



Meeting of the

# LICENSING SUB COMMITTEE

---

Tuesday, 22 July 2008 at 6.30 p.m.

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## A G E N D A

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### VENUE

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

<b>Members:</b>	<b>Ward Represented</b>
<b>Chair: Councillor Carli Harper-Penman</b>	Bethnal Green South
<b>Councillor Alexander Heslop</b>	Bow East
<b>Councillor Oliur Rahman</b>	St Dunstan's & Stepney Green

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

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# LONDON BOROUGH OF TOWER HAMLETS

## LICENSING SUB COMMITTEE

Tuesday, 22 July 2008

6.30 p.m.

### 1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

### 2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. RULES OF PROCEDURE</b>	<b>3 - 14</b>	
To note the rules of procedure which are attached for information.		
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application to Review the Premises Licence: Edge, 157 Commercial Street, London E1 6BJ</b>	<b>15 - 342</b>	<b>Spitalfields &amp; Banglatown</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:-**

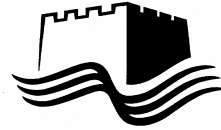
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 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).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

## APPENDIX B

### Regulation 8

<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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# Agenda Item 4.1

Committee: <b>Licensing Sub-Committee</b>	Date:	Classification: <b>UNRESTRICTED</b>	Report No.	Agenda Item No.
Report of: <b>Colin Perrins</b> <b>Head of Trading Standards and Environmental Health (Commercial)</b>	Title: <b>Licensing Act 2003</b>			
Originating Officer: <b>Mohshin Ali</b> <b>Licensing Officer</b>	<b>Application to Review the Premises Licence for Edge, 157 Commercial Street, London E1 6BJ.</b>			
	Ward affected: <b>Spitalfields and Banglatown</b>			

## 1.0 Summary

Name and Address of premises: **Edge  
157 Commercial Street  
London  
E1 6BJ**

Licence under review: **Licensing Act 2003**

- **Sale by retail of alcohol**
- **Regulated entertainment**
- **Late night refreshment**

Representations: **Environmental Protection**

- **Planning**
- **Police**
- **Local Residents**
- **Residents Association**

## 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 Edge, 157 Commercial Street, London E1 6BJ. 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 local residents/ residents association (See **Appendix H** for a list of objectors). Please see **Appendices H1 – H16** for the individual representations. In addition to the representations, two residents have submitted video evidence which will be made available for exhibition at the hearing.
- 3.13 The review is further supported by Metropolitan Police. Please see **Appendix I**.
- 3.14 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 3.15 were considered before any representations were accepted for inclusion in this report.
- 3.15 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.

3.16 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.

3.17 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.

3.18 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 16 November 2005. 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 J**.

#### 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 K**).

## 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
<b>Appendix B</b>	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
<b>Appendix C</b>	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
<b>Appendix D</b>	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
<b>Appendix E</b>	Representation of Environmental Protection (Contains Appendices 1 - 10)
<b>Appendix F</b>	Representation of Planning Department
<b>Appendix G</b>	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Planning and Building Control
<b>Appendix H</b>	List of residents/residents association making representations
<b>Appendices H1 – H16</b>	Individual letters/emails of representations
<b>Appendix I</b>	Representation of Metropolitan police
<b>Appendix J</b>	Maps and photos showing the premises and surrounding area
<b>Appendix K</b>	Documents submitted by the applicant following the review

# 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 siting 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.

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# Appendix E

- Appendix 1** Aerial photograph of location of the premises
- Appendix 2** Copy of the current premises licence
- Appendix 3** Witness statements
- Appendix 4** Copy of Environmental Protection Act section 80 Abatement Notice
- Appendix 5** Warning letters to licensee – Mr Singh
- Appendix 6** Planning applications and decisions
- Appendix 7** Acoustic report and subsequent correspondence
- Appendix 8** Temporary Stop Notice served by Planning Department.
- Appendix 9** Licensing Section comments
- Appendix 10** Précis of events

# **THE EDGE**

**157 COMMERCIAL  
STREET, LONDON E1**

**APPLICATION FOR  
REVIEW OF PREMISES  
LICENSE**

1 - APR 2010



**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**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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> THE EDGE NIGHTCLUB 157 COMMERCIAL STREET	
<b>Post town</b> LONDON	<b>Post code (if known)</b> E1
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Jaspel Singh	
<b>Number of premises licence or club premises certificate (if known)</b> 11840	

**Part 2 - Applicant details**

I am

- |   | <b>Please tick yes</b>              |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below)                           |                                     |
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/>            |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/>            |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/>            |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/>            |
| 2) a responsible authority (please complete (C) below)                              | <input checked="" type="checkbox"/> |

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) 02073645008
E-mail address (optional) environmentalhealth@towerhamlets.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes

<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>

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

Due to the combination of the structural limitations of the premises and the continuing inability or unwillingness of the License holder to put in place and maintain the necessary range of managerial controls. The operation of this 'club' has caused considerable noise disturbance to neighbouring residents. A significant number of complaints have been made to the Council's Out of House noise service whose officers have corroborated the validity of the complaints on many occasions, the most recent being 16th March 2008.

The disturbances arise generally on the weekends due to music noise and from within 'the premises' being audible in bedrooms of adjacent residential units until as late as 04:00 hours.

Officers of the Environmental Protection Team and several of the affected residents have brought these matters to the Licensees attention on many occasion but the incidents are inevitable soon repeated.

It is my view, therefore, that these premises continue to be operated in such a fashion that is inconsistent with the requirements of the objective set out in the Licensing Act 2003 relating to the prevention of 'Public Nuisance'.

The Licensee has been given ample opportunity and time since first being made aware of the problems outlined above, but has failed to bring about and lasting improvement in the situation.

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

The Edge Nightclub is located within the basement of 157 Commercial Street, London E1 6BJ. A restaurant is located on the ground floor and residential on the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors consisting of nine (9) flats **Appendix 1**.

Copy of The Edge Premises License for The Edge contained within **Appendix 2**. The name of the premises licence holder is a Mr Jaspel Singh. Condition extracted from the Premises License to which this précis will be referring to outlined below:

- All noise emanating from the premise must not cause a statutory noise nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

Officers from the Council whilst on duty on the Out of Hours Noise Patrol service responding to complaints of loud music emanating from The Edge Nightclub witnessed Statutory Noise nuisance on 16<sup>th</sup> July 2005 and 6<sup>th</sup> August 2005 **Appendix 3.1 and 3.2** respectively. An Environmental Protection Act section 80 Abatement Notice in respect of a Statutory Noise Nuisance **Appendix 4** was served on 26<sup>th</sup> October 2005 **Appendix 3.3**.

Statutory Noise Nuisance from loud music emanating from The Edge Nightclub and therefore contraventions of the above Abatement Notice were witnessed on:

- 7<sup>th</sup> December 2006
- 24<sup>th</sup> December 2006
- 14<sup>th</sup> January 2007
- 4<sup>th</sup> Feb 2007
- 31 March 2007
- 7<sup>th</sup> April 2007
- 13<sup>th</sup> April 2007
- 23<sup>rd</sup> June 2007
- 9<sup>th</sup> February 2008
- 1<sup>st</sup> March 2008
- 16<sup>th</sup> March 2008

**Appendix 3.4 – 3.15** respectively

Environmental Health wrote to Mr Singh on 2<sup>nd</sup> and 14<sup>th</sup> January 2007 regarding the contraventions of Environmental Protection Act 1990 Notice that was served on 26<sup>th</sup> October 2006 up to that date **Appendix 5**. Officers have spoken to Mr Singh on numerous occasions whilst on duty on the Out of Hours Noise Patrol service where it was stated to Mr Singh that the premises is causing a Statutory Noise Nuisance contravening above Notice, contravening their premises License and Planning permission permitted hours. Witness statements from Environmental Health Officers and Environmental Health Technical Officers detailing the above contraventions, noise nuisances and conversations with Mr Singh are contained within witness statements labelled **Appendix 3.1 – 3.15**.

The premises operated without valid planning permission until 4<sup>th</sup> May 2007 where conditional permission for the development was granted conditioning the hours of operation till midnight Mon – Sat and till 23.30hrs on Sunday. Planning applications and outcomes of these applications contained within **Appendix 6**. During the process of applying for planning permission, an Acoustic Report was produced **Appendix 7** and remedial works carried out attempting to address the noise issues.

The Edge Nightclub has continued to operate beyond the planning permitted times from when conditional permission was granted on 4<sup>th</sup> May 2007. Planning Department served a Temporary Stop Notice on 29<sup>th</sup> February 2008 prohibiting use of premises outside planning permitted times **Appendix 8**. To date there has been three (3) contraventions of this notice witnessed. **Appendix 3.15** summarises actions taken by planning within witness statement of Cain Duncan – Planning Enforcement Officer. This planning matter is now with Tower Hamlets Legal Department with a view to prosecute.

A summary of complaints received directly to the Licensing Department and details of action taken by this department contained within **Appendix 9**.

Since the Environmental Protection Act Abatement Notice was served this department has received approximately sixty-five (65) complaints from residents regarding loud amplified music from The Edge, 157 Commercial Street, London E1 and witnessed twelve (12) contraventions of the Environmental Protection Act section 80 Notice served on 26<sup>th</sup> October 2005.

The information outlined above demonstrates that Mr Singh has not complied with the conditions of his Premises License.

Despite the owner, Mr Jaspel Singh, arranging to carry out sound insulation works to the premises as recommended by his independent acoustician, the premises has continued to cause a nuisance to nearby residential resulting from the Licensable activities taking place at this venue. This would seem to arise due to a combination of lack of regard for the residents living in the close proximity to 'the premises', inadequate management being exercised over controlling both the volume and bass of the music being played and a structural deficiency in the building itself which has not had the necessary acoustical improvements carried out to contain noise effectively in the basement. Mr Singh, who has always presented himself, 'de facto', as the person in control of 'the premises' since 2005, has failed to resolve the noise problems associated with the operation of the premises and the structural inadequacies. It is clear that the activities and associated musical accompaniment which have been taking place at 'the premises' have caused and continue to cause distress and disturbance to those living in the immediate vicinity, and so compromise his premises License and Licensing objectives.

More detailed Précis of Events contained within **Appendix 10**.

#### **Information to support Application**

- Appendix 1 – Aerial photograph of location of premises
- Appendix 2 – Copy of Premises license
- Appendix 3 – Witness Statements
- Appendix 4 – Copy of Environmental Protection Act section 80 Abatement Notice
- Appendix 5 – Warning Letters to Licensee – Mr Singh
- Appendix 6 – Planning Applications and Decisions
- Appendix 7 – Acoustic Report and subsequent correspondence
- Appendix 8 – Temporary Stop Notice served by Planning Department
- Appendix 9 – Licensing Department comments
- Appendix 10 – Précis of Events

Have you made an application for review relating to this premises before  **Please tick yes**

If yes please state the date of that application

Day Month Year  

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

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

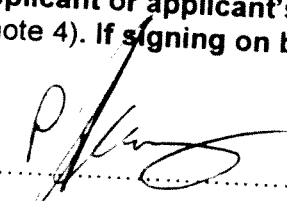
- Please tick yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
  - I understand that if I do not comply with the above requirements my application will be rejected

**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

2<sup>nd</sup> APRIL 2008

Capacity Environmental Health Technical Officer

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)  
As per Part 2 C of this application

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**

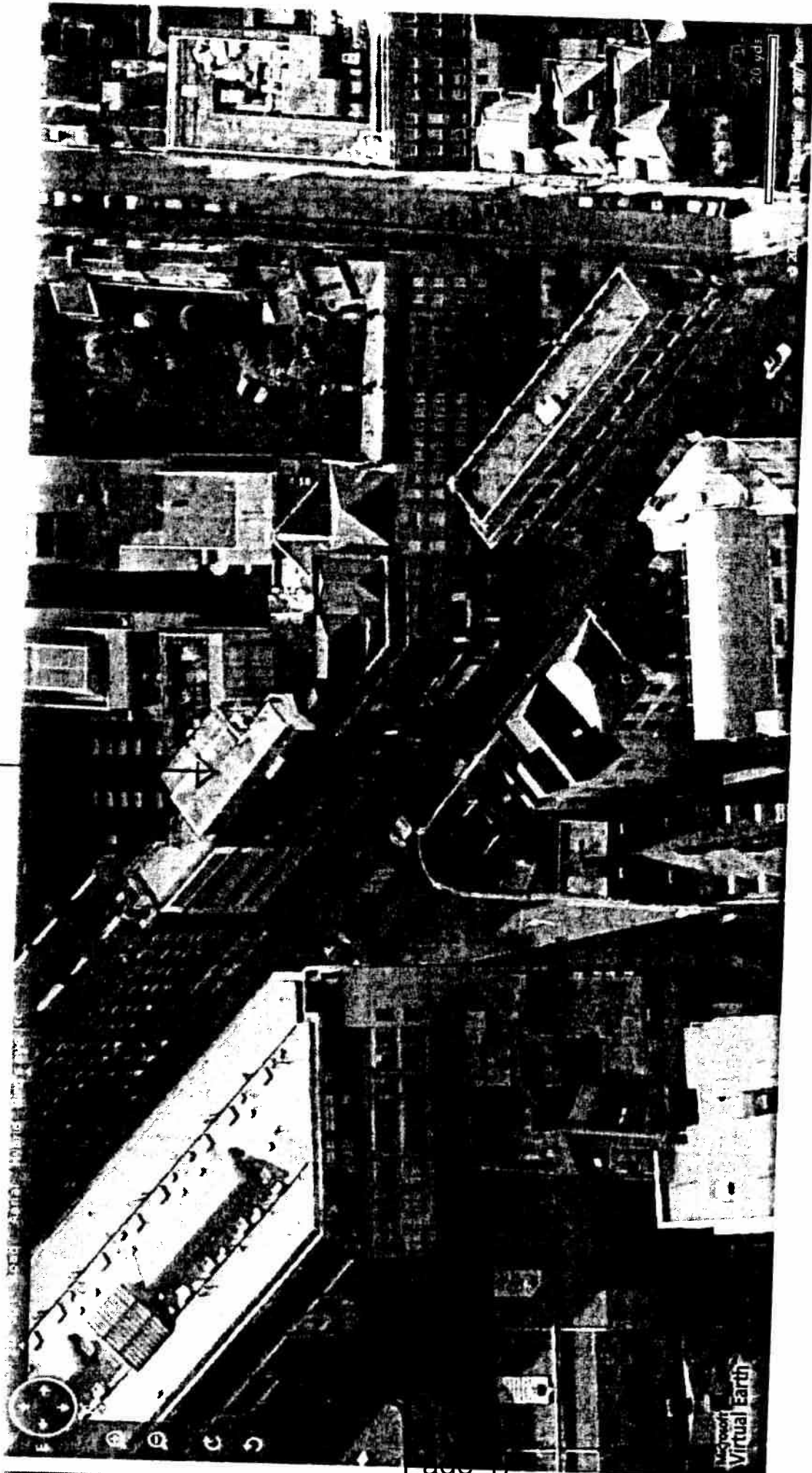
1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) 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.

# **APPENDIX 1**



APPENDIX 1

157 COMMERCIAL STREET



# **APPENDIX 2**

APPENDIX 2

**(Edge)  
Ground and Basement Floor  
157 Commercial Street  
London  
E1 6BJ**

**Licensable Activities authorised by the licence**  
**The sale by retail of alcohol**  
**Regulated Entertainment**  
**Late Night Refreshment**

**See the attached licence for the licence conditions**

**Signed by**

**John Cruse** \_\_\_\_\_  
**Team Leader Licensing**

**Date: 16/11/05**



**Part A - Format of premises licence**

Premises licence number

11840

**Part 1 - Premises details**

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

(Edge)  
Ground and Basement Floor  
157 Commercial Street

**Post town**

London

**Post code**

E1 6BJ

**Telephone number**

020 7247 5123

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

Not applicable

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
Regulated Entertainment  
Late Night Refreshment

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

**For the Supply of Alcohol**

Ground Floor

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied (for one hour following the hours set out above and) (on Christmas day between 3p.m. and 7 p.m.) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

For conditions re. "drinking up time" see  
Annex 1 Mandatory Conditions

**Basement Only**

Monday to Thursday 11 00 hrs to 02 00 hrs the following morning  
Friday and Saturday 11 00 hrs to 04 00 hrs the following morning  
Sunday 11 00 hrs to midnight

**Late Night Refreshment**

**Ground Floor**

See Appendix 1 for further permissions

**Basement Only**

Monday to Thursday until 02 00 hrs the following morning  
Friday and Saturday until 04 00 hrs the following morning  
Sunday until midnight

**Regulated Entertainment**

**Ground Floor**

See Appendix 1 for further conditions

**Basement Only**

Monday to Thursday 18 00 hrs to 02 00 hrs the following morning  
Friday and Saturday 18 00 hrs to 04 00 hrs the following morning  
Sunday 18 00 hrs to midnight

**For all regulated activities**

An additional hour to the standard and non-standard timings on the day when British  
Summertime commences.

From the standard start timing on 31 December to the standard finish timing on 1 January

**The opening hours of the premises**

The premises is permitted to remain open to the public for 30 minutes after the last permitted  
activity

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

On sales

**Part 2**

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

Mr Jaspal Singh and Mr Gulzar Rathor  
157 Commercial Street  
London  
E1 6BJ

0207 247 5123

**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 Fadi Abouchaar  
304 Rhodeswell Road  
London E14 7US

**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 Tower Hamlets  
Licence No. 10279

## **Annex 1 - Mandatory conditions**

### **Alcohol**

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

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

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

### **Door Supervisors**

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

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

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

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

### **Conditions for the Ground Floor**

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;
- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Alcohol may be sold or supplied (for one hour following the hours set out above and) (on Christmas day between 3p.m. and 7 p.m.) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

### **Children in Bars**

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in railway refreshment rooms or other premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals.



### **Private Entertainment**

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

### **Public Entertainment**

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

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

Regulated Entertainment consists of live music, recorded music, the performance of dance, (and anything similar), and dance only  
Dance will be restricted to the dance floor area only  
Entertainment is restricted to the basement area  
No children are permitted into the basement

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

1. The capacity of the basement area is 215 people, including staff
2. A minimum of two registered door supervisors are to be present whenever the premises is open to the public
3. The number of patrons on the premises is to be recorded by the use of clickers at all times
4. A person capable of acting on behalf of the premises licence holders must be present on the premises at all times a private event takes place
5. At all times the premises are open to the public emergency exit routes from the basement into the ground floor premises and to the street from there shall be readily available at all times
6. The premises licence holders must comply with all reasonable requests from Environmental Health and sound levels must be set and maintained in agreement with Environmental Health (Noise) officers
7. All noise emanating from the premises must not cause a statutory nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premises
8. The windows at the front of the premises are to be kept shut whilst the premises are used under this licence
9. Patrons are to be encouraged to remain inside whilst waiting for transport.
10. Signage to be displayed within the premises asking patrons to leave quietly and be respectful of residential amenity.
11. All bottled drinks to be served in plastic glasses.
12. Alcohol purchased in the premises must be consumed within the premises and not taken outside.

#### **Annex 4 - Plans**

The plans are those submitted to the licensing authority on the following date:  
4 August 2005



**Part B - Premises licence summary**

**Premises licence number** 11840

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Edge)  
Ground and Basement Floor  
157 Commercial Street

**Post town** London **Post code** E1 6BJ

**Telephone number** 020 7247 5123

Where the licence is time limited the dates  
N/a

Licensable activities authorised by the licence  
The sale by retail of alcohol  
Regulated Entertainment  
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities  
Ground Floor  
Alcohol shall not be sold or supplied except during permitted hours.  
In this condition, permitted hours means:  
a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.  
b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.  
c. On Good Friday, 12 noon to 10.30 p.m.  
d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.  
e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.  
f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.  
g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).  
Alcohol may be sold or supplied (for one hour following the hours set out above and) (on Christmas day between 3p.m. and 7 p.m.) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

**Basement Only**

Monday to Thursday 11 00 hrs to 02 00 hrs the following morning  
Friday and Saturday 11 00 hrs to 04 00 hrs the following morning  
Sunday 11 00 hrs to midnight

**Late Night Refreshment**

Ground Floor

See Appendix 1 for further permissions

Basement Only

Monday to Thursday until 02 00 hrs the following morning  
Friday and Saturday until 04 00 hrs the following morning  
Sunday until midnight

**Regulated Entertainment**

Ground Floor

See Appendix 1 for further conditions

Basement Only

Monday to Thursday 18 00 hrs to 02 00 hrs the following morning  
Friday and Saturday 18 00 hrs to 04 00 hrs the following morning  
Sunday 18 00 hrs to midnight

**For all regulated activities**

An additional hour to the standard and non-standard timings on the day when British Summertime commences.

From the standard start timing on 31 December to the standard finish timing on 1 January

**See full licence for New Years Eve, non-standard times, drinking up and other conditions**

Open 10 00 hrs close 30 minutes after the last regulated activity

The opening hours of the premises

Name, (registered) address of holder of premises licence

Mr Jaspal Singh and  
Mr Gulzar Rathor  
157 Commercial Street  
London  
E1 6BJ

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

On sales

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

02922889

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

Mr Fadi Abouchaar

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

Yes

# **APPENDIX 3**

**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 24<sup>th</sup> day of April 2007

Signed \_\_\_\_\_

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

1 My full name is Alkesh Harilal Solanki and I work as an Environmental Health  
 2 Officer for the London Borough of Tower Hamlets. Since graduating from University  
 3 of Greenwich in July 1998 with a BSc Honours degree in Environmental Health, I  
 4 have worked for both the London Borough's of Hackney and (currently) Tower  
 5 Hamlets in the fields of environmental protection and noise pollution. I am authorised  
 6 to enforce the statutory requirements of the Environmental Protection Act 1990,  
 7 including that relating to noise nuisance. On the morning of Saturday 16<sup>th</sup> July 2005,  
 8 I was working as the duty Environmental Health Officer on the Council's Out-of-  
 9 Hours Noise Patrol Service. At 00.22 hours I received a call from the Emergency  
 10 Call Centre detailing a complaint of an alleged noise nuisance in the form of loud  
 11 music emanating from The Edge, 157 Commercial Street, London, E1 6BJ. At 00.25  
 12 hours I telephoned the complainant who confirmed that the music was on and he


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 could not sleep. I arranged a visit to investigate the complaint of a statutory nuisance  
14 as prescribed under section 79 of the Environmental Protection Act 1990 and to take  
15 such steps as are reasonably practicable to investigate the complaint. At 00.39 hours I  
16 visited the client flat which is on the  floor, and in the complainant's master  
17 bedroom I could clearly hear loud bass music. In my professional opinion the music  
18 was being played at an excessively loud level and it would be impossible to sleep in  
19 the bedroom. I was in no doubt that with music being played at such a level it was  
20 causing a statutory nuisance to the complainant. I could feel the vibration through my  
21 feet. I believe that the bass music was emanating from the basement of the flat, The  
22 Edge, 157 Commercial Street, London, E1 6BJ. In the complainant's second  
23 bedroom I could clearly hear bass music emanating from below. I put my hand on the  
24 door frame and I could feel the low frequency through my hands. I was satisfied that  
25 The Edge, 157 Commercial Street, London, E1 6BJ was causing a statutory noise  
26 nuisance as defined by section 79(g) of the Environmental Protection Act 1990. The  
27 complainant has no escape from the nuisance as the bass was also audible in the  
28 hallway and bathroom. At 00.55 hours I visited the The Edge, 157 Commercial  
29 Street, London, E1 6BJ and approached the doorman and introduced myself to him  
30 and asked to speak to the licensee or designated premise supervisor. The doorman  
31 introduced me to a man who was already standing outside the club. The man  
32 informed me that he was the licensee and that his name was Mr Jas Singh. I  
33 introduced myself to Mr Jas Singh and explained to him that I had witnessed a

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

34 statutory nuisance from the residential properties. I requested Mr Jas Singh that the  
35 general music volume to be reduced and that the bass music be reduced as well. Mr  
36 Jas Singh demanded to know who had complained so that he could evict him. I  
37 advised him that his response comes across very aggressive. Mr Jas Singh refused to  
38 accept that the music from his club was too loud that it could be heard in the upstairs  
39 flats. I managed to get Mr Jas Singh to come with me to the residential lobby access  
40 on the ground floor for the flats so that he could witness the bass music. Once inside  
41 the lobby to the residential flats I asked Mr Jas Singh if he could hear the music to  
42 which he replied "Yes". I then asked him where he thought the music was coming  
43 from to which he replied "My Club". I explained to Mr Jas Singh that a section 80  
44 noise abatement notice is likely to be served during the week by our department. Mr  
45 Jas Singh then mentioned that he has done all the works as stipulated by the  
46 environmental health department. I asked Mr Jas Singh to turn the music down but in  
47 particular the bass music. At this point the complainant came downstairs and  
48 introduced himself to Mr Jas Singh. Mr Jas Singh took this opportunity to ask the  
49 complainant if he could play loud music until 02.00 hours. At 01.19 hours, I, once  
50 again, asked Mr Jas Singh to go and turn the bass down. Mr Jas Singh agreed to this  
51 and when he came back at 01.23 hours I noticed no change to the volume of the  
52 music. The complainant was still present and Mr Jas Singh once again asked whether  
53 he could play loud music until 02.00 hours. My request was not complied with to  
54 abate the nuisance. The complainant agreed to Mr Jas Singh's request to allow him to

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

55 play loud music. As a result I left the Edge, 157 Commercial Street, London, E1 6BJ  
56 at 01.34 hours.

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)

Statement of John Anthony Goodrick

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

Occupation of Witness Environmental Health Technical Officer

This statement consisting of / 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 4<sup>th</sup> day of June 2007

Signed [Signature]

Signature witnessed by [Signature]

1 I John Anthony Goodrick will say. I am employed by the London borough of Tower  
 2 Hamlets as a Technical Officer currently working within the Environmental Noise  
 3 Team based at Anchorage House, 5 Clove Crescent, London E14. On 26<sup>th</sup> October  
 4 2005 as a result of a number of noise complaints, I had occasion to issue a Notice  
 5 under Section 80 of the Environmental Protection Act 1990 on the owner of the Edge  
 6 Nightclub, 157 Commercial Street, London E1, a Mr Jazz Singh. The Notice was  
 7 served by First Class Post and addressed to Jazz Singh at the club and I exhibit as  
 8 "JAG1" a printout of the Notice as served and which was listed on the Council's Flare  
 9 computer system. Mr Singh did not appeal the Notice.

Signature [Signature]

Signature witnessed by [Signature]

**STATEMENT OF WITNESS**

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

Statement of Abdur Ripon Rob  
Age of Witness (if over 18 enter "Over") Over 18

Occupation of Witness Environmental Health Officer

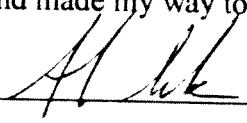
This statement consisting of \_\_\_\_\_ pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 18<sup>th</sup> day of October 2005

Signed 

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

1 My full name is Abdur Ripon Rob and I work as an Environmental Health Officer for  
2 the London Borough of Tower Hamlets. I have worked for the London Borough of  
3 Tower Hamlets in the Environmental Protection South Team, since graduating from  
4 King's College London University in July 2003 with a BSc Honours degree in  
5 Environmental Health. I am authorised to enforce the statutory requirements of the  
6 Environmental Protection Act 1990, including that relating to noise nuisance. On the  
7 night of Saturday 06<sup>th</sup> August 2005 I was working as the duty Environmental Health  
8 Officer on the Council's Out of Hours Noise Patrol Service. At 23.25 hours I  
9 received details of a complaint of an alleged noise nuisance emanating from the  
10 basement of 157 Commercial Street, London E1. At 23.58 hours I telephoned the  
11 complainant who confirmed that the noise was audible in their flat so I agreed to visit  
12 and assess for the existence of a statutory noise nuisance. At 00.26 hours I arrived at  
13 the complainant's property and made my way to their bedroom. When standing in

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 \_\_\_\_\_

14 this room I could clearly hear heavy bass beats that the complainant believed was  
15 emanating from the 'Edge' Club situated at the basement. The level of noise audible  
16 in the complainant's property was such that in my opinion the intrusion could not be  
17 ignored and it would be unreasonable for any reasonable person to conduct reasonable  
18 activities without disturbance and was therefore a statutory nuisance as defined by  
19 section 79(g) of the Environmental Protection Act 1990. I left the complainants flat  
20 and walked down to the ground floor and out of the entrance to the flat and turned left  
21 and made my way to the Edge Club. The heavy bass beats were also audible as I  
22 walked down the stairs serving the flats. I approached the bouncer at the entrance to  
23 the club and made a request to speak to the manager of the club. I could see stairs  
24 leading to the basement of the club and could hear dance type music emanating from  
25 the club with bass beats similar to that witnessed in the complainants flat. The  
26 manager of the club was summoned and he met me at the entrance to the club and  
27 introduced himself as Mr Singh. I explained to Mr Singh the reason for my visit and  
28 informed him that the level of music particularly the bass music emanating from the  
29 club was excessive. At this point Mr Singh became upset and stated that the Council  
30 was hassling him because *'one cunt was complaining'*. I explain that the level of  
31 noise witnessed by me emanating from his club was intrusive and that he needs to  
32 take some action. Mr Singh stated that he is aware of the noise problem and has  
33 instructed consultants to undertake noise mitigation works. I requested for him to turn  
34 the bass music down. Mr Sings stated that the bass music *'is as low as it can be'*. At

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                     *AM*                    

35 this point another bouncer came out of the club and also stated that the complainant  
36 was being unreasonable. At this stage I decided to leave and made a recommendation  
37 in my notes that a notice be served by the case Officer on the Edge club .

Signature                     *AM*                    

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

**STATEMENT OF WITNESS**

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

Statement of Muhammad Islam

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

Occupation of Witness Environmental Health Officer

This statement consisting of 2 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 21<sup>st</sup> day of December 2006

Signed M Islam

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

1 My name is Muhammad Islam. I am a qualified Environmental Health Officer. I hold  
 2 a Bachelor of Science Degree with Honours in Environmental Health and a Master of  
 3 Science in Environmental and Architectural Acoustics. I am currently employed by  
 4 the London Borough of Tower Hamlets. On the morning of 7<sup>th</sup> December 2006 I was  
 5 on the Councils out of Hours Noise Patrol Service. At 00.40 hours I was contacted by  
 6 Tower Hamlets Emergency Service at the request of the tenant of flat 157  
 7 Commercial Street, London, E1 complaining about loud music from the Edge Bar. At  
 8 00.46 hours I phoned the complainant and agreed to visit as the music was still loud. I  
 9 arrived at the complainant's flat at 01.15 hours and was taken to the bedroom which is  
 10 situated above the Edge Bar. I heard loud base beats in the bedroom coming from  
 11 below and which was loud enough to disturb and or interfere with sleep. The music  
 12 was on for five minutes and then stopped at 01.20 hours. The music was loud enough

Signature M Islam

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 Muhammad Islam

- 13 to be a statutory nuisance as defined under Section 79 (g) of the Environmental
- 14 Protection Act 1990.

Signature Muhammad Islam

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

STATEMENT OF WITNESS

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

Statement of Lorraine Theresa Woods

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

Occupation of Witness Environmental Health Technical Officer

This statement consisting of 2 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 4<sup>th</sup> day of January 2007

Signed Lorraine Woods

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

1 My name is Lorraine Woods. I am an Environmental Health Technical Officer  
 2 employed by the London Borough of Tower Hamlets. On the evening of 23rd  
 3 December 2006 I was the duty Officer for the Council's out of hour's noise patrol  
 4 service which operates between 20:00 – 04:00 hours. At 00:47 hours on the 24<sup>th</sup>  
 5 December 2006 I was contacted by the Tower Hamlets Emergency Call Centre, at the  
 6 request of the occupant of Flat 1, 157 Commercial Street, London E1 6BJ, who was  
 7 complaining of loud music emanating from a bar/nightclub below, called The Edge,  
 8 157 Commercial Street, London E3 6BJ. The complainant's property is located on the  
 9 ~~1st~~ floor above the premises. When I telephoned the complainant at 00:57 I was told  
 10 that the music was still ongoing, accompanied by an MC talking loudly and I agreed  
 11 to visit. When I arrived at 01:29 hours I went into the rear bedroom where I could  
 12 hear a heavy bass beat and singing. The front room of the property was not affected

Signature Lorraine Woods

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 \_\_\_\_\_

13 due to traffic noise. When I went back into the rear bedroom I could still hear the bass  
14 and found that it was louder behind the complainant's bed. I was of the opinion that  
15 the noise was particularly intrusive and I was satisfied that it was a statutory nuisance  
16 as defined by section 79(g) of the Environmental Protection Act 1990. When I left the  
17 flat the music was clearly audible in the communal areas near the lift and stairs. At  
18 01:37 hours I telephoned the club owner, Mr Singh, and asked him to reduce the  
19 volume and bass. I found that there was no reduction and at 01:43 hours I went to the  
20 club and discussed the matter further with Mr Singh. He advised me that he had  
21 recently employed a consultant to carry out sound tests and remedial sound insulation  
22 works were due to start in the near future. When I left at approximately 02:00 hours I  
23 was satisfied that there had been a reduction in the volume and bass. I returned to my  
24 office and on checking the case file found that a Notice under section 80 of the  
25 Environmental Protection Act 1990 had been served on the 25<sup>th</sup> October 2005 by Mr  
26 John Goodrick. In my opinion the statutory nuisance I witnessed was a breach of the  
27 section 80 Notice served by John Goodrick.

28  
29  
30  
31  
32  
33

Signature *Annulo Blood*

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

STATEMENT OF WITNESS

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

Statement of Lorraine Theresa Woods

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

Occupation of Witness Environmental Health Technical Officer

This statement consisting of 2 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 15th day of January 2007

Signed \_\_\_\_\_

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

1 My name is Lorraine Woods. I am currently employed by the London Borough of  
2 Tower Hamlets as an Environmental Health Technical Officer, part of my duties  
3 include dealing with complaints of noise nuisance. At 00:01 hours on January 14<sup>th</sup>  
4 2007, whilst working on the Council's out of hour's noise patrol, I received a  
5 complaint via the Tower Hamlets Emergency Call Centre of loud music emanating  
6 from a bar/club called The Edge, 157 Commercial Street, London E1 6BJ. The  
7 complainant lives on the ~~1st~~ floor above the premises at Flat ~~1~~, 157  
8 Commercial Street, London E1 6BJ. I contacted the complainant at 00:19 hours and  
9 was advised that the music was still audible and I agreed to visit. When I entered the  
10 communal area on the ground floor I could hear music emanating from The Edge. On  
11 entering the hallway of Flat 1 at 01:02 hours I could hear music with a heavy bass. I  
12 went into the rear bedroom and could hear music with a very heavy bass; it was also

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 \_\_\_\_\_

13 audible in the front living room. At 01:05 hours I returned to the rear bedroom and  
14 heard a male voice talking over a microphone for a few seconds and again at 01:08. I  
15 found that the bass was audible all in all the rooms that I entered and there was no  
16 escape from the music. I was of the opinion that the noise was particularly intrusive  
17 and I was satisfied that it was a statutory nuisance as defined by section 79(g) of the  
18 Environmental Protection Act 1990 and was therefore a breach of the section 80  
19 Notice served by John Goodrick on 25<sup>th</sup> October 2005. When I left Flat 1 at 01:11 I  
20 got into the lift where the music was clearly audible. On the advice given to me by my  
21 Lead Officer, Muhammed Islam, I did not approach the perpetrator.

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Signature \_\_\_\_\_

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

Request reference number: 072330

APPROX 3.7

FULL DETAILS OF CLIENT

██████████  
Flat ●  
Flat ● 157 Commercial Street  
POSTCODE: E1 6BJ  
TELNO: ██████████  
CLIENT UPRN/USRN: 6151962  
CLIENT EASTING: 534589  
CLIENT NORTHING: 181346  
HOW RECEIVED: P - Telephone  
DATE SERVICE REQUEST RECEIVED : 04/02/2007

NAME OF PERSON COMPLAINED AGAINST

ADDRESS COMPLAINED AGAINST

DETAILS OF SERVICE REQUEST

lm

COMPLAINT CATEGORY: L07 - OOH\_Noise music-domestic stereo  
COMPLAINT TYPE: N11 - Noise between 8.00pm & 3.30am  
COUNTRY OF TRADE: GB - UNITED KINGDOM  
UNIT: NOT - EH North  
INVESTIGATING OFFICER: ALS - Alkesh Solanki  
RECEIVING OFFICER: MI - Muhammad Islam

DATES

DATE RECEIVED: 04/02/2007 TIME: 0.42  
DATE OF FIRST RESPONSE: 04/02/2007 TIME: 1.19  
DATE CLOSED: 07/02/2007  
TARGET RESPONSE DATE: 04/02/2007 TIME: 1.42

5/ 2/2007 8:37 SG

01.19 visit agreed.

01.52 visit music (bass beats audible @ street level as we passed the club to go to complainants flat. Bass beats clearly audible in comps bedroom. Is a SN as it would disturbe / prevent sleep.

RESULT AND FURTHER ACTION

ACTION TYPE: N01 - Noise action  
Action record initiated under record number 76010

1 144 Telephone call made 04/02/2007 04/02/2007 MI  
2 146 Visit 04/02/2007 04/02/2007 MI  
3 108 Please note information 07/02/2007 07/02/2007 ALS

STATEMENT OF WITNESS

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

Statement of Abdur Ripon Rob

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

Occupation of Witness Environmental Health Officer

This statement consisting of \_\_\_\_\_ 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 18<sup>th</sup> day of April 2007

Signed \_\_\_\_\_

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

1 My full name is Abdur Ripon Rob and I work as an Environmental Health Officer for  
 2 the London Borough of Tower Hamlets. I have worked for the London Borough of  
 3 Tower Hamlets in the Environmental Protection South Team, since graduating from  
 4 King's College London University in July 2003 with a BSc Honours degree in  
 5 Environmental Health. I am authorised to enforce the statutory requirements of the  
 6 Environmental Protection Act 1990, including that relating to noise nuisance. On the  
 7 night of Saturday 31<sup>st</sup> March 2007 I was working as the duty Environmental Health  
 8 Officer on the Council's Out of Hours Noise Patrol Service. At 00.54 hours I  
 9 received details of a complaint of an alleged noise nuisance emanating from the  
 10 basement of 157 Commercial Street, London E1 known as the Edge night club. I  
 11 telephoned the complainant who confirmed that the noise was audible in their flat so I  
 12 agreed to visit and assess for the existence of a statutory noise nuisance. At 01.11  
 13 hours I arrived at the complainant's property and I could clearly hear bass music in

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 \_\_\_\_\_

14 the hall area. I then made my way into the bedroom. When standing in this room I  
15 could clearly hear heavy bass beats although not as loud as in the hall area. The bass  
16 music was audible on top of the road traffic noise. The bass music stopped for a short  
17 period then came back on again. The complainant alleged that the noise was  
18 emanating from the 'Edge' Club situated at the basement. The level of noise audible  
19 in the complainant's property throughout my stay was such that in my opinion the  
20 intrusion could not be ignored and it would be unreasonable for any reasonable person  
21 to conduct reasonable activities without disturbance and was therefore a statutory  
22 nuisance as defined by section 79(g) of the Environmental Protection Act 1990. I left  
23 the complainants flat and walked down to the ground floor and out of the entrance to  
24 the flat and turned left and made my way to the Edge Club. The bass beats were  
25 clearly audible as I walked down the stairs serving the flats. I approached the bouncer  
26 at the entrance to the club and made a request to speak to the manager of the club. I  
27 could hear the same type music emanating from the club with bass beats similar to  
28 that witnessed in the complainants flat. The manager of the club was summoned and  
29 he met me at the entrance to the club and introduced himself as Mr Viraj Singh. I  
30 explained to Mr Viraj Singh the reason for my visit and informed him that the level of  
31 music particularly the bass music emanating from the club was excessive and was a  
32 statutory noise nuisance in my professional opinion. At this point Mr Viraj Singh  
33 motioned for me to come into his club and have a look at the sound insulation works  
34 he had undertaken to alleviate the noise problems at the request of the Council's

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 \_\_\_\_\_

35 Environmental Health Department. I informed him that I am not the case officer and  
36 therefore do not have the details of the case, however I agreed to his request. I went  
37 down the stairs into the basement of the club and was taken to the rear of the  
38 premises. I saw that the people in the club were mostly white young males and  
39 females. Mr Viraj Singh showed me the lift shaft that had been blocked off and the  
40 types of material that he had used. I explain that the level of bass music witnessed by  
41 me emanating from his club tonight was audible and intrusive in the complainants flat  
42 and therefore he needs to get his acoustician back to ascertain the source of the  
43 problem and take further remedial action. I left the premises at 01:40 hours.

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)

Statement of Abdur Ripon Rob

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

Occupation of Witness Environmental Health Officer

This statement consisting of \_\_\_\_\_ 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 18<sup>th</sup> day of April 2007

Signed \_\_\_\_\_

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

1 My full name is Abdur Ripon Rob and I work as an Environmental Health Officer for  
 2 the London Borough of Tower Hamlets. I have worked for the London Borough of  
 3 Tower Hamlets in the Environmental Protection South Team, since graduating from  
 4 King's College London University in July 2003 with a BSc Honours degree in  
 5 Environmental Health. I am authorised to enforce the statutory requirements of the  
 6 Environmental Protection Act 1990, including that relating to noise nuisance. On the  
 7 night of Saturday 7<sup>th</sup> April 2007 I was working as the duty Environmental Health  
 8 Officer on the Council's Out of Hours Noise Patrol Service. At 00.15 hours I  
 9 received details of a complaint of an alleged noise nuisance emanating from the  
 10 basement of 157 Commercial Street, London E1 known as the Edge night club. I  
 11 telephoned the complainant at 00:23 who confirmed that the noise was audible in their  
 12 flat so I agreed to visit and assess for the existence of a statutory noise nuisance. At  
 13 01.09 hours I arrived at the complainant's property and I could clearly hear bass

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 \_\_\_\_\_

14 music and a DJ MCing from time to time. This complainant was different to the one  
15 that I had visited on the previous Saturday night. I made my way into the bedroom.  
16 When standing in this room I could clearly hear heavy bass beats. I walked up the  
17 stairs and made my way into the living room area of the complainant’s property.  
18 When standing in this room I could hear bass music. The level of bass music in this  
19 room was not as clear as in the bedroom as the road traffic noise was more prominent.  
20 From my previous visit I knew that the most likely source of the noise was the ‘Edge’  
21 Club situated at the basement. The level of noise audible in the complainant’s  
22 property throughout my stay was such that in my opinion the intrusion could not be  
23 ignored and it would be unreasonable for any reasonable person to conduct reasonable  
24 activities without disturbance and was therefore a statutory nuisance as defined by  
25 section 79(g) of the Environmental Protection Act 1990. I left the complainant’s flat  
26 and walked down to the ground floor and out of the entrance to the flat and made my  
27 way to the Edge Club. The bass beats were clearly audible as I walked down the  
28 stairs serving the flats. I approached the bouncer at the entrance to the club and made  
29 a request to speak to the manager of the club. I could hear the same type music  
30 emanating from the club with bass beats similar to that witnessed in the complainants  
31 flat. The manager of the club was summoned and he met me at the entrance to the  
32 club and introduced himself as Mr Jazz. I explained to Mr Jazz the reason for my  
33 visit and while speaking to him, Mr Viraj Singh came and I informed them both that  
34 again, the level of music particularly the bass music emanating from the club was

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 \_\_\_\_\_

35 excessive and was a statutory noise nuisance in my professional opinion. At this  
36 point Mr Viraj Singh stated 'not again' and left me to speak to Mr Jazz. At this point  
37 another elderly Asian male came and stated that he was the brother of Mr Jazz and  
38 Viraj Singh. I explained that tonight the bass music was once again the problem and  
39 asked him if they were using any large bass speakers. Mr Jazz stated "no" and asked  
40 for me to go into the club to verify this. I went down the stairs into the basement of  
41 the club and saw speakers mounted on the wall and did not see any large bass  
42 speakers situated on the floor. On this night the type of people in the club where  
43 mostly of Asian origin with 'Bhangrah' type music being played. I motioned for Mr  
44 Jazz and his brother to follow me into the stairwell that serves the residential flats  
45 situated on top of the Edge Club to get an idea of how intrusive the noise from the  
46 club is within the residential flats. We made our way out of the club and went  
47 through the security doors that lead into the stairwell that serves the flat. They agreed  
48 that they could hear the bass music when standing in this area. I informed them that  
49 the level of noise in the flat is not too dissimilar to the current level that they were  
50 witnessing and would certainly interfere with sleep within the flats. They agreed that  
51 it was not an ideal situation, in that one side wanted to party and the other side wished  
52 to sleep within the same building. Mr Jazz informed me that he was applying for a  
53 Gentleman Clubs license and once that is obtained, noise will not be an issue as they  
54 will only have background music. I explained that the level of bass music witnessed  
55 by me emanating from the club tonight was a Statutory Noise Nuisance and that it

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 \_\_\_\_\_

56 was up to them to take action to alleviate the nuisance, by taking action such as  
57 reducing the level of bass music. I left the premises at 02:00 hours and did not  
58 witness any reduction in the level of bass music.

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)

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 24<sup>th</sup> day of April 2007

Signed Alkesh Solanki

Signature witnessed by D S

1 My full name is Alkesh Harilal Solanki and I work as an Environmental Health  
2 Officer for the London Borough of Tower Hamlets. Since graduating from University  
3 of Greenwich in July 1998 with a BSc Honours degree in Environmental Health, I  
4 have worked for both the London Borough's of Hackney and (currently) Tower  
5 Hamlets in the fields of environmental protection and noise pollution. I am authorised  
6 to enforce the statutory requirements of the Environmental Protection Act 1990,  
7 including that relating to noise nuisance. On the evening of Friday 13<sup>th</sup> April 2007, I  
8 was working as the duty Environmental Health Officer on the Council's Out-of-Hours  
9 Noise Patrol Service. At 23.20 hours I received a call from the Emergency Call  
10 Centre detailing a complaint of an alleged noise nuisance in the form of loud music  
11 emanating from The Edge, 157 Commercial Street, London, E1 6BJ. At 23.23 hours I  
12 telephoned the complainant and left an answer phone message to call back if music is

Signature Alkesh Solanki

Signature witnessed by D S

**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 still a problem. At 00.10 hours I received a call from the Emergency Call Centre  
14 advising me that the complainant had called back regarding the alleged noise nuisance  
15 in the form of loud music emanating from The Edge, 157 Commercial Street, London,  
16 E1 6BJ. At 00.56 hours I telephoned the complainant who confirmed that the music  
17 was on and she could not sleep. I arranged a visit to investigate the complaint of a  
18 statutory nuisance as prescribed under section 79 of the Environmental Protection Act  
19 1990 and to take such steps as are reasonably practicable to investigate the complaint.  
20 At 01.05 hours, in the complainant's bedroom I could clearly hear loud bass music.  
21 In my professional opinion the music was being played at an excessively loud level  
22 and it would be impossible to sleep in the bedroom. I was in no doubt that with music  
23 being played at such a level it was causing a statutory nuisance to the complainant. I  
24 believe that the bass music was emanating from below, The Edge, 157 Commercial  
25 Street, London, E1 6BJ. In the complainant's living room with the windows closed I  
26 could clearly hear bass music emanating from below. I was satisfied that The Edge,  
27 157 Commercial Street, London, E1 6BJ was causing a statutory noise nuisance as  
28 defined by section 79(g) of the Environmental Protection Act 1990. The complainant  
29 has no escape from the nuisance as the bass was also audible in the hallway and  
30 bathroom. At 01.20 hours I approached the doorman standing outside The Edge, 157  
31 Commercial Street, London, E1 6BJ and requested to speak to the person having  
32 control or the manager. Moments later a man from inside the venue came outside to  
33 speak to me. This man introduced himself as Mr Ray Singh. I interviewed Mr Singh

Signature \_\_\_\_\_

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

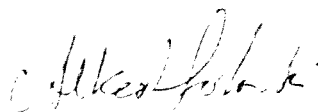
**STATEMENT OF WITNESS**

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

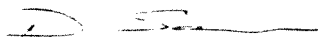
Continuation of statement of Alkesh Harilal Solanki

34 and was advised by Mr Ray Singh that he was the manager at the edge tonight. I  
35 requested to Mr Singh that the general music volume be reduced and that the bass  
36 music be reduced too. After lengthy discussion my request was fully complied with  
37 at 01.39 hours. I stepped aside at 01.44 hours and contacted the complainant by  
38 mobile phone. I asked the complainant if the music was still a problem. The  
39 complainant advised me that the music is no longer audible in her bedroom. After my  
40 phone conversation ended with the complainant I approached Mr Ray Singh and  
41 asked what measure he had taken to reduce the noise to comply with my request. Mr  
42 Ray Singh advised me that he had turned the music completely off. Mr Ray Singh  
43 continued to debate issues relating to the Edge with me until 02.03 hours. I left the  
44 Edge, 157 Commercial Street, London, E1 6BJ at 02.06 hours.

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)


Statement of Okey Ngoka

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

Occupation of Witness Environmental Health Technical Officer


This statement consisting of 3 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 18<sup>th</sup> day of May 2007

Signed 

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

1 My name is Okey Ngoka and I work as an Environmental Health Technical Officer  
 2 for the London Borough of Tower Hamlets. I have worked for the London Borough  
 3 of Tower Hamlets in the Environmental Protection Strategy Team, since graduating  
 4 from Birbeck College, University of London in October 2005 with a MSc degree in  
 5 Environmental Science. I am authorised to enforce the statutory requirements of the  
 6 Environmental Protection Act 1990. I worked on the council's "Out of Hours noise  
 7 service" on 23 June 2007. I received a call about mid night informing me of a  
 8 complaint by ~~XXXXXX~~ of Flat ~~1~~, 157 Commercial Street, London E1 6BJ. I called ~~XXXX~~  
 9 ~~XXXX~~ back at 00:45 and he confirmed that the noise was from the Edge Night club and  
 10 was still going on. I arrived ~~XXXXXX~~ Flat at 01:15 and could hear the low  
 11 frequency base music clearly. I took the time, and noise level into account and assess  
 12 it as statutory nuisance. I went and spoke to the club manager who agreed to turn the

Signature 

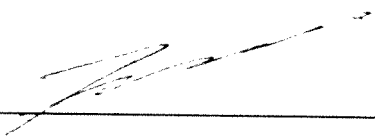
Signature witnessed by \_\_\_\_\_

**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 \_\_\_\_\_

- 13 music down. I called ██████████ back and he was okay with the outcome. I left the
- 14 premises at 02:13. **END**

Signature  \_\_\_\_\_

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



**STATEMENT OF WITNESS**

**(Criminal Justice Act 1967, S.9; M.C. Act 1980 S.102; MC Rules 1981, r.70)**

Statement of: **Ben Milligan**

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

Occupation of Witness: Environmental Health Officer

**This statement consisting of pages 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.**

Date: 21<sup>st</sup> of February 2008.

