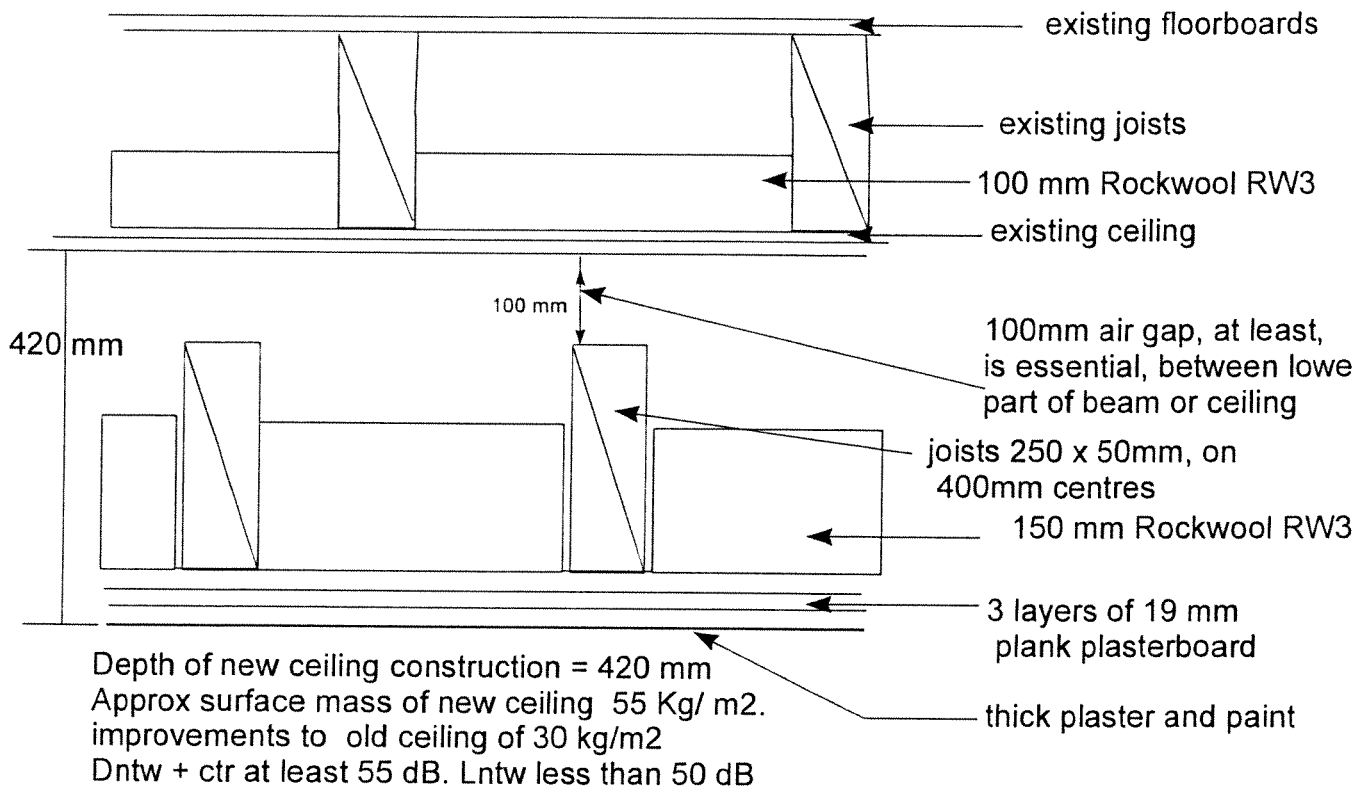
Fire exit doors; push bars, extra mass, and steel strip, and acoustic seals. ©