Signed Ben Milligan

I, Ben Milligan produce this witness statement. I have been an Environmental Health Officer for 13 months, and am currently working for Tower Hamlets Council as part of the Environmental Health Commercial Team. I hold a BSc (Hons) in Environmental Health, and a REHIS diploma in Environmental Health. I am an authorised officer under the Environmental Protection Act 1990.

On the night of the 8<sup>th</sup> of January 2008 I was on duty for the Tower Hamlets night noise team. My shift ran from 20.00 on the 8<sup>th</sup> of February until 04.00 on the 9<sup>th</sup> of February. I was working with a security officer, Mohammed Akhtar HUSSAIN. At 00.22 I took the details of a noise complaint that had just come into the call centre (see Exhibit BM1). It was from a [REDACTED] of flat 6, 157 Commercial Street, E1 6BJ. He was complaining of loud music emanating from the Edge nightclub (also at 157 Commercial Street).

Signature Ben Milligan

Signature Witnessed by \_\_\_\_\_

I then got another call from the call centre to tell me there was a second complaint about the Edge nightclub from [REDACTED] of Flat [REDACTED], 157 Commercial Street E1 6BJ. I recorded the details at 12.25 on the 9<sup>th</sup> of February 2008 (see Exhibit BM2). Since it was such a busy night I was not able to call [REDACTED] back until 01.11. Unfortunately there was no answer, so I left a message for him to say that we had another complaint about the premises and that we would follow that one up. I then called [REDACTED] at 01.13. [REDACTED] informed me that the nuisance was still occurring. I informed him that we were on Commercial Street and asked him if we could come into his house to witness the nuisance. He agreed. At 01.15 we entered [REDACTED]'s house. The noise was a definite statutory nuisance. Despite being several floors up the noise was very loud and the floor in the flat was vibrating with the bass of the music. I informed [REDACTED] that it was a statutory nuisance and that I would talk to the management in the Edge to see if I could get them to turn the music down to an acceptable level.

Since there had been complaints about the premises before HUSSAIN knew that the Edge was not allowed to operate after 12 midnight. (see Exhibit BM3 for planning application and BM4 for licence). From outside I could clearly hear very loud music. I asked the bouncers if I could speak to someone in charge and they went to find Michael SIMON. SIMON informed me that he was in charge and that it was a private party. I then asked SIMON why they had an A4 poster on the door stating that it was £10 entry into the nightclub if it was a private party? He laughed and didn't answer the question. I then told SIMON that there had been two complaints with regard to noise from the premises and that they were operating out-with their authorized hours of business. At this point SIMON asked if we could go to one side to sort things out. I stated that there was an ongoing investigation into the case and that I would write up

Signature \_\_\_\_\_

Signature Witnessed by \_\_\_\_\_

my findings for a case officer when I returned to the office, but in the meantime he should turn down the music to an acceptable level. He asked HUSSAIN and me into the club so that we could come to an agreement on a noise level. I declined his offer and instead asked him to radio down to someone to tell them to turn the music down. SIMON then called someone inside the club and the music was turned down markedly. I asked SIMON what time they would be operating until, and he said 03.00. I then asked SIMON for a contact telephone number. He gave me his number...07947816534.

HUSSAIN and I then left the scene at 01.32 and I wrote my notes to pass to the case officer.

I did not call the complainant back because they asked me not to.

Signature \_\_\_\_\_

Signature Witnessed by \_\_\_\_\_

APPENDIX 3.13

**STATEMENT OF WITNESS**

(Criminal Justice Act 1967, S.9; M.C. Act 1980 S.102; MC Rules 1981, r.70)

Statement of: **Ben Milligan**

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

Occupation of Witness: Environmental Health Officer

**This statement consisting of 2 pages 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.**

Date: 14<sup>th</sup> of March 2008.

Signed Ben Milligan

I, Ben Milligan produce this witness statement. I have been an Environmental Health Officer for 13 months, and am currently working for Tower Hamlets Council as part of the Environmental Health Commercial Team. I hold a BSc (Hons) in Environmental Health, and a REHIS diploma in Environmental Health. I am an authorised officer under the Environmental Protection Act 1990.

On the night of the 29<sup>th</sup> of February/morning of the 1<sup>st</sup> of March 2008 I was on duty for the Tower Hamlets night noise team. My shift ran from 20.00 on the 29<sup>th</sup> of February until 04.00 on the 1<sup>st</sup> of March. I was working with a security officer, Mohammed Akhtar HUSSAIN. At 00.10 I took the details of a noise complaint that had just come into the call centre (see Exhibit BM5). It was from a [REDACTED] of Flat 10, 157 Commercial Street E1 6BJ. He was complaining of loud music emanating from the Edge nightclub (also at 157 Commercial Street). I recorded the details at the time, and called [REDACTED] back at 12.35am. He told me that the noise was still a problem, so I decided to visit his house. At 01.03am I visited [REDACTED]'s home and

Signature Ben Milligan

Signature Witnessed by \_\_\_\_\_

witnessed the noise nuisance coming from the EDGE nightclub. As with the previous complaint, the floor was vibrating with the level of bass. I informed ████████ that I would approach the Edge and ask them to turn the music down. When I approached the Edge I asked the bouncers if I could speak to the manager. Jaspal SINGH came out to talk to me (the owner). I introduced myself and explained the situation. He asked if the problem was with the houses at the back of the club or at the front. I generally stated that they were somewhere near the back. He said that there was a different part to the club at the back and that he would ask the DJ in that part of the club to turn the music down.

I then asked SINGH if he was aware that he should not be operating past 12 midnight and that he had been served notice that day (29<sup>th</sup> Feb 08). He stated that he was aware of this, and that he was seeking legal representation and he was operating on the night of the 29<sup>th</sup>/ morning of the 1<sup>st</sup> because he was going to appeal the notice. He then told me that he was in the process of selling the club, so "it wasn't his problem any more". I concluded the visit and asked for a contact number. He gave me 0207 247 5123.

HUSSAIN and I then left the scene, and at 01.40, it was noted that the music had been turned down dramatically and a nuisance no longer existed. I then wrote up my notes to pass to the case officer.

I did not call the complainant back because they asked me not to.

Signature                     *Jaspal Singh*                    

Signature Witnessed by \_\_\_\_\_

**STATEMENT OF WITNESS**

(Criminal Justice Act 1967, S.9; M.C. Act 1980 S.102; MC Rules 1981, r.70)

Statement of: **Ben Milligan**

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

Occupation of Witness: Environmental Health Officer

**This statement consisting of 2 pages 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.**

Date: 20<sup>th</sup> March 2008.

Signed Ben Milligan

I, Ben Milligan produce this witness statement. I have been an Environmental Health Officer for 13 months, and am currently working for Tower Hamlets Council as part of the Environmental Health Commercial Team. I hold a BSc (Hons) in Environmental Health, and a REHIS diploma in Environmental Health. I am an authorised officer under the Environmental Protection Act 1990.

On the night of the 15<sup>th</sup> of March/morning of the 16<sup>th</sup> of March 2008 I was on duty for the Tower Hamlets night noise team. My shift ran from 20.00 on the 15<sup>th</sup> of March until 04.00 on the 16<sup>th</sup> of March. I was working with a security officer, Paul RICHARD. At 00.17 I took the details of a noise complaint that had just come into the call centre. It was from a ~~XXXXXX~~ of Flat ●, 157 Commercial Street E1 6BJ. He was complaining of loud music emanating from the Edge nightclub (also at 157 Commercial Street). I recorded the details at the time on a request for service sheet (see Exhibit BM6), and called ~~XXXXXX~~ back at 12.25am. I asked if it was the usual problem and he said yes. I asked if he wanted me to witness the nuisance and he said

Signature Ben Milligan

Signature Witnessed by \_\_\_\_\_

yes. At 01.05am I visited [REDACTED]'s home and witnessed the noise nuisance coming from the EDGE nightclub. The nuisance was not at such a high level as in previous weeks, however it was still a nuisance. I informed [REDACTED] that I would approach the Edge and ask them to turn the music down. I approached the Edge at 1.10am and asked the bouncers if I could speak to Jaspal SINGH. SINGH came out to talk to me. I explained the situation and he was incredulous that the volume of the music was too high. I told him that although it was lower than usual, it still needed turning down somewhat. He said that there were only around 30 people in the club anyway and that he would be finishing shortly.

SINGH said that he would turn the music down.

RICHARD and I then left the scene. I then wrote up my notes to pass to the case officer.

I did not call the complainant back because they asked me not to.

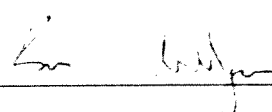
Signature   
Signature Witnessed by \_\_\_\_\_

EXHIBIT B.M.6

WARD \_\_\_\_\_

Entered on FLARE

AREA \_\_\_\_\_

LONDON BOROUGH OF TOWER HAMLETS  
ENVIRONMENTAL HEALTH - OUT OF HOURS NOISE & NUISANCE SERVICE  
REQUEST FOR SERVICE

REQUEST NO: 25522

DATE RECEIVED: 16 03/08 Time 00:17

HOW RECEIVED: Telephone [P]   
Other [O]

TEAM DEALING OOH  
RECEIVING OFFICER Ben Milligan  
INVESTIGATING (CASE) OFFICER B.M.1

CLIENT  
NAME  
ADDRESS

~~202~~ ~~202~~  
LAT  
157 ... ST

SUBJECT OF REQUEST

REF. NO.  
NAME/COMPANY  
ADDRESS  
POST CODE  
TEL NO.

POST CODE

E1 6BT

TEL NO.

HOME  
WRK/MOB

~~XXXXXXXXXX~~

Private Sec Housing  Housing Assoc   
Public Sec. Housing  HARCA   
Commercial  THCH/ EAST END HOMES

Private Sec Housing  Housing Assoc   
Public Sec. Housing  HARCA   
Commercial  THCH/ EAST END HOMES

DETAILS OF REQUEST:

THE EDGE

ACTIONS:

USED WITH PAUL REARD

Tel Client at: 00:25 - will visit - 01:05 - nuisance witnessed.  
will take to edge.  
01:10 - talked to JIPAL SINGH - HE SAID IT WAS  
Quiet - REARD went to turn it power, HE DID  
SO.

Category code

L05

Type (if applicable)

VII

Action

NOI

Statutory nuisance witnessed

RESULT

No Action Possible

[A]

Resolved

[R]

Notice

[N]

Legal Action

[L]

First response: 00:25

16 03/08

Officer

Request closed: 01:15

16 03/08

Officer



**Prosecution Witness Statement**  
*(Criminal Procedure Rules 2005 r27.1(1);  
 Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)*

Statement of: Cain Duncan  
 Age of Witness (If under 18) Over 18  
 Occupation of Witness: Planning Enforcement Officer  
 Business address: Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London, E14 1BY.  
 Telephone Number 020 7364 3975

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

Signature: 

Date: 10/03/08

1. My name is Cain Duncan; I am a Planning Enforcement Officer employed by the London Borough of Tower Hamlets ("LBTH") and have been since 2<sup>nd</sup> January 2007. Part of my duties include the enforcement of the Regulations relating to breaches of planning control.
2. This statement is in relation to the property located in the basement and on the ground floor of 157 Commercial Street, London, E1 6BY, ("the property").
3. On the 19<sup>th</sup> October 2000 planning permission (PA/00/00672) was granted to Mr J. Singh & Co for the erection of a fourth floor roof addition to the building, for the change of use and conversion of the building to create a restaurant on the basement and ground floors, and eight self-contained flats on first to fourth floors. This permission, which has expired, was never lawfully implemented as the pre commencement conditions were never discharged and a 9<sup>th</sup> self contained flat was

- added. Further to this, the application was accompanied by a proposed plan for the development of the ground floor and basement areas. This plan was numbered PA/00/672A (The First Plan). I hereto exhibit a copy of the First Plan as exhibit "CRD1". From this plan it can clearly be seen that provision is made for a Dance Floor and the "Batcave". The developer numbered this plan RSC 2837.
4. The first plan was not acceptable to Council Officers and following negotiations with the developer a further plan was produced numbered PA/00/0067B (The Final Plan). I hereto exhibit a copy of the Final Plan as exhibit "CRD2".
  5. It can be clearly seen by comparing the First and Final Plan that planning permission was not granted for any area of dance floor and that the Council never supported the use of the basement as a dance/club venue. In addition to the dance floor the developer also undertook further development to the basement including the addition of the "bat cave". None of these developments / changes were approved under PA/00/00672 and therefore, other factors aside, the current and historic use of the property as a club with a dance floor, etc was never permitted under this permission.
  6. On the 6<sup>th</sup> February 2002, the Council's Development Panel resolved to grant planning permission to Mr Jaspal Singh for the current building, which consisted of the erection of a fourth floor roof addition, the change of use and conversion of the building to create a restaurant on the basement and ground floors and nine self contained flats on the first to fourth floors (PA/01/00396). The Committee's resolution was subject to the completion of a Section 106 legal agreement to secure a "car free" development. The legal agreement was never pursued or completed and hence planning permission was never granted for the development. Even though planning permission was never issued the proposal for the ground floor and basement included details for a DJ booth, stage, etc and hence the committee report included a condition that would have restricted the use of the property to between the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.
  7. I hereto exhibit a copy of the Committees recommendation as exhibit "CRD3".

8. Council Building Control records show the development of the property by the erection of a fourth floor addition, the change of use of the building to create a restaurant on the basement and ground floors and nine self contained flats on first to fourth floors was substantially completed in November 2002, despite no formal planning permission being issued.
9. In late 2005 early 2006 a number of complaints were received by the Council's Planning and Environmental Health Departments, regarding the use of the property as a nightclub, late night / early morning noise and disturbances to adjoining and surrounding occupiers.
10. On the 26<sup>th</sup> October 2005, the Council's Environmental Health Department served an Abatement Notice on Mr Jaspel Singh at the property under Part III, Section 80 of the Environmental Protection Act 1990, as amended by the Noise and Statutory Nuisance Act 1993, Section 3. This Notice required that music being played excessively loud cease forthwith.
11. I hereto exhibit a copy of the Noise Abatement Notice as exhibit "CRD4".
12. An Enforcement Notice was served by the Council's Planning Department on the 16<sup>th</sup> March 2006. The Notice required the cessation of the unauthorised use of the premises as a nightclub and that all external and internal fixtures and fittings that relate to the unauthorised use of the property as a nightclub be removed.
13. I hereto exhibit a copy of the Council's Enforcement Notice as exhibit "CRD5".
14. The Enforcement Notice was due to come into effect on the 29<sup>th</sup> April 2006 and 56 days were given from this date to comply with its requirements. On the 28<sup>th</sup> April 2006 the Council received notification that an appeal had been lodged against the Council's decision to issue the Enforcement Notice.
15. A Local Public Inquiry was scheduled for the 12<sup>th</sup> December 2006, however the appeal was withdrawn before this date, after agreement was reached between the

Council and Mr Singh's legal team that a new application would be submitted for the use of the property as a bar, operating bar hours and that the use as a nightclub would cease. In return the Council agreed not to prosecute Mr Singh at that point in time.

16. On the 12<sup>th</sup> December two applications were received for the property on behalf of Powernet Limited, whose directors were Mr Jaspal Singh Rathor and Mr Gulzar Singh Rathor. One application was for the Use of the ground floor entrance way and basement premises as a bar (within Use Class A4), operating between the hours of Mondays and Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to Midnight. The second application was for the use of part of the ground floor and the basement as a bar and late night entertainment venue (sui generis), operating Mondays to Wednesdays between 11am to 2am the following day, Thursdays to Saturdays between 11am to 4am the following day, and Sundays between 11am to Midnight. 52 objections were received to the applications which ranged from comments about anti-social behavior and crime and disorder through to noise and vibrations from the club being unbearable in the upper floor flats.

17. Both of the above applications were heard at the Council's Development Committee on the 28<sup>th</sup> March 2007 and concurrently determined on the 4<sup>th</sup> May 2007. Planning permission for the bar use solely (PA/06/02242) was granted subject to conditions, of which condition 2 reads:

2. The use permitted shall only be operated between the hours of:
  - 9 00am to Midnight on Mondays to Saturdays and;
  - 9.00am to 11.30pm on Sundays.

18. I hereby exhibit a copy of the decision notice for a bar use at the property as exhibit "CRD6".

19. The second of the planning applications, which sort to authorise the use of the property as a bar (A4) and late night entertainment venue (sui generis) (PA/06/02243) was refused. I hereto exhibit a copy of the refusal decision notice as exhibit "CRD7".
20. It should be noted that the planning application granted on the 4<sup>th</sup> May 2007 (PA/00/02242) for the use of the basement as a bar is the only valid planning permission for this type of activity at the property and prior to this no valid planning permission existed for a bar use at basement level.
21. Despite the granting of planning permission for a bar use, with opening hours no later than 12 midnight and assurances given by Mr Singh's legal team in late 2006 that they would cease using the property as a nightclub, in February 2007 it again started being used as a late night entertainment venue and complaints continued to be received by the Environmental Health and Planning Departments about late night noise and disturbances on a ad hoc basis until July 2007.
22. In November 2007 appeals were lodged by Powernet Limited against the Council's refusal of planning permission for a bar and entertainment venue at the property and against the imposition of conditions 1 (temporary use until May 2008) and 2 (hours of operation) of planning permission PA/06/02242. These appeals are yet to be decided.
23. Further complaints were received from adjoining residents in December 2007, regarding noise and the opening of the venue to 3.30am, well after its permitted closing time at midnight. These complaints appeared to cease over January 2008 but further complaints occurred on the 3<sup>rd</sup>/8<sup>th</sup>/9<sup>th</sup>/15<sup>th</sup> & 16<sup>th</sup> February 2008. On the 9<sup>th</sup> February 2008, Council Noise Control Officers attended the venue, arriving at 01.15hrs. Noise Control Officer Ben Milligan writes in his statement, which I hereto exhibit as exhibit "CRD8" that despite being in the complainants flat several floors up, the noise from the club below was very loud and the floor of the flat was vibrating with the bass from the music. Mr Milligan confirmed that it was a statutory noise nuisance and went down to the entrance of the property to require the music to be turned down.

24. I can confirm that legal proceedings have been lodged by the Council's Environmental Health Team, regarding the continued breaches of the October 2005 Noise Abatement Notice.
25. On the 27<sup>th</sup> February 2008 I was walking down Brick Lane when I noticed an illegal advertising flyer pasted to the former railway bridge, just before Bacon Street. The flyer advertised a gig occurring at the property on Friday the 29<sup>th</sup> February 2008 from 9pm until 4am. The flyer advertised a range of DJ's that would be playing and in my opinion the event was likely to result in more noise complaints to the Council and a significant disturbance to local residents. I therefore returned to the office to request approval for the serving of a Temporary Stop Notice. I hereto exhibit a copy of the flyer as exhibit "CRD9".
26. A land registry search was conducted on the 28<sup>th</sup> February 2008. This confirmed the leaseholder of the property to be Mr Jaspal Singh Rathor of 2 Lexington House, Bow Quarters, London, E3. As per previous references Mr Singh has been associated with the property since November 2000. Mr Jaspal Singh Rathor and Mr Gulzar Singh Rathor are also the Directors of Powernet Limited, who applied for the most recent planning permissions for the property and is currently appealing the Council's decision on these applications. Judging from Companies House records the company is now in liquidation. The free holder of the property is listed as Eastwillow Properties Limited.
27. I hereto exhibit copies of the land registry search documents for the property and the current appointments report for Powernet Limited as exhibits "CRD10" and "CRD11".
28. On the 29<sup>th</sup> February 2008, the London Borough of Tower Hamlets issued a Temporary Stop Notice in respect of the property. The Notice was in respect to the unauthorised use of the property as a bar/club outside the hours of 9.00am to midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.
29. I hereto exhibit a copy of the Temporary Stop Notice as exhibit "CRD12".

30. On the 29<sup>th</sup> February 2008 at 1440 hours a copy of the Notice was attached to the wall beside the main entrance to the property. The Notice was also served on Mr Jaspal Singh Rathor, the Occupier(s) and the Owner by posting a copy of the Notice and covering letter through the front mail slot of the property.
31. I hereto exhibit a copy of the Certificate of Service as exhibit "CRD13".
32. The Notice was served by registered mail to Mr Jaspal Singh Rathor of 2 Lexington House, Bow Quarters, London, E3 2UH; Mr Gulzar Singh Rathor of 89 Auckland Road, Ilford, Essex, IG1 4SG; Powernet Limited of 601 High Road, Leytonstone, London, E11 4PA and Eastwillow Properties Limited care of City Chartered Accountants, 540 5<sup>th</sup> Floor Linine Hall, 162-168 Regent Street, London, W1B 5TF.
33. The Notice required the cessation of use of the property as a bar/club outside the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.
34. A copy of the Notice was entered onto the S.188 Register on the 29<sup>th</sup> February 2008. This is a register available for inspection by the public free of charge during office hours at the Council premises as required under the Town and Country Planning Act 1990.
35. On the 29<sup>th</sup> February 2008, I made a site visit to the property. I was accompanied by my partner Ms Melanie Tucker. We arrived around the corner from the club (Folgate Street) via car. We parked the car and proceeded to the front entrance of the property arriving at 11.58pm. There was a small crowd of people gathered outside (5-6 persons) and we joined the queue behind two other people waiting to gain entry. Once at the front of the line one of two doorman asked if we were on the guest list. I replied no and he asked if it was only the two of us, to which I replied yes. He then proceeded to let us through into the small ground floor lobby.
36. In the lobby I paid £20 entry fee for myself and my partner (£10 each) and we proceeded to head downstairs into the main bar area. At the bottom of the stairs were the toilets and cloakroom as well as the door into the main bar. We passed

through the door into the main bar area. This had three seating booths running along the left hand wall as you enter through the main door, the main dance floor was directly to the right in front of a large projection screen, which was showing a range of patterns and pictures. Directly in front of the main door were some seats in front of a sculpture of what appeared to be grass lit up with fairy lights. The bar was to the right of this seating area.

37. I hereto exhibit a sketch of the floor plan of the main bar/dancefloor area as exhibit "CRD14".
38. At this point I estimated approximately 100 people in the venue drinking and dancing to "techno" music.
39. We proceeded to the bar area and I purchased a bottle of Kronenbourg beer for myself and a single vodka and orange for my partner. The time at this point was 0015hrs on the 01<sup>st</sup> March 2008.
40. After purchasing drinks we headed to the far end of the main bar area into a smaller room which appeared to have imitation rock walls with sofa like benches around the outside with large cushions ("cave room"). There were only about 10 people in this room along with another DJ. Most people appeared to be dancing by themselves and looked like they were on other substances. At this point I attempted to photograph the room, although this was difficult due to the lighting. I hereby submit a copy of the photo taken of the "cave room" at 0022hrs as exhibit "CRD15".
41. We left the cave room and headed back into the main room which was now considerably busier. So much so, it was now difficult to make it through the crowd back to the entrance end of the club. We progressed through the crowd and sat on a large seat opposite the entrance door beside the seating booths. While in this location I proceeded to photograph other clubbers and parts of the venue. I hereto exhibit photos taken between 0026hrs and 0030hrs as exhibits "CRD16 – CRD19".



42. At 0040hrs we proceeded back to the bar where, after waiting 5 minutes, I purchased one can of Red Bull at 0045hrs. While waiting to purchase a drink I took two photographs of people around the bar drinking. I hereto exhibit these photos as exhibits "CRD20" and "CRD21".
43. We proceeded back into the cave room where there were fewer people and sat down on the left hand side of the room on the seats with the large cushions. We sat and watched people dancing around the room (again many appeared in their own worlds and were dancing by themselves) and listened to the DJ's music. I took a further photo in this room at 0056hrs and I hereto exhibit a copy of this photo as exhibit "CRD22".
44. After leaving this room I photographed the main bar/dance area from the far end of the bar, looking towards the entrance door and I hereto exhibit a copy of this photo as exhibit "CRD23".
45. We collected our jackets from our initial sitting position, beside the private booths and proceeded to exit the club at approximately 0103hrs. On our way out we collected a small flyer from the lobby desk advertising the event went on until 0400hrs. I hereto exhibit this flyer as exhibit "CRD24".
46. We proceeded to cross the road where I photographed the outside of the club and a large number of people outside queuing up to get in. I hereto exhibit a copy of this photo taken at 0105hrs as exhibit "CRD25".
47. It was clear when I left the venue, just after 0105hrs, that the club was still in full swing, the bar was still open and the night appeared to just be getting underway. There were still a large number of people waiting to gain entry to the club and a poster inside the venue stated that the last DJ did not finish until 0400hrs, despite the Temporary Stop Notice requiring the bar/club to be closed by midnight.
48. On arriving back at our car, I received a voicemail message on my mobile phone from the Council's Noise Control Officer, stating that he was on his way to the venue to respond to a noise complaint from a surrounding resident.


49. I telephoned the owner of the property, Mr Jaspel Singh Rathor on Monday 3<sup>rd</sup> March 2008 and arranged to meet him at the property that afternoon. I met Mr Rathor at 1600hrs and we went down into the basement, to his office beside the bar. We informally discussed a number of planning matters related to the area and the property. I left the property at 1700hrs.

50. On the 10<sup>th</sup> March 2008 I opened my email at work and found a three emails regarding the noise and opening hours of the property on the 9<sup>th</sup> March 2008. The emails state that the club was again open till around 4am. Particular events involve calls to the Council's Noise Team at 0024hrs and 0117hrs, approximately 100 people exiting the club at 0215hrs and dozens of people sheltering outside the doorways of 159 and 155 Commercial Street smoking at 0200hrs. I hereto exhibit three emails from surrounding residents as exhibit "CRD26" and a copy of the Council's Noise complaints log as exhibit "CRD27".

51. In my opinion there have been clear and deliberate breaches of the Council's Temporary Stop Notice and complete disregard for the approved hours of operation and legal usage of the property for a number of years.

52. I know of no defense that can be raised by the defendant in relation to this matter that has not already been investigated by the LBTH.

53. I am available to come to court as a witness if I am required to do so.

Signed.....

Dated 10/03/08

Pages 10

# **APPENDIX 4**

ATTENTION ↑

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

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

TO: Mr Jaspel Singh  
Trading as "Edge Nightclub" c/o Basement Area, 157 Commercial Street, E1 6BJ

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 [exists] [is likely to] [occur] [recur] at the premises known as " Edge Nightclub"

within its area in that **Music is being Played Excessively Loud**

2. What You Are Required To Do

As the [person responsible for the nuisance or the [owner] [and/or] [occupier] of the premises you are required to [abate or restrict or prohibit] the [occurrence] [recurrence] of the nuisance by [executing the following works or taking the following steps] from the date upon which this Notice was served upon you: **Cease Forthwith**

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 nuisance to which this Notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the Notice of no practical effect]} [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 26/10/2005  
Signed [Signature]  
Technical OFFICER ENVIRONMENTAL HEALTH

This matter is being dealt with by Mr John Goodrick who can be contacted at: Environmental Health (Environmental Protection), Council Offices, Southern Grove, LONDON, E3 4PN.  
Tel: 020 7364-6800 Fax: 020 7364-6831

**NOTES**

The Statutory Nuisance (Appeals) Regulations 1995 :-

**APPEALS UNDER SECTION 80 (3) of the 1990 ACT**

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case-
  - (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
  - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
  - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notices are otherwise unreasonable in character or extent, or are the unnecessary;
  - (d) that the time, or, where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
  - (e) where the nuisance to which the notice relates -
    - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f) or (g) of the 1990 Act and arises on industrial, trade or business premises, or
    - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
    - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;
  - (f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of-
    - (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
    - (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
    - (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);
  - (g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
  - (h) that the abatement notice should have been served on some person instead of the appellant, being -
    - (i) the person responsible for the nuisance, or
    - (ii) the person responsible for the vehicle, machinery or equipment, or
    - (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
    - (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;
  - (i) that the abatement notice might lawfully have been served on some person instead of the appellant, being -
    - (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
    - (ii) in the case where the appellant is the occupier of the premises, the owner of the premises, and that it would have been equitable for it to have been so served;
  - (j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being -
    - (i) a person also responsible for the nuisance, or
    - (ii) a person who is also owner of the premises, or
    - (iii) a person who is also an occupier of the premises, or
    - (iv) a person who is also the person responsible for the vehicle, machinery or equipment, and that it would have been equitable for it to have been so served.
- (3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the hearing of an appeal the court may -
  - (a) quash the abatement notice to which the appeal relates, or
  - (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
  - (c) dismiss the appeal;

**FLARE REF: 54836**

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

- (6) Subject to paragraph (7) below, on the hearing of appeal the court may make such order as it thinks fit -
  - (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
  - (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above, the court -
  - (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
  - (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

**3. SUSPENSION OF NOTICE**

- (1) Where -
  - (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and -
  - (b) either -
    - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
    - (ii) in the case of a nuisance under section 79 (1) (g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
  - (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.
- (2) This paragraph applies where -
  - (a) the nuisance to which the abatement notice relates -
    - (i) is injurious to health, or
    - (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or
  - (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the abatement notice -
  - (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and
  - (b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

## **Note to accompany an Abatement Notice**

### **Environmental Protection Act 1990, section 80. Noise Act 1996, section 10**

If the accompanying Notice is not complied with, the Council may prosecute the person responsible for the noise nuisance. **In addition the Council may also seize the noise equipment**, either whilst the noise is being made, or at any other time.

If the Court convicts the person responsible for the nuisance, the Court may make a Forfeiture Order. The Order stops that person from getting the equipment back.

Any expenses reasonably incurred by a local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered by them from the person responsible for the nuisance.

If you require any further clarification on the matters addressed above please contact Environmental Protection on 020 7364 6800.

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# **APPENDIX 5**

APPEAL 5

**Environmental Health, Environmental Protection**

Mr Jaspel Singh  
Edge  
157 Commercial Street  
London  
E1 6BJ

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

Enquiries: **Mr A Solanki**  
Tel **020 7364 5007**  
Fax **020 7364 6831**  
**Flare Ref: 54138**  
**Your Ref:**

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

Date: 2<sup>nd</sup> February 2007

Dear Mr Singh,

**Re: Noise Nuisance at Edge, 157 Commercial Street, London E1 6BJ**

We have witnessed noise amounting to a statutory nuisance emanating from your property on the 7<sup>th</sup> December 2006, 24<sup>th</sup> December 2006 and 14<sup>th</sup> January 2007. These details have been passed on to our legal team to commence legal proceedings.

Please note that the noise Abatement Notice served on you dated 26<sup>th</sup> October 2005 still remains in force and a further breach of the notice will result in the Council applying to the court for a warrant to undertake the following:

- 1. Removal of equipment capable of producing amplified or music; and**
- 2. Removal of all materials that could be played on the amplified equipment i.e. tapes, CD's and vinyl records.**

The above actions may be taken either, whilst the noise is being made, or at any other time so as to prohibit the recurrence of the noise nuisance. I will be making appropriate arrangements to monitor the situation closely. If the Court convicts the person responsible for the nuisance, the Court may make a Forfeiture Order. The Order prevents that person from having the equipment returned to them.





Any expenses reasonably incurred by the local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered from the person responsible for the nuisance.

If you have any queries regarding this letter please contact me at the above address/phone number during office hours.

Yours sincerely,

**Mr A. Solanki**  
**Environmental Health Officer**



07 753 1018  
020 753 1017  
Tower Hamlets  
London E1 1BB



**Environmental Health, Environmental Protection**

Mr Jaspel Singh  
Edge  
157 Commercial Street  
London  
E1 6BJ

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

Enquiries: **Mr A Solanki**  
Tel **020 7364 5007**  
Fax **020 7364 6831**  
**Flare Ref: 72330**  
Your Ref:

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

Date: 7<sup>th</sup> February 2007

Dear Mr Singh,

**Re: Noise Nuisance at Edge, 157 Commercial Street, London E1 6BJ**

Since my last letter to you dated 2<sup>nd</sup> February 2007 I write to advise you that we have witnessed a further noise amounting statutory nuisance. This contravention was witnessed on 4<sup>th</sup> February 2007. This incident has been noted and details have been passed onto our legal team.

As mentioned in my letter dated 2<sup>nd</sup> February 2007 please note that the noise Abatement Notice served on you dated 26<sup>th</sup> October 2005 still remains in force and a further breach of the notice will result in the Council applying to the court for a warrant to undertake the following:

- 1. Removal of equipment capable of producing amplified or music; and**
- 2. Removal of all materials that could be played on the amplified equipment i.e. tapes, CD's and vinyl records.**

The above actions may be taken either, whilst the noise is being made, or at any other time so as to prohibit the recurrence of the noise nuisance. I will be making appropriate arrangements to monitor the situation closely. If the Court convicts the person responsible for the nuisance, the Court may make a Forfeiture Order. The Order prevents that person from having the equipment returned to them.





Any expenses reasonably incurred by the local authority in abating, or preventing the recurrence of, a statutory nuisance may be recovered from the person responsible for the nuisance.

If you have any queries regarding this letter please contact me at the above address/phone number during office hours.

Yours sincerely,

**Mr A. Solanki**  
**Environmental Health Officer**



0207 753 0393  
0207 753 0394  
0207 753 0397  
TOWER HAMLETS  
CITY OF LONDON



Corporate Director  
Environment & Culture  
Alex Cosgrave

# **APPENDIX 6**

APPENIX 6



LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

# APPLICATION FORM

## for general planning permission

Please read the accompanying guidance notes before completing this form

This form allows you to apply for planning permission if you want to change the way a building is used, divide a property into flats, alter or extend a property other than your home, or develop land in Tower Hamlets.

Using the accompanying notes to help you, complete one copy of the form and return them with the checklist items listed on the guidance notes to:

The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG.

For advice and information, call the planning hotline on 020 7364 5009.

### Credit Card payment?

Yes  No

### Office use only

Reference no. PA/06/2242  
Receipt no. 177895  
Received 12.12.06  
Amount received £265

### 1. Name and address of applicant

Full name: POWERNET LIMITED  
Address: c/o DKLM SOLICITORS  
CITY HOUSE, 3 CRANWOOD STREET, LONDON  
Post code: EC1V 9PE  
Day time telephone no: 0207 549 7888

### 2. Name and address of agent (where applicable)

Full name: PHILLIPS PLANNING SERVICES  
Contact name (if different): PAUL WATSON  
Address: KINGSBROOK HOUSE  
7 KINGSWAY, BEDFORD  
Post code: MK42 9BA  
Day time telephone no: 01234 272829

### 3. Address of the property or site where the work or change of use is proposed (outline it in red on your plans)

Address: 157 COMMERCIAL STREET  
LONDON (ENTRANCE AT GROUND FLOOR AND BASEMENT)  
Post code: E1 6BJ

### 4. What is the area of the site?

0.0332 hectares 332 square metres

### 5. Brief description of proposal

USE OF PREMISES AS A BAR (A4)

**6. Use of the buildings and land**

a. Tell us the present use of the buildings and land

BAR

b. If the buildings and land are disused, tell us what they were used for previously

N/A

**7. Do you own any adjoining land? (if so, outline it in blue on your plans)**

Yes

No

**8. This application is for (tick one box - a, b, c or d - then provide further details as requested)**

a. Outline planning permission

If so, which parts of the proposal do you want to reserve for future consideration?

Siting  Design

Means of access  External appearance

Landscaping

b. Full planning permission

If so, what does your proposal involve?

New structure  Extension

Alterations  Change of use

Other (please say what)

c. Reserved matter application

If so, please give the reference number for your original outline planning permission

N/A

And tell us what conditions are dealt with in this application

N/A

d. Application for removal or variation of a condition

If so, please give the reference number for your original planning permission

N/A

Which conditions are you applying to remove or vary?

N/A

Please set out the reasons in a covering letter.

**9. Floor space**

a. If your proposal involves changes in the way the property or land is used, tell us the gross area affected

332 sq.m

b. If your proposal involves additional floor space, tell us the existing gross floor space

N/A sq.m

and the proposed gross floor space

N/A sq.m

c. How will the current floor space be used and how will the proposed floor space be used?

**Current use**

Residential floor space  sq.m

Retail floor space  sq.m

Office floor space  sq.m

Industrial floor space  sq.m

Warehousing floor space  sq.m

Other (please say what below)  332 sq.m

BAR

**Proposed use**

Residential floor space  sq.m

Retail floor space  sq.m

Office floor space  sq.m



Industrial floor space  sq.m

Warehousing floor space  sq.m

Other  sq.m  
(please say what below)

**10. Does the proposal involve demolition?**

Yes  No

If yes, please provide brief details

**11. Access for motor vehicles**

I want to create a new access to the road

I want to alter an access that is there already

Give the name of the road below and show the details of access on your plans

**12. Trees**

Do you intend to remove or prune any trees as part of the proposal?

Yes  No

If you answer yes, show the position of the tree(s) on your plans

**13. What materials do you intend to use on the exterior of the building?**

Walls

Roof

Other part of building (please say what and specify materials)

**14. Residential development**

**a. Existing dwellings by number of habitable rooms**

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

**b. Proposed dwellings by number of habitable rooms**

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

c. What is the total number of residential units at present (including self contained flats)?

d. What is the total number of residential units you are proposing?

**15. Will hazardous materials be used or stored on the site? (for a list, please see appendix on form 3)**

Yes  No

If yes, please attach list on form 3

**16. Drains**

How will surface water be disposed of?

How will sewage be dealt with?

How will trade effluent be dealt with if applicable?

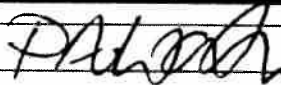
**17. Plans and drawings submitted with the application**

Please list all the plans and drawings you have enclosed, and give each one an individual reference number

- PLAN PPS1: 1:1250 SITE  
LOCATION PLAN

- PLAN PPS2 1:100 SCALE  
INTERNAL LAYOUT PLAN

**18. I declare that the information I have given is true to the best of my knowledge**

Signed 

On behalf of (if you are an agent)

POWERNET LIMITED

Date 11/12/06

Take or send your completed application to: The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG. Telephone 020 7364 5009

This authority is under a duty to protect the public funds it administers, and to this end may use the information you provide here for the prevention and detection of fraud. It may also share this information with other bodies that administer public funds.

Personal Data for Planning Applications will be made available over the Internet. Disclosure may therefore be made to any person having access to the Internet worldwide.

Personal Data held for Planning Applications maybe transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

Now you need to complete one of the certificates on form 10, which tell us about the ownership of the property and the notice. See the guidance notes for more information.



LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

# Ownership information certificates A and B and Notice 1

**Please read the accompanying guidance notes before completing this form**

*Certificates A and B provide Tower Hamlets Planning Service with information about who owns the property you are making a planning application for. An 'owner' is someone who holds the freehold for the property, or who has a lease on the property with more than seven years to run. The certificates are required under the Town and Country Planning (General Development Procedure) Order 1995, Certificate under Article 7.*

*You need to complete one of Certificates A, B, C or D. The agricultural holdings Certificate must accompany every application for planning permission. Return them with the rest of your planning application to Tower Hamlets Planning Service.*

*If you are not the sole owner of the property, you will also need to complete the notice on the back of the form, which tells the owners or other owners of the site about your intentions. Deliver Notice 1 to the other owners and include a copy of it with your application.*

*If you don't own all the property or land and only know some of the owners, or if you don't own any of the property or land and don't know any of the owners, you will need to complete form 11.*

*For advice and information, call the planning hotline on 020 7364 5009.*

### CERTIFICATE A

Complete if you are the sole owner of the property and/or land and the proposed work won't encroach onto someone else's property

I certify that:

On the day 21 days before the date of the accompanying application, nobody except the applicant was the owner of any part of the land to which the application relates.

Signed

Date

On behalf of

Personal Data for Planning Applications will be made available over the Internet. Disclosure may therefore be made to any person having access to the Internet worldwide.

Personal Data held for Planning Applications may be transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

### CERTIFICATE B

Complete if someone else is the owner or part owner of the property and/or land. You should also complete this certificate if the proposed work will encroach onto someone else's property. In this case, fill in the adjoining owner's name and address, as well as the name of the owner or other owner.

I certify that:

I have/The applicant has given the necessary notice to everyone else who, on the day 21 days before the date of the accompanying application, was the owner of any part of the land to which the application relates, as listed below.

Owner's name

Address at which notice was served

Post code

Date of service of notice

Signed

Date

On behalf of

# TO BE COMPLETED FOR ALL APPLICATIONS FOR PLANNING PERMISSION

Town and Country Planning (General Development Procedure) Order 1995

## CERTIFICATE UNDER ARTICLE 7

### Agricultural Holdings Certificate

- None of the land to which the application relates is, or is part of, an agricultural holding.

OR\*

~~I have/the applicant has given the requisite notice to every person other than myself/himself/herself who, on the day  
21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the  
application relates, as follows:~~

Tenant's name	Address at which notice was served	Date on which notice was served
<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	<input type="text"/>
	Post code <input type="text"/>	

Signed

On behalf of

Date

\*Delete where inappropriate

Your ref: PW/JMS/06.3509  
My ref: PA/06/02242

4 May, 2007

Phillips Planning Services  
Kingsbrook House  
7 Kingsway  
Bedford  
MK42 9BA

Development & Renewal  
Town Planning  
Mulberry Place (AH) Anchorage House  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)  
Enquiries to: Stephen Irvine  
Tel: 020 7364 5355  
Fax: 020 7364 5415  
TH: 276

**Town and Country Planning Act 1990 (as amended)**

**Town and Country Planning (General Development Procedure Order) 1995**

Dear Sir/Madam,

**CONDITIONAL PERMISSION FOR DEVELOPMENT**

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses. This should be carried out at least one month prior to the completion of the exterior works. Details of the development, including site and block plans should be sent to the Assistant Director (Street Services), Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY.

Your attention is drawn to the following statement of applicants' rights:-

**1) Appeals to the Secretary of State**

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 8PN (Tel 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

**2) Purchase Notice**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

**3) Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully,



Michael Kiely  
Head of Development Decisions



2006 - 2007  
Early Intervention  
(Children at Risk)  
2003 - 2006  
Winner of 4 previous  
Beacon Awards



INVESTOR IN PEOPLE



Corporate Director  
Development and Renewal  
Emma Peters

## SCHEDULE

### Full Planning Permission

**Location:** 157 Commercial Street, London

**Proposal:** Use of the ground floor entrance way and basement premises as a bar (within Use Class A4), operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to Midnight.

**Date:** 4 May, 2007

**Reference:** PA/06/02242

**Application Received on:** 12 December, 2006

**Application Registered on:** 12 December, 2006

#### Drawings Approved:

**Registered Number:** PA/06/02242

**Applicant's Number:** 063509/1, 2 & 3.

#### 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 /environmental criteria adopted by the Council and
- b) does not result in material harm to the amenity of residents or the character and environment of the adjacent area.

#### Conditions and Reasons:

1. On or before 3rd May 2008, the use allowed by this permission must be discontinued.

Reason: Permission for a limited period will allow the local planning authority to ensure that residents amenity is not detrimentally affected by the Class A4 use and allow the local planning authority to reassess the development in the light of experience of the use.

2. The use permitted shall only be operate between the hours of:

- 9.00am to Midnight on Mondays to Saturdays and;
- 9.00am to 11.30pm on Sundays.

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 sound insulation / attenuation measures set out in the 'Bickerdike Allen Partners' Report (BAP Ref: A7576/HGL, dated 19 December 2006) shall be completed within one month of the date of the grant of planning permission.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

4. Within two weeks of the completion of the mitigation works:

- i) the local planning authority shall be advised of the completion of the works and;
- ii) additional acoustic testing, as agreed with the Council, shall be carried out to assess the effectiveness of the mitigation works

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

5. Within two weeks of the completion of the acoustic testing required by condition 4, and subject to the results of the testing, noise limiters shall be installed and thereafter be used at all times during the playing of music, PA system or other amplified sound.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

6. The building works required to carry out the use/development allowed by this permission must only be carried out within the following times:

- 8.00am and 6.00pm Mondays to Fridays and;
- 9.00 am and 1.00 pm Saturdays.

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

7. Any music, PA system or other amplified sound shall be played and operated at noise levels that do not exceed 30 dB LAeq and 45 dB LAm<sub>ax</sub> as measured from the nearest residential property or any other levels agreed in writing by the local planning authority.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

8. Deliveries shall only take place between the hours of 10am to 6pm Mondays to Saturdays.

Reason: To avoid obstruction of the surrounding streets and safeguard public safety and the amenity of the surrounding area and to make sure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV1 and DEV2 General Design and Environmental Requirements  
T16 and T17 Transport and Development  
T12 and T13 Strategic Traffic Management

9. A detailed scheme of management for the operation of the venue shall be submitted within three weeks of the grant of planning permission.

Reason: To safeguard the amenity of adjacent residential properties and the area generally.

**Informatives:**

1. You are reminded of the Council's enforcement powers should the premises remain in unauthorised nightclub use or open beyond midnight on Mondays to Saturdays and 11.30pm on Sundays.





LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

# APPLICATION FORM

## for general planning permission

Please read the accompanying guidance notes before completing this form

*This form allows you to apply for planning permission if you want to change the way a building is used, divide a property into flats, alter or extend a property other than your home, or develop land in Tower Hamlets.*

*Using the accompanying notes to help you, complete one copy of the form and return them with the checklist items listed on the guidance notes to:*

*The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG.*

*For advice and information, call the planning hotline on 020 7364 5009.*

Credit Card payment ?

Yes  No

Office use only

Reference no. PA/06/2243

Receipt no. 177896

Received 12.13.06

Amount received £265

### 1. Name and address of applicant

Full name

Address

Post code

Day time telephone no

### 3. Address of the property or site where the work or change of use is proposed (outline it in red on your plans)

Address

Post code

### 2. Name and address of agent (where applicable)

Full name

Contact name (if different)

Address

Post code

Day time telephone no

### 4. What is the area of the site ?

hectares  square metres

### 5. Brief description of proposal

USE OF PREMISES AS A BAR AND  
LATE NIGHT ENTERTAINMENT  
VENUE (SUI GENERIS)

**6. Use of the buildings and land**

a. Tell us the present use of the buildings and land

BAR

b. If the buildings and land are disused, tell us what they were used for previously

N/A

**7. Do you own any adjoining land? (if so, outline it in blue on your plans)**

Yes

No

**8. This application is for (tick one box - a, b, c or d then provide further details as requested)**

a. Outline planning permission

If so, which parts of the proposal do you want to reserve for future consideration?

Siting

Design

Means of access

External appearance

Landscaping

b. Full planning permission

If so, what does your proposal involve?

New structure

Extension

Alterations

Change of use

Other (please say what)

c. Reserved matter application

If so, please give the reference number for your original outline planning permission

N/A

And tell us what conditions are dealt with in this application

N/A

d. Application for removal or variation of a condition

If so, please give the reference number for your original planning permission

N/A

Which conditions are you applying to remove or vary?

N/A

Please set out the reasons in a covering letter.

**9. Floor space**

a. If your proposal involves changes in the way the property or land is used, tell us the gross area affected

332 sq.m

b. If your proposal involves additional floor space, tell us the existing gross floor space

N/A sq.m

and the proposed gross floor space

N/A sq.m

c. How will the current floor space be used and how will the proposed floor space be used?

**Current use**

Residential floor space  sq.m

Retail floor space  sq.m

Office floor space  sq.m

Industrial floor space  sq.m

Warehousing floor space  sq.m

Other (please say what below)  332 sq.m

BAR

**Proposed use**

Residential floor space  sq.m

Retail floor space  sq.m

Office floor space  sq.m

Industrial floor space  sq.m

Warehousing floor space  sq.m

Other  sq.m  
(please say what below)

**BAR & LATE NIGHT ENTERTAINMENT WITH  
ANCILLARY OFFICE / STORAGE SPACE**

**10. Does the proposal involve demolition?**

Yes  No

If yes, please provide brief details

**11. Access for motor vehicles**

I want to create a new access to the road

I want to alter an access that is there already

Give the name of the road below and show the details of access on your plans

**12. Trees**

Do you intend to remove or prune any trees as part of the proposal?

Yes  No

If you answer yes, show the position of the tree(s) on your plans

**13. What materials do you intend to use on the exterior of the building?**

Walls

Roof

Other part of building (please say what and specify materials)

**14. Residential development**

a. Existing dwellings by number of habitable rooms

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

b. Proposed dwellings by number of habitable rooms

	1	2	3	4	5	6	7	8
Flats/maisonettes	<input type="text"/>							
Houses	<input type="text"/>							

c. What is the total number of residential units at present (including self contained flats)?

d. What is the total number of residential units you are proposing?

**15. Will hazardous materials be used or stored on the site? (for a list, please see appendix on form 3)**

Yes  No

If yes, please attach list on form 3

**16. Drains**

How will surface water be disposed of?

How will sewage be dealt with?

How will trade effluent be dealt with if applicable?

**17. Plans and drawings submitted with the application**

Please list all the plans and drawings you have enclosed, and give each one an individual reference number

- PLAN PPS1(A) 1:1250 SITE  
LOCATION PLAN

- PLAN PPS2(A) 1:100 SCALE  
INTERNAL LAYOUT PLAN

**18. I declare that the information I have given is true to the best of my knowledge**

Signed

On behalf of (if you are an agent)

Date

Take or send your completed application to: The Planning Service, Directorate of Development & Renewal, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 2BG. Telephone 020 7364 5009

This authority is under a duty to protect the public funds it administers, and to this end may use the information you provide here for the prevention and detection of fraud. It may also share this information with other bodies that administer public funds.

Personal Data for Planning Applications will be made available over the Internet. Disclosure may therefore be made to any person having access to the Internet worldwide.

Personal Data held for Planning Applications maybe transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

Now you need to complete one of the certificates on form 10, which tell us about the ownership of the property and the notice. See the guidance notes for more information.



LONDON BOROUGH OF TOWER HAMLETS PLANNING SERVICE

# Ownership information certificates A and B and Notice 1

Please read the accompanying guidance notes before completing this form

Certificates A and B provide Tower Hamlets Planning Service with information about who owns the property you are making a planning application for. An 'owner' is someone who holds the freehold for the property, or who has a lease on the property with more than seven years to run. The certificates are required under the Town and Country Planning (General Development Procedure) Order 1995, Certificate under Article 7.

You need to complete one of Certificates A, B, C or D. The agricultural holdings Certificate must accompany every application for planning permission. Return them with the rest of your planning application to Tower Hamlets Planning Service.

If you are not the sole owner of the property, you will also need to complete the notice on the back of the form, which tells the owners or other owners of the site about your intentions. Deliver Notice 1 to the other owners and include a copy of it with your application.

If you don't own all the property or land and only know some of the owners, or if you don't own any of the property or land and don't know any of the owners, you will need to complete form 11.

For advice and information, call the planning hotline on 020 7364 5009.

### CERTIFICATE A

Complete if you are the sole owner of the property and/or land and the proposed work won't encroach onto someone else's property

I certify that:

On the day 21 days before the date of the accompanying application, nobody except the applicant was the owner of any part of the land to which the application relates.

Signed

Date

On behalf of

Personal Data for Planning Applications will be made available over the Internet. Disclosure may therefore be made to any person having access to the Internet worldwide.

Personal Data held for Planning Applications maybe transmitted over the Internet. Transfers of personal data may therefore take place, potentially, to any country in the world.

### CERTIFICATE B

Complete if someone else is the owner or part owner of the property and/or land. You should also complete this certificate if the proposed work will encroach onto someone else's property. In this case, fill in the adjoining owner's name and address, as well as the name of the owner or other owner.

I certify that:

I have/The applicant has given the necessary notice to everyone else who, on the day 21 days before the date of the accompanying application, was the owner of any part of the land to which the application relates, as listed below.

Owner's name

Address at which notice was served

Post code

Date of service of notice

Signed

Date

On behalf of

# TO BE COMPLETED FOR ALL APPLICATIONS FOR PLANNING PERMISSION

Town and Country Planning (General Development Procedure) Order 1995

## CERTIFICATE UNDER ARTICLE 7

### Agricultural Holdings Certificate

• None of the land to which the application relates is, or is part of, an agricultural holding.

OR\*

~~I have, the applicant has given the requisite notice to every person other than myself/himself/herself who, on the day  
21 days before the date of the application was a tenant of an agricultural holding on all or part of the land to which the  
application relates, as follows:~~

Tenant's name	Address at which notice was served	Date on which notice was served
<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	
	<input type="text"/>	
	Post code <input type="text"/>	

Signed

On behalf of

Date

\*Delete where inappropriate

## SCHEDULE

### Refusal of Full Planning Permission

**Location:** 157 Commercial Street, London

**Proposal:** Use of part of ground floor and basement as a bar and late night entertainment venue (sui generis), operating Mondays to Wednesdays between 11am to 2am the following day, Thursdays to Saturdays between 11am to 4am the following day, and Sundays between 11am to Midnight.

**Date:** 4 May, 2007

**Reference:** PA/06/02243

**Application Received on:** 12 December, 2006

**Application Registered on:** 12 December, 2006

#### Drawings Submitted:

**Registered Number:** PA/06/02243

**Applicant's Number:**

#### Reasons for Refusal

1. The proposal would cause an unacceptable degree of noise, nuisance and disturbance, to the detriment of the living conditions and amenity of adjoining and surrounding occupiers, and to the amenity of the surrounding area generally. The proposal is therefore contrary Policies DEV2, HSG15, S7 and ART1 of the (1998) Tower Hamlets Adopted Unitary Development Plan, and Policies DEV1, DEV10 and RT5 of the Local Development Framework, Core Strategy and Development Control Submission Document (November 2006) that seek to protect the amenity of existing occupiers from unacceptable new development proposals.
2. The proposal would attract additional vehicles into a densely developed inner urban location, thus adding to traffic and parking congestion. It is therefore contrary to policies T16 and ART1 of the (1998) Tower Hamlets Adopted Unitary Development Plan, Policies CP40 and CP41 of the Local Development Framework, Core Strategy and Development Control Submission Document (November 2006), and Planning Policy Guidance Note 13 (Transport), which seek to promote more sustainable transport choices for traveling, and to reduce the need to travel by car, particularly in locations which are highly accessible by public transport.

#### Informatives:

1. You are reminded of the Council's powers of enforcement should the unauthorised nightclub use continue.



Your ref: PW/JMS/063509  
My ref: PA/06/02243

4 May, 2007

Phillips Planning Services  
Kingsbrook House  
7 Kingsway  
Bedford  
MK42 9BA

Development & Renewal  
Town Planning  
Mulberry Place (AH) Anchorage House  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)  
Enquiries to: Stephen Irvine  
Tel: 020 7364 5355  
Fax: 020 7364 5415  
TH: 276

**Town and Country Planning Act 1990 (as amended)**  
**Town and Country Planning (General Development Procedure Order) 1995**  
Dear Sir/Madam,

### REFUSAL OF PLANNING PERMISSION

In accordance with the Act mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to REFUSE permission for the development referred to in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of planning permission.

#### (1) APPEAL TO THE SECRETARY OF STATE

If you are aggrieved by the decision to refuse permission for the proposed development, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 5372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

#### (2) PURCHASE NOTICE

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

#### (3) COMPENSATION

In certain circumstances compensation may be claimed from the Council of the London Borough of Tower Hamlets if permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Yours faithfully,

Michael Kiely  
Head of Development Decisions



2006 - 2007  
Early Intervention  
(Children at Risk)  
2003 - 2006  
Winner of 4 previous  
Beacon Awards



INVESTOR IN PEOPLE



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Corporate Director  
Development and Renewal  
Emma Peters



# **APPENDIX 7**

APPENDIX 7

## Bickerdike Allen Partners

EDGE  
157 COMMERCIAL STREET, LONDON E1 6BJ

Sound Insulation Tests & Recommendations  
In Relation To a Planning Application

**Report to**

Mr J.S Rathor  
c/o DKLM Solicitors  
City House  
3 Cranwood Street, LONDON EC1V 9PE

**and**

Mr Paul Watson  
Phillips Planning Services Ltd  
Kingsbrook House  
7 Kingsway, BEDFORD MK42 9BA

BAP Ref. A7576/HGL  
19 December 2006

Tower Hamlets Environmental Health – Flare Ref. 70454

# Bickerdike Allen Partners

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# Bickerdike Allen Partners

## EXECUTIVE SUMMARY

Bickerdike Allen Partners (BAP) have been asked to assess the sound insulation between Edge and flats on upper floors at 157 Commercial Street, London E1 6BJ. Helpful discussions were held with Tower Hamlets Environmental Health Department, who also witnessed BAP's investigations and sound insulation tests on Thursday 30 Nov. 2006. BAP have subsequently analysed the test results, and although the sound insulation of the concrete floor was found to be generally good, two points of relative weakness were found. These are at positions of a former stair between the basement and the ground floor which had previously been filled with a timber joist construction, and at a hatch in the rear of the lift shaft in the basement which appears to no longer be used. These are airborne sound paths not structureborne paths, and we recommend from acoustic considerations these be blocked up. This should result in a significant improvement in sound transmission to the flats on upper floors. In addition, we recommend sound limiter systems are installed which will control both the two house systems, "Main Bar Area" and "Bat Cave", and mobile systems which might be brought in by DJs. With these recommendations in place we would expect the transmitted noise to the nearest habitable rooms on the first floor 157 Commercial Street to be significantly improved. Estimated levels at present before any works meet criteria 34 dB(A) suggested in DEFRA research for control of noise transmission, "Noise from Pubs and Clubs (Phase II)".

# Bickerdike Allen Partners

## 1. INTRODUCTION

Bickerdike Allen Partners (BAP) are retained by Mr J.S. Rathor to carry out an investigation into sound insulation and music noise transmission from Edge, 157 Commercial Road, London E1 6BJ. I understand that BAP's study and any practicable recommendations are required in the context of Mr Rathor's retrospective planning application to regularise the use of the basement. This report sets out a summary of findings of my sound insulation and noise study and provides recommendations expected to significantly reduce noise emissions. I was assisted in the testing in this study by my colleagues Phil Wash and Vince Taylor. I was also assisted by helpful discussions with the local environmental health authority, in gaining access to flats and participating in listening tests and witnessing sound insulation tests. Full details are in appendices A to F of this report, sound insulation tests (A), analysis and recommendations re stair (B) and recommendations re lift shaft (C), recommendations for sound limiter systems (D), extract from recent DEFRA research on "Noise from Pubs and Clubs" (E), and technical discussions with the local authority on their requirements (F).

## 2. THE SITE

Edge is situated in the basement of a mixed use building, with a restaurant, "Hawksmoor" on the ground floor, and nine flats on first to fourth floor levels. We understand that this building was previously a fire-damaged warehouse before its present use. The entrance to Edge is separate from other uses at the ground floor level of the building. The lift shaft that previously served the entire building now only serves the flats from a separate common area at ground floor level. Previously the ground floor restaurant and basement bar operated together and an internal circular stair at the rear of the building is now sealed-off. The Edge does not share a separating wall or floor with any habitable room.

## 3. TECHNICAL DISCUSSION WITH ENVIRONMENTAL HEALTH

I am advised a noise abatement notice was served on Mr Rathor but I have not seen a copy of this. From discussions with Mr Smith, EHO, I understand that his concern related to bass speakers in the basement which I am advised by Mr Rathor have been removed. My tests with the house sound systems correlated well with complaints on site by residents. In my investigations and as advised by Mr Smith I found that the sound insulation to habitable rooms was generally good. I found two weak points and recommend appropriate works. Mr Smith also asked for sound limiters, and in view of the internal rooms in flats above, I recommended that they be installed and used in such a way that they would control the level of output from all systems including those of visiting DJs. I understand that music is by replay of recorded material rather than live bands. Mr Smith said that a sound insulation of 60 dB between flats and commercial use is normally required, and in the current tests it was confirmed that sound insulation met that requirement. While the original complaint appears to have been of structureborne noise, the investigation found two relative weaknesses in airborne sound insulation (holes).

## 4. NOISE AND SOUND INSULATION SURVEY OF 30 NOVEMBER 2006

To assess the performance of the existing building, sound insulation tests, and sample music replay tests, were carried out. The sound insulation tests are reported in Appendix A. Two source rooms were used, source room 1, the "Bat Cave" at the rear of the basement, and source room 2, the "Main Bar Area" at the front of the basement. Tests were carried out between the "Bat Cave" and two receiver rooms the restaurant on the ground floor and the internal bedroom of Flat 1 on the first floor. This was sufficient to identify a relative weakness in the construction at this point. Tests with the source in the "Main Bar Area", were carried out

# Bickerdike Allen Partners

to six receiver rooms, the internal hallways of Flats 6 and 7 and also the lift cabin in the lift shaft on Third, Second, First and Ground floor levels. Music was replayed and measured at maximum setting in the club, and listening tests were carried out at flats throughout the building where access was allowed. Measurements were taken in the Bat Cave and in the Bedroom of Flat 1, see Appendix B. There was no measurable increase in typical ambient (daytime) background but the music was audible. We understand that this room is a point where complaints are made according to the resident. A further investigation was made using sound insulation measurements in the lift shaft, to estimate the levels of music likely to be transmitted into internal halls of Flats 7 and 2, see Appendix C. This is taken as "worst case" because levels in nearby habitable rooms could not be measured, due to relatively high levels of road traffic noise from Commercial Road during the daytime.

## 5. BAP'S ANALYSIS AND ASSESSMENT

The sound insulation is good, to the worst case bedroom (affected by airborne transmission via the filling-up of a former stair - sound path (1)) it was 70 dB which is 10 dB better than normally required by the local authority. In terms of transmitted music a complaint in an internal bedroom estimated at 17 dB(A) would be "clearly acceptable" in DEFRA research (Table 4 Appendix E) however because it is an internal room, it is audible, and therefore recommendations are provided for the relative weakness at the point identified in this report as sound path (1). The airborne sound from the lift shaft sound path (2) was also audible in common areas and would be expected to be audible in nearby bedrooms at night, therefore recommendations are also given for path (2).

## 6. BAP'S RECOMMENDATIONS

In-principle recommendations are, seal the stair at the rear, seal the unused hatch to lift shaft at the front of the basement, and install and use sound limiter systems, all as set out in the attached Appendices B, C and D.

## 7. CONCLUSIONS

Bickerdike Allen Partners have undertaken an assessment of sound insulation at Edge. We found the sound insulation of Edge is generally good, and recommend remedial works for two points in the building construction. The first is where a former staircase opening (corridor near office, staff toilet and rear of Bat Cave bar) had previously been filled with timber joists and plasterboard. For this point we recommend an independent ceiling supported from walls with mineral wool packed in cavity, and plasterboard layers to increase mass. The rest of the floor above Edge is understood to be concrete and for this nothing is recommended as the identified paths are airborne (holes). Nothing is recommended for loudspeaker mountings, because observed paths are not structureborne. Work is recommended at a second airborne point, former lift shaft opening at the rear of the Main Bar Area. This is to be sealed and filled with mineral wool and cement particle board. At the front of the lift shaft, in the entrance and staircase, nothing is recommended because it is the original lift shaft masonry wall (covered with mirrors). A third recommendation is made, due to internal bedrooms (without windows) where the background noise is low and small sounds are expected to be audible. For this, sound limiters are recommended to control levels. We understand that Mr Rathor is happy to carry out these recommendations. We would expect this to result in satisfactory conditions.

**Howard Latham**  
**Bickerdike Allen Partners**

# Bickerdike Allen Partners

## APPENDIX A

### SOUND INSULATION TEST REPORT DIAGNOSTIC MEASUREMENTS EDGE 157 COMMERCIAL STREET E1 6BJ

<b>Report for:</b>	Mr J.S. Rathor c/o DKLM Solicitors City House 3 Cranwood Street London EC1V 9PE	
<b>Testing by:</b>	Bickerdike Allen Partners 121 Salisbury Road London NW6 6RG  Telephone: 020 7625 4411 Fax: 020 7625 0250 E-mail: <a href="mailto:mail@bickerdikeallen.com">mail@bickerdikeallen.com</a>	
<b>File Reference</b>	A7576-R01	
<b>Date:</b>	18/12/2006	
	<b>Authors</b>	Vince Taylor Phillip Wash Howard Latham

# Bickerdike Allen Partners

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# Bickerdike Allen Partners

## 1.0 INTRODUCTION

Bickerdike Allen Partners were asked to carry out investigative diagnostic sound insulation testing in relation to a planning application being prepared by Phillips Planning Services Ltd on behalf of Mr J.S. Rathor for "Edge", 157 Commercial Street, London E1 2BJ.

An explanation of the acoustic terminology used in this report is given in section 5.1.

## 1.1 The Development

Name and address of Client: Mr J.S. Rathor  
c/o DKLM Solicitors  
City House  
3 Cranwood Street  
London EC1V 9PE

Address of property: Edge  
157 Commercial Street  
London E1 2BJ

Features of the development: "Edge" is located in the basement of a converted warehouse building. There is a separate restaurant, "Hawksmoor", at the ground floor level, and nine flats situated on upper floors (first to fourth floors). There are two separating floors between Edge and the nearest flats at the first floor level.

## 2.0 METHODOLOGY

### 2.1 Test Standards

#### 2.1.1 Airborne Test

The tests detailed in this report were undertaken in accordance with BS EN ISO 140-4: 1998 "*Field measurements of airborne sound insulation between rooms*" and the weighting method described in BS EN ISO 717-1:1997 "*Acoustics - Ratings of sound insulation in buildings and of building elements - Part 1: Airborne Sound Insulation.*"

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## 2.2 Instrumentation

Item	Serial No.	Date of last Calibration	Calibration Certificate No.	Expiry Date
Brüel and Kjær Type 2260 Investigator, modular precision sound analyser, loaded with Building Acoustics Module Type BZ 7204	1875484	14/09/05	65353	13/09/07
Brüel and Kjær Type 4189 microphone	2508728	14/09/05	65353	13/09/07
Brüel and Kjær Type 4231 calibrator	1883753	13/09/05	14243	12/09/07

## 2.3 Testing Procedure

See Section 4.4

## 3.0 TESTS UNDERTAKEN

### 3.1 Test Rooms

The source and receiving rooms where the tests were undertaken are listed in Section 4. The test rooms used for sound insulation testing were all furnished, in the flats, in the ground floor restaurant "Hawksmoor", and in "Edge" (Tests A-D). Investigative sound insulation tests were also made inside the lift cabin with open door as receiver room, at various levels within the lift shaft (Tests E-H).

## 4.0 RESULTS

### 4.1 Detailed Results

The results are recorded in detail on data sheets in Section 4.5, pages A8 to A15. We have measured the weighted sound level difference  $D_w$  (difference between levels in properties), and  $D_w + C_{tr}$  values (weighted for low frequency sound). These test results are for diagnostic purposes. The results are discussed below using the  $D_w + C_{tr}$  descriptor.

### 4.2 Summary

The numerical results and outcome of the testing are summarised in the table below. For airborne tests, the higher the value, the better the sound insulation. For sound path (1) at the rear of the building, the 70 dB value refers to a first floor internal bedroom. For sound path (2) at the front of the building, the 65 dB value refers to third floor internal hall locations in two flats. For both paths (1) and (2) the sound insulation was 50 dB at ground floor level. BAP recommend remedial work to two points in the existing construction related to paths (1) and (2), see Appendices B and C respectively to this report.

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## 4.2.1 Airborne Test Results for the Various Test Situations

Test	Source Room and sound path	Receiving Room or test space	$D_w$ dB	$D_w + C_{tr}$ dB
A	Edge Basement (Bat Cave) Sound path (1)	Internal Bedroom, Flat 1 First Floor	78	70
B		Restaurant Ground Floor	53	50
C	Edge Basement (Main Bar Area) Sound path (2)	Hallway in Flat 7 Third Floor	70	65
D		Hallway in Flat 6 Third Floor	73	65
E		In Lift, Third Floor	65	58
F		In Lift, Second Floor	59	54
G		In Lift, First Floor	60	54
H		In Lift, Ground Floor	56	50

Two points of relative weakness in airborne sound insulation were identified:

Sound path (1), airborne transmission at rear of building, corresponds to a point in the existing construction identified at the location of what we were advised was infilling of a former circular staircase between basement and ground floor levels.

Sound path (2), airborne transmission at the front of the building, corresponds to a point in the existing construction identified at the location of what appears to be a former access hatch to the rear of the now disused lift pit at basement level. The lift serves flats between ground and fourth floors, and apparently does not travel down to basement level.

## ADDITIONAL DETAILS

### 4.3 Acoustic terminology

#### The Decibel, dB

The unit used to describe the magnitude of sound is the decibel (dB) and the quantity measured is the sound pressure level. The decibel scale is logarithmic and it ascribes equal values to proportional changes in sound pressure, which is a characteristic of the ear. Use of a logarithmic scale has the added advantage that it compresses the very wide range of sound pressures to which the ear may typically be exposed to a more manageable range of numbers. The threshold of hearing occurs at approximately 0 dB (which corresponds to a reference sound pressure of  $2 \times 10^{-5}$  pascals) and the threshold of pain is around 120 dB.

#### Frequency, Hz

Frequency is analogous to musical pitch. It depends upon the rate of vibration of the air molecules which transmit the sound and is measured as the number of cycles per second or Hertz (Hz). The human ear is sensitive to sound in the range 20 Hz to 20,000 Hz (20 kHz). For acoustic engineering purposes, the frequency range is normally divided up into discrete bands. The most commonly used bands are octave bands, in which the upper limiting frequency for any band is twice the lower limiting frequency, and one-third octave bands, in which each octave band is divided into three. The bands are described by their centre frequency value and the ranges which are typically used for building acoustics purposes are 63 Hz to 4 kHz (octave bands) and 100 Hz to 3150 Hz (one-third octave bands). The sound insulation tests in this report are extended in frequency, to include 50 Hz, 63 Hz and 80 Hz.

#### White Noise and Pink Noise

Noise sources, which provide a continuous spectrum over a wide frequency range, are normally used for test purposes. White noise contains constant energy per unit of frequency. Pink noise contains constant energy per octave or one-third octave band.

#### Airborne Sound Insulation

Voices, hi-fi systems, television and radio sound and musical instruments are all sources of airborne sound. They excite the air around them and the vibration in the air is transmitted to surrounding surfaces, such as walls, ceilings and floors. This sets these constructions into vibration and this vibration is radiated in neighbouring rooms as sound. Energy is lost in the transmission path and this is referred to as transmission loss or, more generally, sound insulation. The most simple measure of sound insulation is the sound level difference,  $D$ , which is the arithmetic difference between the sound level, in dB, in the source room and the sound level in the receiving room. This is the index that has been used in this report.

Other measures of sound insulation include the sound reduction index,  $R$ , which is a measure of the acoustical performance of a partition, obtained in a laboratory, and the standardised level difference,  $D_{nT}$ , which is used mainly in the sound insulation of domestic separating walls and separating floors. The relevant test procedures are laid down in BS EN ISO 140-4. A single figure "weighted" result can be obtained from one-third octave band test results by using a curve-fitting procedure laid down in BS EN ISO 717. The subscript "w" is added to the relevant descriptor (e.g.  $D_w$ ).

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The sound level difference,  $D$  (dB), was obtained in each one third octave band, according to the following formula:

$$D = L_1 - L_2$$

where  $L_1$  is the average level in the source room  
 $L_2$  is the average level in the receiving room

The weighted standardised sound level difference,  $D_w$  was obtained using the curve-fitting procedure given in BS EN ISO 717-1. The standardised level difference values are plotted on a graph and compared with a reference curve. The reference curve is moved up and/or down until the sum of the unfavourable deviations is as large as possible, without exceeding 32.0 dB. The standard reference curve is shown on the graphs in section 5.2.

## 4.4 Sound Insulation Testing Procedure

A calibration check was made both prior to and after the tests and no significant drift was observed.

### Airborne sound insulation

The loudspeaker was placed in the source room in a position to generate an even distribution of sound throughout the room. The sound analyser was used to generate a steady random noise signal (pink noise) which was reproduced via the loudspeaker source. The sound pressure level was measured in the source room and receiving room over the one-third octave band frequency range 50 Hz to 3150 Hz. Measurements were made at five positions in each room using a measurement period of ten seconds at each position. After the first measurement in the source room the source spectrum was reviewed and the output from the analyser modified if required to eliminate differences of more than 6 dB between adjacent third-octave bands. If a modification was required a repeat measurement(s) were made and possibly further modification(s) until a suitable spectrum was obtained. The full set of measurements was then undertaken.

The source and receiving room levels were obtained by logarithmically averaging the ten values for each source position obtained in each room.

The background noise level was measured in the receiving room. Measurements were made at two positions using a measurement period of ten seconds.

## 4.5 Results Sheets

Detail test result sheets are attached for Tests A-H, pages A8 to A15.

Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

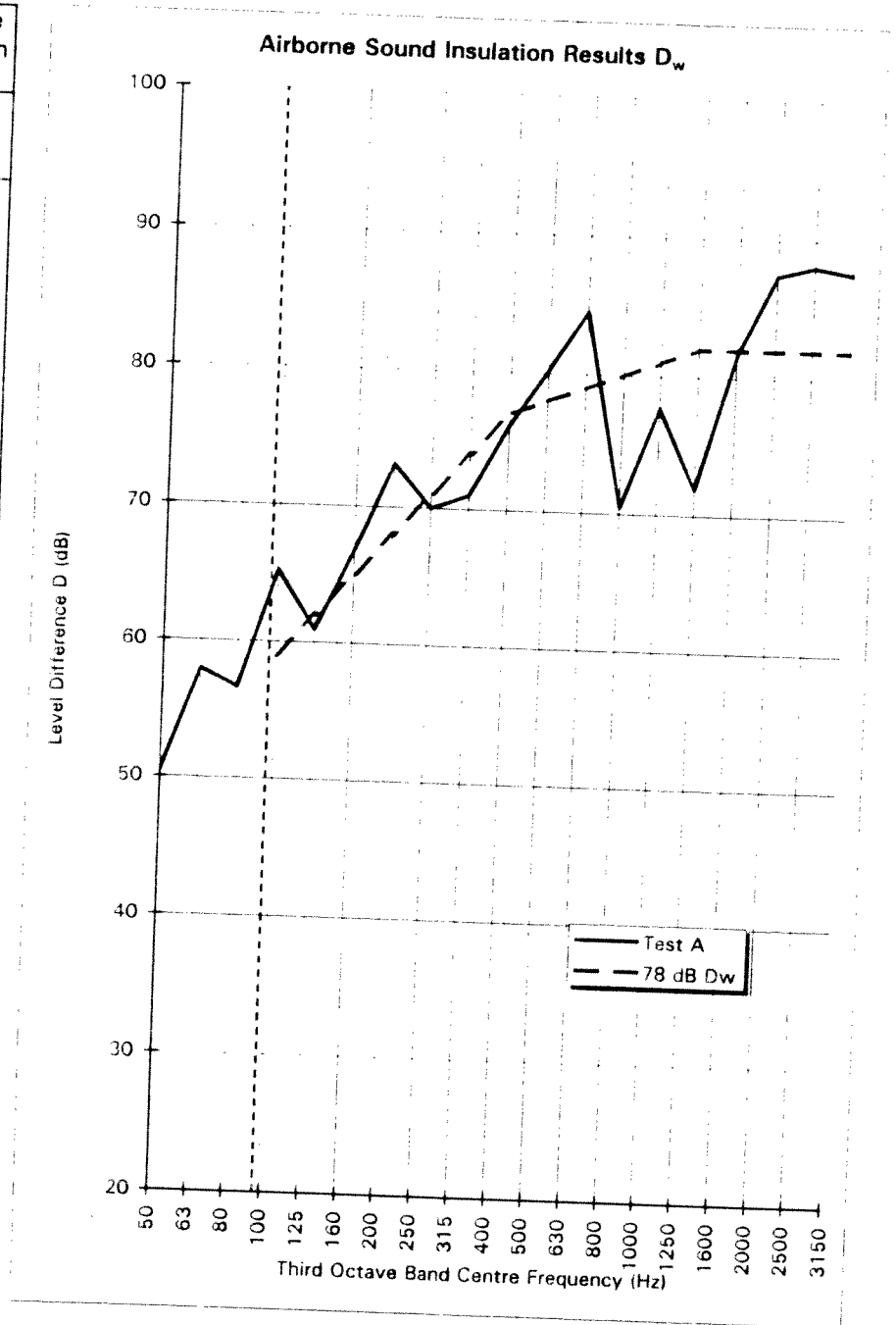
Test: Test A (Airborne)  
 Location: Edge (Bat Cave)  
 Flat 1 Second Bedroom

Frequency (Hz)	Test A D (dB)	Adverse Deviation (dB)
50	<b>50.5</b>	
63	<b>57.9</b>	
80	56.6	
100	65.2	1.1
125	60.9	
160	66.8	
200	73.1	1.0
250	70.0	3.0
315	71.0	0.9
400	<b>80.2</b>	
500	<b>84.5</b>	
630	<b>70.4</b>	9.6
800	<b>77.7</b>	3.3
1000	<b>71.9</b>	10.1
1250	<b>81.6</b>	0.4
1600	<b>87.4</b>	
2000	<b>88.1</b>	
2500	<b>87.6</b>	
3150		
Sum Adv. Deviations		29.4

Bold values: measurement limit

	D <sub>w</sub>	D <sub>w</sub> + C
D <sub>w</sub>	78	
C <sub>100-3150</sub>	-2	76
C <sub>50-3150</sub>	-3	75
C <sub>tr 100-3150</sub>	-5	73
C <sub>tr 50-3150</sub>	-8	70
All values above are dB		

Sound Insulation: 70 dB D<sub>w</sub>+C<sub>tr</sub>



Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

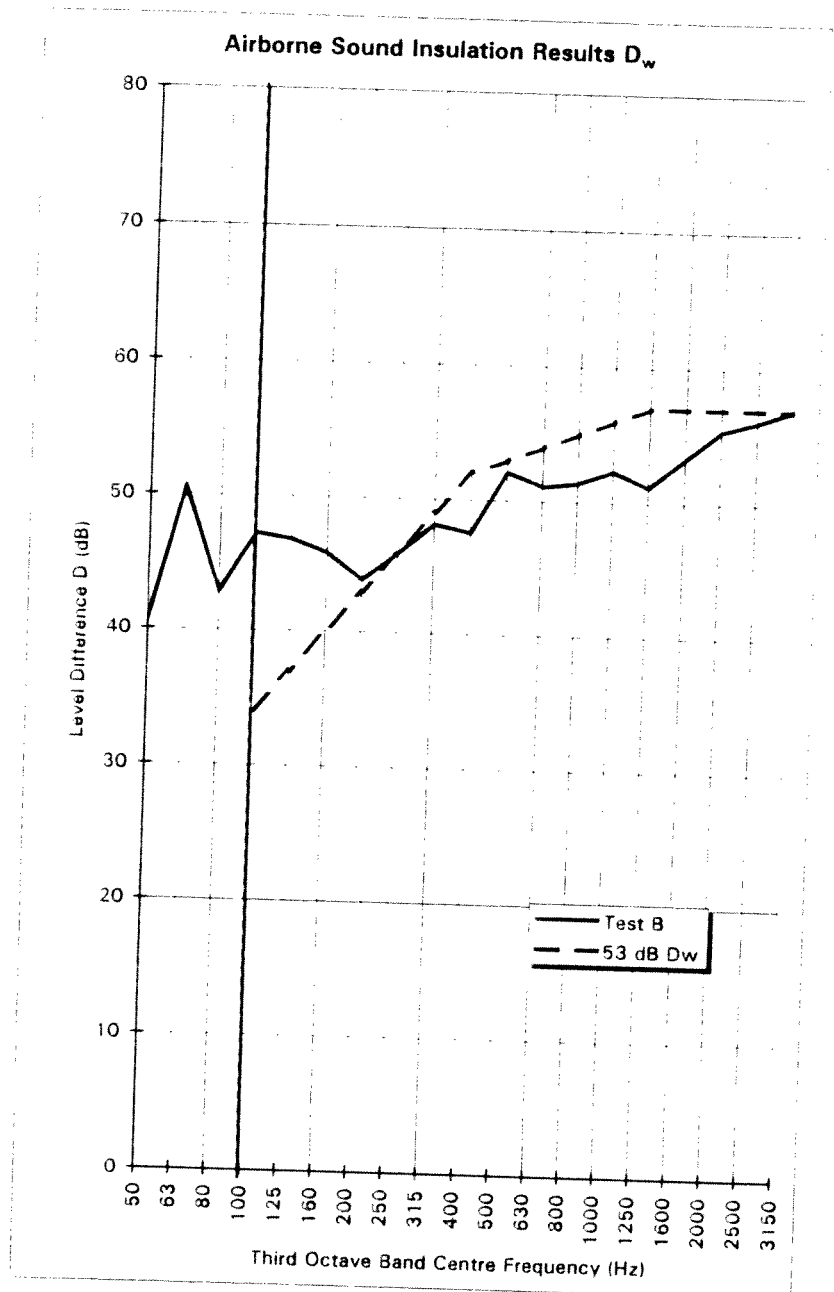
Test: Test B (Airborne)  
 Location: Edge (Bat Cave)  
 Ground Floor Restaurant

Frequency (Hz)	Test B D (dB)	Adverse Deviation (dB)
50	<b>40.7</b>	
63	<b>50.6</b>	
80	42.8	
100	<b>47.2</b>	
125	46.8	
160	45.8	
200	43.9	
250	45.9	0.1
315	48.1	0.9
400	47.5	4.5
500	<b>52.1</b>	0.9
630	<b>51.1</b>	2.9
800	<b>51.4</b>	3.6
1000	<b>52.3</b>	3.7
1250	<b>51.2</b>	5.8
1600	<b>53.3</b>	3.7
2000	<b>55.4</b>	1.6
2500	<b>56.1</b>	0.9
3150	<b>57.0</b>	
Sum Adv. Deviations		28.6

Bold values: measurement limit

	D <sub>w</sub>	53	D <sub>w</sub> + C
C <sub>100-3150</sub>	-1		52
C <sub>50-3150</sub>	-1		52
C <sub>tr,100-3150</sub>	-2		51
C <sub>tr,50-3150</sub>	-3		50
All values above are dB			

Sound Insulation: 50 dB D<sub>w</sub>+C<sub>tr</sub>



Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

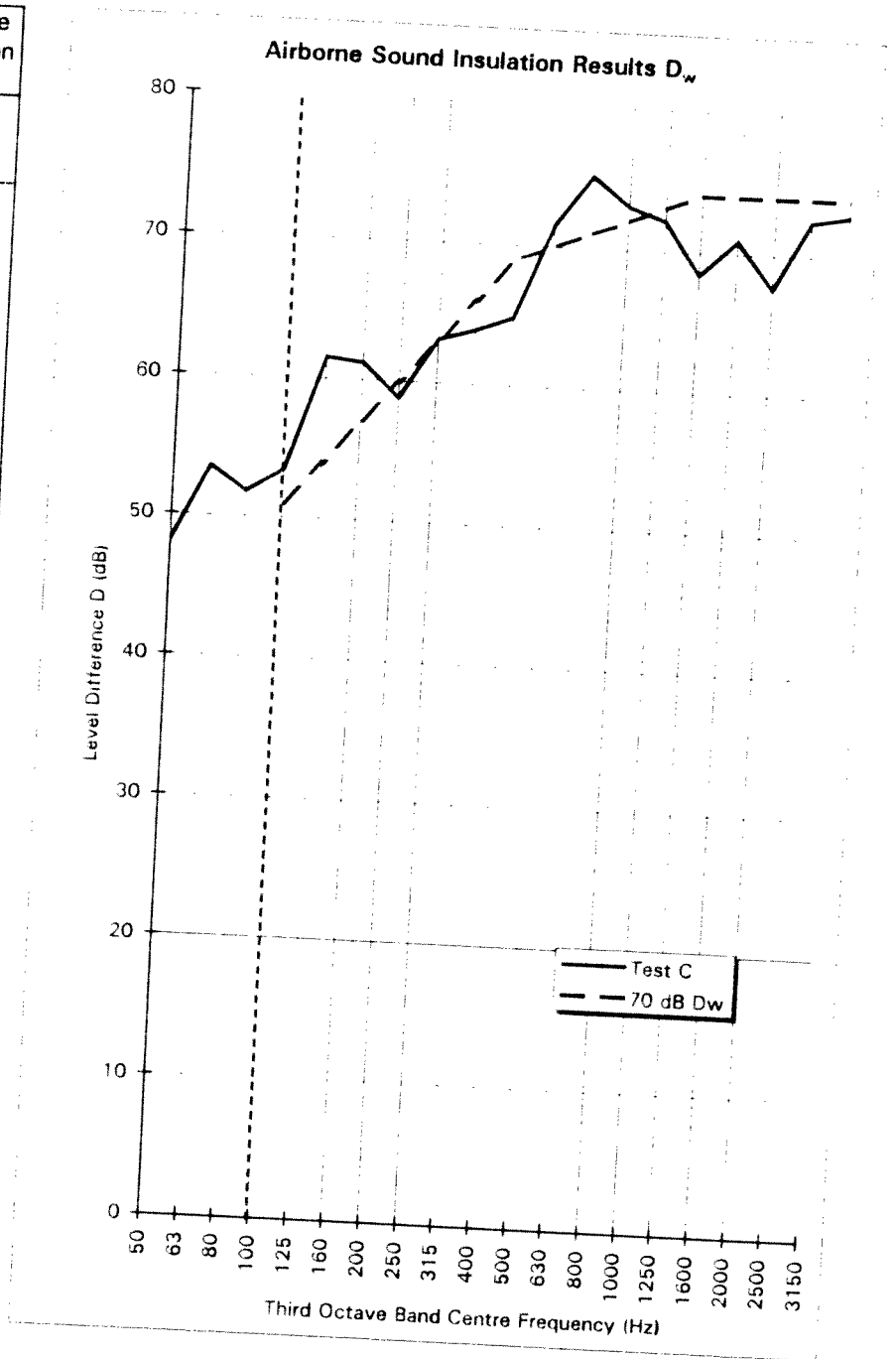
Test: Test C (Airborne)  
 Location: Edge (Main Bar Area)  
 Flat 7 Hallway

Frequency (Hz)	Test C D (dB)	Adverse Deviation (dB)
50	<b>48.1</b>	
63	<b>53.5</b>	
80	51.8	
100	53.4	
125	61.5	
160	61.2	1.2
200	58.8	
250	63.1	
315	63.9	2.1
400	64.9	4.1
500	71.5	
630	75.1	
800	<b>73.0</b>	
1000	<b>72.1</b>	0.9
1250	68.4	5.6
1600	70.9	3.1
2000	67.6	6.4
2500	72.4	1.6
3150	72.9	1.1
Sum Adv. Deviations		26.1

Bold values: measurement limit

$D_w$	70	$D_w + C$
$C_{100-3150}$	-1	69
$C_{50-3150}$	-1	69
$C_{tr,100-3150}$	-3	67
$C_{tr,50-3150}$	-5	65
All values above are dB		

Sound Insulation: 65 dB  $D_w + C_{tr}$





Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

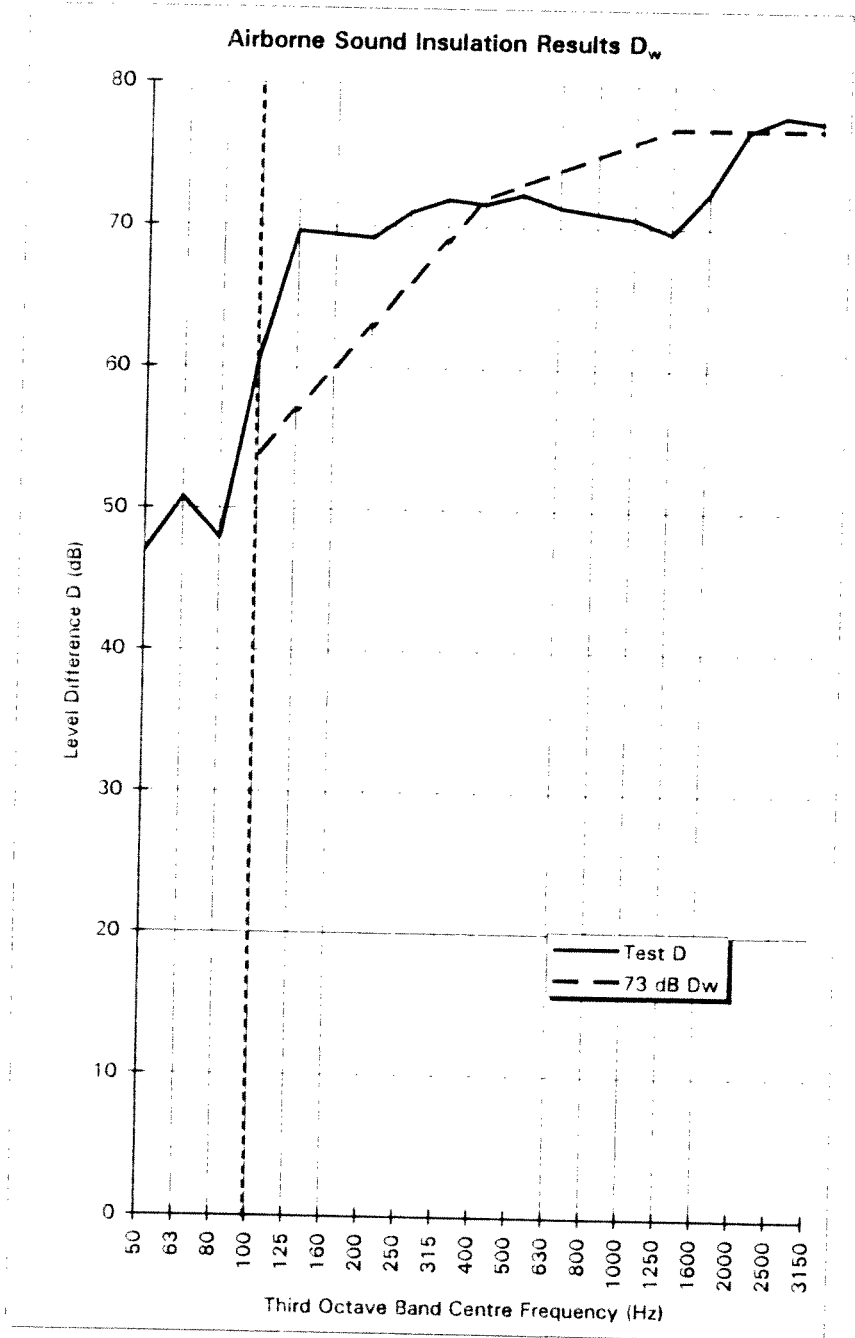
Test: Test D (Airborne)  
 Location: Edge (Main Bar Area)  
 Flat 6 Hallway

Frequency (Hz)	Test D (dB)	Adverse Deviation (dB)
50	47.0	
63	50.8	
80	47.9	
100	60.7	
125	69.6	
160	69.4	
200	<b>69.2</b>	
250	<b>71.0</b>	
315	<b>71.9</b>	
400	<b>71.6</b>	0.4
500	<b>72.3</b>	0.7
630	<b>71.4</b>	2.6
800	<b>71.0</b>	4.0
1000	<b>70.6</b>	5.4
1250	<b>69.6</b>	7.4
1600	<b>72.5</b>	4.5
2000	<b>76.8</b>	0.2
2500	<b>77.9</b>	
3150	<b>77.5</b>	
Sum Adv. Deviations		25.2

**Bold values: measurement limit**

	D <sub>w</sub> 73	D <sub>w</sub> + C
C <sub>100-3150</sub>	-1	72
C <sub>50-3150</sub>	-1	72
C <sub>tr,100-3150</sub>	-2	71
C <sub>tr,50-3150</sub>	-8	65
All values above are dB		

Sound Insulation: 65 dB D<sub>w</sub>+C<sub>tr</sub>



Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

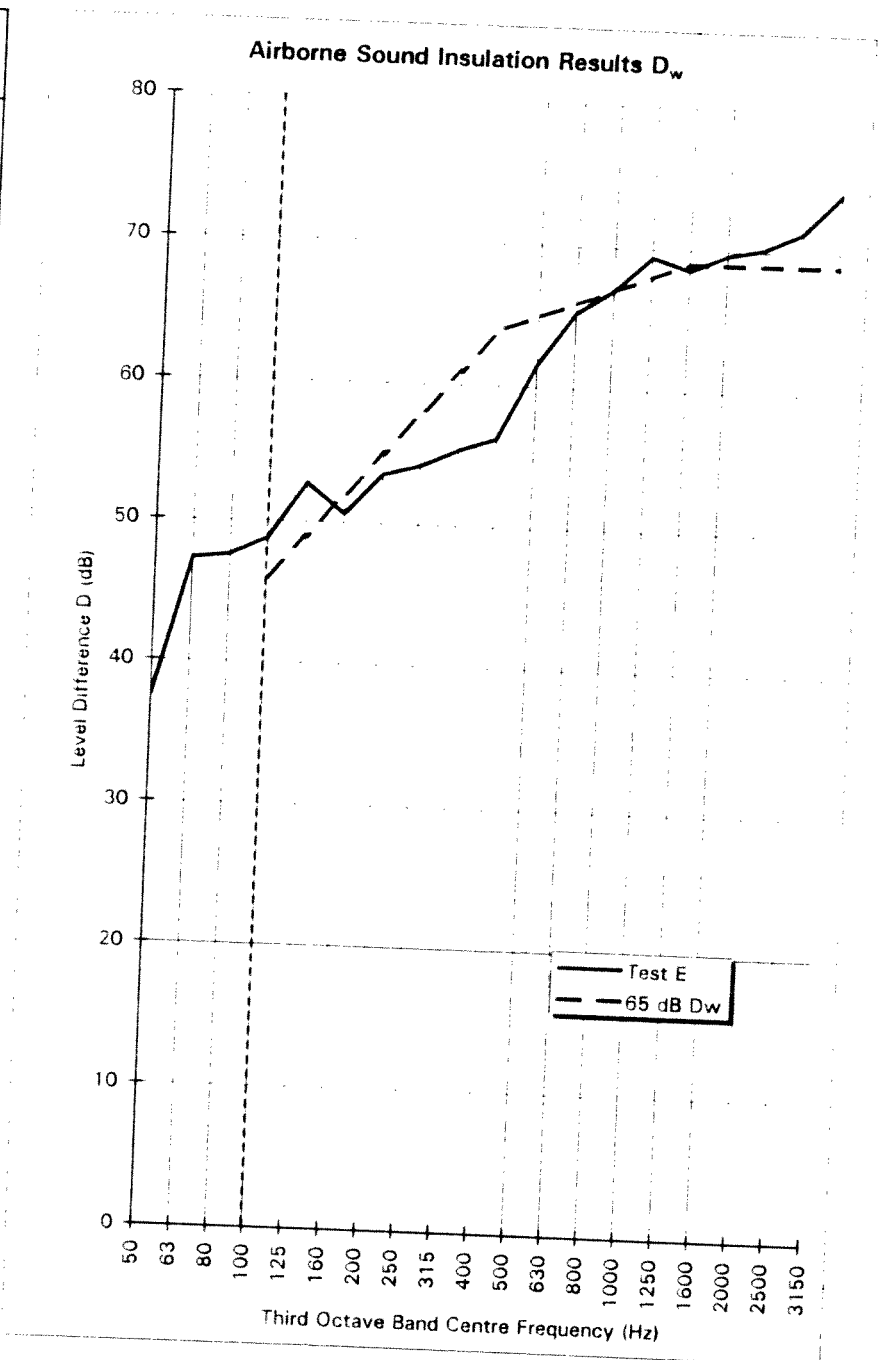
Test: Test E (Airborne)  
 Location: Edge (Main Bar Area)  
 3rd Floor Lift

Frequency (Hz)	Test E D (dB)	Adverse Deviation (dB)
50	<b>37.4</b>	
63	<b>47.3</b>	
80	47.6	
100	48.8	
125	52.7	
160	50.6	1.4
200	53.5	1.5
250	54.2	3.8
315	55.4	5.6
400	56.3	7.7
500	61.6	3.4
630	<b>65.3</b>	0.7
800	<b>67.0</b>	
1000	<b>69.4</b>	
1250	<b>68.6</b>	0.4
1600	<b>69.7</b>	
2000	<b>70.2</b>	
2500	<b>71.4</b>	
3150	<b>74.1</b>	
Sum Adv. Deviations		24.6

Bold values: measurement limit

	D <sub>w</sub> 65	D <sub>w</sub> + C
C <sub>100-3150</sub>	-1	64
C <sub>50-3150</sub>	-2	63
C <sub>tr,100-3150</sub>	-5	60
C <sub>tr,50-3150</sub>	-7	58
All values above are dB		

Sound Insulation: 58 dB D<sub>w</sub>+C<sub>tr</sub>



Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

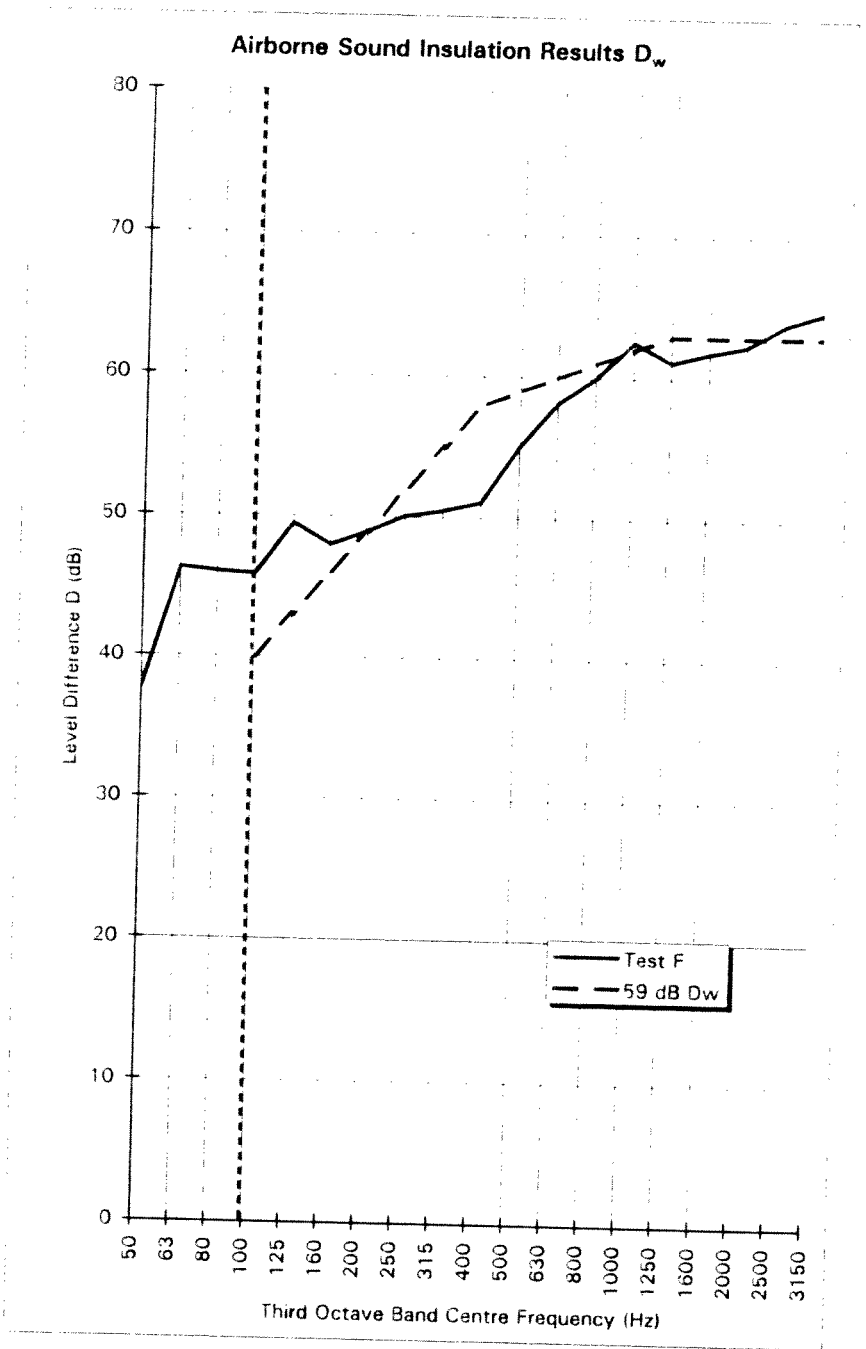
Test: Test F (Airborne)  
 Location: Edge (Main Bar Area)  
 2nd Floor Lift

Frequency (Hz)	Test F D (dB)	Adverse Deviation (dB)
50	<b>37.7</b>	
63	46.3	
80	46.0	
100	45.9	
125	49.5	
160	48.0	
200	49.0	
250	50.1	1.9
315	50.5	4.5
400	51.1	6.9
500	55.1	3.9
630	58.2	1.8
800	60.0	1.0
1000	62.6	
1250	61.1	1.9
1600	61.8	1.2
2000	62.4	0.6
2500	63.9	
3150	64.7	
Sum Adv. Deviations		23.6

Bold values: measurement limit

$D_w$	59	$D_w + C$
$C_{100-3150}$	-1	58
$C_{50-3150}$	-1	58
$C_{tr,100-3150}$	-3	56
$C_{tr,50-3150}$	-5	54
All values above are dB		