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August 2006

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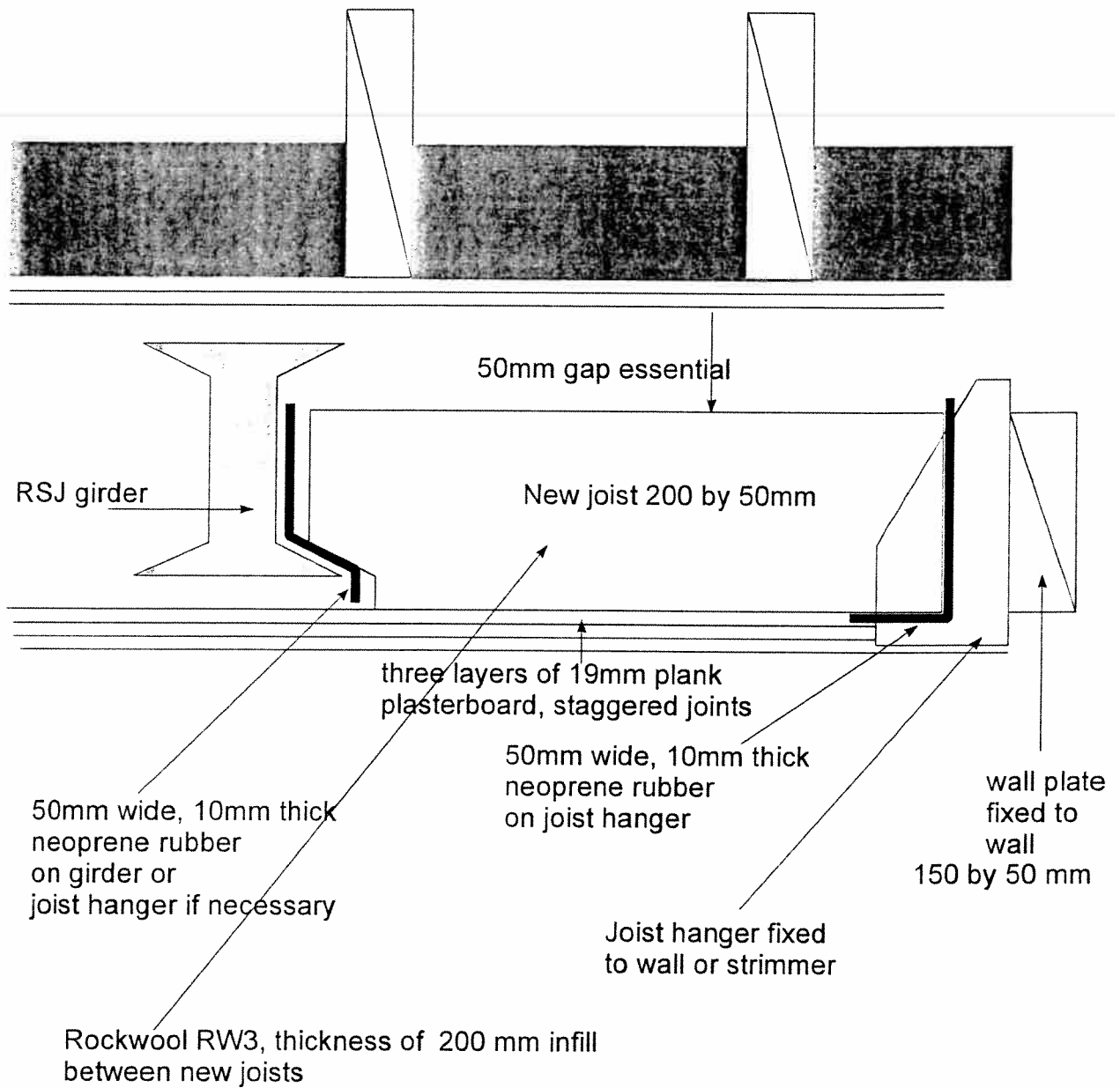