Sound Insulation: 54 dB  $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

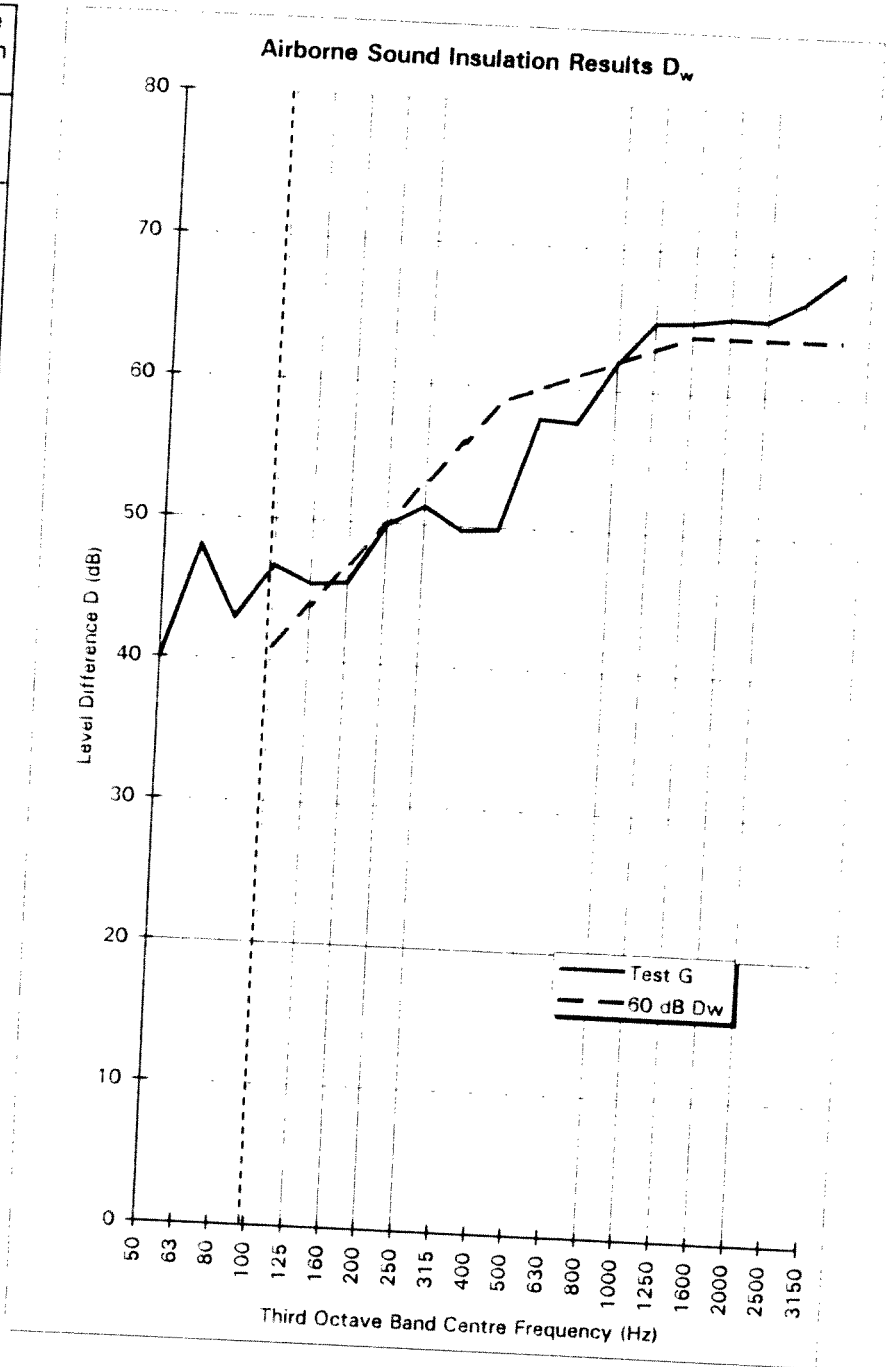
Test: Test G (Airborne)  
 Location: Edge (Main Bar Area)  
 1st Floor Lift

Frequency (Hz)	Test G D (dB)	Adverse Deviation (dB)
50	<b>39.9</b>	
63	48.0	
80	42.9	
100	46.7	
125	45.5	
160	45.7	1.3
200	49.9	0.1
250	51.3	1.7
315	49.7	6.3
400	49.9	9.1
500	57.8	2.2
630	57.7	3.3
800	<b>61.9</b>	0.1
1000	<b>64.9</b>	
1250	<b>65.0</b>	
1600	<b>65.4</b>	
2000	<b>65.3</b>	
2500	<b>66.7</b>	
3150	<b>68.8</b>	
Sum Adv. Deviations		24.1

Bold values: measurement limit

$D_w$	60	$D_w + C$
$C_{100-3150}$	-1	59
$C_{50-3150}$	-1	59
$C_{tr 100-3150}$	-4	56
$C_{tr 50-3150}$	-6	54
All values above are dB		

Sound Insulation: 54 dB  $D_w + C_{tr}$



Sound Insulation Test Results

Job No: A7576  
 Test Date: 30/11/06  
 Client: Edge

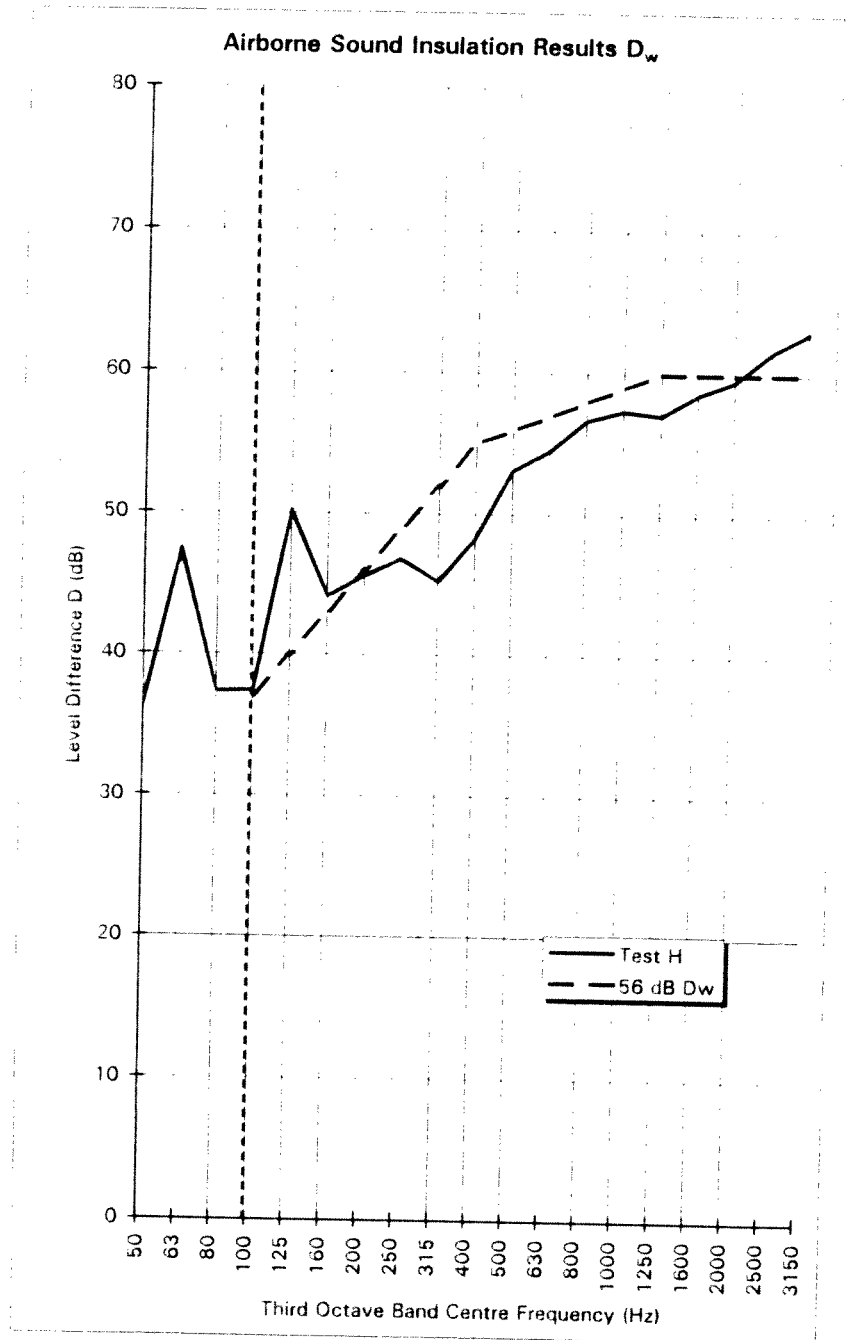
Test: Test H (Airborne)  
 Location: Edge (Main Bar Area)  
 Ground Floor Lift

Frequency (Hz)	Test H D (dB)	Adverse Deviation (dB)
50	<b>36.4</b>	
63	<b>47.4</b>	
80	37.3	
100	37.4	
125	50.2	
160	44.1	
200	45.6	0.4
250	46.8	2.2
315	45.2	6.8
400	48.3	6.7
500	53.1	2.9
630	54.5	2.5
800	56.7	1.3
1000	<b>57.4</b>	1.6
1250	<b>57.1</b>	2.9
1600	<b>58.6</b>	1.4
2000	59.5	0.5
2500	<b>61.6</b>	
3150	<b>63.0</b>	
Sum Adv. Deviations		29.1

Bold values: measurement limit

$D_w$	<b>56</b>	$D_w + C$
$C_{100-3150}$	-1	55
$C_{50-3150}$	-2	54
$C_{tr,100-3150}$	-5	51
$C_{tr,50-3150}$	-6	50
All values above are dB		

Sound Insulation: 50 dB  $D_w + C_{tr}$



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## APPENDIX B

### MUSIC TEST MEASUREMENTS & RECOMMENDATIONS FOR SOUND PATH (1) EDGE, 157 COMMERCIAL STREET, E1 6BJ

#### B1. Transmission from "Bat Cave" to Internal Bedroom of Flat 1 (First Floor)

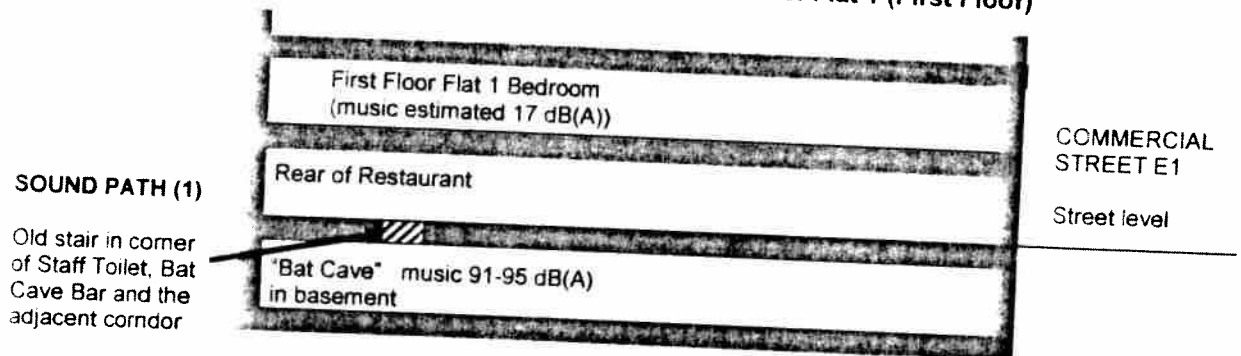


Figure B1. Illustrative Section through Building Edge (basement), Restaurant (ground floor), and Flat No. 1 (first floor)

#### (a) Measurement of Music in Edge (Bat Cave)

The replay of music inside the "Bat Cave" in Edge was set at BAP's request by Edge sound engineer, Martin Ball, to maximum, measured average 91 dB(A) and peaks 95 dB(A). The detailed spectrum is shown in Figure B2, for average values (solid line) and peaks (dashed black line). This appeared compatible with this type of entertainment noise.

#### (b) Attempt to measure Music Transmitted into Flat 1 (Internal Bedroom)

With music replay at 91-95 dB(A) in the "Bat Cave", a resident in Flat 1 advised it was typical. The music in Flat 1 was not directly measurable, but just audible. Our sound insulation tests showed the sound insulation is good (78 dB  $D_w$  and 70 dB  $D_w + C_w$ ), but audibility occurs because it is an internal room with low background noise conditions. The level when music was on (blue line in Fig. B2) was 26 dB(A), and with music off (red line) it was the same. The bass levels were also the same. The estimated music level (yellow line) is 17 dB(A).

#### (c) BAP's Identification of Relative Weakness at Sound Path (1)

While overall sound insulation of the concrete floor is good, we identified one relative weakness point in the basement ceiling, termed in this report, "Sound path (1)". This is between the staff toilets and bar of the "Bat Cave". We are advised at this point in the ceiling it is timber joist construction, where an old stair opening had been filled-in.

#### B2. BAP's Recommendation for Remedial Works to Ceiling at this Point Only

The floor above Edge is apparently concrete and does not generally require any work. At the point BAP identified as an airborne sound path (1), BAP recommend the following remedial works to improve the acoustic seal to the filled-in stair opening.

Prior to works, carefully inspect the existing construction and fill well any gaps or holes, then install an independent ceiling as illustrated in Figure B3 and seal well.

Appendix B. Music Test - Sound Path (1), 30 Nov 06, Edge Measured Levels in "Bat Cave" and in Flat 1 Second Bedroom (Internal)

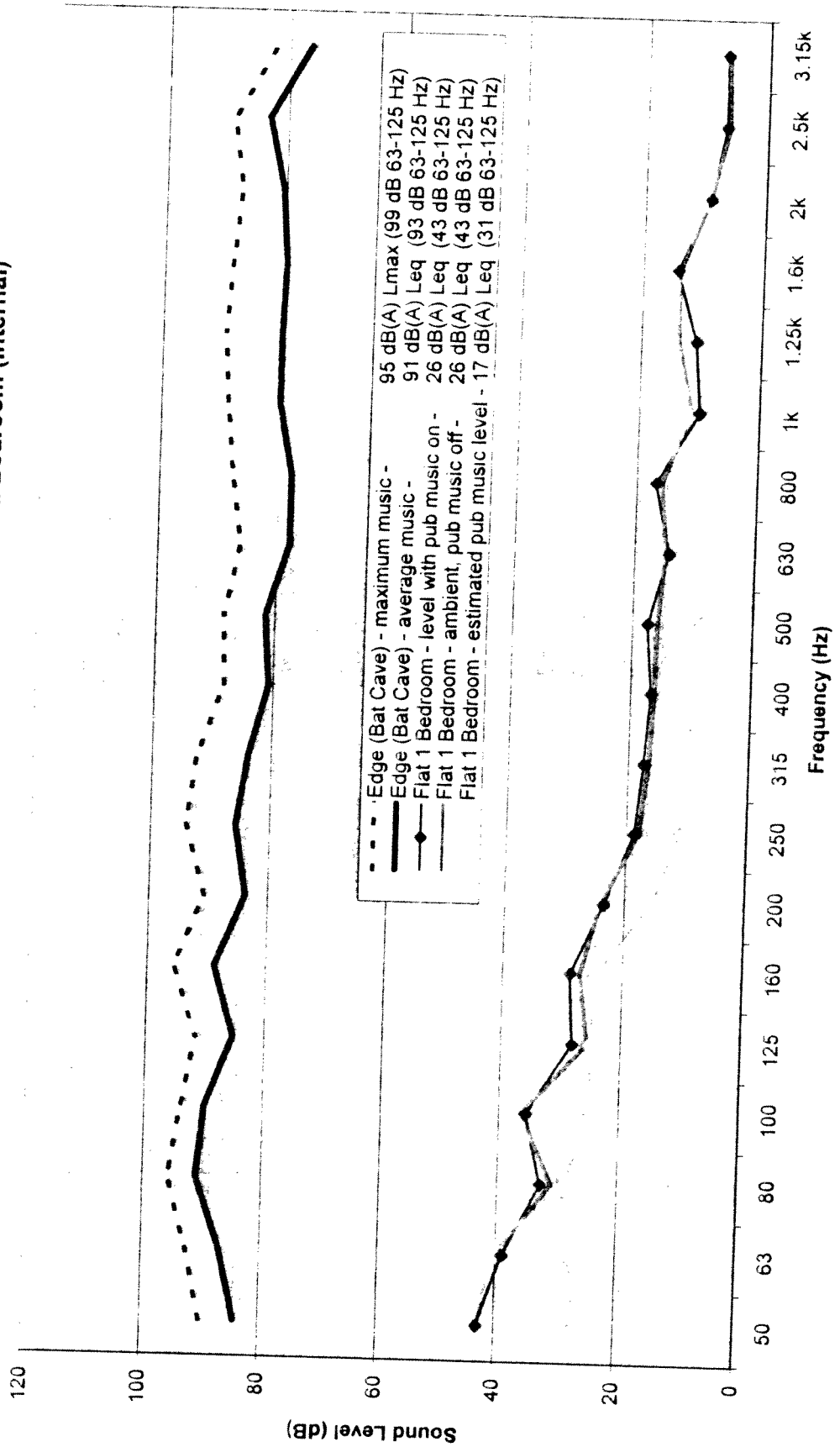


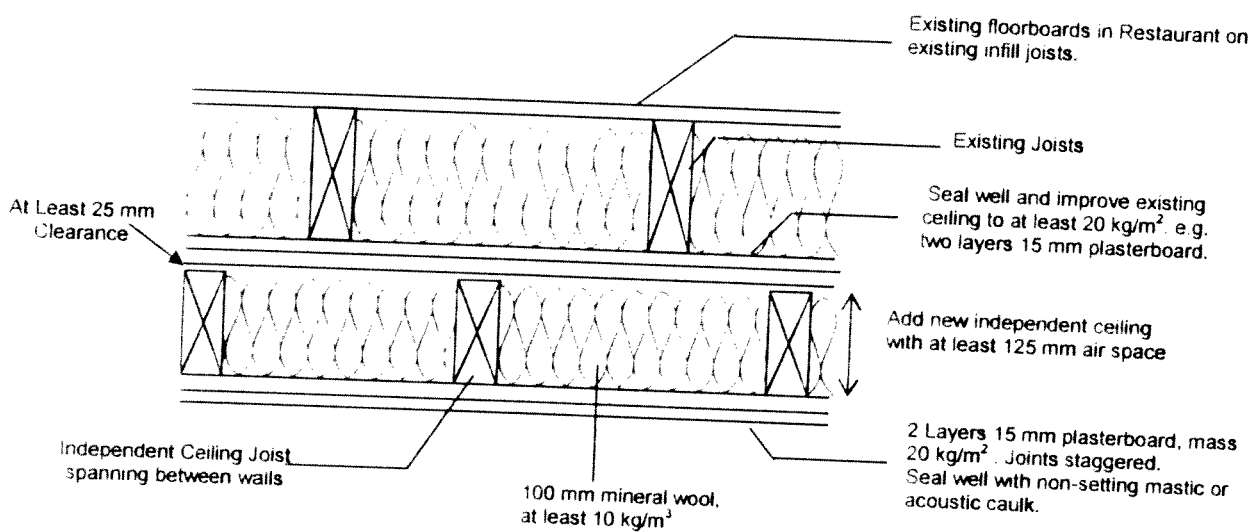
Figure B2. Detailed Analysis of Transmission via Path (1) From "Bat Cave" to Flat 1 Internal Bedroom

## APPENDIX B

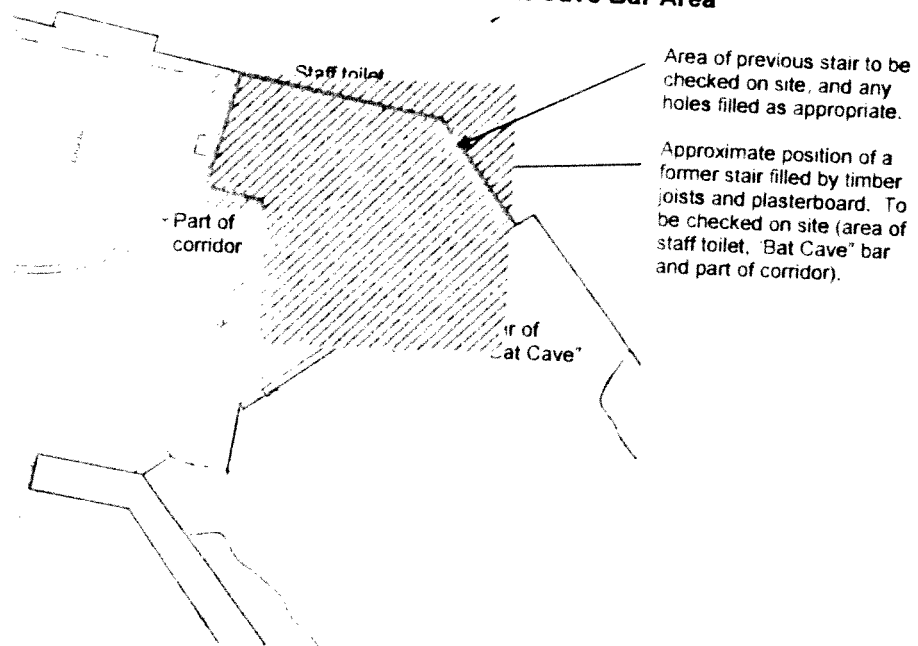
### PROPOSED REMEDIAL WORK TO PATH (1) EDGE, 157 COMMERCIAL STREET, E1 6BJ

Figure B3. Illustrative Remedial Treatment to point of Filled Stair

Remedial treatment to the ceiling area of a former staircase in the bar area of the Bat Cave. In-principle increase mass of existing construction, seal any holes or gaps and install an independent ceiling.



(a) Cross Section of works to the Bat Cave Bar Area



(b) Location plan of remedial work area (1)



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## APPENDIX C

### ANALYSIS OF SOUND INSULATION TESTS & RECOMMENDATIONS FOR SOUND PATH (2) EDGE, 157 COMMERCIAL STREET, E1 6BJ

#### C1. Transmission "Main Bar Area" to Nearest Halls in Flats 1 & 2 and Lift Cabin

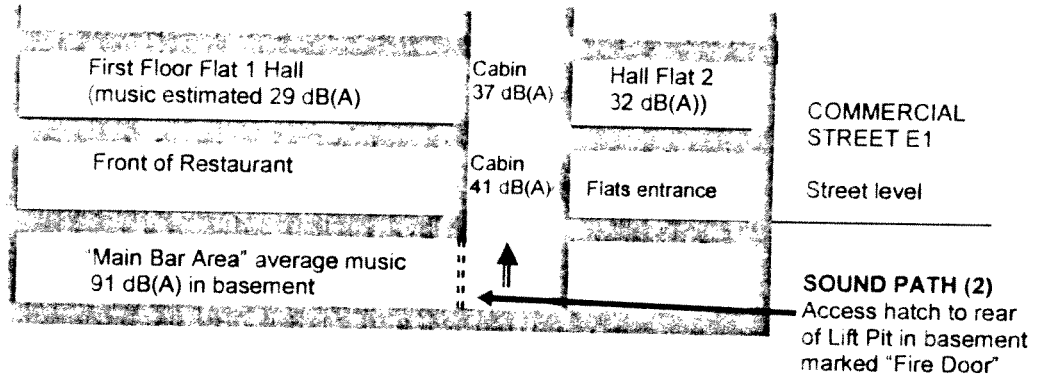


Figure C1. Illustrative Section through Building  
Edge (basement), Restaurant (ground floor), Flat Nos. 1 & 2 (first floor)

#### (a) Measurement of Music in Edge (Main Bar Area)

Replay of music in the main bar area of Edge was set at BAP's request by Edge sound engineer, Martin Ball, to maximum, measured average 91 dB(A) and peaks 94 dB(A), 7 dB higher average bass levels than the "Bat Cave". The spectrum is shown in Figure C2, for average values (solid line) and peaks (dashed black line). This seemed compatible with the usage of the space.

#### (b) Analysis of Sound Insulation results to estimate Transmitted Music Levels

The music transfer to flats was not directly measurable during the daytime, but it was audible. Sound insulation for third floor halls were not as good as first floor bedroom path (1), (65 dB  $D_w + C_{tr}$ ). It was lower in the lift cabin (58 dB  $D_w + C_{tr}$ ) and on the lower floors. In the hall of Flat 2, the estimated music level (yellow line in Figure C2) was 32 dB(A), and in the lift cabin at ground floor it was estimated at 41 dB(A).

#### (c) BAP's Identification of Relative Weakness at Sound Path (2)

We listened to transmitted music in flats available for testing and found music audible in halls, and particularly in the common stair and lift. Detailed tests found a weakness in the basement at a hatch at the rear of the Lift Pit, identified here as Sound path (2). We are advised this point is a timber stud construction, with timber access hatch.

#### C2. BAP's Recommendation for Remedial Works to Lift Shaft at this Point

We do not recommend treatment to the front and sides of the lift shaft where it is masonry, instead we recommend remedial works to airborne path (2), at the point of the timber stud wall to lift shaft in the basement. Prior to works check with the fire authority on fire requirements as it is marked "Fire Door Keep Locked". For sound insulation, fill well gaps, then install cement particle board and mineral wool, and seal well, as illustrated in Figure C3.

Appendix C. Music Transmission Analysis, 30 Nov 06, Edge  
 Measured Levels in "Main Bar Area" and Estimated in Flat 2 Hall (Internal)

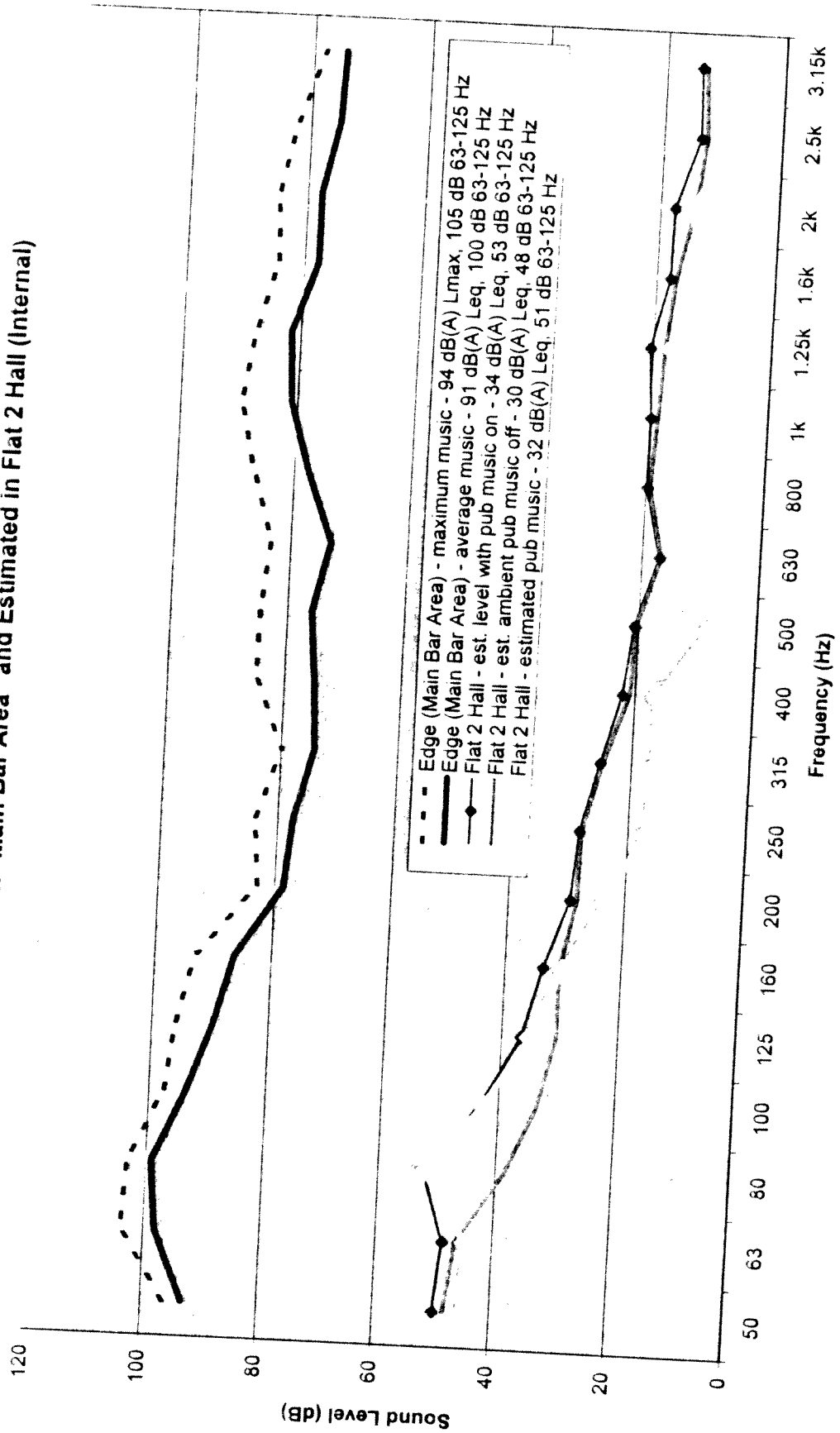


Figure C2. Detailed Analysis of Transmission via Path (2) "Main Bar Area" to Flat 2 Internal Hall

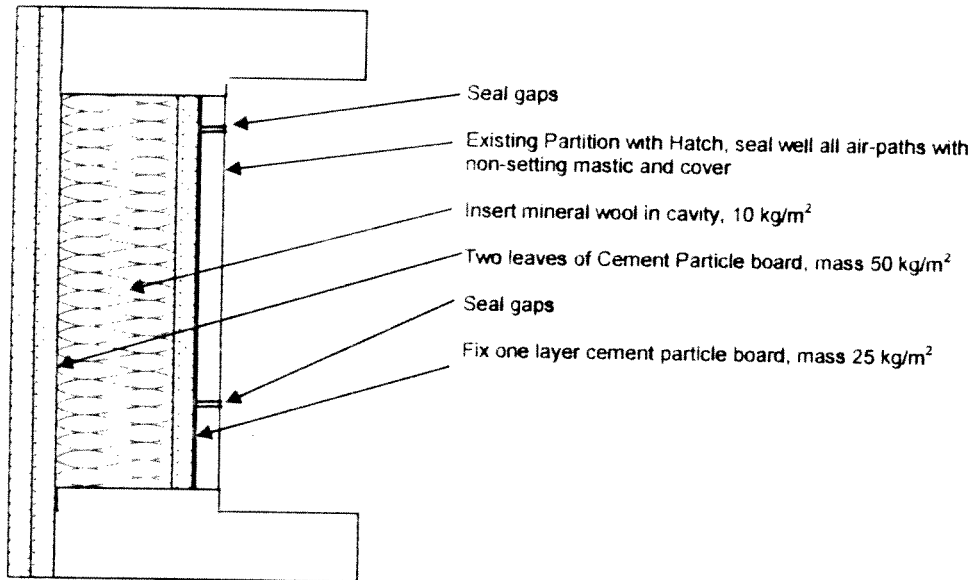
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## APPENDIX C

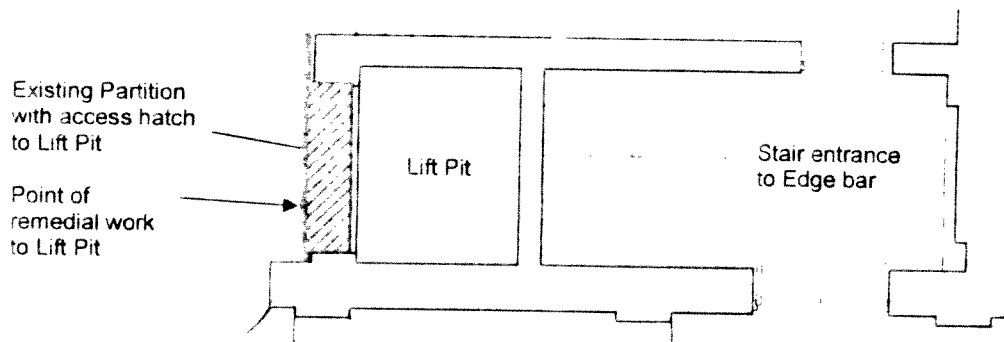
### PROPOSED REMEDIAL WORK TO PATH (2) EDGE, 157 COMMERCIAL STREET, E1 6BJ

Figure C3. Illustrative Remedial Treatment to point at Rear of Lift Pit

Before work, consult with fire authority as hatch is marked, "Fire door keep locked". For acoustics, in principle, seal the existing hatch in the rear lift pit at basement level, cover with cement particle board, seal well with non setting acoustic mastic, and pack cavity with mineral wool. Install two further sheets of cement particle board over the mineral wool to provide a well sealed cavity barrier.



(a) Plan of works to Rear of Lift Pit Area



(b) Location Plan of remedial work area (2)

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## APPENDIX D

### **BAP'S FURTHER RECOMMENDATION TO INSTALL AND USE TWO SOUND LIMITER SYSTEMS**

### **TWO SENTRY MK 2 PLUS AT-1 SYSTEMS MANUFACTURED BY FORMULA SOUND COPY OF EXTRACTS FROM PROPRIETARY INFORMATION**

BAP have given Mr Rathor recommendations to install two sound limiter systems, one in the Main Bar area, and one in the Bat Cave area. This is recommended in addition to remedial construction works because of internal habitable rooms in first floor flats, which are expected to have low levels of ambient noise. The sound limiter system as shown below is recommended by Formula Sound and has been found acceptable for use in other projects elsewhere to control sound levels of mobile DJs who bring in their own PA systems. It would also act to control the levels of the two house systems in the Edge, Bat Cave and Main Bar area. Mr Rathor has said he is prepared to carry out this recommendation.

### **2 x SENTRY MK2 PLUS AT-1 (RECOMMENDED BY IAN OF FORMULA SOUND)**

Contact Ian (technical advice) and Paula (for recommended installers) at Formula Sound Limited, Ashton Road, Bredbury, Stockport, SK6 2SR  
Phone: 0161 494 5650 Fax: 0161 494 5651 Email: [info@formula-sound.com](mailto:info@formula-sound.com)

Further information is available on Formula Sound website:  
<http://www.formula-sound.com/products/avc2/index.php>



### **The Sentry Overview**

With the strict noise regulations in force today no-one can afford to contravene the noise levels laid down by the local governing body. The Sentry, designed and manufactured by FormulaSound, is a product which will help solve some of the environmental noise problems encountered in entertainment venues and industry today. The Sentry works in conjunction with a relay or contactor and usually controls mains power. But the Sentry is not limited to this function; any function that can be controlled by a relay or switch can be

controlled by the Sentry.

The Sentry has been designed to help solve some of the environmental noise problems encountered in entertainment venues and working areas. The Sentry has connectors provided to interface with a range of equipment, plus internally selectable options to make the system as versatile as possible. Although its main application is to control mains power outlets in entertainment venues it is not restricted to this application. Basically any

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function that can be controlled by a relay or switch can be controlled by the Sentry. These may include disconnecting loudspeakers, switching passive attenuators to reduce system volume or acting as the trigger into an active attenuator system. It is microphone driven and has its own microphone built in to minimise tampering.

The Sentry also incorporates the facility to operate at two different sound level thresholds which may be selected manually, by a remote key switch or similar, or automatically by a time switch (switches not supplied). This allows a venue to operate at different levels at different periods of the day. e.g. when near offices or shops. An integral timer is available as a cost option - See price list

### **New features on the MK2 version**

New case design provides easier connections via cable entry knock-outs and screw terminals. A choice of internal microphone (supplied factory fitted as standard) or external microphone. Removable cover provides access to all connections and settings. Anti-tamper seals are provided. Anti-tamper microphone circuitry is incorporated with a front panel indicator. Dual mains voltage operation is standard (internally switchable). Provision to connect a security loop is provided. This may be required to detect open doors or windows that would impair the sound proofing of a building, etc.

### **Entertainment Venues**

Under the Environmental Health act entertainment licences can be at risk if a Local Authority decides excessive noise from entertainment venues is a nuisance. But what happens in an entertainment venue when a live band or mobile disco is using their own equipment? It is still the responsibility of the venue manager to ensure that the regulations are adhered to and this is now possible with the Sentry. The permitted level of noise in any venue is determined by the local environmental health officer (EHO). The sensitivity of the Sentry can be set-up in accordance with any of these regulations. If the permitted levels are exceeded in any venue where a Sentry is installed and the warnings ignored, the offending equipment will be disconnected from mains power. Re-connection is only possible by operating the reset button. The Sentry has the advantage over other units in that it features a large bar-graph VU meter with 23 dB range to give visual indication of the noise level in a venue. Anyone can see what the volume level is and how their actions are contributing to this level.

### **Operation**

The Sentry works in conjunction with a relay or contactor. The unit operates by supplying a continuous voltage to the contactor which is connected to designated power outlets. If the unit is tripped or should anyone disconnect the Sentry the power outlets will be disconnected. The bar graph meter is colour coded from green to red, and indicates the volume level in the venue. The red section increases in size to aid viewing. While the meter is operating in the green section, with even an occasional peak into the red, there is no cause for concern. If the two red "WARNING" segments are lit this indicates that the volume level in the venue is nearing the permitted limit. A connector is provided so that a mains powered warning lamp or beacon can be connected which operates at the same point as these two red sections of the meter. This lamp or beacon may be situated in a remote position. If the noise level is high enough to light the "over limit" section (3 red segments) of the meter, the noise has exceeded the permitted limit. If this is allowed to continue the unit will trip and remove the power to the contactor. Visual indication is provided by the lamp adjacent to the re-set button labelled "Power off". The unit must then be re-set manually in order to restore power. The unit has its own internal microphone and can be easily adjusted to operate at different levels. A remote reset switch can be connected to the unit, via the auxiliary connector. A 32 amp, fully fused, boxed contactor with low voltage interface is available from Formula Sound. Added benefits are the extra safety and possibly lower installation costs stemming from the fact that only low voltage cable is required as a connection to the Sentry. Alternatively 220/240V AC is available from the Sentry to interface with 220/240V contactors or relays.

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## AT-1: Overview



The AT-1 has been designed to be used in conjunction with the Sentry MK2 environmental control unit. It is a stereo unit and its purpose is to control the volume level of an audio system connected to it. It will control the connected system to the maximum level allowed as defined by the Sentry Mk2. Thus removing the worry of having to continually watch levels so the system is not cut off completely. It does this without affecting the dynamic range of the music being played, and because the control chain is microphone driven the amount of absorption that takes place when a venue is full of people is automatically catered. More than one unit may be connected to the Sentry MK2 to control more than one audio system this is particularly useful, so the house system and a visiting system band etc can be controlled to the same maximum level. The Sentry will automatically control the AT-1 that is in use. It is in the interests of a visiting band or DJ to connect to the AT-1 so that they do not suffer the embarrassment of being cut off if they play to loud.

In the past this form of control was not available and control systems monitored the signal level passing through a system to control the maximum level available. This approach works fine but the system has to be calibrated to determine the relationship between the signal level and the actual sound pressure level being produced. This makes it impractical to control visiting systems by this method. With the introduction of The AT-1 this has now changed because the control information is derived from a microphone system (i.e. The Sentry) so calibration is no longer required; therefore any system may be connected and controlled, bearing in mind a few common sense points. If the visiting system is not connected to the AT-1 the Sentry switching the available mains power in the usual manner will control it. We feel that this will encourage visiting systems to want to be connected to the AT-1.

### Connecting to and using the AT-1



The AT-1 is connected to the Sentry via a simple 4-core control cable. The unit is fitted with two types of connector 1/4" jacks and 3 pin XLR's for its audio connections these may be used as balanced or unbalanced connections. The unit would normally be connected between the mixer or pre amp and the power amplifiers. If the volume of the system were below the warning threshold the AT-1 device does nothing it only attenuates if the threshold is exceeded. If attenuation is taking place a led will illuminate to inform the user of the approximate amount of attenuation. A led is also incorporated to inform the user if the unit is being over loaded and is about to clip. The Audio performance of the AT-1 is of professional quality. i.e. low distortion and low noise like all Formula Sound audio products.

# **Bickerdike Allen Partners**

## **APPENDIX E**

**EXTRACTS FROM REPORT  
"NOISE FROM PUBS AND CLUBS (PHASE II)"**

**BY BUILDING RESEARCH ESTABLISHMENT (BRE)  
AND CAPITA SYMONDS FOR  
DEPARTMENT FOR ENVIRONMENT FOOD AND RURAL AFFAIRS (DEFRA)**

**FINAL REPORT, MAY 2006  
CONTRACT NO. NANR 163**

Pages 1-6, 34 and 49-52  
Executive Summary  
Table 4 – Semantic descriptor and associated value of acceptability  
Conclusions and Recommendations



**NOISE FROM PUBS AND CLUBS  
(PHASE II)**

**FINAL REPORT**

**MAY 2006**

**Contract No. NANR 163**

**CAPITA SYMONDS**



**Defra**  
**Noise from Pubs and Clubs (Phase II)**  
**Contract No. NANR 163**  
**Final Report**

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## Acronyms & Abbreviations

CSL	Capita Symonds Ltd
BRE	Building Research Establishment Ltd
Defra	Department for the Environment, Food and Rural Affairs
EHP	Environmental Health Practitioner
FPN	Fixed Penalty Notice
DPS	Designated Premises Supervisor

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## 1 EXECUTIVE SUMMARY

- 1.1 Bringing licensed premises within the scope of the Noise Act 1996 is intended to add to and complement existing powers. It will provide a relatively easy to use mechanism that can be fully implemented in response to a complaint on the night that any problem arises. The aim is to fill any gap in existing legislation and reduce the time to provide effective enforcement. Such a measure is required to help counter the potential for increased noise disturbance due to the liberalisation of the licensing regime brought about by implementation of the Licensing Act 2003 in late 2005.
- 1.2 Changes to the licensing laws in 2005 mean that licensed premises can be open later and for longer hours. Any such changes need to be supported by enforcement powers so that anti-social behaviour, where it occurs, is not tolerated. Extending the provisions of the Noise Act 1996 from dwellings to other premises was also one of the recommendations of the Environmental Audit Committee. The new powers are intended to provide a rapid reaction to problems when they first arise with the penalties aimed at discouraging further repetition of the problem.
- 1.3 Amendments to the Noise Act 1996 mean it is no longer adoptive and local authorities no longer have to respond to all complaints between 11pm and 7am every night. Instead local authorities now have the discretion to provide a response to complaints by targeting particular sources of noise or types of complaint, seasons of the year or nights of the week and any period between 11pm and 7am as they deem appropriate to local circumstances.
- 1.4 From October 2006, extending the provisions of the Noise Act 1996 will include licensed premises, including temporary licenses. This will enable a local authority to serve warning notices where they suspect that noise from licensed premises exceeds the specified permitted noise levels. If after a short warning period the noise continues to exceed the permitted levels, the Council will be able use their discretion to decide whether to prosecute in the Magistrates court, where fines of up to £5000 may be levied, or to serve fixed penalty notices of £500. The new powers also mean that the revenue from the fixed penalty notices will be retained by the local authorities to help fund the service, rather than passed directly to the Treasury, as is the current situation.
- 1.5 Fixed penalty notices for night noise from licensed premises will be a useful, additional tool for dealing quickly with temporary non-persistent noise problems that, whilst disturbing to nearby residents in the short term, are not of sufficiently negative impact to warrant the use of statutory nuisance under the Environmental Protection Act 1990 or the powers to close licensed premises temporarily under the Anti-Social Behaviour Act 2003. This measure will give local authorities an extra option to take a phased enforcement approach to dealing with night noise from licensed premises, and tailor enforcement to the severity and impact of a noise disturbance.
- 1.6 The Noise Act 1996 uses a noise protocol for calculating the accepted level. It is an offence to cause a night noise above the permitted level once a warning has been issued. The current noise protocol was developed for domestic night noise. Noise from licensed premises may be of a different nature, so a

different noise protocol might be more appropriate. This project informs the development of an appropriate noise measurement protocol for licensed premises and Defra will be consulting on the protocol in summer 2006, before the measure is implemented.

- 1.7 At present, the Noise Act 1996 only applies to noise from dwellings and there are concerns that its existing noise level measurement protocol and criteria might not be well suited to entertainment noise from licensed premises. Consequently, Defra commissioned Capita Symonds Ltd and BRE to jointly study methods and criteria for assessment of entertainment noise from licensed premises.
- 1.8 This study comprised extensive laboratory testing of the correlation of 18 variations of 9 different noise measurement methodologies and criteria, with the subjective response of a representative group of ordinary members of the public; field testing of the practicability of EHPs using these methodologies and criteria for the assessment of entertainment noise from licensed premises. The laboratory experiments deliberately constrain some independent and confounding variables in order to test the parameters of interest to the experiment. The conclusions should always be viewed with the understanding that controlled experimental testing cannot, by its nature, model all combinations of variables that exist in the field.
- 1.9 Whilst the primary objective of the study has been to identify which of the methodologies and criteria tested were best suited for assessment of entertainment noise from pubs and clubs late at night, of equal importance is the requirement that they are practicable for EHPs to enforce and are fair and realistic for licensees to comply with.
- 1.10 The outcomes of the study have been as follows:
  - A. The majority of the members of the public reported the ability to tolerate a modest degree of intrusive audible entertainment noise in their home late at night for a "one-off" occurrence (i.e. occurring at intervals of less than six months), and that the onset of audibility of the entertainment noise did not equate to a threshold of acceptability for intrusive entertainment noise.
  - B. The majority of EHPs also reported that a modest degree of intrusive entertainment noise from a "one-off" occurrence was acceptable, and that the onset of audibility of the entertainment noise did not equate to a threshold of acceptability for intrusive entertainment noise in such circumstances. EHPs also reported that a lesser degree of intrusive entertainment noise was acceptable for more regular occurrences (i.e. once a week), and that for either scenario the onset of audibility of the entertainment noise did not equate to a threshold for enforcement action for intrusive entertainment noise in such circumstances.
  - C. The results of the laboratory testing identified several methodologies and criteria, which gave reasonably good correlation with subjective response.
  - D. The noise metric that provided the best overall prediction of subjective ratings of all the entertainment noise types tested by ordinary members of the public was the Absolute  $L_{Aeq}$ .

- E. However, during the field testing it was apparent that the “highest performers” from the laboratory testing all had clear disadvantages in use under real world conditions, so there is no clear best option for recommendation which combines optimum correlation with subjective response with ease and rapidity of use. The following options are considered the best of the available options, in descending order of correlation with subjective response, each raising different issues regarding practicability of use by EHPs.
- Absolute  $L_{Aeq}$  – That is an  $L_{Aeq,5min}$  noise level value set at a single action level. However an intrusive entertainment noise criteria based on Absolute  $L_{Aeq}$ , would be difficult to use where the existing ambient noise level without the entertainment noise was close to, equal to or above the action level. Therefore, we would recommend an action level Absolute  $L_{Aeq}$ , with an additional subjective requirement that the entertainment noise itself has a clearly audible (to an otologically normal listener) contribution to the overall noise e.g. the songs/tracks would be recognisable to a listener familiar with the music and any words intelligible. In terms of an action level, a table in this report is provided showing various levels of entertainment noise used in the laboratory testing and the responses of test subject’s. In the context of this study’s objective to determine criteria that represents a clearly unacceptable situation, the noise levels at which test subjects felt the noise was “just unacceptable” for a one off event within a habitable room with windows closed was at 34 dB  $L_{Aeq,5\text{ minute}}$ . The range for the first two scores of unacceptability was  $L_{Aeq,5\text{ minute}}$  34 to 37 dB. Analysis of data from the 2000/2001 National Noise Incidence Study (NNIS) indicates that with windows closed, only a small percentage of the UK population (5.5%) are estimated to have internal ambient noise levels above  $L_{Aeq,8\text{ hour}}$  34 dB and just 2.1% above  $L_{Aeq,8\text{ hour}}$  37 dB.
  - $L_{A90} - L_{A90}$  (no music) – That is the difference between the  $L_{A90,5\text{ min}}$  noise level with the intrusive entertainment noise and the equivalent  $L_{A90,5\text{ min}}$  with no intrusive entertainment noise. This allows consideration of the background level, but requires a measurement without intrusive entertainment noise that may not be possible on the night of a complaint. This in itself may be problem enough to make the metric unusable for “one-off” events or as a quick response to a problem.
  - $L_{Aeq} - L_{A99.95}$  or existing Noise Act methodology ( $L_{Aeq} - L_{A99.8}$ ). These metrics include some consideration of the underlying noise level at the same time as any offending noise level is measured, without requiring a separate “no music” measurement to be made. The former is slightly more effective in prediction of subjective response than the latter, but not substantially so, and using the latter has logistical advantages. The performance of both these noise metrics was less good than the previous two options, but they also avoid the practical disadvantages highlighted above.



**Table 4 - Semantic descriptor and associated value of acceptability**

Semantic descriptor	Score	Absolute $L_{Aeq,5 \text{ minutes}}$
Clearly acceptable	1	17.0
	2	20.4
	3	23.8
	4	27.2
Just acceptable	5	30.6
Just unacceptable	6	34.0
	7	37.4
	8	40.8
	9	44.2
Clearly unacceptable	10	47.5

## 9 CONCLUSIONS

- 9.1 Laboratory testing was carried out to assess the relationship between different noise metrics, and the subjective ratings of test subjects to entertainment noise.
- 9.2 In this study the majority of members of the public recruited as laboratory test subjects reported the ability to tolerate a modest degree of audibly intrusive entertainment noise and that the threshold of audibility did not equate to a measure of acceptability.
- 9.3 The laboratory experiments deliberately constrain some independent and confounding variables in order to test the parameters of interest to the experiment. The conclusions should always be viewed with the understanding that controlled experimental testing cannot, by its nature, model all combinations of variables that exist in the field.
- 9.4 The noise metric that provided the best overall prediction of subjective ratings was the Absolute  $L_{Aeq}$ .
- 9.5 Field testing was carried out to test the practicability of the different noise metrics, and record the assessments made by EHPs to the entertainment noise being measured.
- 9.6 The “highest performers” in the laboratory testing also have potential downsides in field testing, so there is no clear best option for recommendation. The following options are considered the best of the available options for assessing noise from one-off events after 2300 hours.
- 9.7 Absolute  $L_{Aeq}$  with a subjective judgement in addition. Absolute  $L_{Aeq}$ , at a single action level, would be less relevant in the context where the ambient noise level is at or close to the action level even without the entertainment noise. Therefore, we would recommend an action level Absolute  $L_{Aeq}$ , with an additional subjective requirement that the entertainment noise itself is a clearly audible (songs/tracks recognisable to a listener familiar with the music or words intelligible) contribution to the overall noise. In terms of an action level, a table is provided (table 4) showing that the level at which subjects felt the noise was “just unacceptable” in the context of a one off event in a habitable room with windows closed was at 34 dB  $L_{Aeq,5\text{ minute}}$ . The range for the first two scores of unacceptability was  $L_{Aeq,5\text{ minute}}$  34 to 37 dB. Analysis of data from the 2000/2001 National Noise Incidence Study (NNIS) was undertaken to estimate the proportion of dwellings in the UK where internal ambient noise levels might exceed any proposed  $L_{Aeq}$  criterion without any contribution from entertainment noise. This analysis is shown below and has assumed a 25 dB  $L_{Aeq}$  reduction by a closed window, and is based on 8-hour (19:00 – 07:00)  $L_{Aeq}$  façade noise levels at the front elevation of properties.



**2000/2001 National Noise Incidence Study (NNIS)**

Internal $L_{Aeq,8hr}$ (dB)	Assumed External $L_{Aeq,8hr}$ (dB)	% of UK population exceeding level
30	55	13.0
31	56	11.3
32	57	8.9
33	58	7.2
34	59	5.5
35	60	3.8
36	61	2.9
37	62	2.1
38	63	1.3
39	64	0.9
40	65	0.8

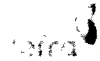
The above table from the 2000/2001 National Noise Incidence Study (NNIS) indicates that only a small percentage of the UK population (5.5%) are estimated to have internal ambient noise levels above  $L_{Aeq,8\text{ hour}}$  34 dB and just 2.1% above  $L_{Aeq,8\text{ hour}}$  37 dB.

- 9.8  $L_{A90} - L_{A90}$  (no music). This allows consideration of the background level, but requires a measurement without noise on the night of the event and this may not be possible. This in itself may be problem enough to make the metric unusable for one-off events.
- 9.9  $L_{Aeq} - L_{A99.95}$  or Noise Act. These metrics include some consideration of the underlying noise level, without requiring a separate “no music” measurement to be made. The former is slightly more effective in prediction of subjective response than the latter, but not substantially so, and using the latter has logistical advantages. The performance of both these noise metrics was less good than the previous two options, but they also avoid the practical disadvantages of the Absolute  $L_{Aeq}$  with a subjective judgement and  $L_{A90} - L_{A90}$  (no music).

## 10 RECOMMENDATIONS

10.1 The results of the laboratory testing identified several methodologies and criteria, which gave reasonably good correlation with subjective response. The noise metric that provided the best overall prediction of subjective ratings of all the entertainment noise types tested by ordinary members of the public was the Absolute  $L_{Aeq}$ . However, during the field testing it was apparent that the “highest performers” from the laboratory testing all had clear disadvantages in use under real world conditions, so there is no clear best option for recommendation which combines optimum correlation with subjective response with ease and rapidity of use. The following options are considered the best of the available options, in descending order of correlation with subjective response, each raising different issues regarding practicability of use by EHPs.

- Absolute  $L_{Aeq}$  – That is an  $L_{Aeq,5min}$  noise level value set at a single action level. However an intrusive entertainment noise criteria based on Absolute  $L_{Aeq}$ , would be difficult to use where the existing ambient noise level without the entertainment noise was close to, equal to or above the action level. Therefore, we would recommend an action level Absolute  $L_{Aeq}$ , with an additional subjective requirement that the entertainment noise itself has a clearly audible (to an otologically normal listener) contribution to the overall noise e.g. the songs/tracks would be recognisable to a listener familiar with the music and any words intelligible. In terms of an action level, a table in this report is provided showing various levels of entertainment noise used in the laboratory testing and the responses of test subject’s responses. In the context of this study’s objective to determine criteria that represents a clearly unacceptable situation, the noise levels at which test subjects felt the noise was “just unacceptable” for a one off event within a habitable room with windows closed was at 34 dB  $L_{Aeq,5\text{ minute}}$ . The range for the first two scores of unacceptability was  $L_{Aeq,5\text{ minute}}$  34 to 37 dB. Analysis of data from the 2000/2001 National Noise Incidence Study (NNIS) indicates that only a small percentage of the UK population (5.5%) are estimated to have internal ambient noise levels above  $L_{Aeq,8\text{ hour}}$  34 dB and just 2.1% above  $L_{Aeq,8\text{ hour}}$  37 dB.
- $L_{A90} - L_{A90}$  (no music) – That is the difference between the  $L_{A90,5\text{ min}}$  noise level with the intrusive entertainment noise and the equivalent  $L_{A90,5\text{ min}}$  with no intrusive entertainment noise. This allows consideration of the background level, but requires a measurement without intrusive entertainment noise that may not be possible on the night of a complaint. This in itself may be problem enough to make the metric unusable for “one-off” events or as a quick response to a problem.
- $L_{Aeq} - L_{A99.95}$  or existing Noise Act methodology ( $L_{Aeq} - L_{A99.8}$ ). These metrics include some consideration of the underlying noise level at the same time as any offending noise level is measured, without requiring a separate “no music” measurement to be made. The former is slightly more effective in prediction of subjective response than the latter, but not



substantially so, and using the latter has logistical advantages. The performance of both these noise metrics was less good than the previous two options, but they also avoid the practical disadvantages highlighted above.

- 10.2 It is recommended that the above options should be trialed in selected regions to ensure that the most practical option is selected to assess entertainment noise from licensed premises. The field trials have assisted in selecting the optimum criterion but further tests should be undertaken by EHPs in normal working conditions to establish the practicality of each option. These trials should consider both rural and urban environments, which should enable assessments with varying levels of ambient noise levels.
- 10.3 The field trials also collected noise and questionnaire data for regular music events. The use of 'inaudibility' has been debated by professionals for several decades and it is recommended that further analysis of the field trial data is undertaken, supported by additional laboratory testing to establish further more detailed methods for assessing noise from regular music events that occur after 2300 hrs.

# Bickerdike Allen Partners

## APPENDIX F

### EXTRACT FROM TECHNICAL DISCUSSIONS RE LOCAL AUTHORITY (TOWER HAMLETS) REQUIREMENTS FOR SOUND INSULATION AT EDGE, 157 COMMERCIAL STREET, E1 6BJ

				<u>Page</u>
BAP email	to	DKLM Solicitors	14 Dec. 2006	F-2
BAP email	to	DKLM Solicitors	13 Dec. 2006	F-2
BAP email	to	Paul Smith Tower Hamlets EHO	29 Nov. 2006	F-3
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Alkesh Solanki EHO email	to	BAP	27 Nov. 2006	F-5
BAP email	to	Alkesh Solanki Tower Hamlets EHO	27 Nov. 2006	F-5
Alkesh Solanki EHO email	to	BAP	25 Nov. 2006	F-6
Alkesh Solanki EHO email	to	BAP	25 Nov. 2006	F-7
BAP email	to	Alkesh Solanki Tower Hamlets EHO	24 Nov. 2006	F-7
BAP email	to	DKLM Solicitors	24 Nov. 2006	F-7
BAP letter	to	Occupants of Flat 1	24 Nov. 2006	F-8
(As suggested by Tower Hamlets EHO, a letter was sent by BAP to Edge Bar/Club, Hawksmoor Restaurant, and occupants Flat Nos. 1-9 Advising on BAP's intention to test at 152 Commercial Street E1 6BJ.				
Paul Watson, Phillips Planning email	to	BAP	27 Nov. 2006	F-9
Margaret Sampson Tower Hamlets	to	Paul Watson Phillips Planning	27 Nov. 2006	F-9
Minutes of Licensing Sub-Committee			3 Nov. 2005	F-10

## Bickerdike Allen Partners

**From:** Howard Latham  
**Sent:** 14 December 2006 20:03  
**To:** 'Heena Thaker'  
**Cc:** 'Paul Watson'; 'info@edgeclub.co.uk'; 'leo.charalambides@btopenworld.com'  
**Subject:** RE: The Edge - 157 Commercial St E1 (BAP ref 7576)

**Dear Heena**

Following my email to you yesterday, I had a useful telephone conversation with Mr Rathor in which he advised on details of the building construction and we discussed my detailed recommendations for the constructions advised. I explained the sound insulation of his bar/club is generally good in contrast with some I have worked on, and I recommend remedial works for two points in the construction. The first is where Mr Rathor advised a former staircase opening (corridor near office, staff toilet and rear of Bat Cave bar) had previously been filled with timber joists and plasterboard. For this point I recommend an independent ceiling supported from walls with mineral wool packed in cavity, and cement particle board layers to increase mass. The rest of the floor above the bar/club is understood to be concrete and for this nothing is recommended as the identified paths were airborne (through holes). Nothing is also recommended for loudspeaker mountings, because the observed paths were not structureborne. We discussed work at a second airborne point, the former lift shaft opening at the rear of the main Dance Floor area. This will be sealed and filled with mineral wool and cement particle board. At the front of the lift shaft, in the entrance and staircase, nothing is recommended because it is the original lift shaft masonry wall (covered with mirrors). We also discussed in this building, in internal bedrooms on floors above (without windows) background noise is low and small sounds can be audible. For this, sound limiters are recommended to control levels, in the two areas demonstrated to BAP during our recent site visit. Mr Rathor said he would carry out all these recommendations. I am now working to complete my report and aim to send it early next week. Trust this is acceptable.

Best regards

**Howard Latham**  
**Bickerdike Allen Partners**

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

**From:** Howard Latham  
**Sent:** 13 December 2006 11:54  
**To:** 'Heena Thaker'  
**Cc:** 'Paul Watson'; 'info@edgeclub.co.uk'; 'leo.charalambides@btopenworld.com'  
**Subject:** RE: The Edge - 157 Commercial St E1 (BAP ref 7576)

**Dear Heena**

RE: The Edge - 157 Commercial St E1 (BAP ref 7576)

My draft report is nearly complete and aim to issue as a draft for discussion tomorrow. Trust this is in order in line with initial discussions with Paul Watson on the proposed extent of recommendations for remedial construction work in two locations, former filled-in stair near bar of Bat Cave, and access door to base of lift shaft in basement, also installation of a noise limiter in the Bat Cave and installation of another noise limiter in the Dance Floor area. I copy this to the others for their info.

Best regards

**Howard Latham**  
**Bickerdike Allen Partners**

## Bickerdike Allen Partners

**From:** Howard Latham

**Sent:** 29 November 2006 15:47

**To:** 'Paul.Smith@towerhamlets.gov.uk'

**Cc:** 'Alkesh Solanki'; 'Abdul Mukit'; 'Derrick Harrington'; 'Paul Watson'; 'Heena Thaker'; 'leo.charalambides@btopenworld.com'; 'info@edgeclub.co.uk'

**Subject:** RE: Edge Bar, 157 Commercial Street (BAP ref A7576) (Flare No 70454)

Dear Paul

Thank you for your most helpful discussion today on your experience of the Edge bar music noise transfer problems to the flats on the upper floors above. I understand that although Alkesh Solanki is now the case officer for 157 Commercial Street, you are still involved to give support advice and assistance. You said you are unable to attend site tomorrow to witness BAP's proposed sound insulation investigation. I understand you are busy on other pressing noise matters elsewhere. I confirm my advice to you today my email below contained a typo, the sub-committee meeting date should have been 3 Nov 05. In brief, I understand at that meeting you objected to the license itself not to the application to extend hours, that the noise nuisance was and is unresolved and complaints continue to be received from the flats above the bar of transmitted low-frequency music noise from the bar (you referred to complaints received from the top two floors, a bedroom on the top floor, 16 July 2005 visit resulting in the Section 80 Notice of 26 October 2005, 10 Nov 2005 Flat 9, 18 April 2006 Flat 1 on the first floor on bass noise, and 21 Oct 2006 more recently, among others).

On my question on conditions, I understand you sent written conditions to Mr Singh and although some works were carried out such as lagging of columns, you are concerned that your main recommendation has not been implemented, i.e. removal of very large floor-mounted bass frequency speaker units. I understand your view is that these speakers are not acceptable in these premises and should be removed completely from the basement bar. I understand in your negotiations with Mr Singh following the sub-committee meeting, Mr Singh had not replied to your latest emails and on your most recent visit to the bar the bass units were still located in the bar, that they had not been removed as your condition. I understand these are the units referred to in the sub-committee minutes as "rear facing speakers" because of your concern on their location close to flanking walls in the basement bar, critical for flanking noise transmission.

On my question on the Section 80 Notice, I understand that because of the current planning application this is exempt from the Freedom of Information Act, and that if BAP require to see this to assist our investigation we should apply separately to Tower Hamlets Legal Department. You helpfully suggested that Mr Singh himself might be able to provide BAP with a copy of the Noise Abatement Notice when we meet him on site tomorrow.

I understand another outstanding condition that you require is the amplified music sound should be controlled in both its level and its low frequency bass content. I understand you require a proper locked-out system, to control levels from the bar's own music, and in particular to control the music of any live bands who play in the pub/club, that it would be a condition of their employment in the bar that they should plug their output into the house sound system with its own limiter and controls. You referred to two examples of such acceptable sound systems that have been found to work satisfactorily elsewhere, at the Angel and Crown, Roman Road, and at the Carpenters Arms, Cambridge Heath Road. You said those bars, with their own entertainment licenses and with flats located above them, had been able to employ live bands which plugged into a controlled/limited house music system.

On the sound insulation and construction of the building, I understand that there was a planning condition for adequate sound insulation between the basement bar and the upper level flats, and that this had been signed off. You mentioned normally requiring a sound insulation value of 60 dB DnT,w between flats and commercial uses, that does not include specific provision for low frequency attenuation, and in this case there have been complaints from residents ever since the flats were developed. I understand from your description, as I have not yet visited site, that there are masonry walls at basement and ground floor levels,

## Bickerdike Allen Partners

and a possible steel frame connected to brickwork for the upper floor flats, and the basement contains brick alcoves and arches located under the line of the pavement. You suggested Mr Singh should be able to provide copies of the architectural drawings (plans and sections) as it was Mr Singh who had developed the block.

Hopefully Mr Singh, by copy of this email, would provide copies of above mentioned Section 80 Notice and architectural drawings when we meet on site tomorrow.

Best Regards  
**Howard Latham**  
**Bickerdike Allen Partners**

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

**From:** Howard Latham  
**Sent:** 28 November 2006 17:18  
**To:** 'Paul.Smith@towerhamlets.gov.uk'  
**Cc:** 'Abdul Mukit'; 'Alkesh Solanki'; 'Derrick Harrington'; 'Paul Watson'; 'Heena Thaker'; 'leo.charalambides@btopenworld.com'; 'info@edgedub.co.uk'  
**Subject:** RE: Edge Bar, 157 Commercial Street (BAP ref A7576) (Flare No 70454)

**Dear Mr Paul Smith**

RE: Edge Bar, 157 Commercial Street (BAP ref A7576) (Flare No 70454)

BAP are asked to assist in trying to resolving low-frequency structure-borne music noise transmitted from the basement bar "Edge" into the flats on the floors above at 157 Commercial Street, and plan to carry out a sound insulation investigation with co-operation of your colleague Mr Alkesh Solanki and a residential neighbour on 30 Nov. I have very recently been provided with a copy of the minutes of the licensing sub committee meeting of 5 Nov 05, and understand you objected on grounds of noise. I understand that a condition was set among other things that, "the applicant to comply with all reasonable requirements from Environmental Health" and seek your advice on your requirements in relation to music noise and sound insulation. I am advised that you made recommendations, and that only some of these were implemented, and seek your advice on what currently is outstanding. I will try to contact you again by phone and hopefully we can discuss. Thanks in anticipation.

I also understand a Section 80 Notice was served on Mr Singh of Edge on 26 October 2005. I asked your colleague Mr Mukit if a copy could be sent by email. Would it be possible to send this before my investigation on Thursday?

Best Regards  
**Howard Latham**  
**Bickerdike Allen Partners**

# Bickerdike Allen Partners

**From:** Alkesh Solanki [mailto:Alkesh.Solanki@towerhamlets.gov.uk]  
**Sent:** 27 November 2006 18:48  
**To:** Howard Latham  
**Cc:** roger-leon@hotmail.com; Derrick Harrington; Paul Smith; Paul Watson; Heena Thaker; info@edgedub.co.uk; info@thehawksmoor.com; leo.charalambides@btopenworld.com  
**Subject:** RE: Access to residential flat's on 157 Commercial Street (BAP ref A7576)

Thanks. See you on Thursday.

**Mr A Solanki, BSc (Hons) MCIEH**  
Environmental Health Officer  
Environmental Health  
Environmental Protection  
Area Team North  
London Borough of Tower Hamlets  
Mulberry Place (AH), 5 Clove Crescent  
London E14 1BY  
[alkesh.solanki@towerhamlets.gov.uk](mailto:alkesh.solanki@towerhamlets.gov.uk)  
Tel: 020 7364 6518  
Fax: 020 7364 6831

*"Somewhere, something incredible is waiting to be known" C.S.*

---

**From:** Howard Latham [mailto:hlatham@bickerdikeallen.com]  
**Sent:** 27 November 2006 17:35  
**To:** Alkesh Solanki  
**Cc:** roger-leon@hotmail.com; Derrick Harrington; Paul Smith; Paul Watson; Heena Thaker; info@edgedub.co.uk; info@thehawksmoor.com; leo.charalambides@btopenworld.com  
**Subject:** RE: Access to residential flat's on 157 Commercial Street (BAP ref A7576)

**Dear Alkesh**

Thanks for arranging the sound transmission test for Thursday 1 pm. I phoned your offices this morning and left a message confirming it. I have spoken with Mr Singh and he agreed access to the basement bar, and with Tim of the Hawksmoor restaurant and he agreed access to his ground floor restaurant. I have booked Bickerdike Allen Partners (BAP)'s test equipment and two of my colleagues, Phil Wash and Vince Taylor, will assist in the testing to start 1 pm Thursday 30 November.

On the tests, if we test with the source in the basement bar, and receiver in the ground floor restaurant and in one upper level flat, I would expect testing would take about 3 hours. As you know I have not yet visited site, but have seen photographs of the bar on its website. I understand from you and Mr Singh the main problem is structureborne transmission of low frequency noise. This would tie in with the photographs apparent exposed brick walls, and loudspeakers fixed to walls, not holes which would be more mid to high frequency. In another bar investigation elsewhere, BAP surveyed one flat, and that was sufficient to understand the transmission. Would you agree that transmission tests to just one flat would be typical for our present purposes?

We propose to carry out two types of airborne sound insulation test. In both we would generate high levels of noise in the basement bar and measure the source sound levels in the bar, and received sound levels in the ground floor restaurant and in the upper floor flat. From these measurements we would derive sound level differences in third octave frequency bands, extended to low frequencies. The first test would be to use our own amp-loudspeaker-combi situated in the basement bar. The second test would be to use the bar main loudspeaker system. Comparing the two results would provide an indication of any isolation required to the system installation itself. We would inspect the bar system mountings, and



## Bickerdike Allen Partners

building fabric surfaces. BAP's own speaker-combi test would give the degree of attenuation required to be achieved through the building fabric. We would determine the direct sound path through the floor into the restaurant, and the indirect path through walls and any other indirect path into the upper level flat. When we have completed our analysis, we would prepare a summary report with recommendations for remedial work and submit this to you for comment and approval before we advise the bar to commence any remedial work.

Trust the above brief description is of assistance. If you require any further information before Thursday please call to discuss. Otherwise I look forward to meeting with you on site at 1 p.m. Thursday 30 November 2006. P.S. Thanks to Mr Leon for kindly allowing access, I copy this note for his information.

Best Regards

**Howard Latham**  
**Bickerdike Allen Partners**

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

**From:** Alkesh Solanki [mailto:Alkesh.Solanki@towerhamlets.gov.uk]  
**Sent:** 25 November 2006 15:52  
**To:** Howard Latham  
**Cc:** roger-leon@hotmail.com; Derrick Harrington  
**Subject:** Access to residential flat's on 157 Commercial Street.

**Howard,**

I have spoken to Mr Leon, of Flat 2, 157 Commercial Street.

Mr Leon has kindly agreed to give you access to undertake your objective noise assessment on Thursday 30 November 2006 at 1pm.

Please confirm to me at your earliest convenience if this is okay. I would like to have a full written breakdown of what test's you will be carrying out prior to the noise assessment.

I thank you in advance for your cooperation in this matter.

Kind regards

**Alkesh.**

**Mr A Solanki, BSc (Hons) MCIEH**  
Environmental Health Officer  
Environmental Health  
Environmental Protection  
Area Team North  
London Borough of Tower Hamlets  
Mulberry Place (AH), 5 Clove Crescent  
London E14 1BY  
[alkesh.solanki@towerhamlets.gov.uk](mailto:alkesh.solanki@towerhamlets.gov.uk)  
Tel: 020 7364 6518  
Fax: 020 7364 6831

*"Somewhere, something incredible is waiting to be known" C.S.*

.....  
Working Together for a Better Tower Hamlets  
Web site : <http://www.towerhamlets.gov.uk>

## Bickerdike Allen Partners

**From:** Alkesh Solanki [mailto:Alkesh.Solanki@towerhamlets.gov.uk]  
**Sent:** 25 November 2006 15:20  
**To:** Howard Latham  
**Subject:** RE: Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

Thanks for this.

I went knocking on doors today but nobody as in.

**Mr A Solanki, BSc (Hons) MCIEH**  
Environmental Health Officer

---

**From:** Howard Latham [mailto:hlatham@bickerdikeallen.com]  
**Sent:** 24 November 2006 19:23  
**To:** Alkesh Solanki  
**Subject:** FW: Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

**Dear Alkesh**

Copy of email with letter to occupiers.

Best Regards  
**Howard Latham**  
**Bickerdike Allen Partners**

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

**From:** Howard Latham  
**Sent:** 24 November 2006 19:18  
**To:** Heena Thaker  
**Cc:** 'Alkesh.Solanki@towerhamlets.gov.uk'; 'Paul.Smith@towerhamlets.gov.uk'; 'info@edgeclub.co.uk'; 'Paul Watson'  
**Subject:** Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

**Dear Heena**

Edge 157 Commercial St E1 - Noise Survey proposed Wed 29 Nov (BAP ref A7576) (Flare No 70454)

I write following our telephone discussion and your verbal instruction today to proceed urgently in arranging with Tower Hamlets the proposed sound insulation survey. Here is a sample copy letter sent to each of the 12 flats (Nos 1-12), to the restaurant, and to the bar, in the post tonight.

Best Regards  
**Howard Latham**  
**Bickerdike Allen Partners**

# Bickerdike Allen Partners

e-mail: [hlatham@bickerdikeallen.com](mailto:hlatham@bickerdikeallen.com)

A7576/HGL  
24 November 2006

To The Occupier  
Flat 1  
157 Commercial Street  
LONDON E1 6BJ

Dear Sir or Madam

**EDGE, 157 COMMERCIAL STREET E1  
– PROPOSED NOISE SURVEY**

I write to advise you that Bickerdike Allen Partners, acoustic consultants appointed by DKLM Solicitors on behalf of Mr Rathor of Edge to investigate sound transmission from the basement bar to the flats above and to make recommendations for remedial work to try to minimize noise impact in future, will be carrying out a noise survey in the near future, with co-operation of Mr Aikesh Solanki of Tower Hamlets Environmental Health Department. Mr Solanki will contact you soon to discuss this survey with you. We would be assisted in our investigation by access to the flats above the bar to determine transmitted noise levels, and trust this survey will be possible with your co-operation.

We are seeking to arrange the survey for Wednesday 29 November, hopefully daytime. If this date and time is convenient to you please email me at [hlatham@bickerdikeallen.com](mailto:hlatham@bickerdikeallen.com). Thank you in anticipation.

Yours sincerely

**Howard Latham**  
**Bickerdike Allen Partners**

cc. Mr Solanki, Tower Hamlets  
Ms Thaker, DKLM Solicitors

## Bickerdike Allen Partners

**From:** Paul Watson [mailto:PaulW@phillips-planning.co.uk]  
**Sent:** 27 November 2006 14:18  
**To:** Howard Latham  
**Cc:** h.thaker@dclm.co.uk; Leo C. Charalambides  
**Subject:** F157 Commercial Street

Howard

I attach a copy of the minute of the Licensing Sub Committee of Tower Hamlets from 3 Nov 2005 which I have obtained from the committee clerk.

It may be of some use in respect of the noise issues. You will note that Paul Smith attended and conditions that the owner must comply with reasonable noise levels to be set by the EHO were attached.

Kind regards

Paul

---

**From:** Margaret Sampson [mailto:Margaret.Sampson@towerhamlets.gov.uk]  
**Sent:** 27 November 2006 13:19  
**To:** Paul Watson  
**Subject:**

Minutes attached as per our earlier conversation. Regards.

.....  
Working Together for a Better Tower Hamlets

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

Copy of Minutes of 3 Nov. 2005 attached below

## LONDON BOROUGH OF TOWER HAMLETS

At a meeting of the LICENSING SUB COMMITTEE  
held on THURSDAY 3<sup>RD</sup> NOVEMBER 2005 at 6.45 PM in THE  
COUNCIL CHAMBER, THE TOWN HALL, MULBERRY PLACE,  
5 CLOVE CRESCENT, LONDON, E14 2BG

### PRESENT

#### Members of the Sub Committee:

Councillor B. Son (Chair)  
Councillor A. Amos  
Councillor M. Williams

#### Applicants

Mr P. Glazebrook	Legal Representative
Mr H. Patel	MD, Powernet Ltd, 157 Commercial Street

#### Objectors

Paul Smith	Environmental Health
PC K. Eglinton	Police, Licensing Section
CI C. McNamara	Metropolitan Police
Mr M. Spencer	Exchange Building, Commercial Street
Ms L. Tonkin	Lamb Street
Mr E. Bagshaw	The Cloisters, Commercial Street
Mrs H. Bagshaw	The Cloisters, Commercial Street
Mr M. Pepperell	Exchange Building, Commercial Street
Ms C. Alayne	Exchange Building, Commercial Street
Ms J. Dey	Calvin Street
Mr P. Humberstone	Folgate Street
Ms L. Cousins	Priory House
Ms N. Heard	The Cloisters, Commercial Street
Ms C. Cox	Burhan Uddin House
Mr D. Donaghue	St. George's R.A.
Mr M. Lane	Elder Street
Ms C. Schlockenhorror	Newlon Housing Asso. R.A.
Mr J. Thornton	Hurford Salvi Carr, Managing Agents

There were a number of other objectors present who were unable to sign the attendance book.

#### Officers

John Cruse	Trading Standards, Licensing
Kathy Butler	Trading Standards, Licensing
Asithe Ranatunga	Legal Advisor
Margaret Sampson	Clerk to the Committee

#### Members of the Public in Attendance

There were several members of the public present who did not sign the attendance book.

The Chair welcomed everyone to the meeting and asked those present to introduce themselves.

#### 1. APOLOGIES FOR ABSENCE

The Clerk reported that a number of residents who had objected had submitted apologies.

#### 2. DECLARATIONS OF INTEREST

None were received.

#### 3. RULES OF PROCEDURE

The Rules of Procedure were noted.

#### 4. MINUTES

The minutes of the meetings held on 22 September (evening) and 26 September 2005, were confirmed as an accurate record of the proceedings. At this point, the Clerk advised the Chair that several of the residents who had indicated a wish to address the meeting, had been delayed in heavy traffic. The Chair proposed and it was **Agreed** That the Sub Committee would now, at 6.50pm, adjourn for twenty minutes to allow speakers the opportunity to attend the meeting. The meeting reconvened at 7.10pm and the Chair asked Mr Cruse to present the report.

#### 5. ITEMS FOR CONSIDERATION

##### 5.1 **Application to Vary the Premises Licence: Edge, 157 Commercial Street, London E1 6BJ (LSC075/506)**

Mr Cruse reported that the application sought to vary the hours currently operated in regards to the sale of alcohol, the provision of regulated entertainment and late night refreshment and also to increase the capacity limit of the basement area. The application related to the ground and basement area of the premises which was formerly known as Protokol.

The variation of capacity had not been contained in the public notice and Mr Cruse also reported that the person recorded as the Designated Premises Supervisor had recorded their address as that of the premises yet though there was no record that an application for a personal licence had been received by the Authority.

Having detailed the content of the report and reporting that representations had been received from the Police, Environmental Health, local residents and businesses, Mr Cruse stated that Members may wish to clarify with the applicant, exactly what the application covered.

At the invitation of the Chair, Mr Glazebrook, who was representing the applicants, advised that there were amendments to the application as follows:

- The variation hours applied to the basement area only
- The hours of the variation being sought were now Sunday to Thursday until 02:00 and Friday and Saturday until 04:00, for the sale of alcohol
- The same hours to apply to the provision of late night refreshment
- The same hours to apply to the provision of regulated entertainment
- The removal of 'exotic dancing' from the application though there would be 'regular dancers'
- There would be a new applicant DPS

Mr Glazebrook also confirmed that none of the applicants were present, only the owner of the premises and that the terminal hour sought would be 30 minutes later than the hour for any of the regulated activities.

In relation to the capacity of the premises, Mr Cruse reported that he had written several times seeking clarification as to who was applying for what and in the absence of any response, this matter had never been clarified.

Mr Glazebrook then presented the case on behalf of the applicants. He noted that there had been some previous controversy regarding the premises prior to and during the time the Public Entertainment Licence had been considered, when the premises had frequently been hired out.

This 'raised temperature' seemed to have continued though the objections raised by residents were of a general nature and did not point to these premises in particular. He felt that many of the problems encountered by residents were misdirected and believed that the submission from the Metropolitan Police sustained this point.

Mr Glazebrook went through the Police submission letter in detail, referring to points he believed to be inaccurate and clarifying others. In doing so, Mr Glazebrook stated that cross referencing in this way highlighted the fact that only one resident had specifically referred to one incident and that this was the only direct point that could be related to the premise. The letter demonstrated that the complaints were generally not the responsibility of Edge as the applicants had learnt lessons from their previous application and the number of complaints made then.

Mr Glazebrook concluded by saying that the premises had obviously been spotlighted by the Police due to the high number of complaints by residents, though there was nothing that indicated these to be the responsibility of the club. The premises were tightly controlled and none of the incidents indicated any problems with disorder. The application as amended was fully justified.

Members sought clarification as to Mr Patel's position and Mr Glazebrook advised that the four named applicants were all employees of Powernet and that Mr Patel was a Director of this company. Mr Singh was the owner of the premises and took an active part in the operation of the business.

Members commented that it was unusual for applicants not to be present though accepted that Mr Glazebrook had received instruction from them.

Chief Inspector McNamara and Mr Paul Smith, Environmental Health Noise Team then addressed the Sub Committee in relation to their individual representations as Statutory Authorities.

Responding to some of the comments from Mr Glazebrook, Chief Inspector McNamara stated that some of the information had been recorded by officers on the scene who had responded directly to that incident.

In relation to the incident detailed on 30 July (No. 9 in the submission and relating to an incident of public disorder which appeared to have started in the lobby of the premises), 14 calls had been received from members of the public and one from a member of staff at the premises. There had been two separate references to an iron bar, four references to bottles and two to glass ash trays, all of which was considered by the Police to be evidence of weapons in use.

Chief Inspector McNamara went on to say the rest of the report was as recorded and that the Police had grave reservations regarding these premises.

Mr Smith reported that statutory noise nuisance had been witnessed on two separate occasions though he only had details relating to one of those to hand. This related to noise emanating from the premises causing nuisance to a resident living above and had resulted in a Statutory Notice being served. Mr Smith also reported Mr Singh's response to the officer who had visited the premises, that the bass noise level was as low as it could be.

Having visited the premises in the past week, Mr Smith reported that he was also concerned that additional sound equipment had been installed and that the addition of rear facing speakers was the likely source of the problem previously reported. Noise levels had been set when the premises first opened but the introduction of further equipment and its placement changed this. There was no noise limiter at the premises.

Mr Smith also reported that Mr Singh had now disconnected the speakers and had given an undertaking that they would not be used. However, concern remained that the potential for noise nuisance remained. Mr Smith confirmed that noise levels would need to be reset and that he had also identified further noise proofing works that would be required.

Councillor Amos expressed concern that the information contained in the Police submission did not appear to be entirely accurate and asked why the club appeared to be the subject of covert operation.

CI McNamara advised that whilst the day recorded against the date of one entry was wrong, all other information was as reported and that it was for the applicant to say whether or not the club had been open on the dates recorded. In respect of covert activity, there had been considerable community representation made to the Police regarding the operation of this club and many different means were employed to ensure that premises operated effectively, not only this particular club. Of the 15 dates recorded, Police had attended and could verify seven.

CI McNamara also stated that the information regarding the date at the beginning of May had come from intelligence reports and that he could not verify whether the club had been closed as reported by Mr Glazebrook. A later incident indicated that the club showed people leaving the premises beyond the licensed hours and in an extremely drunken state, which gave rise to concerns as to the management of the premises.

It was confirmed for Councillor Williams that not all callers identified themselves to the Police and Mr Smith confirmed that Environmental Health objections would remain irrespective of a reduction in noise levels within the premises due to officers concern regarding the management of the premises.

Mr Glazebrook commented that there appeared to be an assumption that something untoward may have been going on when the premises were seen to be open at 3am and pointed out that it was a condition of the Public Entertainment Licence that patrons should be held inside the premises to wait for cabs.

There being no further questions, the Chair invited residents to make their representations. These included Mr Lane on behalf of Elder Street residents, Ms Dey on behalf of Calvin Street, Wheler Street and Quaker Street residents, Mr Spencer and Mr Pepperell as both Directors and resident representatives of the Exchange Building, Mrs Bagshaw on behalf of The Cloisters Residents Association, Mr Donaghue, Secretary, St. George's Residents Association and Mr Thornton, Hurford Salvi Carr, Managing Agents of 157 Commercial Street. Several other residents commented throughout the presentations but did not give their names.

The premises were located on a busy main road which was also a red route and surrounded by local narrow streets many of which were cobbled. This was a Conservation Area with prioritised residential use alongside ancillary business use and this had worked well until now. Local streets were not suitable for the level of parking now experienced; streets were often blocked leaving no access for emergency vehicles and causing noise and nuisance to residents.

Residents also expressed concern regarding public safety due to the behaviour of patrons on leaving the premises and the venue was not considered suitable for a residential area. No other premises in the vicinity operated late hours and increasing these would make life unbearable for residents, many of whom had young children.

It was reported that several residents were known to have responded to the incidents recorded in the Police submission, which Mr Glazebrook later accepted. More objections had been submitted regarding this application than had been made in response to the original licence application, which was an indication of the level of nuisance and disruption experienced by residents living near to this premise and which had not diminished through time.

Yet again, residents had been woken in the early hours of the morning by the noise of patrons leaving the premises, though the lights on the outside had been turned down so that it looked like the premises were closed. A number of residents were also essential workers; including medical staff and the effect such continual disruption had on them should be considered.

Mrs Bagshaw stated that the inaccuracy of the date in the Police submission may relate to how or when residents reported the incident. The incident recorded as 2<sup>nd</sup> October related to events that occurred on Saturday 1<sup>st</sup> October into the 2<sup>nd</sup> and the club had been open. Mrs Bagshaw then identified herself as one of the residents who had rung the Police on the weekend of 30 July, the incident referred to by Cl McNamara earlier. Mrs Bagshaw recounted in detail what she had seen from the time a group of people left the premises until they were out of sight which confirmed the submission as recorded.

There were numerous incidents relating to patrons of the premises as The Cloisters was located opposite the club and residents directly witnessed events. This was the only premise in the vicinity licensed until the early hours and patrons were noisy on dispersal; many looking to get a cab and many with bottles of what appeared to be alcohol. Broken glass on local streets was a particular problem on a Sunday morning. Residents were regularly witnessing outbreaks of noise, nuisance and violent behaviour, as per the incident recorded in Appendix 92 of the report.

Mr Pepperell stated that there were four floors of flats in the Exchange Building that fronted Commercial Street. Whilst mindful of the perspective that residents may be demonizing the premises, he wished to stress that residents were professional people who were reporting what they saw.

Mr Donaghue stated that the patrons of other premises were seen and heard by residents between 11pm and midnight but not later when this was the only place open. The premise was not suitable for use as a club as there was a very small access/egress area and it was not therefore possible to arrange an effective dispersal route, problems associated with dispersal being the main source of nuisance for many.

Mr Donaghue also stated that Mr Singh appeared to be the owner, manager and operator of the premises yet was not the person applying for the licence. He was never the one taking responsibility, always saying it was someone else's problem. The last application had agreed a set of rules and conditions and Mr Singh had given assurances which had not been kept.

One resident reported that she lived in a ground floor flat close to the premises and that the consistency of noise and disturbance had meant that she had had to give up her studies and was also receiving medical treatment due to the effect this had had on her everyday life. This resident also reported that the premises had pulled down the front shutters on some occasions after the Police or Environmental Health had been called but before they arrived and that she had CCTV footage of patrons' behaviour which she had passed to the Police.

Mr Thornton stated that he was representing the Freeholder of the building (157 Commercial Street) and noted that the Sub Committee had heard submissions from both the Police and residents directly relating to the licensing objectives, the prevention of Crime & Disorder, the prevention of public nuisance and the provision of public safety. He felt that further time may be needed to see if the existing arrangements were working though residents would be asked to keep a diary of events.

Mr Thornton confirmed that investigations were continuing as to whether the premises use was allowed within the leasehold covenant though no action had been taken at this point.

Mr Glazebrook responded to the above. He retained the belief that the premises had been spotlighted by the Police and that many of the problems contained in the submissions from residents were not pertinent to the premises. The frontage of the premises was on a main thoroughfare and could easily be confused with general street activities.

Apart from Mr Spencer, there had been no specific reference to dates in the submissions from residents and a strict policy operated regarding bottles being taken from the premises. A lot of money had been spent on the premises and there were residents above who had not complained. The application as amended was not a great change from that which currently operated and the premises would continue to be well managed. A review of the licence could be sought at any time.

Mr Donaghue stated that the residents above the premises had moved out and that the incidents reported were as seen by residents and related to this specific club.

The Chair thanked everyone for their respective submissions and reported that the Sub Committee would now, at 9.05pm, adjourn to consider the evidence presented.

The Sub Committee reconvened at 10pm.



The Chair reported that the Sub Committee had accepted the application as amended with the exception of the operating hours on a Sunday. Members had expressed some concern regarding the level of management of the premises and had set stringent conditions which they expected to see operated. If this was not the case, it would be necessary to consider the future of the premises very seriously. It should also be noted that if necessary, the Police and the Local Authority had the power to close premises that did not uphold the licensing objectives or who did not operate within the terms and use of their licence. Mr Ranatunga was asked to detail the conditions of the licence.

The Sub Committee **RESOLVED**

That the application to vary the Premises Licence for Edge, 157 Commercial Street, London E1 6BJ be **GRANTED** as amended and relates to the basement area only:

Hours for the sale of alcohol

Monday – Thursday 11:00 to 02:00, Friday and Saturday 11:00 to 04:00, Sunday 11:00 to Midnight.

Premises to close 30 minutes later than the hours for regulated activity on every day.

Late Night Refreshment

Monday – Thursday 23:00 to 02:00, Friday and Saturday 23:00 to 04:00, Sunday 23:00 to Midnight.

Regulated Entertainment

Monday – Thursday 18:00 to 02:00, Friday and Saturday 18:00 to 04:00, Sunday 18:00 to Midnight.

Capacity of basement area increased to 215 persons including staff.

A minimum of 2 Registered Door Supervisors to be on duty at all times the premise is open, including private events.

The numbers of patrons must be monitored and recorded by use of clickers at all times.

A person capable of acting on behalf of the applicant must be on the premises at all times a private event takes place.

At all times the premises are operated under this licence, emergency exit routes from the basement into the ground floor premises and to the street there from shall be readily available at all times.

The applicant to comply with all reasonable requirements from Environmental Health and sound levels must be set and maintained in agreement with Environmental Health (Noise) Officers.

All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

The windows at the front of the premises are to be kept shut whilst the premises are used under this licence.

Patrons are to be held inside the premises whilst waiting for transport.

Signage to be displayed within the premises asking patrons to leave quietly and be respectful of residential amenity.

All bottled drinks to be served in plastic glasses.

Alcohol purchased in the premises must be consumed within the premises and not taken outside.

Mr Ranatunga also advised of the right of appeal.

The Chair reiterated the grave concerns Members held relating to the effective management of the premises. Whilst Members would not wish to see local businesses close, they must also be respectful to the amenity of local residents.

There being no further business, the meeting closed at 10.05pm.

CHAIR \_\_\_\_\_

# APPENDIX 8



**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991 and the  
Planning and Compulsory Purchase Act 2004)**

**TEMPORARY STOP NOTICE**

**ISSUED BY:**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
OF TOWER HAMLETS, of the Town Hall, Mulberry Place, 5 Clove Crescent,  
London E14 2BG ("the Council")**

**TO:**

- (1) **Mr Jaspal Singh Rathor** of 157 Commercial Street, London, E1 6BJ and 2 Lexington House, Bow Quarters, London, E3 2UH
- (2) **Powernet Limited** of 601 High Road, Leytonstone, London, E11 4PA
- (3) **Mr Gulzar Singh Rathor** of 89 Auckland Road, Ilford, Essex, IG1 4SG
- (4) **Eastwillow Properties Limited** care of City Chartered Accountants, 540 5<sup>th</sup> Floor Linen Hall, 162-168 Regent Street, London, W1B 5TF
- (5) **The Occupier(s)** of the basement and ground floor, 157 Commercial Street, London, E1 6BJ
- (6) **The Owner** of the basement and ground floor, 157 Commercial Street, London, E1 6BJ

- 1. **On 29<sup>th</sup> day of February 2008**, the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.
- 2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

07/03/08  
*[Signature]*

**3. THE REASONS FOR ISSUING THIS NOTICE**

- (i) The unauthorised use of the premises as a bar/club outside the hours of 9.00am to midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays (as conditioned in planning permission reference PA/06/02242) is causing unacceptable late night noise and disturbance, to the detriment of the living conditions and amenity of surrounding occupiers, and to the amenity of the surrounding area generally.

**4. THE LAND TO WHICH THIS NOTICE RELATES**

Basement and Ground floor, 157 Commercial Street, London, E1 6BJ shown edged red on the attached plan.

**5. THE ACTIVITY TO WHICH THIS NOTICE RELATES**

The use of the property as a bar/club outside the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.


**6. WHAT YOU ARE REQUIRED TO DO:-**

Cease the activity specified in paragraph 5 of this notice.

**7. WHEN THIS NOTICE TAKES EFFECT:-**

This Notice shall take effect on the 29<sup>th</sup> day of February 2008 when all the activity specified in this notice shall cease. This notice will cease to have effect on 28<sup>th</sup> day of March 2008.

Dated: the 29<sup>th</sup> day of February 2008

SIGNED: - 

Designation: Applications Manager

On behalf of: The Mayor and Burgesses of the London Borough of Tower Hamlets, the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

**Nominated Officer:** Mr Cain Duncan, Planning Enforcement Officer

**Telephone Number** 0207 364 3975

THE ANNEX

**WARNING**

**THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN  
PARAGRAPH 7**

**THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE  
AGAINST THIS NOTICE**

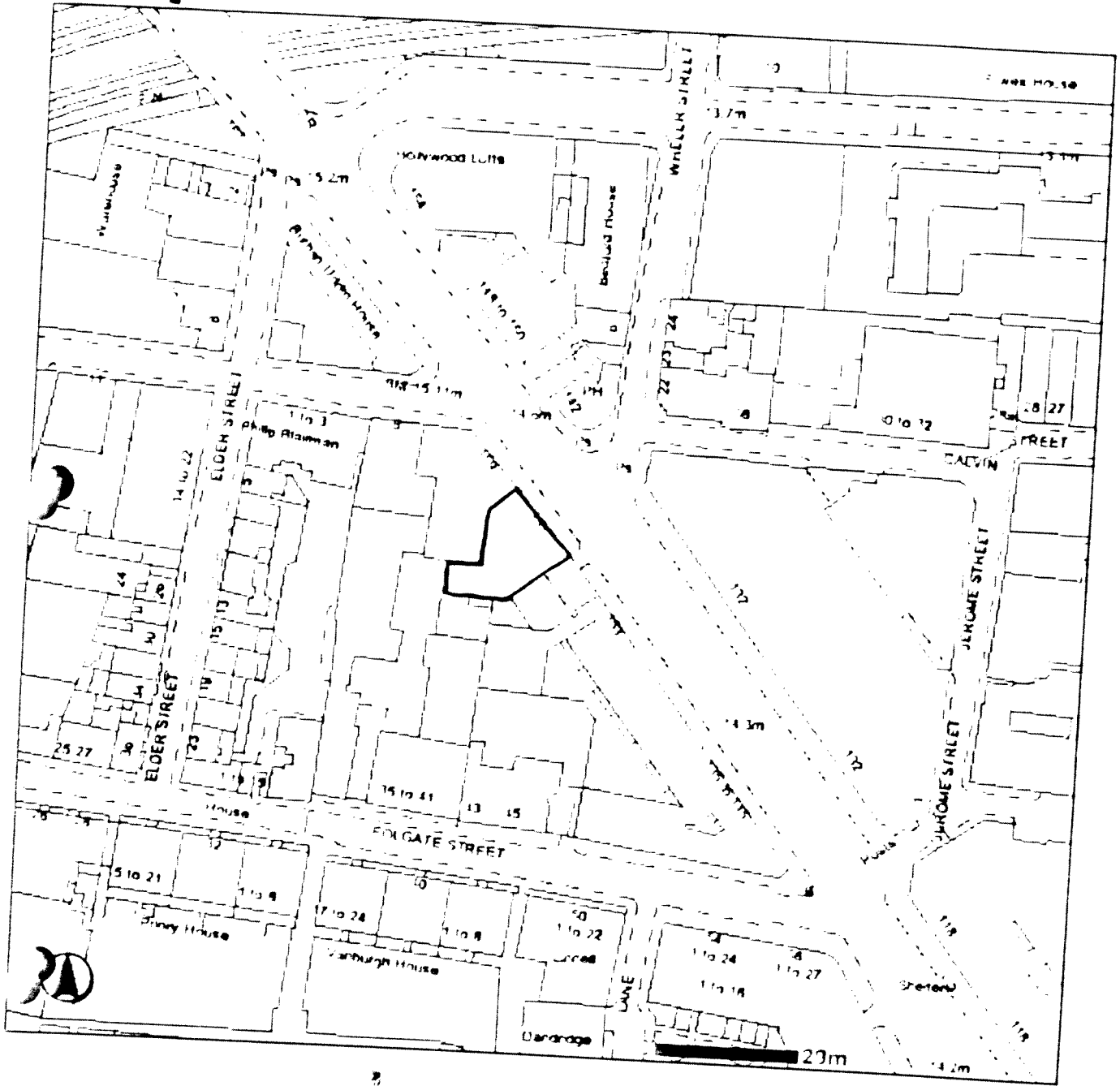
It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with:

Mr Cain Duncan  
Planning Enforcement  
Development and Renewal  
Mulberry Place (AH) Anchorage House  
London, E14 9YA

Phone: 0207 364 3975

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

# Map



Scale 1:1250

Map of:

## Temporary Stop Notice Site Plan for 157 Commercial Street, London, E1 6BJ

Notes:

Produced 29 February 2008 from Ordnance Survey digital data and incorporating surveyed revision available at this date  
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Supplied by London Borough of Tower Hamlets

07/03/08  
[Signature]

# Certificate of Service

In the TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensations  
Act 1991 and the Planning and Compulsory  
Purchases Act 2004)

THE MAYOR AND BURGESSES OF THE  
LONDON BOROUGH OF TOWER HAMLETS

Mr Jaspal Singh Rathor,  
157 Commercial Street, London, E1 6BJ

On the 27<sup>th</sup> February 2008 (insert date)  
the Temporary Stop Notice (insert title or description of documents served)  
a copy of which is attached to this notice was served on

Mr Jaspal Singh Rathor, leaseholder of Basement 1 Ground Floor  
157 Commercial Street  
(insert name of person served, including position i.e. partner, director if appropriate)

Tick as appropriate

by first class post

by delivering to or leaving at  
a permitted place

by fax machine (..... time sent)  
(you may want to enclose a copy of  
the transmission sheet)

by other means (please specify)

by Document Exchange

by personally handing it to or leaving it with  
(please specify)

by other electronic means  
(please specify)

A copy of the notice was taped to the wall of the  
premises of the above. The notice was deemed to  
have immediate effect in accordance with s.171E(4) of  
the Town & Country Planning Act 1990

at (insert address where service  
effected, include fax or DX number,  
mail address or other electronic ID)

Edge Club, 157 Commercial Street London, E1 6BJ

being the defendant's:

residence

place of business

registered office

other (please specify)

The date of service is therefore deemed to be 27 Feb 2008 (insert date - see over for guidance)

I believe that the facts stated in this Certificate are true.