## Notes.

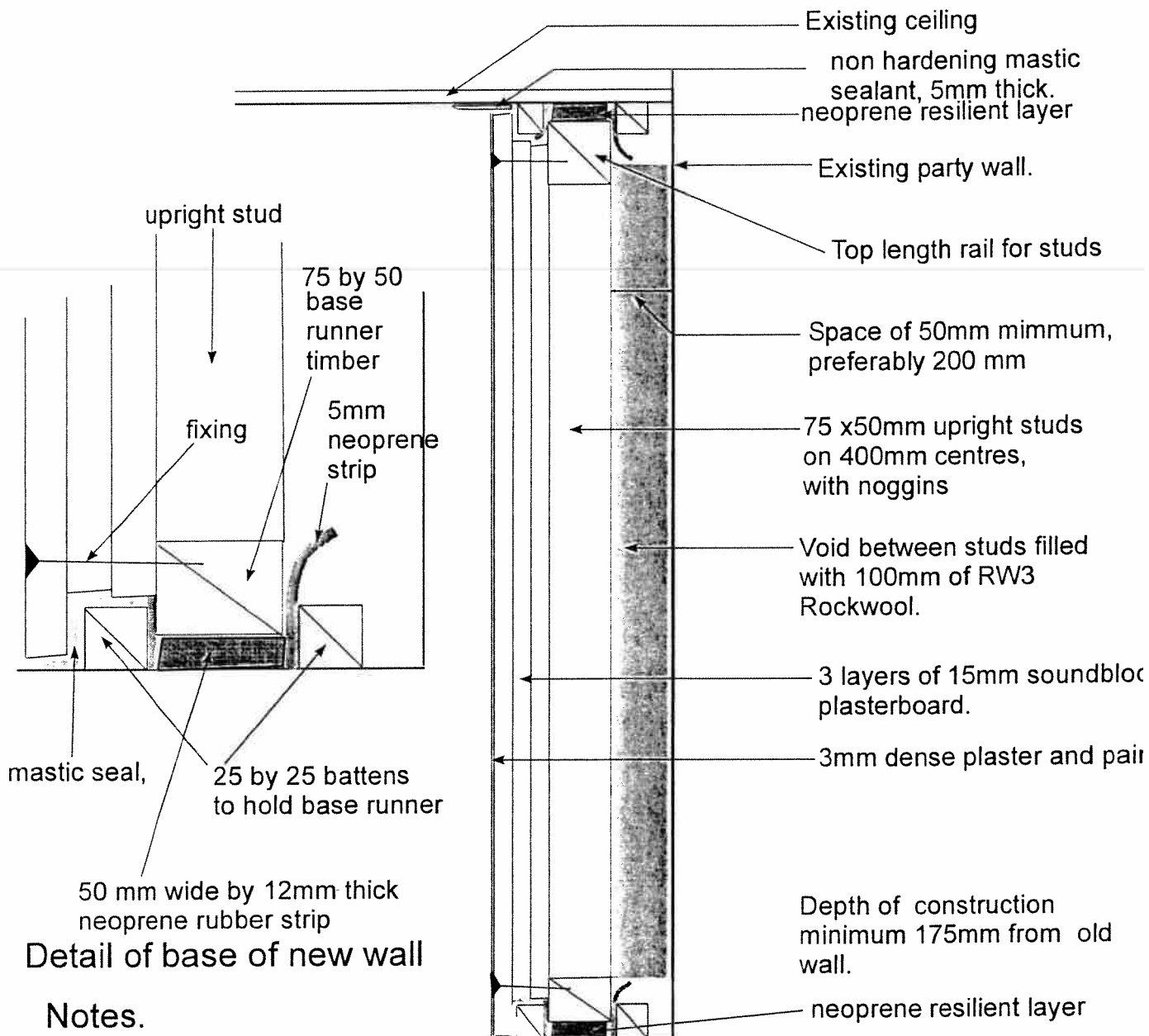
- 1 All edges of existing ceiling, at walls, or any air gaps, holes etc to be sealed using elastic mastic. If old ceiling in poor condition, pull down and fill void with 100mm RW3 rockwool, and put new 12.5 mm plasterboard back up.
- 2 New joist hangers to be put into walls, on wall plate or from edge of existing girders, to support new joists and independent ceiling. Joist ends should be isolated from hangers by 50mm wide and 10mm thick neoprene rubber (available from Lafarge). Stick the rubber on to joist hanger then put joist on top of rubber.
- 3 Joist sizes to be confirmed strong enough to support new ceiling; for spans up to 6 m then 250mm by 50mm joists are recommended, on 400mm centres, with supporting noggins. (Any other spans or changes to be confirmed by structural surveyors report.)
- 4 The new independent ceiling **must not** be structurally joined to the old ceiling; the 100mm or more, preferably at least 250mm, gap is essential between the top of new joists and the underside of improved old ceiling, or the old beams.
- 5 Fit three layers of 19mm plasterboard plank to joists, with staggered joints and sealed at edges with elastic mastic; an alternative would be five layers of standard 12.5mm plasterboard.
- 6 The new void between underside of old ceiling and top of new plasterboard layers between joists to be filled with at least 150 mm of RW3 Rockwool
- 7 Only minimal holes are allowed in new ceiling ( 8mm maximum) for new lights etc Downlighters are **not** recommended.
- 8 Good detailing and workmanship are essential to get the best acoustic performance; regular on site inspection recommended at all major stages of the project.

**New Independent Acoustic Ceiling, Heavy duty.**  
 (Industrial, 3 by 19 mm plank ).



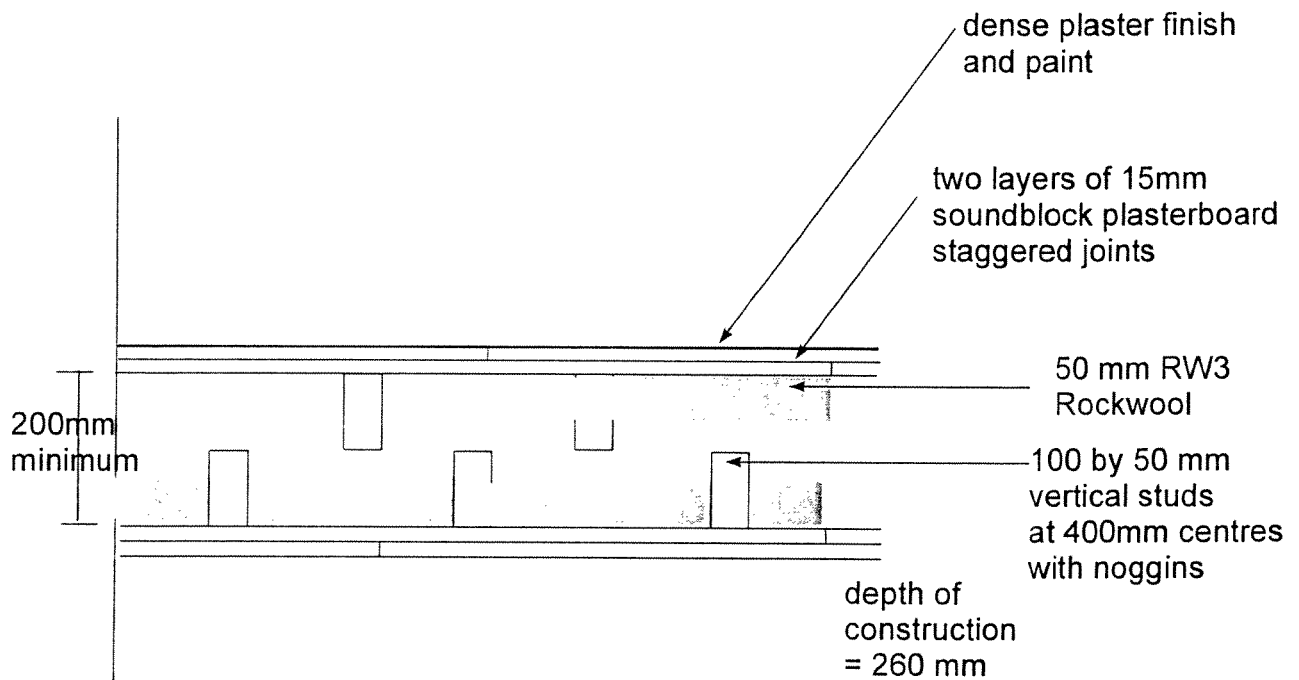
Independent ceiling supported on RSJ girders and joist hangers and isolated rubber supports.

detail    march 2006



### Notes.

1. The new independent wall **must not** be structurally joined to old existing walls.
2. Fix 25 x 25 battens to floor to hold base runner timber in place, fix 13 mm thick strip of neoprene rubber on floor in between battens ; and 50mm wide 6mm thick strip to the inside of each of the battens to cradle the base runner in rubber all around. ( a similar system for the top rail also.)The rubber strips are both self adhesive, ( available from consultant if required).
3. Fix upright studs to base runner and top rail, with noggins. Fix plasterboard to uprights. All fixings to be through the plasterboard on to the base runner or upright studs. The base runner and plasterboard sheets should not touch the floor or walls at all, should be isolated by rubber and any gaps sealed with non hardening mastic.
4. Top, base, and sides of new wall to be on 50mm wide 13 mm thick neoprene rubber.
5. The space behind the studs is essential to isolate the new wall; 50mm minimum, preferably at least 200 mm, the more the space the more the bass reduction.
6. The void between the studs and wall to be filled with 100mm RW3 rockwool or similar.
7. 15 mm sound block plasterboard joints to be overlapped and staggered, all edges sealed with non hardening mastic. An alternative is to use four layers of standard 12.5mm board.
8. Good detailing and workmanship are essential to get the best acoustic performance; regular on site inspections are recommended at all major stages of the project.