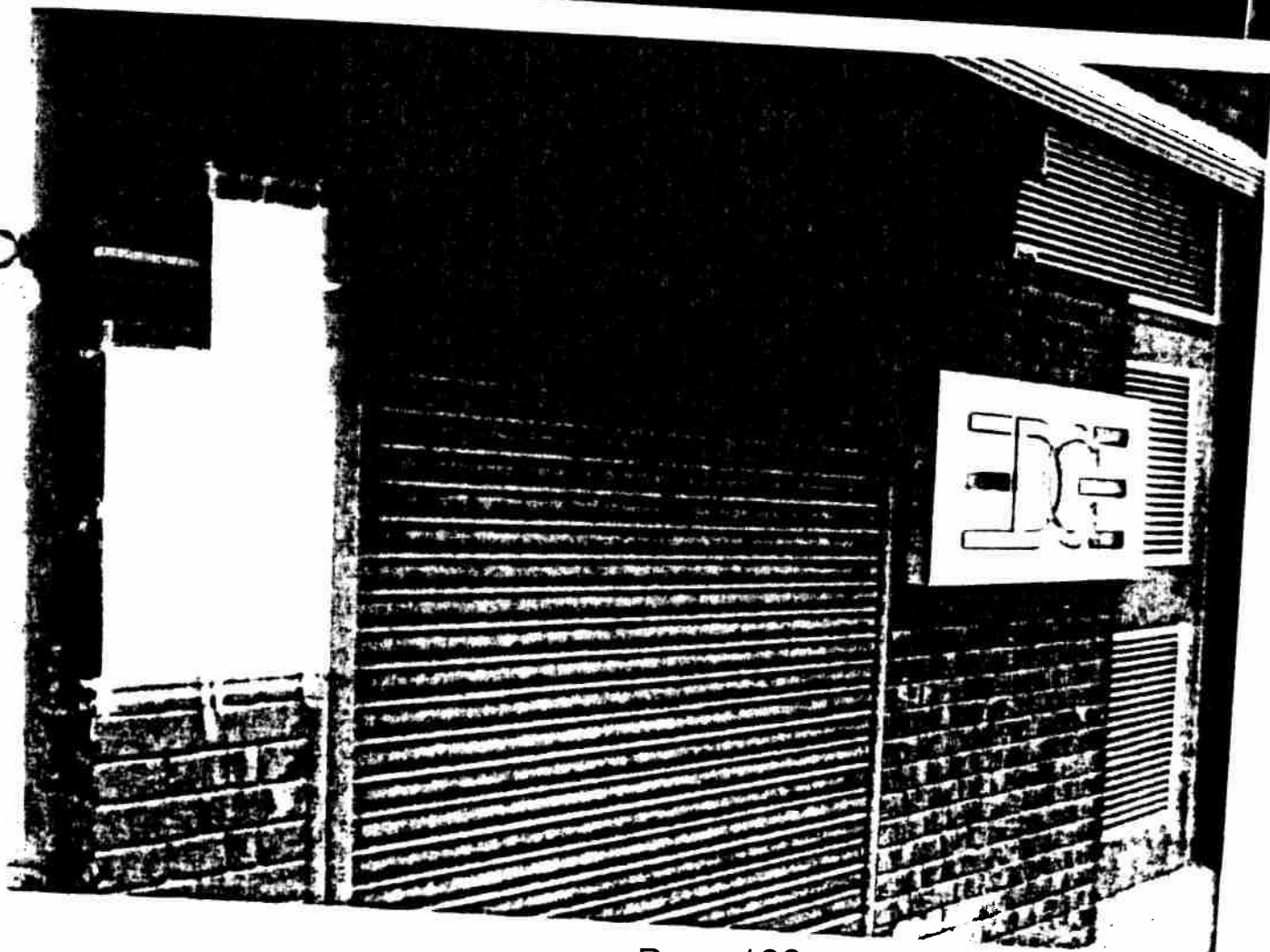
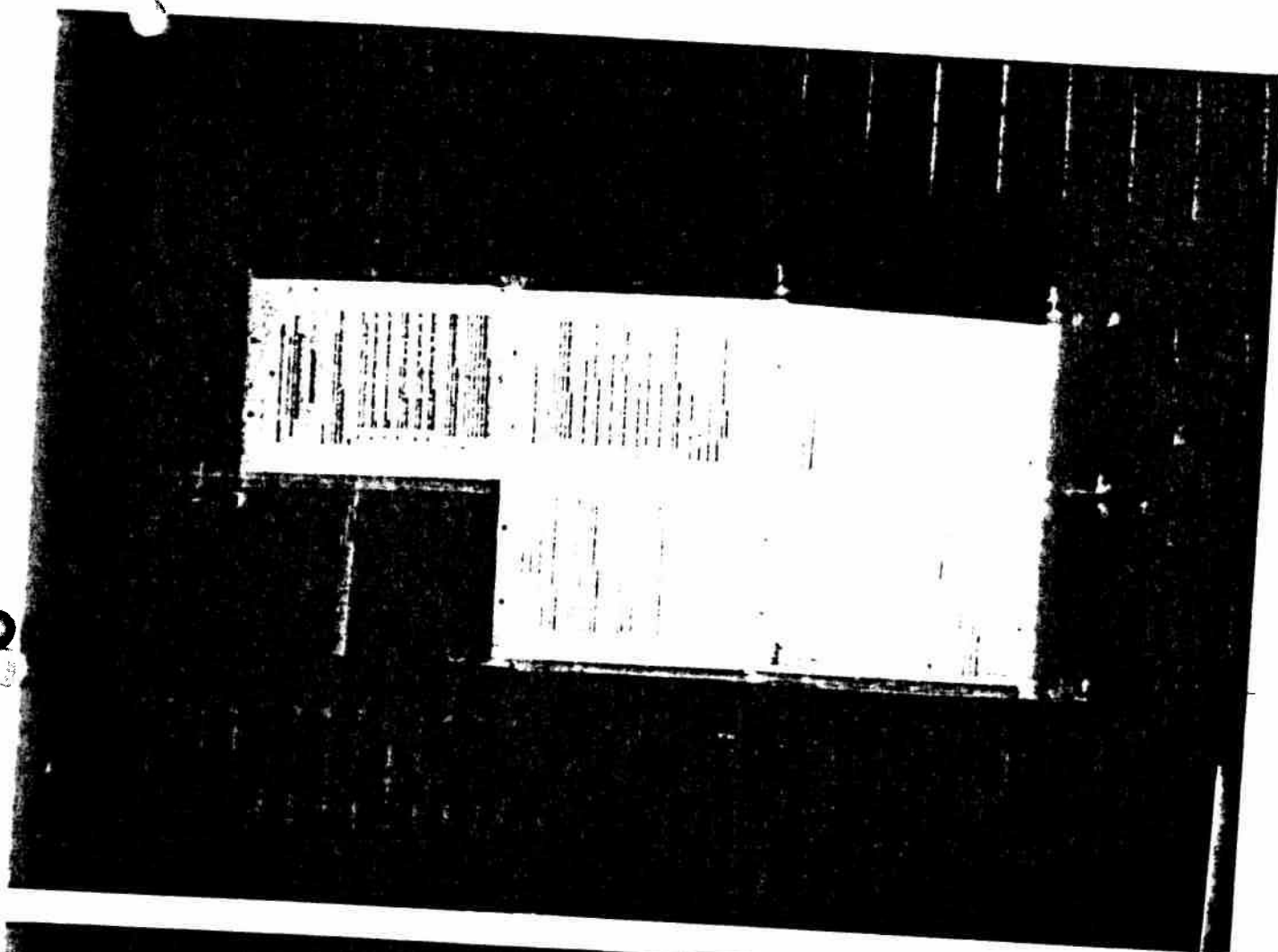
Full Name Supriya Dhillon

Signed [Signature]

Position Held Planning Enforcement Officer

Date 27 Feb 2008





# **APPENDIX 9**



APPENDIX 1

To Paul Johnson  
Contact Mohshin Ali  
Extension 5498  
Date 28 March 2008  
Regarding **Edge, 157 Commercial Street,  
London E1 6BJ**

Localities, Communities & Culture  
Trading Standards and Environmental  
Health (Commercial)  
Licensing Section  
Mulberry Place (AH)  
5 Clove Creacent  
PO BOX 55739  
London E14 1BY  
Tel 020 7364 5498  
Fax 020 7364 0863  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

As requested, please find enclosed a copy of the current premises licence for the above.  
Please see below the history of complaints received by Licensing for the past three years:

**Monday 14 March 2005 - 024137**

On Friday, Saturday and Sunday approximately 50 patrons of Protokol (previous name of the premises) came out of the premises after midnight and 3:30 am and caused a nuisance. Cabs were pulling up and tooting for the customers and touts were hanging about.

Licensing wrote enforcement letter (21 March 2005) to Mr. Singh and solicitor stating that a complaint had been received.

**Thursday 7 April 2005 - 024294**

On 31 March 2005 nuisance was caused by patrons. Noise from patrons leaving the club at 2am in the morning, rowing outside over cabs and then staff were trashing bottles at 3am making a noise. The complainant stated that the car parking was getting worse and the prostitution increasing. Also, no door supervisors were outside the premises as customers were leaving evidence of alcohol being sold after hours and each week the issues are getting worse.

This was being looked into by the Police.

**Monday 23 May 2005 - 024692**

On 21 May 2005 at 4am crowds of drunken and noisy patrons came out of the premises. Complainant said the police went by in the very early hours of the morning and stopped, went into the premises and came out again and then went away. Complainant was concerned that there would be racist incidents between the Eastern European and the Asian youths as she has seen them arguing and considering that the premises has been holding Eastern European nights. Also, Saturday nights were becoming a problem

Complainant was advised that we did visit the premises on Friday night/Saturday morning around 11.45pm and there was one door supervisor at the door and no queuing. We did not go in. Complainant advised that objections to the variation application may be submitted.

**Monday 13 June 2005 - 024839**

Complainant contacted the noise team to advise that there were 20 persons outside protocol. Complainant said that the noise team said as it was a restaurant or club and there was nothing to be done.

Complainant was advised that there is no condition on the licence that states there can only be 5 people outside the premises.

**Monday 1 August 2005 - 025131**

Complainant was upset that on Friday 29th around 02:00 hours there were about 100 people fighting outside the club with broken glass everywhere. There were about 8 Police cars.

Complainant was advised that we are liaising with the Police and it is an ongoing process.

Matter was referred to the Police.

**The following complaints were received under the Licensing Act 2003:**

**Thursday 12 January 2006 - 026251**

Complaint received in relation to parking availability in surrounding area.

Complainant was advised on the option to review the premises licence.

**Thursday 9 March 2006 - 026554**

Complainant received that on the last 3 Saturday nights into Sunday mornings there have been reports of 4 to 4:45am noise, of the excessive drunken and nuisance from vehicles

Licensing sent enforcement letter although premises licensed until 4:30. Licence also allows patrons to wait inside while awaiting taxis.

**Thursday 5 October 2006 - 028137**

Complainant says that 'Beat Therapy' is planning to hold an event and has been to Edge before and residents get noisy fall-out from these nights. Also asked if it could be something to do with the type of clientele encouraged by this promoter?

Complaint was forwarded to noise patrol.

**Monday 2 April 2007 - 030045**

Complainant said Friday 30<sup>th</sup> March 2007 Edge hosted club night, which caused long parking problems and noisy departures at 4:30am. Then on the afternoon of Saturday 31<sup>st</sup> some residents had to call in the Noise Patrol team; which visited the 'Club' to get thudding music turned down.

Issues with the premises were being looked into by the Police. Complainant was advised accordingly.

**Tuesday 4 December 2007 - 034177**

Complainant received in relation the premises breaching Planning conditions. Matter referred to planning

**4 December 2007 - 034179**

Another complainant received in relation the premises breaching Planning conditions. Complaint was referred to Planning

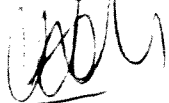
**6 December 2007 - 034228**

Complainant says the premises were operating last Saturday night (1st December 2007). Noise nuisance reported to noise patrol at 2.08am Sunday morning (2nd December 2007).

The premises were licensed until 4am and complainant has been advised accordingly.

I hope the above is of some use. If you require any further information, do not hesitate to contact me.

Regards



Mohshin Ali  
Licensing Officer

# **APPENDIX 10**

## PRECIS OF EVENTS

On the 16<sup>th</sup> July 2005, Alkesh Solanki, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol Service, at approximately 00:22 hours received a complaint from [REDACTED] of 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 00:39hrs and witnessed a statutory noise nuisance within the complainant's flat. He subsequently spoke to Mr J Singh, the club owner and requested that the volume and bass be reduced.

On the 6<sup>th</sup> August 2005, whilst working on the Out of Hours Noise Patrol Service, Mr Abdur Ripon Rob (Environmental Health Officer), at approximately 23:25hrs received a complaint from [REDACTED] of Flat 2, 157 Commercial Street, London E1 of noise nuisance from the playing of loud amplified music emanating from the Edge Nightclub. On entering the complainant's flat at 23:58hrs, he witnessed loud bass music being played which was clearly audible in the complainants flat and was of the opinion that a statutory noise nuisance was being caused. He subsequently requested that Mr J Singh, the club owner, reduce the volume and bass accordingly.

On the 26<sup>th</sup> October 2005, John Goodrick, Technical Officer, subsequently served an Abatement Notice on Mr J Singh by hand at his premises at 157 Commercial Street, E1 in view of the number of complainant's received and statutory noise nuisances witnessed to date.

On the 7<sup>th</sup> December 2006, Mr Muhammad Islam, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:40hrs received a complaint from the tenant of Flat 1, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:15hrs and witnessed a statutory noise nuisance within the complainant's flat.

On the 24<sup>th</sup> December 2006, Ms Lorraine Woods, Environmental Health Technical Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:47hrs received a complaint from the tenant of Flat 2, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. She visited the complainant at 01:29hrs and witnessed a statutory noise nuisance within the complainant's flat. She subsequently telephoned and then went into Club and requested that Mr J Singh, the club owner, reduce the volume and bass accordingly where this was complied with by 02:00hrs.

On the 14<sup>th</sup> January 2007, whilst on duty on the Out of Hours Noise Patrol Service, Lorraine Woods, Environmental Health Technical Officer, received another complaint from the occupier of Flat 2, 157 Commercial Street, London E1 at approximately 00:01hrs of further noise nuisance emanating from the Edge Nightclub. At 1:02hrs she visited the complainant and witnessed a statutory noise nuisance emanating from the nightclub. She could hear the DJ clearly in the complainant's rear bedroom and communal lobby and left after she had witnessed a breach of the outstanding Abatement Notice.

On the 16<sup>th</sup> January 2007 this department objected to the two concurrent planning applications that were submitted to convert the ground floor and basement into either (1) a wine bar or (2) an entertainment venue on the basis that noise emanating from the edge, 157 Commercial Street, London E1, will continue to be a problem.

On the 4<sup>th</sup> February 2007, Mr Muhammad Islam, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:42hrs received a complaint from the tenant of Flat ●, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:52hrs and witnessed a statutory noise nuisance within the complainant's flat.

On the 1<sup>st</sup> April 2007, Abdur Ripon Rob, EHO, whilst on the Out of Hours Noise Patrol Service, received another complaint from ~~XXXXXX~~ of Flat ●, at 157 Commercial Street at 00:54hrs of noise nuisance caused from the playing of excessively loud recorded music emanating from the Edge Nightclub. He visited at 01:11hrs and witnessed a statutory noise nuisance being caused, which was clearly audible in the complainant's rear bedroom. Hence, another breach of the Abatement Notice was witnessed. He subsequently visited the nightclub and interviewed a Mr Virag who informed him that he intended to get his acoustician back in order to identify the problem.

On the 7<sup>th</sup> April 2007 again whilst on duty on the Out of Hours Noise Patrol Service, Mr Abdur Ripon Rob received another complaint from a Ms Turner who is another resident within the flats above 157 Commercial Street. He telephoned the complainant at 00:23hrs and subsequently visited her at 01.09hrs when he witnessed a statutory noise nuisance being caused from the playing of excessively loud bass music which was clearly audible in her bedroom and living room. He went upstairs to flat ● and could clearly hear the DJ. He subsequently visited the nightclub and interviewed Mr Jaspal Singh, the proprietor and had a lengthy interview with him about the problem. He requested that the volume and bass be reduced immediately. He also advised the owner, Mr Singh to request that his acoustician returns to the premises as soon as possible in order to identify the nature of the problem and to take action to resolve it without further delay since another breach of the outstanding Abatement Notice had been witnessed.

On the 13<sup>th</sup> April 2007, Alkesh Solanki, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol Service at approximately 23:20hrs, received another complainant from ~~XXXXXX~~ of one of the flats above 157 Commercial Street, London E1 of further noise nuisance emanating from the Edge Nightclub. Mr Solanki visited her at 01:05hrs and witnessed a statutory noise nuisance being caused again from the playing of excessively loud music from the Nightclub below. The music was clearly audible in the hallway, bathroom and living room of the complainant's flat. At 01:20hrs, Mr Solanki visited the Edge Nightclub and interviewed the duty manager, a Mr Ray Singh. He requested that both the volume of bass be reduced immediately. At 01:44hrs the complainant said the music was still audible in her flat so Mr Solanki requested Mr Singh to reduce the volume still further. The music was then turned off. Mr Singh continued debating the issue with Mr Solanki until he left the premises at 02:03hrs.



On the 23<sup>rd</sup> June 2007 Mr Okey Ngoka, Technical Officer, whilst on duty on the Out of Hours Noise Patrol Service, received another complaint from ~~XXXXXX~~ of Flat ●, 157 Commercial Street, London E1 of very loud music emanating from the Edge Nightclub. He visited the complainant at 00:37hrs. He subsequently visited the complainant at 01:15hrs and witnessed a statutory noise nuisance within this third floor flat emanating from The Edge Nightclub. The officer confirmed that the noise was definitely structure borne sound energy being transmitted through the building.

A letter was sent to the club proprietor, Mr Jaspel Singh, dated Friday 2<sup>nd</sup> February advising that we have witnessed noise amounting to a statutory nuisance emanating from the club on the 7<sup>th</sup> December 2006, 24<sup>th</sup> December 2006 and 14<sup>th</sup> January 2007 and that these details have been passed on to our legal team to commence legal proceedings. Further to this we reminded the club proprietor in the aforementioned letter that the noise Abatement Notice served on him dated 26<sup>th</sup> October 2005 still remains in force and a further breach of the notice will result in the Council applying to the court for a warrant to undertake the following:

1. **Removal of equipment capable of producing amplified or music; and**
2. **Removal of all materials that could be played on the amplified equipment i.e. tapes, CD's and vinyl records.**

Since our last letter to the club proprietor, Mr Jaspel Singh dated 2<sup>nd</sup> February 2007 we have further written to the club proprietor, on 7<sup>th</sup> February 2007, advising him that that we have witnessed a further noise amounting to statutory nuisance. This contravention was witnessed on 4<sup>th</sup> February 2007.

On the 9<sup>th</sup> February 2008, Mr Ben Milligan, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:25 hours received a complaint from the tenant of Flat ●, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:52hrs and witnessed a statutory noise nuisance within the complainant's flat.

On the 1<sup>st</sup> March 2008, Mr Ben Milligan, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:10 hours received a complaint from the tenant of Flat ●, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:03hrs and witnessed a statutory noise nuisance within the complainant's flat. The music from the club was at such a level that the floor was vibrating. The Officer then spoke to the owner where the music was reduced. Mr Milligan also brought to the attention of Mr Singh that as well as the premises causing a noise nuisance it was in contravention of it Planning permitted hours.

On the 16<sup>th</sup> March 2008, Mr Ben Milligan, Environmental Health Officer, whilst on duty on the Out of Hours Noise Patrol service, at approximately 00:17 hours received a complaint from the tenant of Flat ●, 157 Commercial Street, London E1 of noise nuisance emanating from the Edge Nightclub, 157 Commercial Street, E1. He visited the complainant at 01:05hrs and witnessed a statutory noise nuisance within the complainant's flat. The Officer then spoke to the owner where the music was reduced.

Since the section 80 Environmental Protection Act Abatement Notice was served this department, to date, has received approximately 65 complaints from residents regarding loud amplified music from The Edge, 157 Commercial Street, London E1 and witnessed 12 contraventions of the Environmental Protection Act section 80 Notice served on 26<sup>th</sup> October 2005.

# Appendix F



To Licensing Department  
From Planning Enforcement  
Contact Cain Duncan  
Extension 3975  
Date 16/04/08  
Our Ref. ENF/06/10001  
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, The EDGE, 157 Commercial Street, London, E1 6BJ**

1. The Planning Department has been notified of an application by Environmental Health to review the Premises Licence for the Edge Nightclub, 157 Commercial Street, London, E1 6BJ. The Planning Department, in its capacity as a responsible authority, supports this review on the grounds of public nuisance.

**Planning Concerns**

2. The Edge Club has a long history of failing to obtain planning permission for the uses conducted at the premises and more recently failing to comply with operating hours and other conditions (noise insulation) imposed on its planning permissions for a bar use (A4).
3. Mr Jaspal Singh Rathor ("Mr Singh") has been associated with the premises since 2000, when planning permission was initially granted for the creation of a fourth floor and the change of use of the building to create a wine/bar restaurant on the basement and ground floors and 8 self contained flats on the upper floors. Mr Singh made a further application in 2002 to include 9 flats on the upper floors instead of the previously approved 8. This was approved by the Development Committee on the 6<sup>th</sup> February 2002, subject to the satisfactory completion of a Section 106 Legal Agreement to secure a 'car free' development. This 'car free' agreement was never secured, although 9 flats were developed within the property. As the development was not in accordance with the 2000 planning permission and the 2002 planning permission was never issued, the site operated as a bar/club without any form of planning permission until May 2007.

4. An Enforcement Notice was served by the Council's Planning Department on the 16<sup>th</sup> March 2006, requiring the cessation of the use of the premises as a nightclub (Appendix 1). The Enforcement Notice was due to come into effect on the 29<sup>th</sup> April 2006 and 56 days were given from this date to comply with its requirements. On the 28<sup>th</sup> April 2006 the Council received notification that an appeal had been lodged against the Council's decision to issue the Enforcement Notice.
5. A Local Public Inquiry was scheduled for the 12<sup>th</sup> December 2006, however the appeal was withdrawn before this date, after agreement was reached between the Council and Mr Singh's legal team that a new application would be submitted for the use of the property as a bar, operating bar hours and that the use as a nightclub would cease. In return the Council agreed not to prosecute Mr Singh at that point in time.
6. Despite these assurances from Mr Singh, the club continued to operate as a nightclub and noise complaints were received throughout December 2006 and into the New Year, until June 2007.
7. In December 2006 Mr Singh lodged two applications for planning permission, one for a bar use (A4) with opening hours between 11am and 2am the following day, Monday to Wednesdays, 11am to 4am the following day, Thursdays to Saturdays and 11am to midnight on Sundays and an application for the use of the premises as a nightclub operating the same hours.
8. The application for a nightclub was refused by the Development Committee on the 28<sup>th</sup> March 2007 (Appendix 2) on the grounds that:
  - The proposal would cause an unacceptable degree of noise, nuisance and disturbance, to the detriment of the living conditions and amenity of adjoining and surrounding occupiers, and to the amenity of the surrounding area generally. This is contrary to a number of planning policies that seek to protect the amenity of existing occupiers from unacceptable new development proposals.
9. The Development Committee was unable to reach a decision on the bar application, but indicated they did not support the officers' recommendation to grant planning permission as they had serious concerns about the noise and disturbance such an activity would cause in this area, even with conditions restricting the opening hours of the premises to 12 midnight. The application was deferred to allow officers time to obtain legal advice and consider the concerns of the Committee. On the 2<sup>nd</sup> May 2007 the Development Committee resolved to grant planning permission in view of previous applications for a

wine bar having been approved on the site and the stringent conditions to be imposed on the permission.

10. Planning permission was granted on the 4<sup>th</sup> May 2007 (Appendix 3) and contained conditions on the hours of operation, sound attenuation measures, noise limits on any music, PA system or amplified sound and a management scheme. While I believe some noise attenuation measures may have been installed at the property, these have never been formally discharged by the planning authority, nor has a detailed management plan been submitted. Further to this the premises has consistently flouted its permitted planning opening hours.
11. Mr Singh has appealed the Council's decision to refuse planning permission for a nightclub and is also appealing the temporary nature of his existing bar permission (until May 2008) and the condition restricting his opening hours until 12 midnight. Until any appeal decision is found in Mr Singh's favour the decisions of the Council stand, including all conditions in his existing bar planning permission.
12. For a period between August and December 2007 the club appeared to close, with neither the Planning Department nor the Environmental Health Department receiving any complaints. This lasted until December 2007 when the club re-opened. Reports from residents, websites and LBTH Noise Control indicated that the club was again opening to around 3am on Sunday mornings. In order to prevent further breaches of the premises planning permission and to prevent the continued early morning disruptions and noise pollution to nearby residents, the Planning Department issued a Temporary Stop Notice on the Edge Club (Appendix 4). This Notice required that all bar/club activities cease after 12midnight (Mon-Sat) and after 11:30pm on Sundays, as stipulated in the current planning permission for the property.
13. Investigations and site visits by Planning Enforcement found that the Edge Club paid no attention to the Notice and continued to operate every weekend while the Notice was in force. While a letter was received from Mr Singh's lawyers saying that they would comply with the Notice at the end of March (by which time the Notice had actually expired) it appears this has not happened, with witnesses and LBTH Noise Control observing the club as still being open.
14. Mr Singh and the Edge Club have had no regard to the conditions of either their planning permission nor the legal notices served by the Planning Department. A prosecution date has been set for 23<sup>rd</sup> May 2008 at the Thames Magistrates Court for the offences relating to the breach of the Temporary Stop Notice.

15. In summary, the Planning Department has received numerous complaints and objections to this venue, ranging from anti-social behaviour, late night noise, loud music, and a general lack of any planning permission for the site for a bar/club use (until May 2007). Even now the club is continuing to operate (as verified by Council Noise Control Officers) after 12 midnight, despite written letters from Mr Singh's lawyers that all activities at the club would cease at the end of March.
16. The area this premises is situated in is not suitable for a nightclub, it has become increasingly residential (supported by Council policy) with flats situated above the club and a further 14 flats approved at 159 Commercial Street (currently being built). There are also further residential dwellings at 155 Commercial Street and high density housing right around this area of Commercial Street. While a bar/restaurant (as granted planning permission) may be appropriate in this increasingly residential area, a nightclub with its associated late night, early morning disturbances, loud noise and inherent anti-social behaviour is not.

### **Public Nuisance**

17. The late night operation of the Edge Club, until 4am on weekends, is considered inappropriate and detrimental to the predominately residential character of the surrounding area. The property was granted planning permission for a bar use, however the continued use of the premises later in the evenings and early mornings (weekends) with amplified music and DJ's, well outside the hours and scope of their planning permission, has continued to cause statutory noise nuisances to surrounding residents, as verified by the numerous witness statements presented as part of Environmental Health's statement in support of this licensing review.
18. I have included a small sample of the numerous complaints and objections this Department has received since the original Premises Licence was granted in 2005 (Appendix 5). These clearly show the considerable public nuisance this venue has caused to neighbouring residents over the last 2.5 years.
19. When the application was made by the Edge Club to extend its original Premises Licence hours and to increase the capacity of the venue from 120 to 220, over 100 local residents, businesses, etc objected to the variation on anti-social behaviour, noise, drug abuse and safety grounds, amongst others. Strong objections were lodged by Keith Eglinton (Tower Hamlets Police Licensing) on Crime and Disorder Grounds and the fact there had been breaches of the previous Licence conditions. Further to this, Environmental Health

expressed strong concerns after numerous statutory noise nuisances were witnessed as a result of the club and the issuing of a Noise Abatement Notice on the property in October 2005.

20. Despite these strong objections the variation to the premises licence was granted by the Licensing sub-committee on 3<sup>rd</sup> November 2005. However, in the minutes of this meeting (Appendix 6) it clearly states "The Chair reported that the Sub Committee had accepted the application as amended with the exception of the operating hours on a Sunday. Members had expressed some concern regarding the level of management of the premises and had set stringent conditions which they expected to see operated. If this was not the case, it would be necessary to consider the future of the premises very seriously. It should also be noted that if necessary, the Police and the Local Authority had the power to close premises that did not uphold the licensing objectives or who did not operate within the terms and use of their licence".
21. From the evidence presented in Appendix 6 and the long list of statutory noise nuisances witnessed by the Council's Environmental Health Team, since the granting of the premises license, it is clear that conditions set in Annex 3 of the Premises Licence, relating to the noise from the premises not causing a statutory noise nuisance have not been complied with.
22. I also failed to see any sign displayed within the premises asking for patrons to leave the premises quietly nor did I witness the door staff using clickers to monitor the number of people in the venue during my visit to the property on the 1<sup>st</sup> March 2008.
23. This premise has, and is continuing to cause a public nuisance as detailed by recent Environmental Health Department visits and correspondence to this Department from surrounding neighbours.

### **Conclusion**

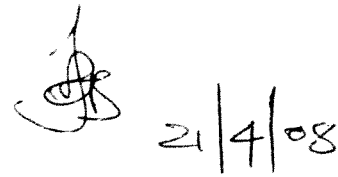
24. Planning Enforcement support the application for a review of the Edge's Premises License. The operation of this premise as a bar/club until 3am is causing an unacceptable level of noise and disturbance to surrounding residents at a time of the night when background noise is generally at a minimum.



25. If the premises licence is not revoked, as a minimum Planning Enforcement would request that the hours of operation are restricted to 12 midnight. 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.
26. The hours currently granted on the Premises Licence cannot legally be implemented as the premise only has planning permission to be open till 12 midnight on weekends and this permission expires in May 2008.



Cain Duncan  
**Planning Enforcement Officer**



Jerry Bell  
**Applications Manager**



**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990 ("the Act")  
(as amended by the Planning and Compensation Act 1991)**

**ENFORCEMENT NOTICE**

**(Unauthorised Use)**

**ISSUED BY:- THE MAYOR AND BURGESSES OF THE LONDON BOROUGH OF  
TOWER HAMLETS ("the Council")**

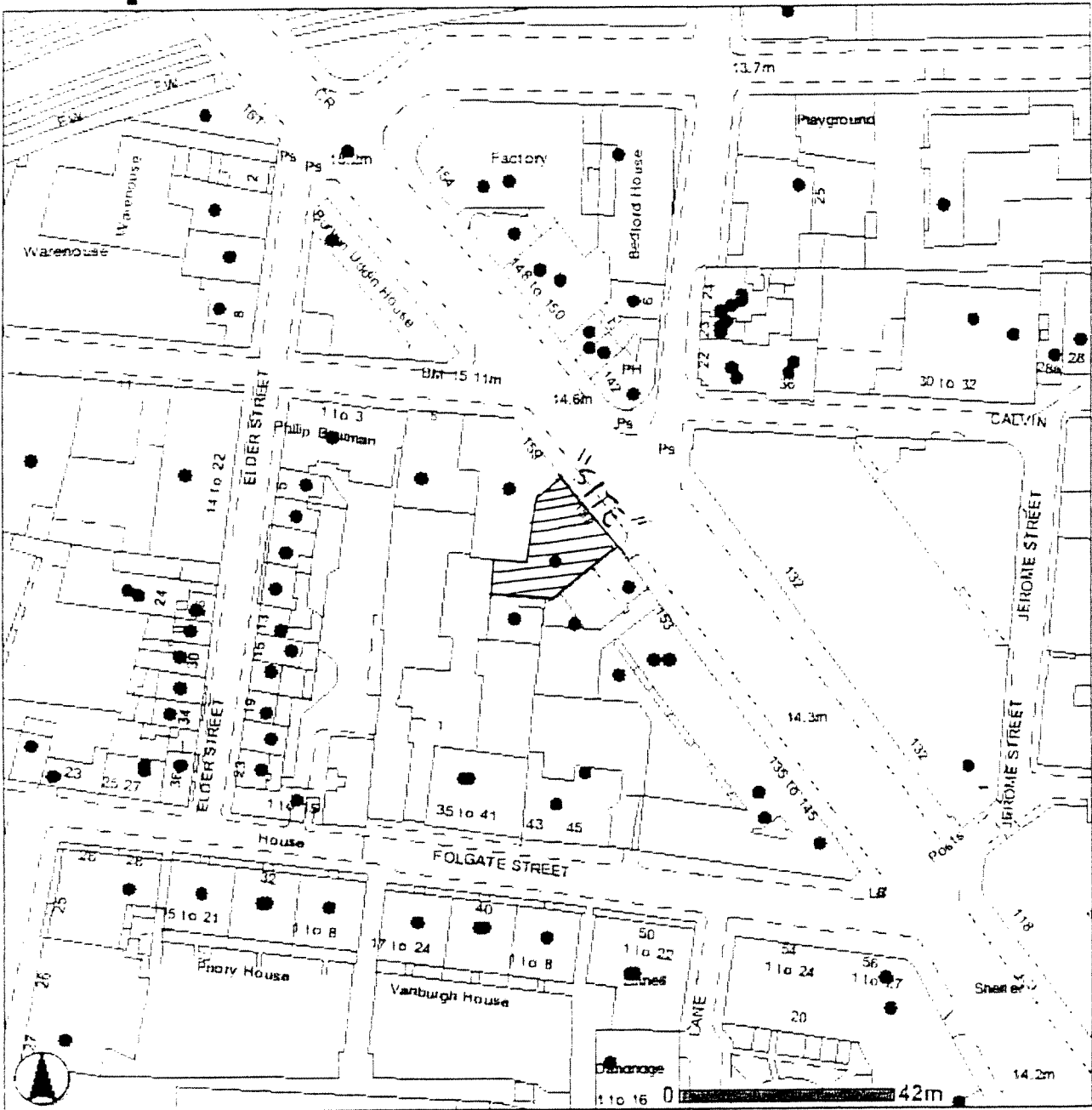
- TO:**
- (1) THE OWNER of the basement of Saga House, 157 Commercial Street  
London E1 6BJ
  - (2) THE OCCUPIER of the basement of Saga House, 157 Commercial Street  
London E1 6BJ
  - (3) THE COMPANY SECRETARY OF EASTWILLOW PROPERTIES  
LIMITED (Company Registration Number 04918404) care of Citycas  
Limited Second Floor 9 Cork Street London W1S 3LL
  - (4) JASPAL SINGH RATHOR OF 28 Eynsford Road Seven Kings Ilford Essex  
IG3 8BA
  - (5) THE COMPANY SECRETARY OF THE NATIONAL WESTMINSTER  
BANK PLC (Company Registration Number 00929027) whose registered  
office is situate at 135 Bishopsgate London EC2M 3UR

1. **THIS NOTICE** is issued by the Council because it appears that there has been a breach of planning control within paragraph (a) of Section 171A(1) of the above Act at the land described below. They consider that it is expedient to issue this Notice, having regard to the provisions of the Unitary Development Plan applicable to the London Borough of Tower Hamlets and to all other material planning considerations. The Annex at the end of the notice and the enclosures to which it refers contain important additional information.

2. **THE LAND TO WHICH THE NOTICE RELATES:-**

Land at the basement of Saga House, 157 Commercial Street London E1 6BJ in the London Borough of Tower Hamlets and which is shown for the purposes of identification edged with a thick black border, hatched black and marked "SITE" on the attached plan.

# Map



Scale 1:1250

Map of:

## Site Plan

Notes:

Edge Club, 157 Commercial Street, London E1 6BJ

Produced 9 March 2006 from Ordnance Survey digital data and incorporating surveyed revision available at this date © Crown Copyright 1998

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Supplied by London Borough of Tower Hamlets

Job/price Number LA100010288

3. **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL:-**

Without planning permission, the carrying out of development by the unauthorised use of the Land as a nightclub (sui generis)

4. **REASONS FOR ISSUING THIS NOTICE:-**

It appears to the Council that the above breach of planning control has occurred within the last ten years. The Council considers it expedient to issue this Enforcement Notice against the unauthorised use of the Land as a nightclub (sui generis) for the following reasons:

- (a) the unauthorised use is detrimental to residential amenity
- (b) the use of the Land is considered to be in contravention of the Council's policies as contained in the Unitary Development Plan 1998 (adopted) **DEV 1** and **DEV 2** respectively which in particular, seek:
  - (i) **DEV1:** All developments should: Take into account and be sensitive to the character of the surrounding area in terms of design, bulk, scale and the use of materials. Be visually appropriate to the site and its setting.
  - (ii) **DEV 2:** All development should seek to: Protect the amenity of residential occupiers.

5. **WHAT YOU ARE REQUIRED TO DO:**

- (a) Cease the unauthorised use of the Land for the purposes of use as a nightclub (sui generis); and
- (b) Remove the external and internal fixtures and fittings that relate to the unauthorised use of the Land for the purposes of use as a nightclub (sui generis); and
- (c) Carry out works to the Land to return the Land to its authorised use

6. **TIME FOR COMPLIANCE**

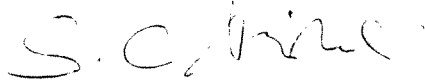
Fifty six days after this notice takes effect.

**WHEN THIS NOTICE TAKES EFFECT:**

This Notice shall take effect on the 27<sup>th</sup> day of May 2006 unless an appeal is made against it beforehand.

ISSUED the 26<sup>th</sup> day of March 2006

SIGNED:



Designation:

DEVELOPMENT CONTROL MANAGER

Corporate Director of Development and Renewal  
and Duly Authorised Officer

**On behalf of:** The Mayor and Burgesses of the London Borough of Tower Hamlets

Address to which all communications should be sent:-

Mr Alan Drew ( Ref: TH/ENF/06)  
Tel: 0207 364 5211  
Development and Renewal, Town Planning  
41-47 Bow Road, London E3 2BS

Please read the notes on the following pages which are for your information.

### **YOUR RIGHT OF APPEAL:**

You can appeal against this Notice, but any appeal must be received, or posted in time to be **received**, by the Secretary of State **before** the date specified in paragraph 7 of the Notice.

The enclosed booklet "Enforcement Appeals - A Guide to Procedure" sets out your rights

You may use the enclosed appeal forms:

- (a) One is for you to send to the Secretary of State if you decide to appeal together with a copy of this enforcement notice
- (b) The second copy of the appeal form and the notice should be sent to the Council
- (c) The third copy is for your own records

### **WHAT HAPPENS IF YOU DO NOT APPEAL:**

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph of the notice and you must then ensure that the required steps for complying with it for which you may be held responsible, are taken within the period[s] specified in paragraph 6 of the notices.

Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

**SCHEDULE**

**Refusal of Full Planning Permission**

**Location:** 157 Commercial Street, London

**Proposal:** Use of part of ground floor and basement as a bar and late night entertainment venue (sui generis), operating Mondays to Wednesdays between 11am to 2am the following day, Thursdays to Saturdays between 11am to 4am the following day, and Sundays between 11am to Midnight.

**Date:** 4 May, 2007

**Reference:** PA/06/02243

**Application Received on:** 12 December, 2006

**Application Registered on:** 12 December, 2006

**Drawings Submitted:**

**Registered Number:** PA/06/02243

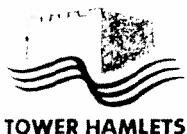
**Applicant's Number:**

**Reasons for Refusal**

1. The proposal would cause an unacceptable degree of noise, nuisance and disturbance, to the detriment of the living conditions and amenity of adjoining and surrounding occupiers, and to the amenity of the surrounding area generally. The proposal is therefore contrary Policies DEV2, HSG15, S7 and ART1 of the (1998) Tower Hamlets Adopted Unitary Development Plan, and Policies DEV1, DEV10 and RT5 of the Local Development Framework, Core Strategy and Development Control Submission Document (November 2006) that seek to protect the amenity of existing occupiers from unacceptable new development proposals.
2. The proposal would attract additional vehicles into a densely developed inner urban location, thus adding to traffic and parking congestion. It is therefore contrary to policies T16 and ART1 of the (1998) Tower Hamlets Adopted Unitary Development Plan, Policies CP40 and CP41 of the Local Development Framework, Core Strategy and Development Control Submission Document (November 2006), and Planning Policy Guidance Note 13 (Transport), which seek to promote more sustainable transport choices for traveling, and to reduce the need to travel by car, particularly in locations which are highly accessible by public transport.

**Informatives:**

1. You are reminded of the Council's powers of enforcement should the unauthorised nightclub use continue.



Your ref: PW/JMS/063509  
My ref: PA/06/02243

4 May, 2007

Phillips Planning Services  
Kingsbrook House  
7 Kingsway  
Bedford  
MK42 9BA

Development & Renewal  
Town Planning  
Mulberry Place (AH) Anchorage House  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)  
Enquiries to: Stephen Irvine  
Tel: 020 7364 5355  
Fax: 020 7364 5415  
TH: 276

**Town and Country Planning Act 1990 (as amended)**

**Town and Country Planning (General Development Procedure Order) 1995**

Dear Sir/Madam,

**REFUSAL OF PLANNING PERMISSION**

In accordance with the Act mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to REFUSE permission for the development referred to in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of planning permission.

**(1) APPEAL TO THE SECRETARY OF STATE**

If you are aggrieved by the decision to refuse permission for the proposed development, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

**(2) PURCHASE NOTICE**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

**(3) COMPENSATION**

In certain circumstances compensation may be claimed from the Council of the London Borough of Tower Hamlets if permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Yours faithfully,

**Michael Kiely**  
Head of Development Decisions



2006 - 2007  
Early Intervention  
(Children at Risk)  
2003 - 2006  
Winner of 4 previous  
Beacon Awards



Corporate Director  
Development and Renewal  
Emma Peters



Your ref: PW/JMS/06/3509  
My ref: PA/06/02202

4 May, 2007

Phillips Planning Services  
Kingsbrook House  
7 Kingsway  
Bedford  
MK42 9BA

Development & Renewal  
Town Planning  
Mulberry Place (AH) Anchorage House  
PO Box 55739  
5 Clove Crescent  
London  
E14 1BY  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)  
Enquiries to: Stephen Irvine  
Tel: 020 7364 5355  
Fax: 020 7364 5415  
TH: 276

**Town and Country Planning Act 1990 (as amended)**

**Town and Country Planning (General Development Procedure Order) 1995**

Dear Sir/Madam,

**CONDITIONAL PERMISSION FOR DEVELOPMENT**

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses. This should be carried out at least one month prior to the completion of the exterior works. Details of the development, including site and block plans should be sent to the Assistant Director (Street Services), Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY.

Your attention is drawn to the following statement of applicants' rights:-

**1) Appeals to the Secretary of State**

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

**2) Purchase Notice**

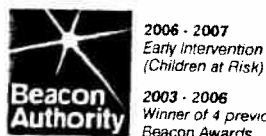
If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

**3) Compensation**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully,

  
Michael Kiely  
Head of Development Decisions



Corporate Director  
Development and Renewal  
Emma Peters

## SCHEDULE

### Full Planning Permission

**Location:** 157 Commercial Street, London

**Proposal:** Use of the ground floor entrance way and basement premises as a bar (within Use Class A4), operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to Midnight.

**Date:** 4 May, 2007

**Reference:** PA/06/02242

**Application Received on:** 12 December, 2006

**Application Registered on:** 12 December, 2006

#### Drawings Approved:

**Registered Number:** PA/06/02242

**Applicant's Number:** 063509/1, 2 & 3.

#### 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 /environmental criteria adopted by the Council and
- b) does not result in material harm to the amenity of residents or the character and environment of the adjacent area.

#### Conditions and Reasons:

1. On or before 3rd May 2008, the use allowed by this permission must be discontinued.

Reason: Permission for a limited period will allow the local planning authority to ensure that residents amenity is not detrimentally affected by the Class A4 use and allow the local planning authority to reassess the development in the light of experience of the use.

2. The use permitted shall only be operate between the hours of:

- 9.00am to Midnight on Mondays to Saturdays and;
- 9.00am to 11.30pm on Sundays.

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 sound insulation / attenuation measures set out in the 'Bickerdike Allen Partners' Report (BAP Ref: A7576/HGL, dated 19 December 2006) shall be completed within one month of the date of the grant of planning permission.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

4. Within two weeks of the completion of the mitigation works:

- i) the local planning authority shall be advised of the completion of the works and;
- ii) additional acoustic testing, as agreed with the Council, shall be carried out to assess the effectiveness of the mitigation works

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

5. Within two weeks of the completion of the acoustic testing required by condition 4, and subject to the results of the testing, noise limiters shall be installed and thereafter be used at all times during the playing of music, PA system or other amplified sound.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

6. The building works required to carry out the use/development allowed by this permission must only be carried out within the following times:

- 8.00am and 6.00pm Mondays to Fridays and;
- 9.00 am and 1.00 pm Saturdays.

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

7. Any music, PA system or other amplified sound shall be played and operated at noise levels that do not exceed 30 dB LAeq and 45 dB LAm<sub>ax</sub> as measured from the nearest residential property or any other levels agreed in writing by the local planning authority.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties and the area generally by preventing noise and vibration nuisance.

8. Deliveries shall only take place between the hours of 10am to 6pm Mondays to Saturdays.

Reason: To avoid obstruction of the surrounding streets and safeguard public safety and the amenity of the surrounding area and to make sure the development meets the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV1 and DEV2 General Design and Environmental Requirements  
T16 and T17 Transport and Development  
T12 and T13 Strategic Traffic Management

9. A detailed scheme of management for the operation of the venue shall be submitted within three weeks of the grant of planning permission.

Reason: To safeguard the amenity of adjacent residential properties and the area generally.

**Informatives:**

1. You are reminded of the Council's enforcement powers should the premises remain in unauthorised nightclub use or open beyond midnight on Mondays to Saturdays and 11.30pm on Sundays.

Handwritten notes and signatures in the bottom right corner of the page. The notes include "Tower Bridge", "Debenham", and "1000". There are several illegible signatures and scribbles.



**IMPORTANT: THIS COMMUNICATION AFFECTS YOUR PROPERTY**

**TOWN AND COUNTRY PLANNING ACT 1990  
(as amended by the Planning and Compensation Act 1991 and the  
Planning and Compulsory Purchase Act 2004)**

**TEMPORARY STOP NOTICE**

**ISSUED BY:**

**THE MAYOR AND BURGESSES OF THE LONDON BOROUGH  
OF TOWER HAMLETS**, of the Town Hall, Mulberry Place, 5 Clove Crescent,  
London E14 2BG ("the Council")

**TO:**

- (1) **Mr Jaspal Singh Rathor** of 157 Commercial Street, London, E1 6BJ and 2 Lexington House, Bow Quarters, London, E3 2UH
  - (2) **Powernet Limited** of 601 High Road, Leytonstone, London, E11 4PA
  - (3) **Mr Gulzar Singh Rathor** of 89 Auckland Road, Ilford, Essex, IG1 4SG
  - (4) **Eastwillow Properties Limited** care of City Chartered Accountants, 540 5<sup>th</sup> Floor Linen Hall, 162-168 Regent Street, London, W1B 5TF
  - (5) **The Occupier(s)** of the basement and ground floor, 157 Commercial Street, London, E1 6BJ
  - (6) **The Owner** of the basement and ground floor, 157 Commercial Street, London, E1 6BJ
1. **On 29<sup>th</sup> day of February 2008**, the Council has issued this temporary stop notice alleging that there has been a breach of planning control on the land described in paragraph 4 below.
  2. This temporary stop notice is issued by the Council, in exercise of their power in section 171E of the 1990 Act, because they think that it is expedient that the activity specified in this notice should cease on the land described in paragraph 4 below. The Council now prohibits the carrying out of the activity specified in this notice. Important additional information is given in the Annex to this notice.

**3. THE REASONS FOR ISSUING THIS NOTICE**

- (i) The unauthorised use of the premises as a bar/club outside the hours of 9.00am to midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays (as conditioned in planning permission reference PA/06/02242) is causing unacceptable late night noise and disturbance, to the detriment of the living conditions and amenity of surrounding occupiers, and to the amenity of the surrounding area generally.

**4. THE LAND TO WHICH THIS NOTICE RELATES**

Basement and Ground floor, 157 Commercial Street, London, E1 6BJ shown edged red on the attached plan.

**5. THE ACTIVITY TO WHICH THIS NOTICE RELATES**

The use of the property as a bar/club outside the hours of 9.00am to Midnight, Monday to Saturday and 9.00am to 11.30pm on Sundays.

**6. WHAT YOU ARE REQUIRED TO DO:-**

Cease the activity specified in paragraph 5 of this notice.

**7. WHEN THIS NOTICE TAKES EFFECT:-**

This Notice shall take effect on the **29<sup>th</sup>** day of **February 2008** when all the activity specified in this notice shall cease. This notice will cease to have effect on **28<sup>th</sup>** day of **March 2008**.

**Dated:** the **29<sup>th</sup>** day of **February 2008**

**SIGNED:** - 

**Designation:** Applications Manager

**On behalf of:** The Mayor and Burgesses of the London Borough of Tower Hamlets, the Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

**Nominated Officer:** Mr Cain Duncan, Planning Enforcement Officer

**Telephone Number** 0207 364 3975

**THE ANNEX**

**WARNING**

**THIS NOTICE TAKES EFFECT ON THE DATE SPECIFIED IN  
PARAGRAPH 7**

**THERE IS NO RIGHT OF APPEAL TO THE FIRST SECRETARY OF STATE  
AGAINST THIS NOTICE**

It is an offence to contravene a temporary stop notice after a site notice has been displayed or the temporary stop notice has been served on you. (Section 171G of the 1990 Act). If you then fail to comply with the temporary stop notice you will be at risk of **immediate prosecution** in the Magistrates' Court, for which the maximum penalty is £20,000 on summary conviction for a first offence and for any subsequent offence. The fine on conviction on indictment is unlimited. If you are in any doubt about what this notice requires you to do, you should get in touch **immediately** with:

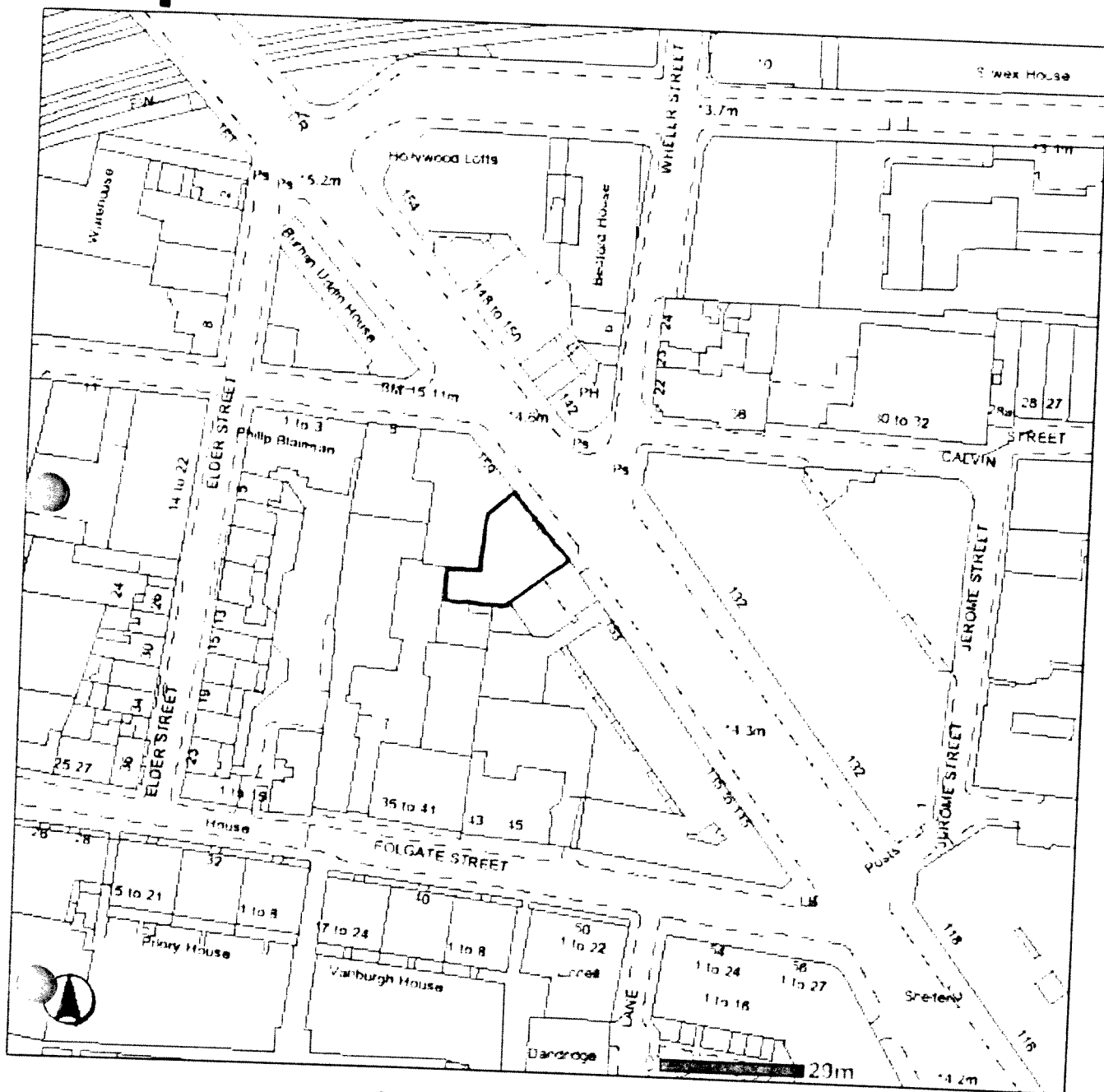
Mr Cain Duncan  
Planning Enforcement  
Development and Renewal  
Mulberry Place (AH) Anchorage House  
London, E14 9YA

Phone: 0207 364 3975

If you need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.