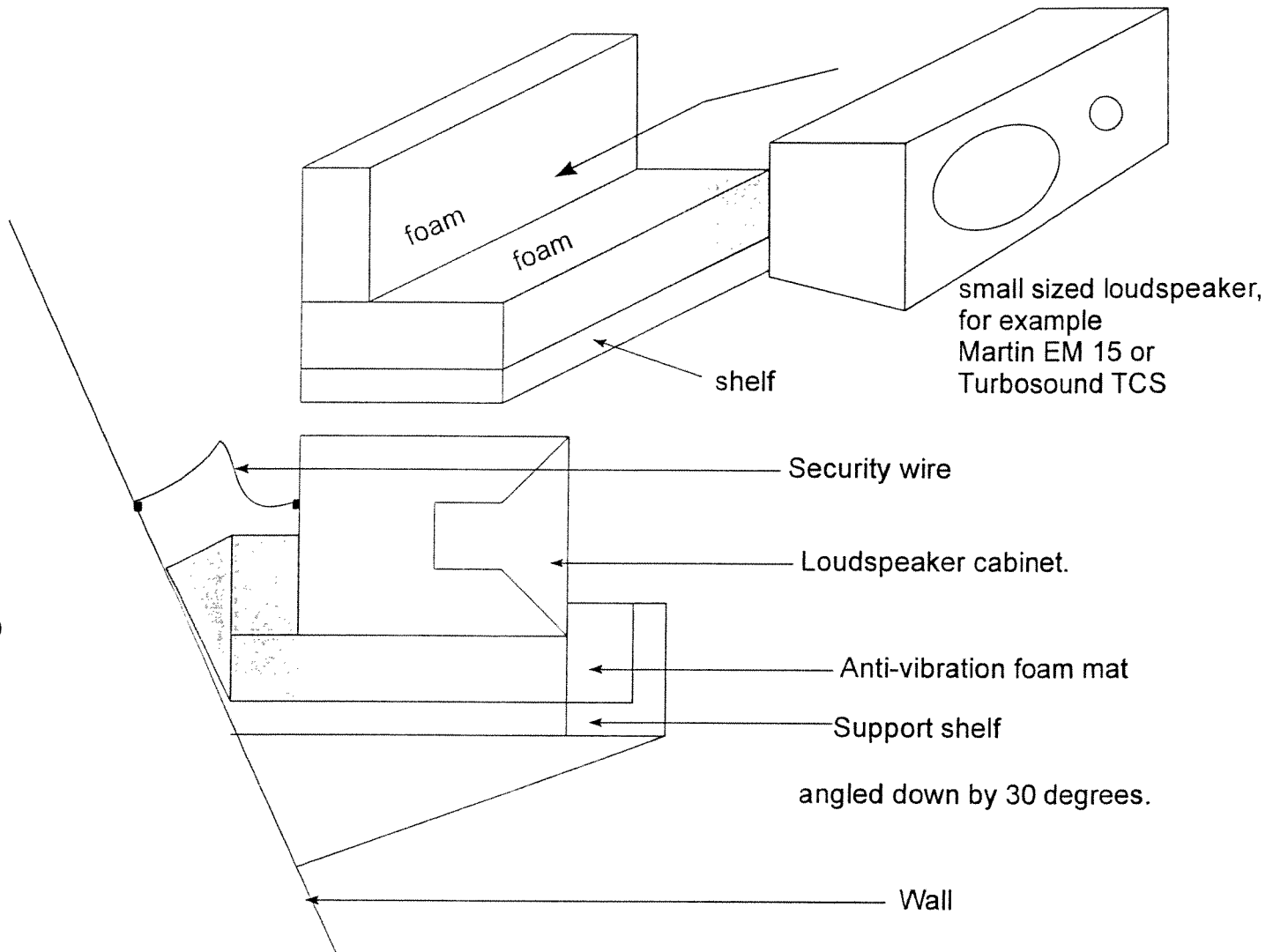


Plan view

### Notes

1. Two separate stud walls not joined in any way.
2. 100mm by 50mm upright studs at 400mm centres with supporting noggins.
3. Two layers of 15mm soundblock plasterboard or an alternative is three layers of 12.5 mm standard board
4. Two layers of 50mm RW3 rockwool insulation infill between studs.
5. An option for windows in glass is an alternative; use two layers of 8.8mm laminated glass or for smaller windows 6.4mm laminated glass.
6. Good detailing and workmanship are essential to get the best acoustic performance; regular on site inspections by the consultant are recommended at all major stages of the project.

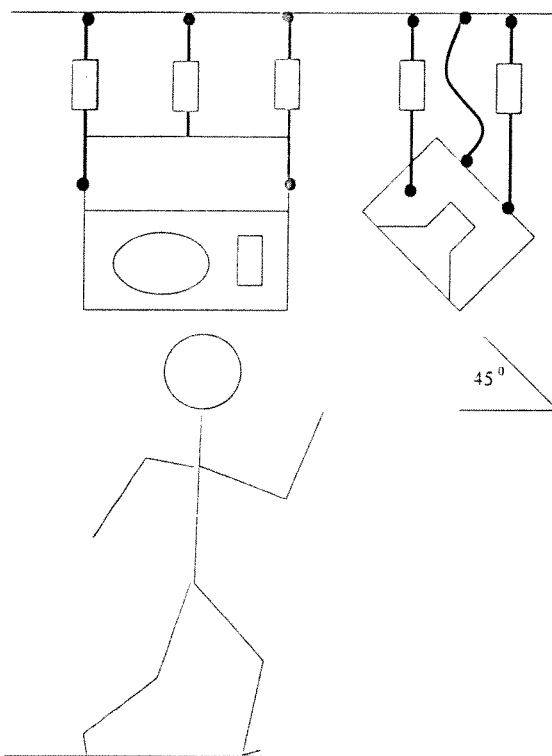
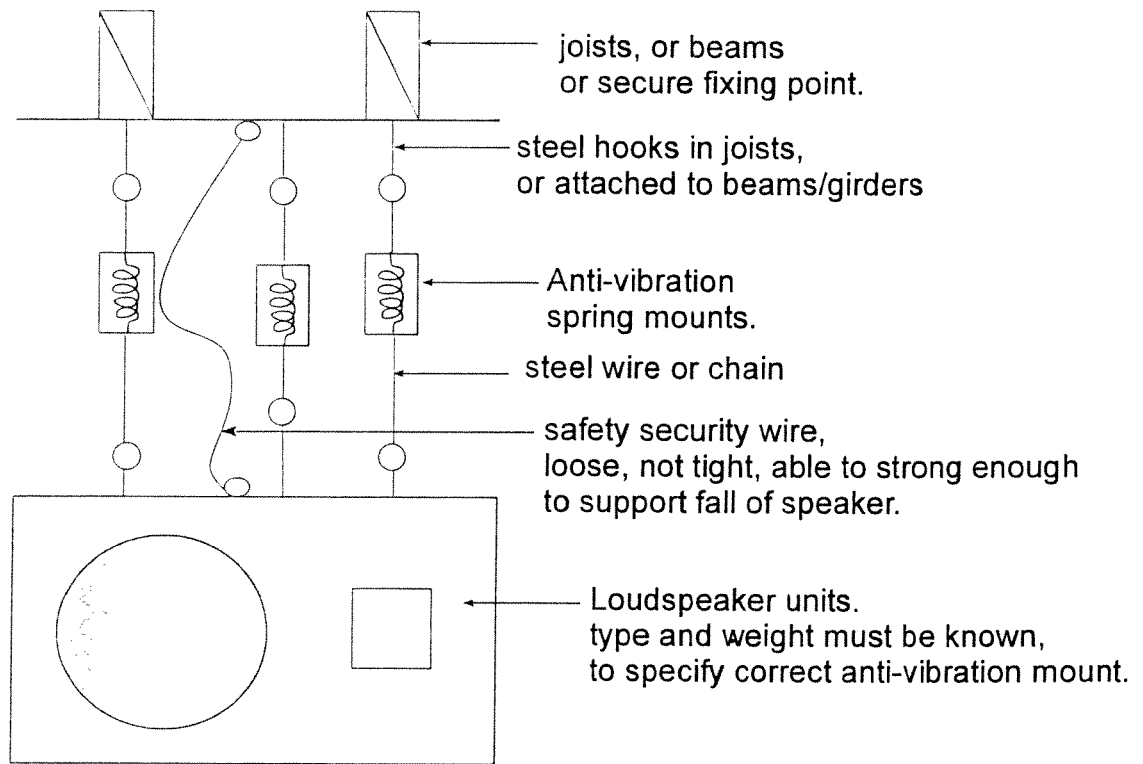
Double independent  
acoustic stud wall partition.  
in timber and glass.



### Notes

1. Loudspeakers should be positioned low down from ceiling and as close to the audience as possible, and horizontal; this is more effective, and preferably angled down by 30 degrees.
2. Many small speakers are preferable, with effective distribution of sound around the area.
3. The Anti-vibration foam mat, 50mm thick, is available from the consultant.
4. The speaker should not be rigidly fixed to wall or shelf in any way.
5. The security wire is necessary for health and safety, and for security.
6. Ready made steel and foam shelves, in black, are available from the consultant designed specifically for Martin EM15 and small Turbosound TCS speakers.

## Loudspeaker anti-vibration foam shelf



## Notes

Speakers often look and sound better if in horizontal position.

Many smaller speakers are much better than only two large speakers.

Angle speaker to point down, and directly at centre of room.

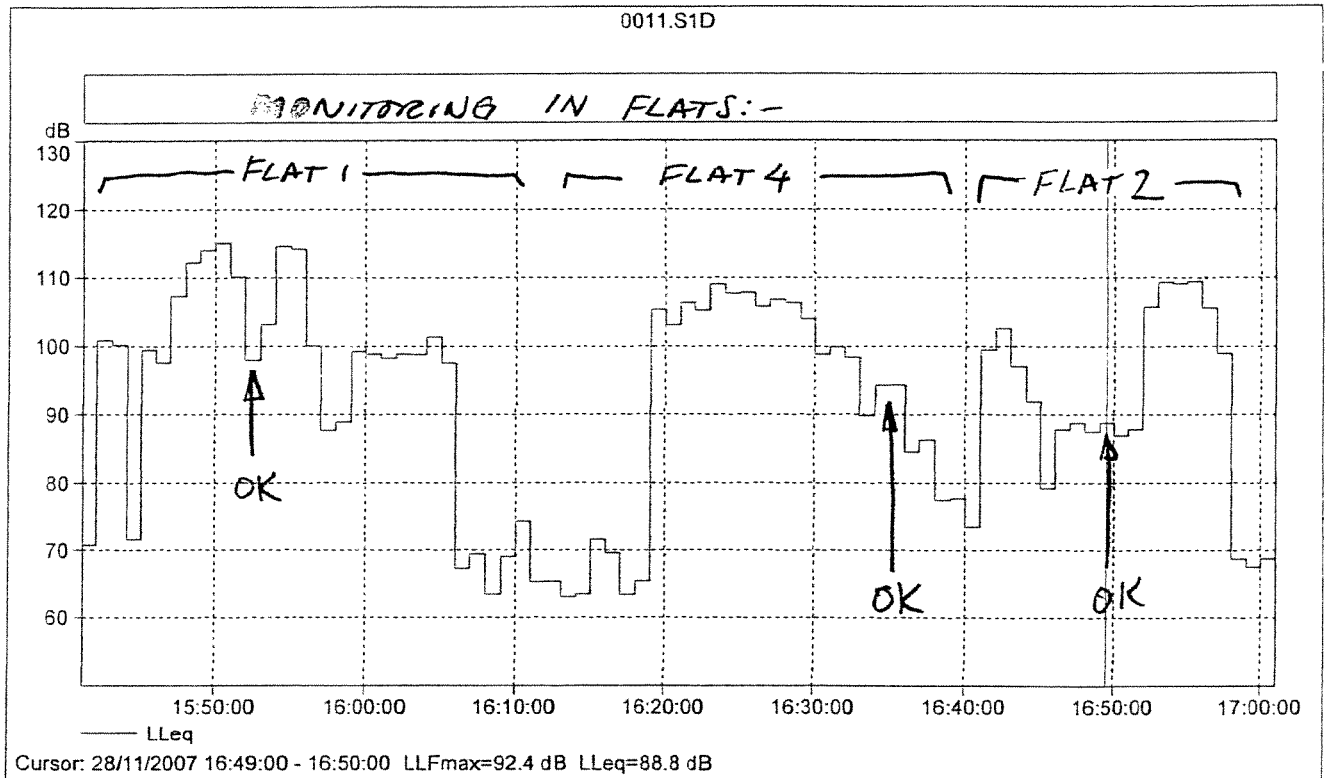
Arrange speakers to be as close to audience as possible, away from party wall, and not pointing directly towards lobbies or doors, or ventilation grilles, or bar staff if possible.