# Map



Scale 1:1250

Map of:

Notes:

## Temporary Stop Notice Site Plan for 157 Commercial Street, London, E1 6BJ

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Supplied by London Borough of Tower Hamlets

**Cain Duncan**

**From:** xerxes dalal [xdalal@gmail.com]  
**Sent:** 17 March 2008 14:20  
**To:** Cain Duncan; CROS  
**Subject:** Re: Edge Nightclub

Dear Cain,

The Edge Nightclub was in full swing again Saturday 15th March and into the early hours of Sunday 16th morning. I called the Noise patrol just after midnight to complain about loud music and heavy base as well as noise from the crowds of club goers smoking outside. Ben Milligan got back to me around 12:36am and came to witness the breach of their planning and TSN at approximately 1:10am. He then went down to ask Edge to turn the music down. However we were still continually disturbed by crowds gathering outside the Edge smoking till after 3am. I could not keep my eyes open much after 3am as was shattered.

Let me know if you need another official statement from me. Please feel free to use what i've put down in this email if you need me to expand on it in any way.

Thanking you.

Yours Sincerely,

Xerxes Dalal  
07799416181

Regards CROS.

**From:** Cain Duncan [mailto:Cain.Duncan@towerhamlets.gov.uk]  
**Sent:** 10 March 2008 10:45  
**To:** CROS  
**Cc:** Iain Pendrigh; Derrick Harrington; Nazmul Mannan; Stephen Irvine; John Cruse  
**Subject:** RE: EDGE - 12.10am; 2am & 4am 09/03  
**Importance:** High

Dear CROS

Thank you for your email below. I am disappointed but not at all surprised that the EDGE has decided to open again in breach of the Temporary Stop Notice (TSN). While it is disappointing, it is simply adding to the list of charges the Council will be bringing against the owner. I have already had prosecution proceedings authorised for the 1st breach of the Temporary Stop Notice on the 29th Feb/1st March and considering the evidence provided below, it is clear a further breach has occurred over the weekend. Each breach of a TSN is a criminal offence and carries a maximum fine of £20,000. I will be requesting that the Council's lawyers press for the maximum penalty to be imposed for the ongoing breaches.

In order for this weeks events to be brought before the Magistrates Court I will require witness statements from those people who witnessed the events. I think the best way to do this is for me to meet with the people concerned and get a statement from them. I can write up a witness statement for them, which they can edit, change, sign, etc. If required, those persons who provide statements will have to attend court to give evidence.

Any photo's etc are a huge bonus and will greatly aid in proceedings, hence if you could send the photo to me it would be greatly appreciated.

It is important that we have the statements sorted by the end of the week, that way we can include last weekends breaches in the proceedings from the 29th Feb/1st March and we won't have to wait on a second Court date to come free.

I look forward to hearing from you at your earliest convenience.

Regards

**Cain Duncan**  
**Planning Enforcement Officer**  
**Tower Hamlets Council**

PH 020 7364 3975

**From:** CROS [mailto:cros@dial.pipex.com]  
**Sent:** 10 March 2008 05:56  
**To:** Cain Duncan  
**Cc:** Iain Pendrigh; Derrick Harrington; Nazmul Mannan; Stephen Irvine; John Cruse  
**Subject:** EDGE - 12.10am; 2am & 4am 09/03  
**Importance:** High

Dear Mr Duncan

Further to our 1<sup>st</sup> email on the subject of Edge wilfully breaching its TSN this weekend – FYI the following has been reported by long suffering local residents:-

1. 12.10am a resident who lives above Edge reported being disturbed by the rising level of loud music which

showed no sign of abating despite the place was now meant to be closed. Unfortunately she gave up & resorted to earplugs after failing to get an answer from the Noise Team – the number rang out.

2. Two further calls at 12.44am & 1.17am were placed to the Noise Team by another 157 resident but no one could attend Edge to witness the breach due to 'being swamped'.
3. 2.00am residents returning home to a nearby by block witnessed dozens of noisy Edge customers smoking whilst sheltering under scaffolding at 159; the doorway of 155 & under the exterior awning; giving away the fact Edge was still operating - 2 hours after it was meant to be closed. A photo is available should you require.
4. 4.00am another resident returning to his home, opposite to Edge, saw customers exiting Edge – revealing that the place was still operating by now – 4 hours after close.
5. Several more residents have reported hearing the noise of car doors slamming & raised voices – between 4 & 4.30am as Edge customers departed.

Please is there anything you can do to stop this? The TSN seems to have failed so what else can be brought to bear & how can the community help?

Regards CROS.

Working Together for a Better Tower Hamlets

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

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**From:** ron davies [mailto:ron\_davies6@hotmail.com]  
**Sent:** 19 February 2008 21:10  
**To:** Nathan Te Pairi; Stephen Irvine; Iain Pendrigh; John Cruse  
**Subject:** The Edge Nightclub over the last two weekends

I want to report issues that I have had with the Edge Nightclub (157 Commercial Street) over the last two weekends (Fri 8th, Sat 9th & Fri 15th, Sat 16th Feb).

The internal noise problem (well documented over many many months) seems to have gone back to levels worse than any time in my prior two years of living in the Property (Flat 8, 157 Commercial Street).

I was led to believe that certain sound proofing activities had taken place within the club (some months ago), however on both Friday's (8th and 15th) the noise within my flat as a result of the bass and drum beats from the club was worse than I can remember.

I am situated on the third floor of the property (four floors from the club in the basement).. however the noise still reached levels where I felt I needed to call the noise team (which I did... however I fell asleep with the help of ear plugs before the noise team were able to attend)..

The noise unit will have a record of this call and I was told by the person taking the calls for the noise unit that another resident from 157 had already complained that evening.

On both of these weekends I believe the club was operating outside of it's agreed hours of use.

Can you please confirm what action the council is taking to address these issues?

Regards,  
Ron Davies,  
Flat 8, 157 Commercial Steet.  
London,  
E1 6BJ.

---

Messenger on the move. Text [MSN to 63463](tel:63463) now!

Stephen Irvine

**From:** CROS [cros@dial.pipex.com]  
**Sent:** 12 July 2007 20:43  
**To:** Stephen Irvine  
**Cc:** John Cruse  
**Subject:** URGENT Edge THIS Sat 14/7  
**Importance:** High  
**Attachments:** crazy b.JPG

NC2

For information.

SE

Dear Steve

Firstly for your urgent attention; please see the attached Jpg image – photo of poster found locally, advertising yet another new CLUB event at Edge, this coming Saturday 14<sup>th</sup> July.

Despite any assurances that you may have received from Edge management, concerning the 'winding down' of current booking commitments; this is further evidence that there is absolutely no intention to stop acting as a club & we residents, in the meantime, are still suffering incidents week after week much as follows:-

Disturbance **Saturday 7<sup>th</sup> July** between - **3.00 & 3.35am** - following the Friday 6<sup>th</sup> 'Blue Martini Night': -

The driver of black car license **AX03 EGU** that was parked directly outside of Edge for most of the evening, was moved down outside The Cloisters at 145. The driver then proceeded to **repeatedly & lengthily (10 to 30 sec blasts) use his car horn to summons his male passengers, who slowly emerged one by one from Edge, over the next 20 mins.**

As his 6 passengers eventually appeared & walked down to the car; they each stopped to urinate against the front wall or in the doorway of, The Cloisters. They all continued to loiter, noisily outside, before cramming in to the vehicle, leaving at 3.35am.

Edge door security did nothing to intervene. Police called 3.15am – but a no show...

100's of sleeping local residents were once again disturbed by inconsiderate Edge customers. The following day the pavement outside & doorway of The Cloisters, was a stinking, unhygienic, fly infested mess.

Please – it's now over 2 months since such use was deemed unlawful – how much more leeway is this place going to be given?!

Regards CROS

**Stephen Irvine**

**From:** xerxes dalal [xdalal@gmail.com]  
**Sent:** 02 April 2007 17:28  
**To:** Stephen Irvine  
**Subject:** Re: EDGE night club at 157 Cornmercial Street, E1

Dear Stephen,

My wife and I live at Flat 7, 157 Commercial Street, E1 6BJ

The unlawful EDGE nightclub was operating on both Friday 30th March & Saturday 31st March 2007 into the early hours around 4am-5am. The music from the club was very loud despite the noise insulation works carried out. My wife is 39weeks pregnant and has been unable to sleep peacefully for one weekend throughout her whole pregnancy. I called the noise inspectors out around 12:15am on the 1st April 2007 as the club was operating in full swing. They turned up just around 1:15am. They then went down to the club and asked them to turn down the music, which did help. However we were further disturbed later that night by people leaving the club and making lots of noise between 3am-5am.

Another weeked with very little sleep thanks to EDGE!

Please Help.

Kind Regards,

Xerxes Dalal  
07799 416 181

**Stephen Irvine**

**From:** CROS [cros@dial.pipex.com]  
**Sent:** 02 April 2007 11:31  
**To:** Stephen Irvine  
**Cc:** John Cruse  
**Subject:** Edge - Sat 31st March  
**Importance:** High  
**Attachments:** edge\_pink.JPG

Dear Steve

Friday 30<sup>th</sup> Edge blithely went ahead & hosted one of its regular club nights, which caused the usual event-long parking problems & noisy departures at gone 4.30am.

Then on the afternoon of Sat 31<sup>st</sup> – an observant local resident spotted & sent in the attached fly-poster... for a relocated club night that evening...

Also a couple living above Edge, had to call in the Noise Patrol team; which visited the 'Club' to get thudding music turned down - so it was hardly 'ancillary'.

Without skipping a beat it's business as usual. Good going - even for Edge.

Regards CROS

PS There was also a police licensing visit at 9.30pm but just what did they expect to find at that hour??!



**Noel Serrano**

**From:** Lesley Cousins [lesley\_cousins@yahoo.co.uk]  
**Sent:** 01 February 2007 12:44  
**To:** Stephen Irvine; Noel Serrano  
**Cc:** CROS  
**Subject:** EDGE Planning Applications Ref: 2242 & 2243

---

**Re: EDGE; 157 Commercial Street E1. Planning Applications PA/O6/2242 & PA/06/2243.**

Dear Sirs

I write to oppose the above planning applications by EDGE for the following reasons:

EDGE, since Nov 2003, has blighted the area with brawling & drunkenness of their customers in the surrounding streets. The noise & mess this creates does nothing to help the reputation of the area and ensures that local residents feel trapped and vulnerable in their own homes. It also appears to have a complete disregard for any planning restrictions previously imposed - ie 2 bouncers on the doors, ordering cabs for clients before they leave, ensuring noise levels do not travel into other parts of the building etc.

Please say no to 4.00am Thursdays. The residents in the area have the right to sleep every night of the week and not to be disturbed at all hours of the night. We speak from experience. Granting Edge the late hours it desires will totally destroy our residential amenity.

Please say no to Sui-Generis Club Use and all that implies by allowing all forms of dance, including 'adult'. In addition to larger, louder crowds causing all of the above problems, club nights also bring in vast numbers of cars because there is no Public Transport after 2.30am weekdays and 4.30am at weekends. All of this ensures that club nights are sleepless ones for local residents.

Therefore please limit Edge to a residentially compatible, regular A4 Bar Use with a midnight close Sunday to Thursday.

In addition we request a substantial reduction in current hours of operation for Friday and Saturday. This will help to reduce the hours of post midnight, unacceptable noise disruption and anti-social behaviour that we suffer at weekends, which goes on until well after 4.30am.

We hope that Planning will now play its part in helping us to put an end to the years of disruption that one selfish business has imposed on this residential community.

Yours sincerely,

Lesley Cousins

Folgate Street

Inbox full of unwanted email? Get leading protection and 1GB storage with All New Yahoo! Mail.



Dear Sir/Madam,

**Appeal Ref: APP/E5900/C/06/2014012. Location: Edge 157 Commercial Street E1 6BJ**

In response to the letter you recently sent to me, regarding the Edge Nightclub. I can confirm that Edge is a nightclub, is detrimental to residential amenity on the adjacent area and that the development does not take into account, and is insensitive to, the character of the surrounding area.

I understand that the Edge would like to be granted permission to use the premises as a night club. I ask, on behalf of myself and other residents, that this is not allowed, as past and existing behaviour of the club's owners and patrons, shows blatant disregard for the law, the area and its residents.

I, also, confirm that unauthorised use has occurred and have enclosed supporting evidence (websites, chat rooms, flyers, advertisements, calendar of events, photographs), as well as having recorded a dvd of incidents, which is on its way to you.

Also, I would say that the allegation does breach Planning Control because, as far as I am aware, the premises only have A3 wine bar/restaurant Planning Status and this venue has clearly been operating outside of this usage.

I live next door to the Edge and over the past years (three, if you don't count its previous incarnation as Protokol, which I have been told by staff at the club, residents and local business people, is connected), I have witnessed its continuous usage as a night club, as well as experienced its blatant disregard of opening hours, residents' basic right to sleep, and health and safety.

I, and the residents of Newlon Housing Association, who live nearby, support Tower Hamlets' decision to protect the area and its residents from all illegal activities associated with the Edge, by limiting usage to A3 wine bar/restaurant Planning Status.

Edge is a separate entity from that of the restaurant, previously Dolma and now Hawksmoor. I know this to be fact after many conversations with those associated with the restaurants, the club and local businesses.

Edge may have its place, but it is not here in the middle of a residential and conservation area, with no legal parking available. I know that it should not be here, as I, and other residents, have had to endure years of harassment, abuse, noise, disruption, lack of sleep, illegal parking, broken bottles, fights, drugs being

sold and taken outside our properties, arguments, pools of vomit and men urinating on our properties, approaching residents for sex, as well as openly partying outside our properties and having sex with prostitutes. You only have to look at the amount of substantiating evidence from previous Licensing Sub Committee meetings to see this to be true.

The Edge is a club. It is separate from the restaurant. It has separate entry and separate owners. It has a dance floor, DJ's, flyers and websites advertising them as a club and club nights (including the regular Whores night, as well as the regular Kubicle night) and advertising the pole dancing and pole and hen and stag nights. I have witnessed the queues for this venue, heard the customers, bouncers and owners refer to it as a club, heard drug dealers talking about getting their supplies for the club and spoken to prostitutes, who refer to it as a club and have told me how much business they get from the patrons of the club and of their connections to the club. The music advertised and heard blaring onto the streets is club music. I know people who have been there and they tell me it is definitely a club. If you look at a couple of the websites I have attached, you will see that thousands of people have referred to the Edge as a club and you will even see references to incidents, under age drinking (17 and 16 year olds), drug taking, pole dancing and weekly attendance numbers exceeding 300, with advertised capacities of 600, with a minimum of 250 if booking the club venue. The owners and their solicitor have themselves referred to the Edge as a club on a number of occasions (I'm sure there are several references in previous meeting minutes). Outside the club the awnings stated that Edge is a club. There is an expression that says if it looks like a duck, walks like a duck, smells like a duck and quacks like a duck, it's a duck. The Edge advertises as a club, sounds like a club, smells like a club and behaves like a club. The Edge is a club.

Below, I have tried to copy relevant proof of Edge and its activities as a club and other activities, however, I am no computer expert and so please forgive me for the presentation. I tried to delete gaps etc. but, due to the nature of the websites, I was unable to do this, without deleting the relevant information. I'm sure you will find the discussion of the club, the pictures of the club and its advertising, illuminating.

Yours faithfully,

C Schlockenhorror 15/8/06

Secretary of Newlon Housing Association's Residents' Association

I write on behalf of myself and other residents, who are unable to.

Please acknowledge receipt of my submission and proof of websites and dvd. I have had to include a lot of the pictures with the dvd, as the internet submission only allows 1MB of information. Thank you.

61 The Exchange Building  
132 Commercial Street  
London E1 6NQ

The Planning Inspectorate  
3/07 Kite Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol  
BS1 6PN

Appeal Ref: APP/E5900/C/06/2014012

Sir,

I write to encourage the rejection of the appeal against the enforcement order by the owners of Edge, 157 Commercial Street.

This is one of many such objections I have made since Edge (formerly Protocol) opened. My objections have been unchanging and are generated by the scant regard the owners have exhibited for the community, the police, and the licensing authorities in the prosecution of their business

The premises have been used for some considerable time in contravention of the legal requirements demanded by the terms of their licence and against the interests of the surrounding, largely residential community. Image 1 shows a number of people leaving the premises at 04.46 on 21<sup>st</sup> January 2006. No attempt at monitoring their departure from the premises despite the fact that in past licensing hearings great detail by the owners as to how they would facilitate this with the use of security guards. It was noted by all who attended this hearing that the staff they intended to employ would be East Europeans because they were 'cheap' (sic)

Image 2 shows clients loitering outside the premises on 8<sup>th</sup> July 2006, almost 6<sup>th</sup> months later. Please note the debris in the street concentrated around the entrance to the premises.

Image 3 shows more people leaving from the club and in the top right corner of the picture the barriers marking out road works were shortly to be thrown into the path of oncoming traffic. To this moment the noise level was showing a perceptible rise.

In Image 4 you will see a young family leaving early in the morning as if for their holidays. This gives testament to the fact that there are many such young families living in the area. Please note that their attention is taken by the activities immediately outside Edge, and in Image 5 you will see that they have now the added company of some of its patrons. I watched as these men approached the family in what appeared to be less than a sober state. Although watching from a distance, it gave the impression of being a threatening experience for the young children. Finally Image 6 shows how the group of patrons, along with their noise level, was increasing. It was just after this moment that the barriers were thrown in

the road, to be followed by bottles being thrown over the top of the traffic and at the building opposite. The noise of them breaking was quite distinctive.



1. 21/01/2006. 04:46



2. 08/07/2006. 04.32



3. 08/07/2006. 04.43



4. 08/07/2006. 04.45



5. 08/07/2006. 04.45

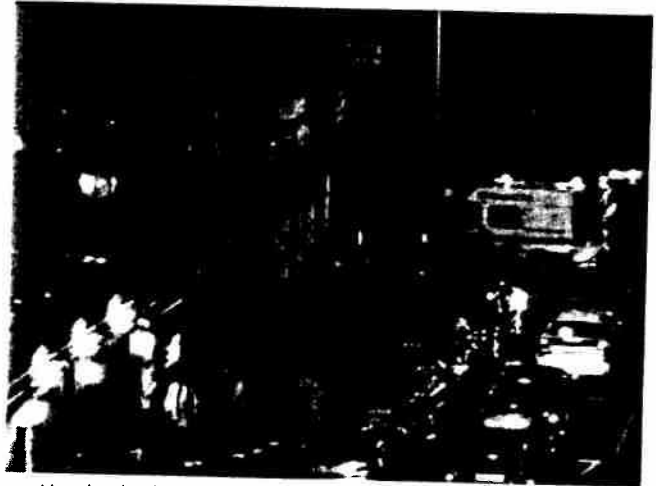


6. 08/07/2006. 04.45

The events of the night of the 8<sup>th</sup> July 2006 were by no means an isolated affair, but one of many that I have witnessed after having been woken by the noise emanating from the clients of the night club Edge.

Here is another example, this time with the police in evidence.

It is wholly unsuitable for an establishment such as this to operate in this area at the best of times, but when such flagrant disregard is shown for the surrounding community, let alone the unnecessary drain on police resources. I believe that on an earlier occasion as many as 23 police vehicles were present at an altercation to which I was a witness.



At a personal level this has had considerable effect upon my own well being particularly because of the nature of my business which requires frequent foreign trips with the inevitable jet lag and the consequent need to recover. It certainly does not add to the well being of the community and its residents.

I encourage you to disallow this appeal and heed the words of one of the licence committee members to the applicant, "If you cause any problems we will close you down"...this said over one year ago.

Yours faithfully

Michael Spencer

18 THE CLOISTERS  
145 COMMERCIAL STREET  
LONDON  
E1 6EB  
TEL: - 0207 377 5495  
MOBILE: - 07944 588109  
E-MAIL: - [kbradley@freezone.co.uk](mailto:kbradley@freezone.co.uk)

The Planning Inspectorate,  
Room 3/21,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol. BS1 6PN

Enforcement Ref: - TH/ENF/06  
Appeal Ref: - APP/E5900/C/06/2014012  
My Ref: - 6001372

Dear Sirs,

Edge - 157 Commercial Street London E1 6BJ

I wish to make a comment about the above premises.

I dread the weekends when the club is open, my sleep is frequently disturbed by its clients returning to their cars, which they frequently park, in Folgate Street, outside of my home. They are not quiet upon returning, there are often loud conversations, arguments, doors are slammed and car stereo systems on full blast. There appears to be little supervision from the club about policing the people leaving, and the fact that this is a residential area. If I have actually complained, I have had a torrent of abuse, cat calls and rude gestures. This is now a heavily populated residential area, and such a club and its clients are not appropriate for the area.

Yours faithfully

Katrina Bradley (Ms)



Mr R Davies,  
Flat 8,  
157 Commercial street,  
London,  
E1 6BJ.  
Tel : 07860 562122

The Planning Inspectorate,  
Room 3/21,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol.  
BS1 6PN

July 26<sup>th</sup> 2006

**Ref : APP/E5900/C/06/2014012**

Dear Sir/Madam,

I wish to make my views known in regards the Enforcement Appeal at 157 Commercial Street, London E1 6BJ (see above reference).

I am a resident/owner of a flat in the same block as the Edge nightclub and so I have first hand experience of the issues of living in close proximity to this business.

**Noise Nuisance**

The noise emanating from the club which is now open later than 4:00am on weekends has been disturbing my sleep from the time I first moved into my flat in March 2006.

I have previously contacted Tower Hamlets Council to complain about the noise and to ask if the club was in breach of it's licensing conditions (i.e. that it does not disturb the residents in the block). I raised this issue with the council on the 17<sup>th</sup> April and was given a reference (Flare ref : 62796 if you wish to confirm) and was told that this would be investigated, however over 3 months have passed and I am still awaiting a response from these investigations.

The bass from the music in the club can be heard (and even felt) clearly in my flat whilst I attempt to sleep. My flat is 3 floors above the club. Most of the residents in the block suffer even more from the noise problem as they are closer to the club.. (i.e. the first and second floors). Some of the other residents are short term tenants and many are students and so they may not feel the need to provide input to this appeal (as they will shortly be moving on).

*I believe that the flats at 157 Commercial street are not sufficiently sound proofed for this type of activity to take place without disturbing many (if not all) of the residents in the block.*

I have recently spoken to the tenant on the floor nearest to the nightclub (Flat 1) and I am told that even when using ear plugs, that he is unable to sleep. This has forced the tenant to sleep at a friend's every weekend. He is waiting for his tenancy to end before he can move. I unfortunately do not have that option as I recently bought the flat without realising that a club would be allowed to cause this much noise pollution in a residential block (i.e. I believed that the council would require a business of this nature be properly sound proofed!! Which it clearly isn't!).

I have been unable to contact this tenant in the last few days, but have this copy of an email he sent to the council in regards the Noise problem from the club. Please feel free to confirm with the council that this was a genuine complaint from the tenant :-

*Copy of email from Jerome Maetz (Flat 1 – 157 Commercial st) to Council officer John Cruse (Tower Hamlets Council) on 11<sup>th</sup> July 2006 :-*

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

**From: Jerome Maetz [mailto:[jerome.maetz@wanadoo.fr](mailto:jerome.maetz@wanadoo.fr)]**

Sent: 11 July 2006 22:25

**To: [john.cruse@towerhamlets.gov.uk](mailto:john.cruse@towerhamlets.gov.uk)**

**Subject: 157 Commercial Street London E1 6BJ**

Dear Mr,

I am currently living at 157 Commercial Street, Flat 1, London E1 6BJ and I would like to complain against the Edge and Hawksmoor.

The Edge: the restaurant / night club / private club / pub... does not respect its neighbors in terms of noise and public security. Since I moved in (three months ago) techno music has been played every Saturday evening until 4am and more recently other parties were organized Fridays and Wednesdays with the same sound volume. To give an example of the volume, the ground of the apartment is moving and ear plugs are totally inefficient so that I now spend every WE by friends because sleeping has become impossible. I have called the Noise Disturbance Department many times to make a complain before giving up. Moreover, after each party, glass bottles and glass pieces are found in front and inside the building.

Hawksmoor: Depending on the Week and on the day, loud music is played (usually between 11h30 and 1am), it seems however that some efforts have been made.

I think the minimum every citizen can ask is to sleep at night.

Please make them stop destroying the life of local inhabitants.

**LONDON BOROUGH OF TOWER HAMLETS**

At a meeting of the **LICENSING SUB COMMITTEE**  
held on **THURSDAY 3<sup>rd</sup> NOVEMBER 2005 at 6.45**  
**PM** in **THE COUNCIL CHAMBER, THE TOWN HALL,**  
**MULBERRY PLACE, 5 CLOVE CRESCENT,**  
**LONDON, E14 2BG**

**PRESENT**

**Members of the Sub Committee:**

Councillor B. Son (Chair)  
Councillor A. Amos  
Councillor M. Williams

**Applicants**

Mr P. Glazebrook	Legal Representative
Mr H. Patel	MD, Powernet Ltd, 157 Commercial Street

**Objectors**

Paul Smith	Environmental Health
PC K. Eglinton	Police, Licensing Section
Cl C. McNamara	Metropolitan Police
Mr M. Spencer	Exchange Building, Commercial Street
Ms L. Tonkin	Lamb Street
Mr E. Bagshaw	The Cloisters, Commercial Street
Mrs H. Bagshaw	The Cloisters, Commercial Street
Mr M. Pepperell	Exchange Building, Commercial Street
Ms C. Alayne	Exchange Building, Commercial Street
Ms J. Dey	Calvin Street
Mr P. Humberstone	Folgate Street
Ms L. Cousins	Priory House
Ms N. Heard	The Cloisters, Commercial Street
Ms C. Cox	Burhan Uddin House
Mr D. Donaghue	St. George's R.A.
Mr M. Lane	Elder Street
Ms C. Schlockenhorror	Newlon Housing Asso. R.A.
Mr J. Thornton	Hurford Salvi Carr, Managing Agents

There were a number of other objectors present who were unable to sign the attendance book.

## Officers

John Cruse	Trading Standards, Licensing
Kathy Butler	Trading Standards, Licensing
Asithe Ranatunga	Legal Advisor
Margaret Sampson	Clerk to the Committee

## Members of the Public in Attendance

There were several members of the public present who did not sign the attendance book.

The Chair welcomed everyone to the meeting and asked those present to introduce themselves.

### 1. APOLOGIES FOR ABSENCE

The Clerk reported that a number of residents who had objected had submitted apologies.

### 2. DECLARATIONS OF INTEREST

None were received.

### 3. RULES OF PROCEDURE

The Rules of Procedure were noted.

### 4. MINUTES

The minutes of the meetings held on 22 September (evening) and 26 September 2005, were confirmed as an accurate record of the proceedings.

At this point, the Clerk advised the Chair that several of the residents who had indicated a wish to address the meeting, had been delayed in heavy traffic. The Chair proposed and it was **Agreed**

That the Sub Committee would now, at 6.50pm, adjourn for twenty minutes to allow speakers the opportunity to attend the meeting.

The meeting reconvened at 7.10pm and the Chair asked Mr Cruse to present the report.

### 5. ITEMS FOR CONSIDERATION

#### 5.1 **Application to Vary the Premises Licence: Edge, 157 Commercial Street, London E1 6BJ (LSC075/506)**

Mr Cruse reported that the application sought to vary the hours currently operated in regards to the sale of alcohol, the provision of regulated

entertainment and late night refreshment and also to increase the capacity limit of the basement area. The application related to the ground and basement area of the premises which was formerly known as Protokol.

The variation of capacity had not been contained in the public notice and Mr Cruse also reported that the person recorded as the Designated Premises Supervisor had recorded their address as that of the premises yet though there was no record that an application for a personal licence had been received by the Authority.

Having detailed the content of the report and reporting that representations had been received from the Police, Environmental Health, local residents and businesses, Mr Cruse stated that Members may wish to clarify with the applicant, exactly what the application covered.

At the invitation of the Chair, Mr Glazebrook, who was representing the applicants, advised that there were amendments to the application as follows:

- The variation hours applied to the basement area only
- The hours of the variation being sought were now Sunday to Thursday until 02:00 and Friday and Saturday until 04:00, for the sale of alcohol
- The same hours to apply to the provision of late night refreshment
- The same hours to apply to the provision of regulated entertainment
- The removal of 'exotic dancing' from the application though there would be 'regular dancers'
- There would be a new applicant DPS

Mr Glazebrook also confirmed that none of the applicants were present, only the owner of the premises and that the terminal hour sought would be 30 minutes later than the hour for any of the regulated activities.

In relation to the capacity of the premises, Mr Cruse reported that he had written several times seeking clarification as to who was applying for what and in the absence of any response, this matter had never been clarified.

Mr Glazebrook then presented the case on behalf of the applicants. He noted that there had been some previous controversy regarding the premises prior to and during the time the Public Entertainment Licence had been considered, when the premises had frequently been hired out.

This 'raised temperature' seemed to have continued though the objections raised by residents were of a general nature and did not point to these premises in particular. He felt that many of the problems encountered by residents were misdirected and believed that the submission from the Metropolitan Police sustained this point.

Mr Glazebrook went through the Police submission letter in detail, referring to points he believed to be inaccurate and clarifying others. In doing so, Mr

Glazebrook stated that cross referencing in this way highlighted the fact that only one resident had specifically referred to one incident and that this was the only direct point that could be related to the premise. The letter demonstrated that the complaints were generally not the responsibility of Edge as the applicants had learnt lessons from their previous application and the number of complaints made then.

Mr Glazebrook concluded by saying that the premises had obviously been spotlighted by the Police due to the high number of complaints by residents, though there was nothing that indicated these to be the responsibility of the club. The premises were tightly controlled and none of the incidents indicated any problems with disorder. The application as amended was fully justified.

Members sought clarification as to Mr Patel's position and Mr Glazebrook advised that the four named applicants were all employees of Powernet and that Mr Patel was a Director of this company. Mr Singh was the owner of the premises and took an active part in the operation of the business.

Members commented that it was unusual for applicants not to be present though accepted that Mr Glazebrook had received instruction from them.

Chief Inspector McNamara and Mr Paul Smith, Environmental Health Noise Team then addressed the Sub Committee in relation to their individual representations as Statutory Authorities.

Responding to some of the comments from Mr Glazebrook, Chief Inspector McNamara stated that some of the information had been recorded by officers on the scene who had responded directly to that incident.

In relation to the incident detailed on 30 July (No. 9 in the submission and relating to an incident of public disorder which appeared to have started in the lobby of the premises), 14 calls had been received from members of the public and one from a member of staff at the premises. There had been two separate references to an iron bar, four references to bottles and two to glass ash trays, all of which was considered by the Police to be evidence of weapons in use.

Chief Inspector McNamara went on to say the rest of the report was as recorded and that the Police had grave reservations regarding these premises.

Mr Smith reported that statutory noise nuisance had been witnessed on two separate occasions though he only had details relating to one of those to hand. This related to noise emanating from the premises causing nuisance to a resident living above and had resulted in a Statutory Notice being served. Mr Smith also reported Mr Singh's response to the officer who had visited the premises, that the bass noise level was as low as it could be.

Having visited the premises in the past week, Mr Smith reported that he was also concerned that additional sound equipment had been installed and that the addition of rear facing speakers was the likely source of the problem previously

reported. Noise levels had been set when the premises first opened but the introduction of further equipment and its placement changed this. There was no noise limiter at the premises.

Mr Smith also reported that Mr Singh had now disconnected the speakers and had given an undertaking that they would not be used. However, concern remained that the potential for noise nuisance remained. Mr Smith confirmed that noise levels would need to be reset and that he had also identified further noise proofing works that would be required.

Councillor Amos expressed concern that the information contained in the Police submission did not appear to be entirely accurate and asked why the club appeared to be the subject of covert operation.

CI McNamara advised that whilst the day recorded against the date of one entry was wrong, all other information was as reported and that it was for the applicant to say whether or not the club had been open on the dates recorded. In respect of covert activity, there had been considerable community representation made to the Police regarding the operation of this club and many different means were employed to ensure that premises operated effectively, not only this particular club. Of the 15 dates recorded, Police had attended and could verify seven.

CI McNamara also stated that the information regarding the date at the beginning of May had come from intelligence reports and that he could not verify whether the club had been closed as reported by Mr Glazebrook. A later incident indicated that the club showed people leaving the premises beyond the licensed hours and in an extremely drunken state, which gave rise to concerns as to the management of the premises.

It was confirmed for Councillor Williams that not all callers identified themselves to the Police and Mr Smith confirmed that Environmental Health objections would remain irrespective of a reduction in noise levels within the premises due to officers concern regarding the management of the premises.

Mr Glazebrook commented that there appeared to be an assumption that something untoward may have been going on when the premises were seen to be open at 3am and pointed out that it was a condition of the Public Entertainment Licence that patrons should be held inside the premises to wait for cabs.

There being no further questions, the Chair invited residents to make their representations. These included Mr Lane on behalf of Elder Street residents, Ms Dey on behalf of Calvin Street, Wheler Street and Quaker Street residents, Mr Spencer and Mr Pepperell as both Directors and resident representatives of the Exchange Building, Mrs Bagshaw on behalf of The Cloisters Residents Association, Mr Donaghue, Secretary, St. George's Residents Association and Mr Thornton, Hurford Salvi Carr, Managing Agents of 157 Commercial Street. Several other residents commented throughout the presentations but did not give their names.

The premises were located on a busy main road which was also a red route and surrounded by local narrow streets many of which were cobbled. This was a Conservation Area with prioritised residential use alongside ancillary business use and this had worked well until now. Local streets were not suitable for the level of parking now experienced; streets were often blocked leaving no access for emergency vehicles and causing noise and nuisance to residents.

Residents also expressed concern regarding public safety due to the behaviour of patrons on leaving the premises and the venue was not considered suitable for a residential area. No other premises in the vicinity operated late hours and increasing these would make life unbearable for residents, many of whom had young children.

It was reported that several residents were known to have responded to the incidents recorded in the Police submission, which Mr Glazebrook later accepted. More objections had been submitted regarding this application than had been made in response to the original licence application, which was an indication of the level of nuisance and disruption experienced by residents living near to this premise and which had not diminished through time.

Yet again, residents had been woken in the early hours of the morning by the noise of patrons leaving the premises, though the lights on the outside had been turned down so that it looked like the premises were closed. A number of residents were also essential workers; including medical staff and the effect such continual disruption had on them should be considered.

Mrs Bagshaw stated that the inaccuracy of the date in the Police submission may relate to how or when residents reported the incident. The incident recorded as 2<sup>nd</sup> October related to events that occurred on Saturday 1<sup>st</sup> October into the 2<sup>nd</sup> and the club had been open. Mrs Bagshaw then identified herself as one of the residents who had rung the Police on the weekend of 30 July, the incident referred to by CI McNamara earlier. Mrs Bagshaw recounted in detail what she had seen from the time a group of people left the premises until they were out of sight which confirmed the submission as recorded.

There were numerous incidents relating to patrons of the premises as The Cloisters was located opposite the club and residents directly witnessed events. This was the only premise in the vicinity licensed until the early hours and patrons were noisy on dispersal; many looking to get a cab and many with bottles of what appeared to be alcohol. Broken glass on local streets was a particular problem on a Sunday morning. Residents were regularly witnessing outbreaks of noise, nuisance and violent behaviour, as per the incident recorded in Appendix 92 of the report.

Mr Pepperell stated that there were four floors of flats in the Exchange Building that fronted Commercial Street. Whilst mindful of the perspective that residents may be demonizing the premises, he wished to stress that residents were professional people who were reporting what they saw.



Mr Donaghue stated that the patrons of other premises were seen and heard by residents between 11pm and midnight but not later when this was the only place open. The premise was not suitable for use as a club as there was a very small access/egress area and it was not therefore possible to arrange an effective dispersal route, problems associated with dispersal being the main source of nuisance for many.

Mr Donaghue also stated that Mr Singh appeared to be the owner, manager and operator of the premises yet was not the person applying for the licence. He was never the one taking responsibility, always saying it was someone else's problem. The last application had agreed a set of rules and conditions and Mr Singh had given assurances which had not been kept.

One resident reported that she lived in a ground floor flat close to the premises and that the consistency of noise and disturbance had meant that she had had to give up her studies and was also receiving medical treatment due to the effect this had had on her everyday life. This resident also reported that the premises had pulled down the front shutters on some occasions after the Police or Environmental Health had been called but before they arrived and that she had CCTV footage of patrons' behaviour which she had passed to the Police.

Mr Thornton stated that he was representing the Freeholder of the building (157 Commercial Street ) and noted that the Sub Committee had heard submissions from both the Police and residents directly relating to the licensing objectives, the prevention of Crime & Disorder, the prevention of public nuisance and the provision of public safety. He felt that further time may be needed to see if the existing arrangements were working though residents would be asked to keep a diary of events.

Mr Thornton confirmed that investigations were continuing as to whether the premises use was allowed within the leasehold covenant though no action had been taken at this point.

Mr Glazebrook responded to the above. He retained the belief that the premises had been spotlighted by the Police and that many of the problems contained in the submissions from residents were not pertinent to the premises. The frontage of the premises was on a main thoroughfare and could easily be confused with general street activities.

Apart from Mr Spencer, there had been no specific reference to dates in the submissions from residents and a strict policy operated regarding bottles being taken from the premises. A lot of money had been spent on the premises and there were residents above who had not complained. The application as amended was not a great change from that which currently operated and the premises would continue to be well managed. A review of the licence could be sought at any time.

Mr Donaghue stated that the residents above the premises had moved out and that the incidents reported were as seen by residents and related to this specific club.

The Chair thanked everyone for their respective submissions and reported that the Sub Committee would now, at 9.05pm, adjourn to consider the evidence presented.

The Sub Committee reconvened at 10pm.

The Chair reported that the Sub Committee had accepted the application as amended with the exception of the operating hours on a Sunday. Members had expressed some concern regarding the level of management of the premises and had set stringent conditions which they expected to see operated. If this was not the case, it would be necessary to consider the future of the premises very seriously. It should also be noted that if necessary, the Police and the Local Authority had the power to close premises that did not uphold the licensing objectives or who did not operate within the terms and use of their licence. Mr Ranatunga was asked to detail the conditions of the licence.

The Sub Committee **RESOLVED**

That the application to vary the Premises Licence for Edge, 157 Commercial Street, London E1 6BJ be **GRANTED** as amended and relates to the basement area only:

Hours for the sale of alcohol

Monday – Thursday 11:00 to 02:00, Friday and Saturday 11:00 to 04:00, Sunday 11:00 to Midnight.

Premises to close 30 minutes later than the hours for regulated activity on every day.

Late Night Refreshment

Monday – Thursday 23:00 to 02:00, Friday and Saturday 23:00 to 04:00, Sunday 23:00 to Midnight.

Regulated Entertainment

Monday – Thursday 18:00 to 02:00, Friday and Saturday 18:00 to 04:00, Sunday 18:00 to Midnight.

Capacity of basement area increased to 215 persons including staff.

A minimum of 2 Registered Door Supervisors to be on duty at all times the premise is open, including private events.

The numbers of patrons must be monitored and recorded by use of clickers at all times.

A person capable of acting on behalf of the applicant must be on the premises at all times a private event takes place.

At all times the premises are operated under this licence, emergency exit routes from the basement into the ground floor premises and to the street there from shall be readily available at all times.

The applicant to comply with all reasonable requirements from Environmental Health and sound levels must be set and maintained in agreement with Environmental Health (Noise) Officers.

All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

The windows at the front of the premises are to be kept shut whilst the premises are used under this licence.

Patrons are to be held inside the premises whilst waiting for transport.

Signage to be displayed within the premises asking patrons to leave quietly and be respectful of residential amenity.

All bottled drinks to be served in plastic glasses.

Alcohol purchased in the premises must be consumed within the premises and not taken outside.

Mr Ranatunga also advised of the right of appeal.

The Chair reiterated the grave concerns Members held relating to the effective management of the premises. Whilst Members would not wish to see local businesses close, they must also be respectful to the amenity of local residents.

There being no further business, the meeting closed at 10.05pm.

CHAIR \_\_\_\_\_



To Licensing Department  
From Planning Enforcement  
Contact Cain Duncan  
Extension 3975  
Date 08/07/08  
Our Ref. ENF/06/10001  
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)

**Additional Information, Licensing Review, The EDGE, 157 Commercial Street,  
London, E1 6BJ**

The Planning Department would like to add the following relevant information to its initial comments sent to the Licensing Department on the 16/04/08. This information relates to the prosecution of the premises licence holder (Jaspal Singh Rathor) on the 20/06/08.

It should be noted that Mr Singh was prosecuted on the 20/06/08 for two breaches of a Planning Temporary Stop Notice and one breach of a Noise Abatement Notices, in his capacity as the owner and premises license holder at the EDGE Club.

While Mr Singh stated and provided evidence that he had debits of £1,250,000 and that he owed a further £150,000 to friends and relatives the Magistrates Court handed down a fine of £11,000 due to the seriousness of the offences.

This conviction further emphasises the lack of regard the Edge Club has for surrounding residents and the conditions of both its premises licence and planning permission.

In addition to the above and further to comments in paragraph 11 of my initial statement, the Secretary of State (Planning Inspectorate) has dismissed both Mr Rathor's planning appeals and also overturned the Council's decision to grant planning permission for a bar use. These decisions were both based on protecting residents and the local area from noise and disturbance during the night time period. The premises now has no planning permission for any licensable activity, be it a bar or a club (a copy of the Secretary of States decision is attached).

Regards

Cain Duncan  
**Planning Enforcement Officer**



# Appeal Decisions

Site visit made on 17 March 2008

by **Mr D Lavender MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email:enquiries@pins.gsl.gov.uk

**Decision date:**  
**2 June 2008**

**Appeal (A) Ref: APP/E5900/A/07/2060233**

**Appeal (B) Ref: APP/E5900/A/07/2060232**

**157 Commercial Street, London (entrance at ground floor and basement)  
E1 6BJ**

- **Appeal (A)** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- **Appeal (B)** is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- Both appeals are by Powernet Ltd against decisions of the Council of the London Borough of Tower Hamlets.
- **Application (A)**, Ref PA/06/02243, dated 11 December 2006, was refused by notice dated 4 May 2007.
- The development proposed in this application is use of premises as a bar and late night entertainment venue (sui generis).
- **Application (B)**, Ref PA/06/02242, was approved on 4 May 2007 and planning permission was granted subject to conditions.
- The development permitted in this application is use of the ground floor entrance way and basement premises as a bar (within use Class A4), operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to midnight.
- The conditions in dispute are Nos 1 and 2.
- Condition 1 states "On or before 3<sup>rd</sup> May 2008 the use allowed by this permission must be discontinued".
- The reason given for this condition is that "Permission for a limited period will allow the Local Planning Authority to ensure that residents' amenity is not detrimentally affected by the Class A4 use and allow the Local Planning Authority to reassess the development in the light of experience of the use.
- Condition 2 states "The use shall only be permitted to operate between the hours of 9.00 am to midnight on Mondays to Saturdays and 9.00 am to 11.30 pm on Sundays.
- The reason given for this condition is "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

## Decisions:

**1. I dismiss appeal A.**

**2. I dismiss appeal B, reverse the Council's decision, and refuse planning permission for the use of the ground floor entrance way and basement of premises at 157 Commercial Street, London as a bar (within use Class A4),**

**operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to midnight.**

## **Reasons**

### *Procedural Matters*

1. The site for both applications is identical and includes a small entrance lobby at street level, the stairs down to basement level and the whole of the basement of the premises. The basement has been fitted out and is operational as a late night entertainment venue ("The Edge") and by all accounts has been operating as such for some time. Application (A) effectively seeks permission to continue this use, while application (B) promotes an alternative and more limited use in the event of use as an entertainment venue not being permitted. As an appeal against conditions, the latter now falls to be considered under the provisions of Section 79 of the Town and Country Planning Act 1990. Both appeals focus primarily on the Council's concerns about night-time noise and disturbance, so I deal with that aspect for both appeals together. Appeal (B), however, also gives rise to particular questions concerning the suitability of the conditions imposed by the Council, which I deal with separately.
2. Following my site inspection, I sought additional information from the Council and the appellant on a range of matters including the consistency with which time limits had been applied to other premises in the area and enforced. I have taken account of the replies in my consideration of the appeals. Notably, appeal B insofar as it relates to permitted hours of use in condition 2 has now been withdrawn.

### *Main issues*

3. From the foregoing, there are two main issues in these cases. The first is the effect of the uses proposed in appeals (A) and (B) on the character of the area and the living conditions of local residents, in terms of potential noise and disturbance during the night time period. The second, which concerns only appeal (B), is whether condition 1 is reasonable in the context of Circular 11/95 advice.

### *Issue 1: Appeals A and B – noise and disturbance*

4. The Spitalfields area closely borders the City of London's east side and accommodates a wide mixture of business and residential uses which both support and contribute to the City's economic and social life. Alongside businesses and flats in often sizeable converted commercial buildings, the area includes some recently developed estates of social housing, and older smaller-scale family houses that front directly onto the surrounding side streets. Many of the businesses hereabouts are small workshops and other wholesale and retail enterprises and services. These trade mainly during normal daylight hours and reflect the cultural diversity of the area.
5. While there are public houses, restaurants and club premises in the Spitalfields area too, they are generally relatively few in number and broadly scattered, and very much more so than in other parts of central London that have come

to be popularly regarded as the capital's nightspots. Indeed, apart from the 8 flats on the upper floors of the appeal building itself, the Council has identified the presence of some 240 or more flats in this immediate section of Commercial Street and directly opposite in Wheeler Street, all within a very short distance of the appeal premises. Moreover, while the noise of traffic along Commercial Street might well be unremitting, this contrasts with the quietude of both Wheeler Street and other nearby mainly residential side streets.

6. At present, the basement of the appeal property contains a bar and servery along part of one wall, a small dance floor or space for entertainers, a partly enclosed area for the operation of static and mobile sound systems, some seating booths (built into arches under the pavement) and a separate functions room. Apart from these and toilets and other offices, the basement is mainly an open area for people to gather, sit, stand or circulate, potentially in some numbers. Following complaints by local residents to the Council about noise, I saw that works have been carried out to certain parts of the ceilings and walls to minimise sound transmission to the upper floors, in accordance with a noise consultant's recommendations. Those recommendations were compiled on the assumption that there would be no live music. Whatever the case may be in that respect, the Council now advises that it is seeking revocation of The Edge's premises licence due to on-going noise nuisance. This is apparently manifested in vibration of the floors of the flats above as a result of the volume at which music is played and its bass rhythms. This despite the presence of the intervening and currently unused ground floor.
7. Moreover, the many representations received from local people about the present use of the basement refer also to noise and disturbance (including traffic disturbance) outside the premises. Some of this disturbance, particularly further afield, may be attributable to other premises in the area, but this does not account for all of the Council's concerns. These arise from people allegedly gathering outside the premises before being admitted, when smoking, when they are departing and, more widely, when they are returning to their cars parked in surrounding side streets. As the Council has recognised in granting conditional permission for the use proposed in appeal B, customer activity associated with bar use only is less likely to involve the clientele gathering or departing en masse and may be regarded as little different in terms of amenity impact from the long established public house opposite. With appeal A, I accept that disturbance at such times could in some measure be controlled by strict management practices, for example by enabling patrons to enter quickly, requesting them to wait inside the building for taxis or other transport when leaving, and drawing their attention to the need to exercise consideration as they disperse. Nonetheless, internal space at street level is very limited and, with revellers present in potentially large numbers, these measures are unlikely to be completely effective especially among those in high spirits before or after a long night of drinking with entertainment. There is also evidence that, in consequence of past management failure, police have had to be called to deal with serious affray in and around the entrance area.
8. Efforts to control the off-site activities of patrons by on-site management do not, in any event, represent a good reason for allowing appeal A. Rather, the need for such endeavours is simply indicative of the type of noise and

disturbance associated with late night entertainment activity (even if less than the hours proposed), and its potentially wide impact, which could all too easily further increase if future management of the appeal premises was less responsible or successful than the present Appellant now claims it to be. In essence, the entertainment use has already demonstrated itself to be inherently incompatible with residential use of the upper floors of the building and its wider setting, as well as with the environmental safeguards implicit in policies DEV2, ART1 and HSG15 of the Unitary Development Plan for the area. It is for that reason that I reject appeal A.

9. That said, and with regard to appeal B, I acknowledge that those who choose to live in an inner city area cannot expect absolute peace and quiet even during the late night/early morning hours. Rather, a careful balance needs to be drawn between the demands for late night refreshment, the operational needs of businesses that serve such demands and the entitlement of local residents to the reasonable enjoyment of their properties. In my judgement that balance is best established by consistency in the permitted hours of operation and consistency in their enforcement for the area as a whole, rather than by an ad hoc and inconsistent approach to applications for their relaxation from individual businesses. While appeal A fails in principle, hours of operation for Appeal B are part of the subject matter of the second main issue, which I turn to deal with next.

*Appeal B: Suitability of condition 1*

10. Paragraph 111 of Circular 11/95 says that where an application is made for permanent permission for a use that may be "potentially detrimental" to existing uses nearby, but there is insufficient evidence to enable the Local Planning Authority to be sure of its effect, a temporary "trial run" might be appropriate provided this would be reasonable having regard to the capital expenditure necessary to carry out the development. In this case, it is debatable whether any additional capital expenditure would be necessary to convert the premises from a light night entertainment venue and bar to use solely as a bar. However, there is no need for a trial period because experience of other similar uses in the area has already established a broad pattern of permitted hours of operation, generally that premises be closed by about 23:00 hrs on Sunday-Thursday nights and 01:00hrs on Friday and Saturday nights. The hours permitted under condition 2 are more restrictive than this. Condition 1 therefore serves no useful purpose and should be deleted.
11. As I have indicated in correspondence with the parties, I further take the view that condition 2 fails the test of reasonableness (paragraph 35 of Circular 11/95) because it nullifies the benefit of the use specifically applied for (and contradicts the opening hours specified in the description of the development permitted). It would, however, be wrong to strike the condition out altogether because that would lend supremacy to the hours provided for in the application description and would be unacceptably inconsistent with the general pattern established in the area. Moreover, it is not possible to substitute different hours from those referred to in the application description without similarly falling foul of the reasonableness test. The appropriate way forward, as the appellant has accepted in withdrawing the appeal against condition 2 is for a fresh application to be made with a revised development description that



leaves suitable opening hours to be determined by condition. As matters stand, the application description and condition 2 are irreconcilable. In these circumstances, there is no alternative open to me other than to reverse the Council's decision (as I have previously cautioned) because it is fundamentally faulted in this respect and, as Section 79 of the Act provides, refuse permission for the development applied for as a whole.