Security wire strong enough to support fall of speaker must be used for safety.

Each loudspeaker weight is determined, and acoustic consultant then specifies type and number of anti-vibration mount. There are usually three or four mounts needed, to give effective angling of loudspeaker and for maximum acoustic isolation.

## Loudspeaker Anti-vibration mount system

© August 2006 Shaun Murkett  
Acoustic Consultants Ltd.

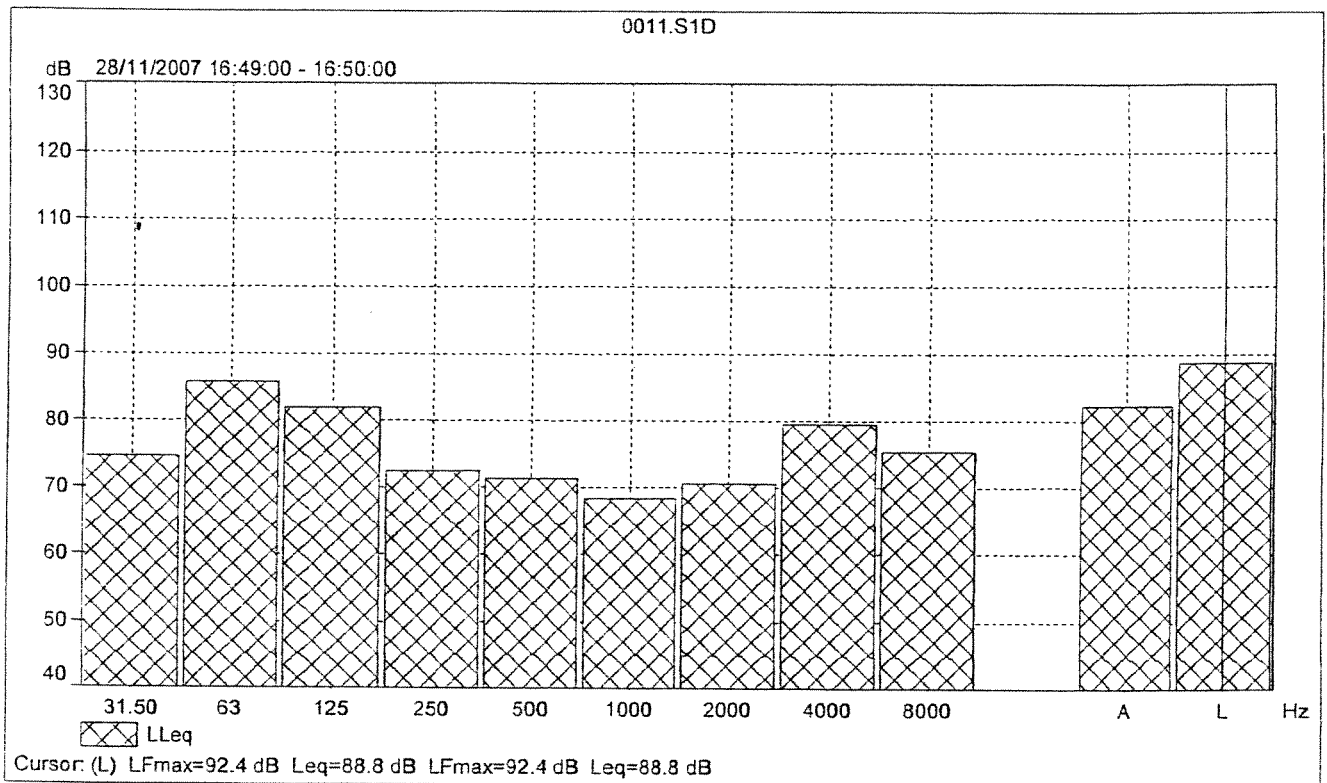


Profile trace of music sound in dB Leq <sub>1 min</sub> linear

measured inside restaurant bar at 2m from loudspeakers,  
whilst monitoring in various residents' flats above.

Laughing Buddha restaurant bar, 653 Commercial rd.

Wednesday evening 28 th November 2007.



Octave frequency spectrum of sound of music measured in centre of rear restaurant music room, at 2 metres from nearest speaker, when just inaudible in flat 2 above.

Laughing Buddha restaurant bar, 653 Commercial rd.

Wednesday evening 28 th November 2007.

Sound level 89 dB Leq linear 1min , ( 82 dBA Laeq. 1 min.)





S O L I C I T O R S

INCORPORATING TAYLOR NICHOL SOLICITORS

TELEPHONE 020 7790 7000  
020 7790 2553  
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E-MAIL 0207 791 7121  
DIRECT DIAL

PLEASE ASK FOR

Anthony Edwards

Tower Hamlets  
Licensing Section  
Mulberry Place (AH)  
PO BOX 55739  
5 Clove Crescent  
LONDON, E14 1BY

OUR REF.

YOUR REF.

AE/CH/MIAH

8<sup>th</sup> April, 08

Dear Sirs,

**RE: Laughing Buddha -653 Commercial Road, London, E.14. 7HW  
REPRESENTATIONS ON APPLICATION FOR A REVIEW OF THE LICENCE**

We understand that there are some concerns about the plan which was attached to the original application. We asked for a new plan to be prepared and that is now attached.

We confirm that we are reviewing the position on the designated premises supervisor to maintain the strongest management control, given the issues raised.

We will be in touch with you as soon as that matter has been resolved.

Yours faithfully

**T V Edwards LLP**  
Cc: Metropolitan police  
Fire Authority

24 APR 2008

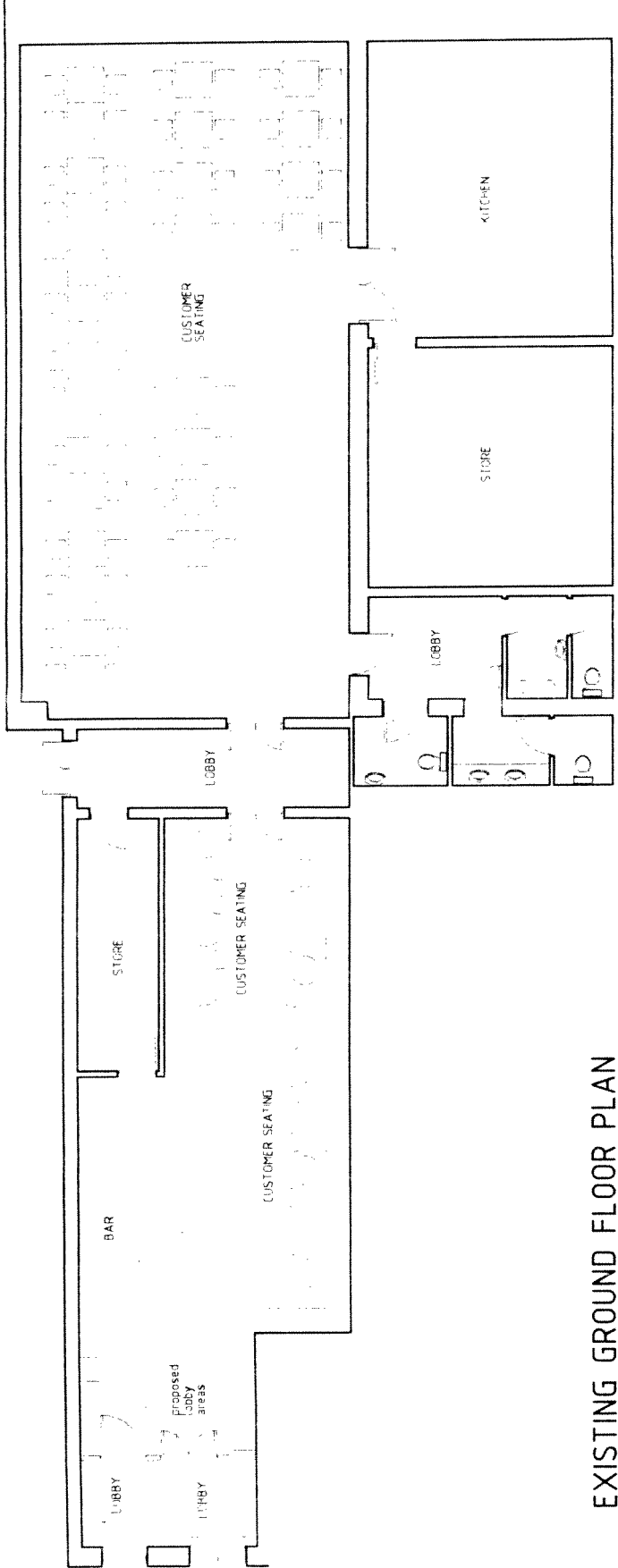
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TV EDWARDS IS REGULATED BY THE SOLICITORS REGULATION AUTHORITY





EXISTING GROUND FLOOR PLAN

Client	MR R MIAH	
Project	653 COMMERCIAL ROAD LONDON E14	
Drawn Title	FLOOR PLAN	
<b>Direct Planning Limited</b> Town Planning Consultants and Architects, Established 1988 Riverside House 45-47 High Street Ed. 01850 511009 London E14 4JF Tel. 01850 511009 Fax 01850 511009 Email enquiries@directplanning.co.uk		
Drawn by	R GOKCE	
Scale	1:100	Date
		APRIL 2008
Project/Dwg no	DP/1169/RG/01	