*Other matters and conclusions*

12. I have considered all other matters raised in the representations, including local residents' concerns about street crime, prostitution and drug dealing in the area. However, such activities are for the police to control and, in land use planning terms, cannot be held to be directly or indirectly attributable to the generic use of the appeal premises. The type of entertainments held in connection with Appeal (A) are likewise for the licensing system rather than the planning system to regulate. There is nothing to indicate that the physical character or appearance of the Elder Street Conservation Area within which the premises lie would be anything other than preserved whatever the outcome of these appeals. I find nothing in these or any other matter to alter my conclusions on each of the main issues. Both appeals accordingly fail.

D Lavender



# Appeal Decisions

Site visit made on 17 March 2008

by **Mr D Lavender MRTPI**

an Inspector appointed by the Secretary of State  
for Communities and Local Government

The Planning Inspectorate  
4/11 Eagle Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6PN

☎ 0117 372 6372  
email: [enquiries@pins.gsi.gov.uk](mailto:enquiries@pins.gsi.gov.uk)

Decision date:  
2 June 2008

**Appeal (A) Ref: APP/E5900/A/07/2060233**  
**Appeal (B) Ref: APP/E5900/A/07/2060232**  
**157 Commercial Street, London (entrance at ground floor and basement)**  
**E1 6BJ**

- **Appeal (A)** is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- **Appeal (B)** is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- Both appeals are by Powernet Ltd against decisions of the Council of the London Borough of Tower Hamlets.
- **Application (A)**, Ref PA/06/02243, dated 11 December 2006, was refused by notice dated 4 May 2007.
- The development proposed in this application is use of premises as a bar and late night entertainment venue (*sui generis*).
- **Application (B)**, Ref PA/06/02242, was approved on 4 May 2007 and planning permission was granted subject to conditions.
- The development permitted in this application is use of the ground floor entrance way and basement premises as a bar (within use Class A4), operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to midnight.
- The conditions in dispute are Nos 1 and 2.
- Condition 1 states "On or before 3<sup>rd</sup> May 2008 the use allowed by this permission must be discontinued".
- The reason given for this condition is that "Permission for a limited period will allow the Local Planning Authority to ensure that residents' amenity is not detrimentally affected by the Class A4 use and allow the Local Planning Authority to reassess the development in the light of experience of the use.
- Condition 2 states "The use shall only be permitted to operate between the hours of 9.00 am to midnight on Mondays to Saturdays and 9.00 am to 11.30 pm on Sundays.
- The reason given for this condition is "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

## Decisions:

**1. I dismiss appeal A.**

**2. I dismiss appeal B, reverse the Council's decision, and refuse planning permission for the use of the ground floor entrance way and basement of premises at 157 Commercial Street, London as a bar (within use Class A4),**

**operating between the hours of Mondays to Wednesdays 11am to 2am the following day, Thursdays to Saturdays 11am to 4am the following day, and Sundays 11am to midnight.**

## **Reasons**

### *Procedural Matters*

1. The site for both applications is identical and includes a small entrance lobby at street level, the stairs down to basement level and the whole of the basement of the premises. The basement has been fitted out and is operational as a late night entertainment venue ("The Edge") and by all accounts has been operating as such for some time. Application (A) effectively seeks permission to continue this use, while application (B) promotes an alternative and more limited use in the event of use as an entertainment venue not being permitted. As an appeal against conditions, the latter now falls to be considered under the provisions of Section 79 of the Town and Country Planning Act 1990. Both appeals focus primarily on the Council's concerns about night-time noise and disturbance, so I deal with that aspect for both appeals together. Appeal (B), however, also gives rise to particular questions concerning the suitability of the conditions imposed by the Council, which I deal with separately.
2. Following my site inspection, I sought additional information from the Council and the appellant on a range of matters including the consistency with which time limits had been applied to other premises in the area and enforced. I have taken account of the replies in my consideration of the appeals. Notably, appeal B insofar as it relates to permitted hours of use in condition 2 has now been withdrawn.

### *Main issues*

3. From the foregoing, there are two main issues in these cases. The first is the effect of the uses proposed in appeals (A) and (B) on the character of the area and the living conditions of local residents, in terms of potential noise and disturbance during the night time period. The second, which concerns only appeal (B), is whether condition 1 is reasonable in the context of Circular 11/95 advice.

### *Issue 1: Appeals A and B – noise and disturbance*

4. The Spitalfields area closely borders the City of London's east side and accommodates a wide mixture of business and residential uses which both support and contribute to the City's economic and social life. Alongside businesses and flats in often sizeable converted commercial buildings, the area includes some recently developed estates of social housing, and older smaller-scale family houses that front directly onto the surrounding side streets. Many of the businesses hereabouts are small workshops and other wholesale and retail enterprises and services. These trade mainly during normal daylight hours and reflect the cultural diversity of the area.
5. While there are public houses, restaurants and club premises in the Spitalfields area too, they are generally relatively few in number and broadly scattered, and very much more so than in other parts of central London that have come

to be popularly regarded as the capital's nightspots. Indeed, apart from the 8 flats on the upper floors of the appeal building itself, the Council has identified the presence of some 240 or more flats in this immediate section of Commercial Street and directly opposite in Wheeler Street, all within a very short distance of the appeal premises. Moreover, while the noise of traffic along Commercial Street might well be unremitting, this contrasts with the quietude of both Wheeler Street and other nearby mainly residential side streets.

6. At present, the basement of the appeal property contains a bar and servery along part of one wall, a small dance floor or space for entertainers, a partly enclosed area for the operation of static and mobile sound systems, some seating booths (built into arches under the pavement) and a separate functions room. Apart from these and toilets and other offices, the basement is mainly an open area for people to gather, sit, stand or circulate, potentially in some numbers. Following complaints by local residents to the Council about noise, I saw that works have been carried out to certain parts of the ceilings and walls to minimise sound transmission to the upper floors, in accordance with a noise consultant's recommendations. Those recommendations were compiled on the assumption that there would be no live music. Whatever the case may be in that respect, the Council now advises that it is seeking revocation of The Edge's premises licence due to on-going noise nuisance. This is apparently manifested in vibration of the floors of the flats above as a result of the volume at which music is played and its bass rhythms. This despite the presence of the intervening and currently unused ground floor.
7. Moreover, the many representations received from local people about the present use of the basement refer also to noise and disturbance (including traffic disturbance) outside the premises. Some of this disturbance, particularly further afield, may be attributable to other premises in the area, but this does not account for all of the Council's concerns. These arise from people allegedly gathering outside the premises before being admitted, when smoking, when they are departing and, more widely, when they are returning to their cars parked in surrounding side streets. As the Council has recognised in granting conditional permission for the use proposed in appeal B, customer activity associated with bar use only is less likely to involve the clientele gathering or departing en masse and may be regarded as little different in terms of amenity impact from the long established public house opposite. With appeal A, I accept that disturbance at such times could in some measure be controlled by strict management practices, for example by enabling patrons to enter quickly, requesting them to wait inside the building for taxis or other transport when leaving, and drawing their attention to the need to exercise consideration as they disperse. Nonetheless, internal space at street level is very limited and, with revellers present in potentially large numbers, these measures are unlikely to be completely effective especially among those in high spirits before or after a long night of drinking with entertainment. There is also evidence that, in consequence of past management failure, police have had to be called to deal with serious affray in and around the entrance area.
8. Efforts to control the off-site activities of patrons by on-site management do not, in any event, represent a good reason for allowing appeal A. Rather, the need for such endeavours is simply indicative of the type of noise and

disturbance associated with late night entertainment activity (even if less than the hours proposed), and its potentially wide impact, which could all too easily further increase if future management of the appeal premises was less responsible or successful than the present Appellant now claims it to be. In essence, the entertainment use has already demonstrated itself to be inherently incompatible with residential use of the upper floors of the building and its wider setting, as well as with the environmental safeguards implicit in policies DEV2, ART1 and HSG15 of the Unitary Development Plan for the area. It is for that reason that I reject appeal A.

9. That said, and with regard to appeal B, I acknowledge that those who choose to live in an inner city area cannot expect absolute peace and quiet even during the late night/early morning hours. Rather, a careful balance needs to be drawn between the demands for late night refreshment, the operational needs of businesses that serve such demands and the entitlement of local residents to the reasonable enjoyment of their properties. In my judgement that balance is best established by consistency in the permitted hours of operation and consistency in their enforcement for the area as a whole, rather than by an ad hoc and inconsistent approach to applications for their relaxation from individual businesses. While appeal A fails in principle, hours of operation for Appeal B are part of the subject matter of the second main issue, which I turn to deal with next.

*Appeal B: Suitability of condition 1*

10. Paragraph 111 of Circular 11/95 says that where an application is made for permanent permission for a use that may be "potentially detrimental" to existing uses nearby, but there is insufficient evidence to enable the Local Planning Authority to be sure of its effect, a temporary "trial run" might be appropriate provided this would be reasonable having regard to the capital expenditure necessary to carry out the development. In this case, it is debatable whether any additional capital expenditure would be necessary to convert the premises from a light night entertainment venue and bar to use solely as a bar. However, there is no need for a trial period because experience of other similar uses in the area has already established a broad pattern of permitted hours of operation, generally that premises be closed by about 23:00 hrs on Sunday-Thursday nights and 01:00hrs on Friday and Saturday nights. The hours permitted under condition 2 are more restrictive than this. Condition 1 therefore serves no useful purpose and should be deleted.
11. As I have indicated in correspondence with the parties, I further take the view that condition 2 fails the test of reasonableness (paragraph 35 of Circular 11/95) because it nullifies the benefit of the use specifically applied for (and contradicts the opening hours specified in the description of the development permitted). It would, however, be wrong to strike the condition out altogether because that would lend supremacy to the hours provided for in the application description and would be unacceptably inconsistent with the general pattern established in the area. Moreover, it is not possible to substitute different hours from those referred to in the application description without similarly falling foul of the reasonableness test. The appropriate way forward, as the appellant has accepted in withdrawing the appeal against condition 2 is for a fresh application to be made with a revised development description that

leaves suitable opening hours to be determined by condition. As matters stand, the application description and condition 2 are irreconcilable. In these circumstances, there is no alternative open to me other than to reverse the Council's decision (as I have previously cautioned) because it is fundamentally faulted in this respect and, as Section 79 of the Act provides, refuse permission for the development applied for as a whole.

*Other matters and conclusions*

12. I have considered all other matters raised in the representations, including local residents' concerns about street crime, prostitution and drug dealing in the area. However, such activities are for the police to control and, in land use planning terms, cannot be held to be directly or indirectly attributable to the generic use of the appeal premises. The type of entertainments held in connection with Appeal (A) are likewise for the licensing system rather than the planning system to regulate. There is nothing to indicate that the physical character or appearance of the Elder Street Conservation Area within which the premises lie would be anything other than preserved whatever the outcome of these appeals. I find nothing in these or any other matter to alter my conclusions on each of the main issues. Both appeals accordingly fail.

D Lavender

# 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



Name	Address 1	Address 2	Address 3	Postcode	Appendix
Elisabeth Turner	Flat 1	157 Commercial Street	London	E1 6BG	H1
Thomas O'Dwyer	38 Cloisters	145 Commercial Street	London	E1 6EB	H2
Nora Heard	68 The Cloisters	145 Commercial Street	London	E1 6ED	H3
Dr Murray Lawton-Sauie	16 Lamb Street	Spitalfields	London	E1 EA	H4
Stephen Brown	21 Priory House	Folgate Street	London	E1 6UN	H5
Miss Dawson Philippa	Flat 9 Exchange Building	20 Lamb Street	London	E1 6EA	H6
Margaret and Ian Gordon	Flat 2	54 Folgate Street	London	E1 6UN	H7
St George Residents' Association	c/o Concierge	31 Lamb Street	London	E1 6ED	H8
Sean R Izor	Flat 1	157 Commercial Street	London	E1 6ED	H9
Mr and Mrs Bagshaw	44 The Cloisters	145 Commercial Street	London	E1 6EB	H10
Mr Ron Davies	Flat 8	157 Commercial Street	London	E1 6BJ	H11
Fay Cattini		32 Monthope Road	London	E1 5LS	H12
Ms Tessa Abineri	Flat 9 Exchange Building	132 Commercial Street	London	E1 6NG	H13
Xerxes Dalal	Flat 7	157 Commercial Street	London	E1 6BJ	H14
E-Sinn Soong		24A Calvin Street	London	E1 6NW	H15
John & Sandy Critchley		14 Wilkes Street	London	E1 6QF	H16

# Appendix H 1

Flat 1  
157 Commercial Street  
London  
E1 6BJ

28<sup>th</sup> April 2008

Dear Council,

I am writing in order to make my representation against the EDGE nightclub for its forthcoming EDGE licence review.

I live at Flat 1, 157 Commercial Street – directly above the EDGE nightclub. I have lived in my flat for one and a half years; and the club has made my life a misery since the first weekend I moved in here.

My main problem with the club is the noise that comes into my flat from the club below. It is literally unbearable as it is impossible to sleep when the club is operating. There is a constant thud of drum and bass music throughout my flat – the worst of which is in my bedroom. Even although I wear swimmers earplugs to try to minimise the noise, I can still hear the thud of the music below. Further, it is possible to hear the MC yelling to the crowd over his microphone, and it is possible to hear the crowd yelling and their voices in my bedroom. I can also feel the sound vibrations through my bed as I try to get to sleep.

I have called the Noise Patrol often in the past. However there is always such a long wait for the officers to arrive at my flat to witness the noise. In fact, on a few occasions the Noise Patrol line has simply rang out unanswered. Even when the Noise Patrol arrive there is nothing they can do to stop the sound in the flat. I find it really stressful and agitating trying to fall asleep when all that thumping is going on below. And calling the Noise Patrol and having to wait for them to arrive is even more stressful in itself.

Another problem with the club for our flat is the noise that it causes on the street. Given that we are directly above the premises the front of our flat has to be subjected to the endless coming and going of clientele and smokers throughout the night. In fact, the external noise has become worse since the smoking ban. There are constantly people in our doorway smoking – particularly if it is raining. In fact, one Saturday evening I had to fight past five people in congregating around my doorway (not to mention the rest of the people at the EDGE's door) all out for a cigarette. Because of this, my doorway is filthy the following morning.

Also, there is always a lot of disruption when the club ends as the entire clientele falls onto the street. There is simply no where else for them to go other than on to the street. And that is not to mention all the external activity which goes on when the EDGE operates – I have attached a video clip of the night that 8 police cars and an ambulance were called to the EDGE when there was a riot outside. There were gangs chasing in the

02 MA 2008

streets; women fighting each other and being man-handled by the police and the entire length of Commercial Street was blocked with the commotion.

Although one and a half years has seemed like a life sentence to endure this misery, it has come to my attention since I moved to this area that the EDGE has been causing public disturbance and nuisance to residents for around 7 years. Disturbance and nuisance I am certain the council is well aware of. Therefore I am asking the council to *please* consider the impact that this club has on our daily lives. This is, after all, a residential area – as recently recognised by your Conservation Department. In fact, the leaflet from your Conservation Department described our area as “an attractive environment for living and working in, and improve the quality of life”. Well, I would invite the council to spend one club night in my bedroom trying to fall asleep and you will realise this is not an attractive area to have to live and work in.

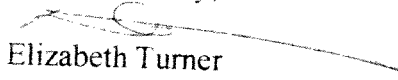
Following the EDGE hearing last May, it was all rather quiet at the EDGE for a few months. I hoped that the EDGE were actually abiding by the planning authorities conditions issued in May. However this peace was soon interrupted around August, when the club continued to operate at weekends. The club operates every Saturday, and has been open some Fridays. It is *always* open beyond midnight when it is open, despite planning conditions to the contrary. I do not see why the council should continue to tolerate an enterprise that is utterly disrespectful to the regulations in which it is supposed to be operating. If the club chooses not to abide by the conditions imposed upon it, I do not think the council should endure this farce any longer.

Another example would be this Saturday night – the club is operating (a) past midnight and (b) is operating a new strip-club night – an event which the club does not have the appropriate licence to host! Further I have also been surprised that, despite the EDGE's assertions to the contrary, I have seen Jaspal Singh numerous times entering and leaving the property, and I have seen him with a bouncer on the door of the EDGE several times since August. Given that the club is on a ‘temporary planning permission’ I find its underhand and dishonest operations unsupportable. Given the problems that it causes – I do not believe that the council should support it any longer.

As I mentioned the most unbearable thing for me is the noise in my flat. It is really awful not being able to sleep because of the noise. I consider myself a sound sleeper, however even with earplugs this is simply inhumane. I can't look forward to a quiet night in at the weekend as I know that I will not be able to fall asleep until the club closes. It's as if my life has been dictated by the club. I have been so angry in the past when I have had to wake up early the following Sunday morning to work, and yet I've been kept up all night with the racket below. I look forward to not spending weekends in London so as I can have a sound night sleep. It is truly ridiculous. The only comfort is that the club does not operate during the week – if that was to begin as well (without any sound-proofing) I really think I would become unwell due to lack of sleep; and my professional career would undoubtedly suffer even more than it is currently suffering.

Council, I am urging you to take into account the complaints of the residents in this review. And as the closest property to the club I would consider that I am one of the residents who will be most affected by your decision. I do not consider myself to be a complaining resident – however I would consider that being unable to sleep at night because of a club that has a lack of respect for surrounding properties and a flagrant disregard for the law is thumping music throughout my house till the small hours of the morning. Please consider how the lives of the residents are being affected when considering your licence review.

Yours sincerely,

  
Elizabeth Turner

# Appendix H 2

THOMAS O'DWYER  
38, The Cloisters  
145 Commercial Street  
London E1 6EB

30 April 2008

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

RE: EDGE, 157 COMMERCIAL STREET, E1 LICENCE REVIEW

Dear Sir/Madam:

*No, no, no...PLEASE NO.* Despite mass complaints to past Licensing Panels for some seven years regarding the glaring lawlessness, public nuisance and illegal operations of the club branded as Edge, *STILL* nothing truly permanent has been done to successfully curtail the continuous *AND* on-going transgressions posed by the club. It would seem that trouble is once again brewing; there is now the added threat of a strip club - with all the obvious accompanying sleaze - opening at Edge over the weekend!

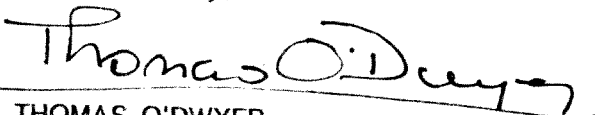
Because of the urgency of this complaint - the deadline being that you must receive all complaints by midnight, Friday 2 May 2008 - I am enclosing a copy of my last angry letter dated 29 January 2007. All those complaints laid out in that letter *STILL* stand. And were the licence holder of Edge, Mr Jaspal Singh, to get what he now wants, things will only get far worse than they were when that letter was first written.

Now it appears that the Edge will be holding one of London's most notorious strip club nights - called, I believe, Nuke Them All club night - in *TOTAL* breach of their current licence. The Edge strip club launch is scheduled for 3 May and is currently being advertised on the internet! If the strip club night goes ahead this will be in total breach of the club's current licence as I understand it. Therefore, how can Mr Jaspal Singh be a suitable licence holder? The man continuously flaunts the law.

Although the Edge has recently made serious attempts to maintain a low profile, the operation *STILL* continues to operate unabated past midnight. Crowds of rowdy people are regularly outside the club smoking cigarettes and drinking well past 2:00am, and noisy departures *STILL* plague those residents who live adjacent to the club. Also, the doorway to my block of flats, The Cloisters (next door to Edge), continues to be used as a public toilet. All of this amounts to on-going public nuisance, especially when it is after midnight. The inconsiderate behaviour of both Mr Jaspal Singh *AND* his rowdy customers is intolerable, and I believe that Edge should be closed forthwith! This area in Commercial Street is essentially residential, *NOT* a club-crowded backstreet in Benidorm.

Thank you for your time and your kind consideration in dealing with my *VERY SERIOUS* complaint. I do hope to eventually hear that Mr Singh's current licence review will be unsuccessful.

Yours sincerely,



THOMAS O'DWYER  
enclosure

01 MAY 2008

THOMAS O'DWYER  
38. The Cloisters  
145 Commercial Street  
London E1 6EB  
Tel: 020-73776201

29 January 2007

Development Control Manager  
Development & Renewal Town Planning  
Mulberry Place (AH)  
PO Box 55739  
5 Clove Crescent  
London E14 1BY

YOUR REF: PA/06/02243

Dear Development Control Manager:

I write this letter with regards to the planning permission application brought forward by the owners of the premises at 157 Commercial Street, London E1 6BJ - currently being branded as Edge - to use said premises as a bar and late night entertainment venue. Once again, I would like to express my objection to this in the strongest possible terms. In fact, I most vehemently oppose this application in no uncertain terms.

In objecting to planning permission being granted for the licence proposal at 157 Commercial Street, London E1 6BJ, I would ask you to carefully note and consider the following points I raise. NB My objections have nothing to do with the relatively new eating venue on the ground floor at the premises, being branded as Hawksmoor.

- 1) Since the premises opening in 2003 - having been branded as both Edge *and* Protokol - the proprietors have been in constant and regular breach of the conditions of its licence. In fact, since its opening and many subsequent reopenings the licence holder of the premises has consistently ignored and flaunted the terms of their liquor and PEL licences.
- 2) Since their most current liquor licence was granted abuses in selling alcohol - as late as 6:00am on a 11:00pm licence! - have regularly taken place. Regular abuses **STILL** regularly occur to date.
- 3) As liquor licensees, the licence holders are responsible for the behaviour of their clientele both within **AND** immediately outside the club premises. From November 2003 to date absolutely **NOTHING** has been done to restrict the type of customer and/or their customers' excessive drinking and resulting abominable behaviour. This has regularly led to street fights, damage to public property, intimidation of local residents (including myself), and general deterioration of residents' quality of life due to noise and anti-social behaviour. At the end of July, 2005, for instance, there was a very public street brawl, resulting in bottle throwing, blood-letting violence and serious damage to surrounding public property. The terrifying episode culminated with the police arriving in force and closing off the surrounding area. This kind of behaviour cannot continue!
- 4) Despite the club venue's maximum capacity being limited by its current licence to 120 - to include staff - the crowds entering the club are quite often in excess of 200. Furthermore, the licence stipulates that club customers must be held inside the premises to await transport, but this proviso has regularly and consistently been breached, with rowdy, noisy crowds of drugged, drunken people loitering outside.



- 5) During the time said premises has been operating as a nightclub it would also seem that the entranceway to The Cloisters - the building in which I have lived for over 18 years - has become an adjunct toilet to the nearby club! Over one of last year's bank holiday weekend the entrance to the building was soaked with urine *and* vomit from club customers. In one case I actually caught one of the culprits in mid-flow!
- 6) The proprietors at the 157 Commercial Street premises have consistently failed to operate within either the law *or* the conditions outlined in the various licences they have held. They have repeatedly been guilty of gross mismanagement, and quite clearly cannot be trusted to hold a late night club licence.
- 7) The premises at 157 Commercial Street, London E1 6BJ is, I should emphasise, in the middle of a strictly residential area. It is therefore totally inappropriate for a late night club to sit happily alongside and adjacent to residential property. Amongst other major objections, when the premises has operated as a late night club - both legally *AND* illegally - because of the type of customer attracted to the venue, residents in the area immediately saw an increase in both prostitutes and drug dealers touting for business. As a result residents in the area have continuously been the objects of undesired intimidation, assaults and threats.
- 8) For well over two years now people living in The Cloisters and other nearby residential areas have had to suffer constant sleepless nights, having to put up with unsociable noise from thumping disco music, loud car sound systems, tooting horns, and touting cabs. We have had to put up with the raucous, anti-social behaviour of unfriendly drunks and threatening druggies. We have had to constantly turn a blind eye to their vomiting and urinating in doorways - most notably the entranceway to The Cloisters - and their intimidating behaviour. If the licence application should be granted and changes to this venue's liquor licence and PEL are approved, the chaos, disruption, filth and noise can only get worse. I can assure you, it is neither pleasant nor acceptable having to pick one's way through broken glass, pools of urine and a sea of vomit when entering the doorway of my building! Over this past weekend alone in addition to urine *AND* copious pools of dried vomit greeting one on Sunday, 28 January, morning from the club venue's front door right up the length of Commercial Street to Shoreditch High Street there was trail of blood along with blood-soaked paper towels. Not a pretty sight and totally unsuitable for a residential neighbourhood.

**ENOUGH IS ENOUGH! I WOULD ASK YOU TO PLEASE REJECT THE PLANNING PERMISSION APPLICATION TO USE THE PREMISES AT 157 COMMERCIAL STREET, LONDON E1 6BJ AS A BAR AND LATE NIGHT ENTERTAINMENT VENUE AS OUTLINED IN YOUR LETTER. SUCH A VENUE - AND ITS ACCOMPANYING DEBRIS AND DISORDER - HAS NO PLACE IN THE MIDDLE OF A RESIDENTIAL COMMUNITY. MUCH OF THE AREA BORDERING THE PREMISES IS STRICTLY RESIDENTIAL, AND THE QUALITY OF LIFE OF THOSE OF US LIVING IN THE IMMEDIATE AREA WILL UNDOUBTEDLY SUFFER SHOULD THIS APPLICATION BE GRANTED.**

Yours sincerely,

THOMAS O'DWYER

# Appendix H 3

**Mohshin Ali**

**From:** John Cruse  
**Sent:** 07 May 2008 09:36  
**To:** Mohshin Ali  
**Subject:** FW: Licence review - EDGE, 145, Commercial Street, E1

**From:** heard nora [mailto:naheard4@yahoo.co.uk]  
**Sent:** 02 May 2008 22:01  
**To:** John Cruse  
**Subject:** Licence review - EDGE, 145, Commercial Street, E1

Dear Mr. Cruse,

Re the licence review relating to EDGE, 157, Commercial Street E1

I have submitted many objections over the past few years to licence/planning applications in respect of this establishment, and am now sending a quick email (I gather the deadline for comments is midnight tonight) to say that nothing has changed my views as to the undesirability of allowing EDGE to operate in any way, shape or form - it has continually flouted the terms of its licence, regularly staying open until 2, 3 or 4 in the morning, and being responsible for totally unacceptable anti-social behaviour by the clientele - this has caused immense distress to local residents, in terms of noise disturbance, sleep deprivation, vandalism, damage to property, traffic congestion, harrassment.....all this is extremely well documented and supported by photographs, and is recorded in the minutes of the relevant council meetings (as is the fact that the premises are frequently referred to by Mr. Singh - and advertised - as a club, even though he claims that it is no such thing). I see now that a striptease club is advertising an event at EDGE (May 3rd) - so this is totally in breach of their current licence, quite apart from the existing breaches of the hours of operation.

I would like to see this establishment closed down completely - the owners/managers are totally incapable of operating within the terms of their licence, and have been responsible for totally unacceptable levels of antisocial behaviour over many years.

Yours sincerely,  
Nora Heard,  
68, The Cloisters,  
145, Commercial Street,  
London E1 6EB

Sent from Yahoo! Mail.  
A Smarter Email.

# Appendix H 4

**Mohshin Ali**

**From:** Murray [murray@etmelius.com]  
**Sent:** 02 May 2008 23:16  
**To:** John Cruse  
**Cc:** Mohshin Ali  
**Subject:** Edge License application

As a local resident of over twenty years and early weekend riser/worker, I am appalled at the behaviour I witness as Edge empties its clients onto the streets in the early hours. Noisy, threatening and abusive behaviour in the immediate vicinity should really be viewed as unacceptable in what is now largely a residential area there being little or no commercial (non retail) activity anymore.

Operations such as Edge should be prohibited from operating beyond midnight. This is not the West End, it is a residential area.



Regards,  
Murray

Dr Murray Lawton-Daue

T 020.7247.6690  
F: 020 7247 6691  
M. 07710.446636

16 LAMB STREET  
SPITAL FIELDS  
LONDON  
E1 6EA



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# Appendix H 5

**Mohshin Ali**

**From:** Stephen Brown [brownsj@gmail.com]

**Sent:** 02 May 2008 23:00

**To:** Mohshin Ali

**Subject:** EDGE

This club has constantly been causing a nuisance with its ridiculous operating hours spilling people onto the street at completely unsocial hours to disturb all local residents. If you can't ban them at least restrict them to sensible hours please.

--

Stephen Brown

21 Priory House  
Folgate Street  
London E1

# Appendix H 6



## Mohshin Ali

---

**From:** dawsonphilippa@yahoo.co.uk  
**Sent:** 02 May 2008 21:58  
**To:** John Cruse; Mohshin Ali  
**Subject:** Edge

The club is a public nuisance and degrades the area. The late night licence should not be granted. Rubbish. Vomit and noise is not something that I appreciate in my area. Please take this as a vote against their late licence Philippa Dawson  
E1 resident

-----  
FLAT 9  
20 LAMB STREET  
LONDON  
E1 6EA

# Appendix H 7

**Mohshin Ali**

**From:** Margaret Gordon [margaret.gordonss@virgin.net]  
**Sent:** 02 May 2008 21:41  
**To:** John Cruse  
**Cc:** Mohshin Ali  
**Subject:** Edge Licence Review

Dear Mr Cruse,

We wish to express our support of your Licence Review of Edge at 157 Commercial Street. The operation of the venue and the behaviour of the clients in the surrounding streets has caused excessive nuisance to nearby residents and to the safety of traffic on Commercial Street. The venue is operating illegally and we ask that their activities cease by enforcement of the existing powers of the LBTH council.

Margaret and Ian Gordon  
Flat 2  
54 Folgate Street  
London.

# Appendix H 8

St George Residents' Association  
c/o Concierge  
31 Lamb Street  
London E1 6ED

*Telephone: 07980 306 559*

1st May 2008

Dear Sir

### **EDGE LICENCE REVIEW**

I understand that the Edge Club at 157 Commercial Street is undergoing a Licence Review. I am writing to you in my capacity as Secretary of the St. George Residents' Association (SGRA) to object to a Licence for these most unsuitable premises and unsuitable Licence holders.

The SGRA represents 200 local Tower Hamlets residents, tenants and leaseholders in the following streets: Commercial Street, Folgate Street, Lamb Street and Spital Square. All these are close to the Edge premises, and all have had problems with both the TIMINGS and the NATURE of the events hosted at this bar.

Equally important, though, is that we have been continually misled by the operator of the club as to his intentions, management and even ownership of the business. **Our understanding is that there is no current registered door supervisor for the premises at all, that the promised new owners/operators of the club have, yet again, disappeared and that the club has been operating knowingly totally illegally as there is a current Temporary Stop Notice on the premises.**

This has been totally ignored by the operator. Historically, so have all Licensing Restrictions.

They have shown a continuous disregard for any of the usual restrictions that are placed on premises near residences. If any Licence is granted, it is clear that they will disregard any conditions attached to such a Licence. This is why we believe it to be important to refuse it any Licence.

The club is in the middle of a residential Conservation Area, and was never designated as club premises. It is also in the middle of a residential block and general residential area. The effects of clients leaving the premises are felt in all the neighbouring streets, in the form of noise, urination, drug dealing, sexual abuse, fighting in the middle of the roads

and vomit in doorways and late night music. Whilst many of us appreciate the virtues of the night time economy, being woken up at 3, 4 or 5 am in the morning **EVERY NIGHT IT OPERATES** is not conducive to good working practices and the future of employment in the area. It is totally unreasonable in a designated, family residential, Conservation Area.

The club is so poorly designed that it cannot exert control over patrons exiting the premises in the early hours, or even going out to smoke. There is no provision for car parking, taxi access or protection for any of the residents who live immediately above or to the side of the premises, or who live along the routes people use to get to Brick Lane, Liverpool Street etc. which unavoidably means interfering with local residents.

The club is a haven of lawlessness as witnessed by the many calls to noise, environment, licencing, planning and police authorities. More seriously, there was a serious stabbing on its steps carried out by patrons at the beginning of last year. Tragically, we live in a street that has witnessed many drug-fuelled violent incidents and close to the tragic murder of 83 year old grandfather, Feroz Rahman, just a few months ago, also drug induced. Last year, a pensioner in Commercial Street, seriously ill with heart disease, was severely beaten by a drug addict who was dealing on Commercial Street.

Both these criminal incidents have resulted in police convictions, but, given that we are the most vulnerable ward in the borough with the worst figures (NCIS Figures reported to the Tower Hamlets Partnership) we believe we have a responsibility to be particularly vigilant **BEFORE** such incidents, as opposed to finding the villains afterwards.

We have records of a number of noise and public nuisance-related incidents with witnesses that we are able to supply if this helps the council with its review.

Yours sincerely

**DAVID DONOGHUE**

*Secretary, SGRA*

**TO:** John.Cruse@towerhamlets.gov.uk  
c.c.Mohshin.Ali@towerhamlets.gov.uk

# Appendix H 9

**Mohshin Ali**

**From:** Sean Izor [seanwylas@hotmail.com]  
**Sent:** 02 May 2008 18:52  
**To:** John Cruse; Mohshin Ali  
**Subject:** EDGE nightclub

To Whom It May Concern:

I am writing with regards to the licensing review for EDGE nightclub. I live in Flat 1 at 157 Commercial Street - the flat directly above EDGE. I have lived in this flat for over a year and a half and have been constantly plagued by EDGE. Very shortly after moving into my flat I was acquainted with EDGE's activities. At the beginning, every weekend night the pulsating music from the club could be heard throughout the entire flat. The only thing that would eventually minimise this thumping sound was the even louder disturbance that would occur each night as the patrons of this club emptied into the street outside my window.

These activities continued until around August last year, and stopped for a few months, but eventually EDGE opened back up with a vengeance, and I am now bombarded with loud music every Saturday night, and sometimes Friday night as well, up until 4:00 am sometimes. I have repeatedly called noise patrol to my flat, but in the end all that they have been able to do is acknowledge that the music is very audible in my flat and that it would be nearly impossible for anyone to sleep through it. In other words, other than offer their condolences, nothing is done as they have said they have not had the authority to shut the club down, even for the night.

Regarding the current license, I strongly request that it is denied. EDGE has not just been a nuisance in my life, but has created unbearable living conditions on some nights. Beyond the club music, there is the constant smoking outside my building's door, people screaming in the street at all hours of the night, trash piled up outside my building from the club's patrons the night before, not to mention the occasional fight where the police are needed to be called in. EDGE has known about all the problems it has caused both myself and other residents, and not only has it done nothing to minimise these, but now is actually seeking permission to cause more, by extending how late it can be open and what kinds of activities it and can participate in. On my behalf, as well as the other residents who live around EDGE nightclub, I strongly urge and request that EDGE is denied these license changes that it is seeking.

Sincerely,  
Sean R. Izor

---

Back to work after baby- how do you know when you're ready?



# Appendix H 10

**Mohshin Ali**

**From:** CRA [CRA@dsl.pipex.com]  
**Sent:** 02 May 2008 13:18  
**To:** John Cruse  
**Cc:** Mohshin Ali  
**Subject:** EDGE LICENCE REVIEW  
**Importance:** High  
**Attachments:** EDGE LICENCE REVIEW LETTER.doc

Dear John

Please find attached our submission to the current EDGE LICENCE REVIEW.

It's a Word document of a 7 page letter which itself contains 1 Local Area Map & 3 Photo Images.

Please let me know if there are any problems.

Regards Hilary Bagshaw

Director on behalf of SCMC Ltd.

Dear Mr Cruse

02/05/08

**RE: LICENCE REVIEW – EDGE 157 COMMERCIAL STREET LONDON E1 6BJ**

I am a resident Director of the Spitalfields Cloisters (Management Company) Ltd & so write not just on my (& my Husband's) behalf but that of the other 118 residents of The Cloisters; a 4 floor residential block with a main façade starting 20m from Edge; which itself is right in the middle of a large, established residential community (please see **Figure 1** Map below).

We have lived in The Cloisters at 145 Commercial St E1 6EB for the past 27 years. During that entire time *nothing* has caused as much distress, lack of sleep & disruption to our lives as this one, ill-managed, selfish venue & the equally inconsiderate patrons it attracts. Our area is home to hard working people; many key workers; all holding down demanding jobs; which over the past 5 years have been made near impossible at times due to the cumulative effect of tiredness, caused by the anti social behaviour & public nuisance that invades our streets (& homes) in the small hours, every time Edge operates late.

Therefore - the residents of The Cloisters are in total support of Tower Hamlets Environmental Health & Planning departments' decision to implement this Licence Review.

This club first opened (called Protokol) in Nov '03 on an ordinary liquor licence but no other required type; yet for its 1st 9 months operated, often until 6.00am whilst firmly establishing itself as a massive blight on our residential amenity. It was (& still is) owned by the same individual, Mr Singh; who is now also one of the current Premises License Holders. Also the holder of this frequently breached licence was the same Mr Abouchaar; who we understand is also now the Edge Designated Premises Supervisor!

Poor management aside; Edge is physically in the wrong place to ever operate late hours without causing public nuisance because; it has no outside dispersal space; save the narrow pavements directly under residential property windows. It's far too close to 100's of (pre-existing) nearby sleeping residents, directly above, adjacent & opposite, many with young children. It has virtually no legal parking; save a few Red Route bays, so our quieter surrounding side streets, like Folgate (beside our building) & Fleur-de-Lis, become Edge 'car parks' where the returning clubbers get to disturb yet more sleeping locals.

Tower Hamlets has on record, from countless hearings for planning; licensing & even Court records; a comprehensive litany of the high level of local public nuisance - where prior to Edge opening, there was none. Over the years the police have been forced to attend dozens of incidents; including serious arguments; damage to public property; fights; running street battles; stabbings whilst occasioning assaults on officers & making arrests.

So when considering the track record of the current holders, we respectfully suggest it be noted that Mr Singh as owner/manager of the venue, has been in charge from the very start & Mr Rathor has also been a holder since the 05 Licensing Act changes. So public nuisance is well proven under their tenure.

This is fact that didn't escape a Judge in May 07, when the Council was fighting an Edge Appeal at Thames Magistrates Court & he upheld Tower Hamlets Dec '06 refusal of a 2nd Edge Striptease Variation. The grounds cited in his judgement are extremely relevant to this Review; namely he had no confidence in Edge management & the hours/use sought would exacerbate existing high levels of public nuisance, further damaging residential amenity.

Then also in May 07 when Planning capped Edge to A4 Bar only Use with a midnight latest close, in order to protect that amenity, we hoped to see weekends quieten down but hoped in vain, as late operation continued unabated. Then suddenly in Aug 07 Edge really seemed to cease operation & a welcome but unusual normality returned to the local early morning

streets. Sadly it didn't last & the respite ended on Dec 1st 07 when Edge re-opened for business & residents were made well aware by the return of all the public nuisance associated with noisy post midnight operation; now with smokers outside in large groups under residents' windows & with noisy departures; as listed below; anytime up to 4.45am...

Please note the list below records the public nuisance experienced in the early hours of the day following an event of the previous evening – for example the record of Sun 02/12/07 at 2.07am was following an event of Sat 01/12/07.

- **Sun 02/12/07 - 02:35am to 03.30am;** saw a large group of smokers outside at 2.35am when returning home – making enough noise to be heard 30m away. Around 3.30am we & many of our residents were woken by noisy departures from Edge; raised voices; whistling for cabs; slamming car doors & revving engines.
- **Thurs 06/12/07 from 01.20am;** following a Weds event; Cloisters residents were woken when the first wave of noisy customers walked back to their cars parked below our windows & were subjected to the all too familiar public nuisance of drunken, loud conversations; slamming vehicle doors & whistling for cabs. One group even triggered their car alarm 3 times in the leaving process.
- **Sun 23/12/07 - 02.30am;** saw & heard a 20+ loud crowd; smoking outside Edge.
- **Sun 27/12/07 - 02.28am to 04.45am;** arrived home at 2.28am; noticed 30+ males outside Edge smoking & shouting. Later Cloisters residents were woken repeatedly by noisy outbreaks of loud alcohol fuelled voices until 4.45am. During this we were personally abruptly woken at 4.08am by mass bottle trashing & again at 4.18am when there was a very heated argument over cabs, which were also jostling for passengers at the junction, whilst tooting horns.
- **Sat 26/01/08 – 02.20am;** raised voices from dozens outside Edge & our cab had to pull up on a 67 Bus Stop to allow us to disembark safely near our doorway, due to the large number of patrons cars parked, nose to tail, outside The Cloisters. 30mins later followed waves of car door slamming & yelling as we saw (& heard) crowds walk from Edge to return to their vehicles & depart.
- **Sat 09/02/08 - 01.27am;** heard a crowd of smokers noisily socialising outside Edge as we returned home (please see photo **Figure 2** below).
- **Sat 23/02/08 – 04.10am;** very noisy departures wake Cloisters residents as vehicles toot horns to avoid others double parked & loading passengers directly outside Edge.

**Fri 29th February 2008 the Council served a Temporary Stop Notice & we hope that there would, at least be a few weeks of peace but...**

- **Sat 01/03/08 - 01.04am;** returned home to witness 50 odd standing on the pavement appearing to queue to get in to Edge; shouting & yelling with vehicles trying to pull up where there was no space due to road works. There were further large crowds on the pavement outside Edge & standing in the road trying to hail cabs (please see photo **Figure 3** below).  
Rang the Noise Patrol & lodged a complaint because there was so much noise outside - we could still hear it clearly back in our double-glazed flat. Called back by Officer Ben Milligan at 2.00am; he reported 'visiting Edge earlier; witnessing nuisance & serving another Noise Abatement Notice'.
- **Sun 09/03/08 – 02.02am to 04.00am;** despite the TSN, at 2.02am on returning home we saw Edge was clearly open as a large group of smokers was outside (please see photo **Figure 4** below). Another noisy group woke us again at 3.00am as did noisy departures; slamming vehicle doors; shouting & whistling for cabs at just gone 4.00am.
- **Sun 16/03/08 - 12:40am;** Edge doorway lights were on and there were people outside talking very loudly & smoking.
- **Sun 22/03/08 – 12.17am;** Edge was still letting in people as we returned home.

**Most recently: -**

- **Sun 06/04/08 - 02.35am;** Cloisters residents were disturbed by a group of men shouting to each other whilst standing outside Edge – we too saw several return inside a few times & seem to be loading gear from the doorway into waiting vehicles.
- **Sun 13/04/08 - 02:10am to 03.00am;** a crowd of 30+ smokers is seen & heard outside Edge by several Cloisters residents. More residents report being woken by waves of shouting departures.
- **Sun 20/04/08 - 02.06am to 04.30am;** continuous disturbance to our residents. 2.06am we see dozens of noisy Edge customers smoking whilst sheltering under scaffolding at neighbouring 159 & under the Edge door awning 2 hours after it was meant to be closed! (Please see photo). At 4.00am another Cloisters resident returning home, saw customers exiting Edge – revealing that the place was still operating; by now 4 hours after it should have been closed. Then residents were woken by the noise of car doors slamming & raised voices until 4.30am as Edge customers finally departed.
- **Sun 27/04/08 - 12:45am** Cloisters residents disturbed by several men having an argument outside Edge before returning inside.

This community & years of public documentation stand witness to the repeated disregard of countless Council conditions; decisions; rules & even the law by the current Licensees & DPS. They have repeatedly proven they cannot be trusted & do not deserve to continue holding any late licence a fact further highlighted by the recent breaches of the TSN!

The only way that Licensing can bring this cycle to an end & protect us from the further negative impact of cumulative public nuisance - specific to Edge acting as a late club is to, at very least limit Edge's current 2am weekday & 4am weekend late license; to bring it in line with the use & hours stipulated by Planning - of a regular bar/restaurant; with a midnight latest close.

In closing, residents of The Cloisters respectfully ask that you take this just action.

Thank you for your consideration.

Yours truly,

Mrs H Bagshaw – Director - Spitalfields Cloisters (Management Company) Ltd; on Behalf of the Residents.

Mr E Bagshaw – 44 The Cloisters 145 Commercial Street LONDON E1 6EB.

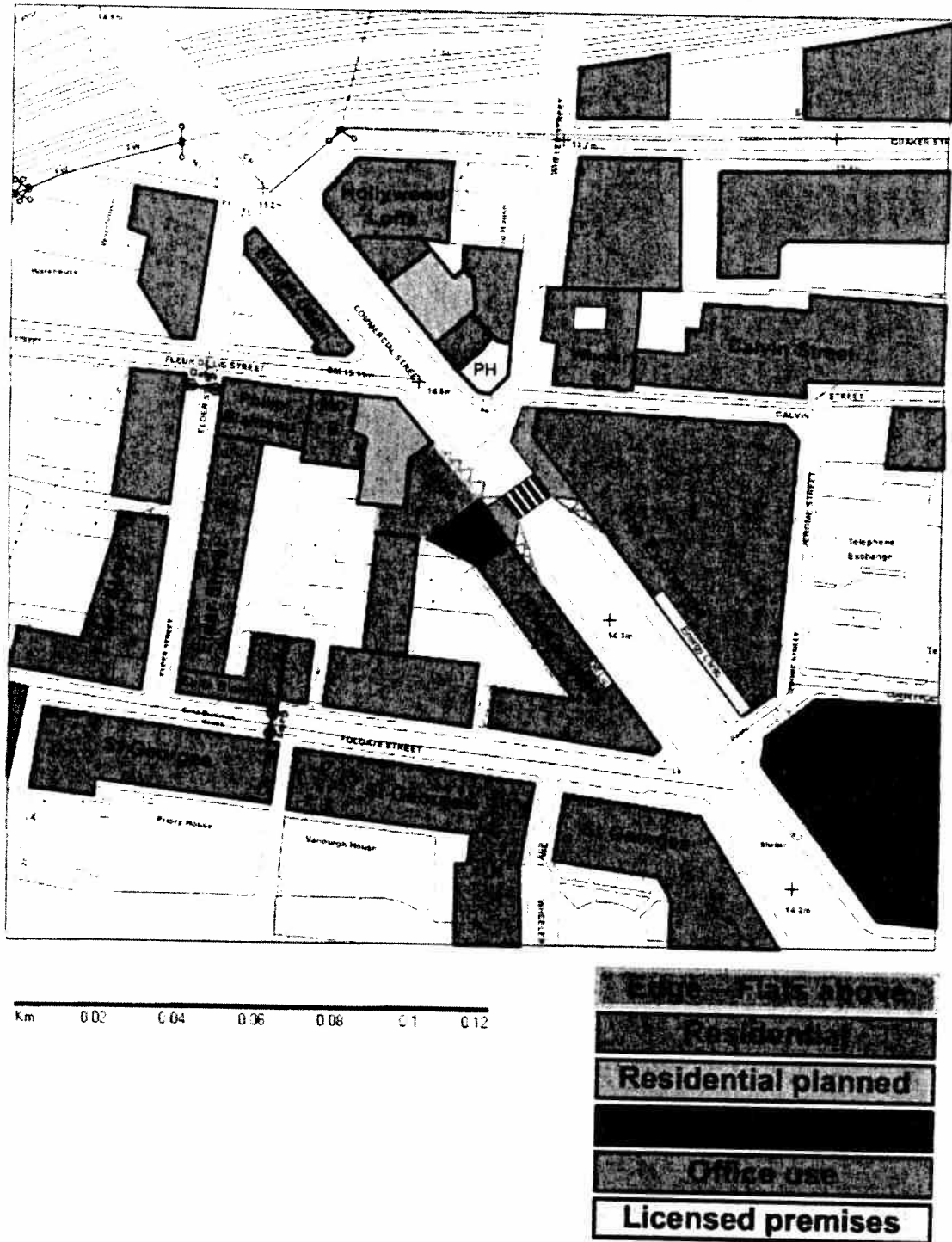
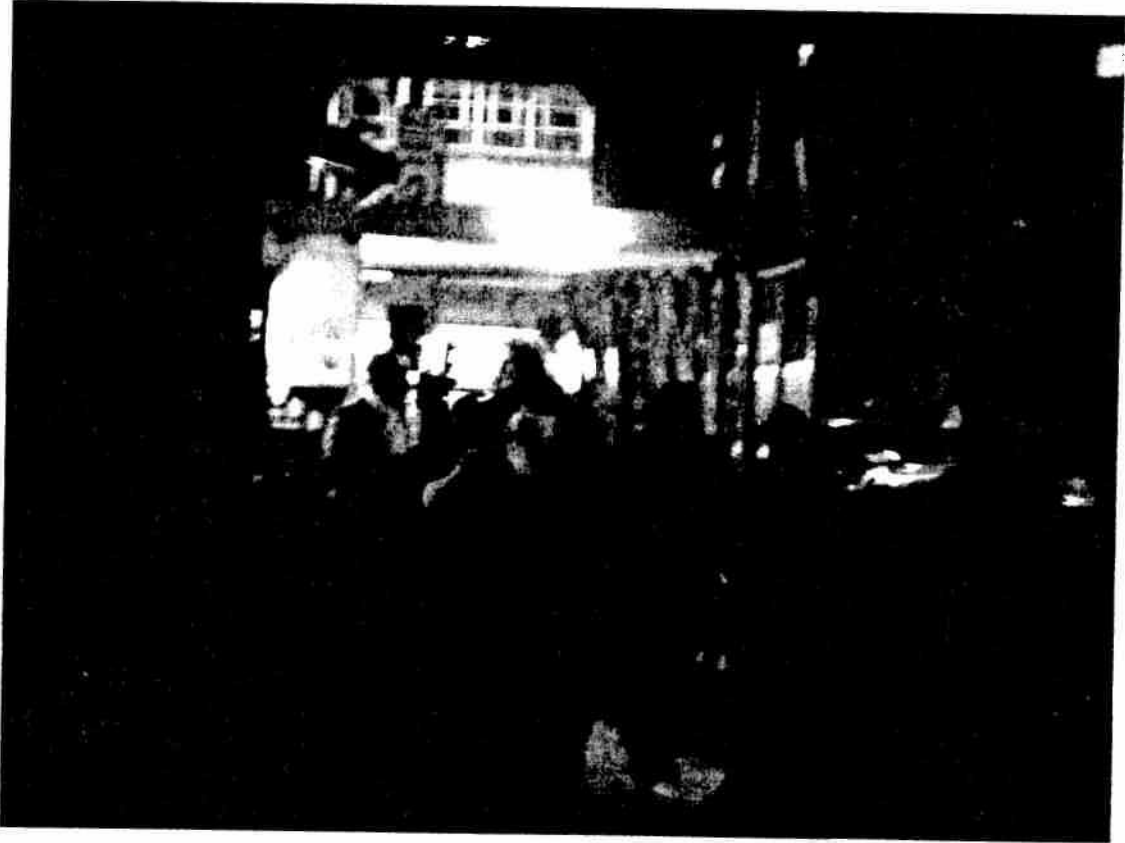


Figure 1 Map 1 Residential Proximity to Edge



**Figure 2 - 09/02/08 at 1.27am – Noisy group of smokers socialising outside Edge.**

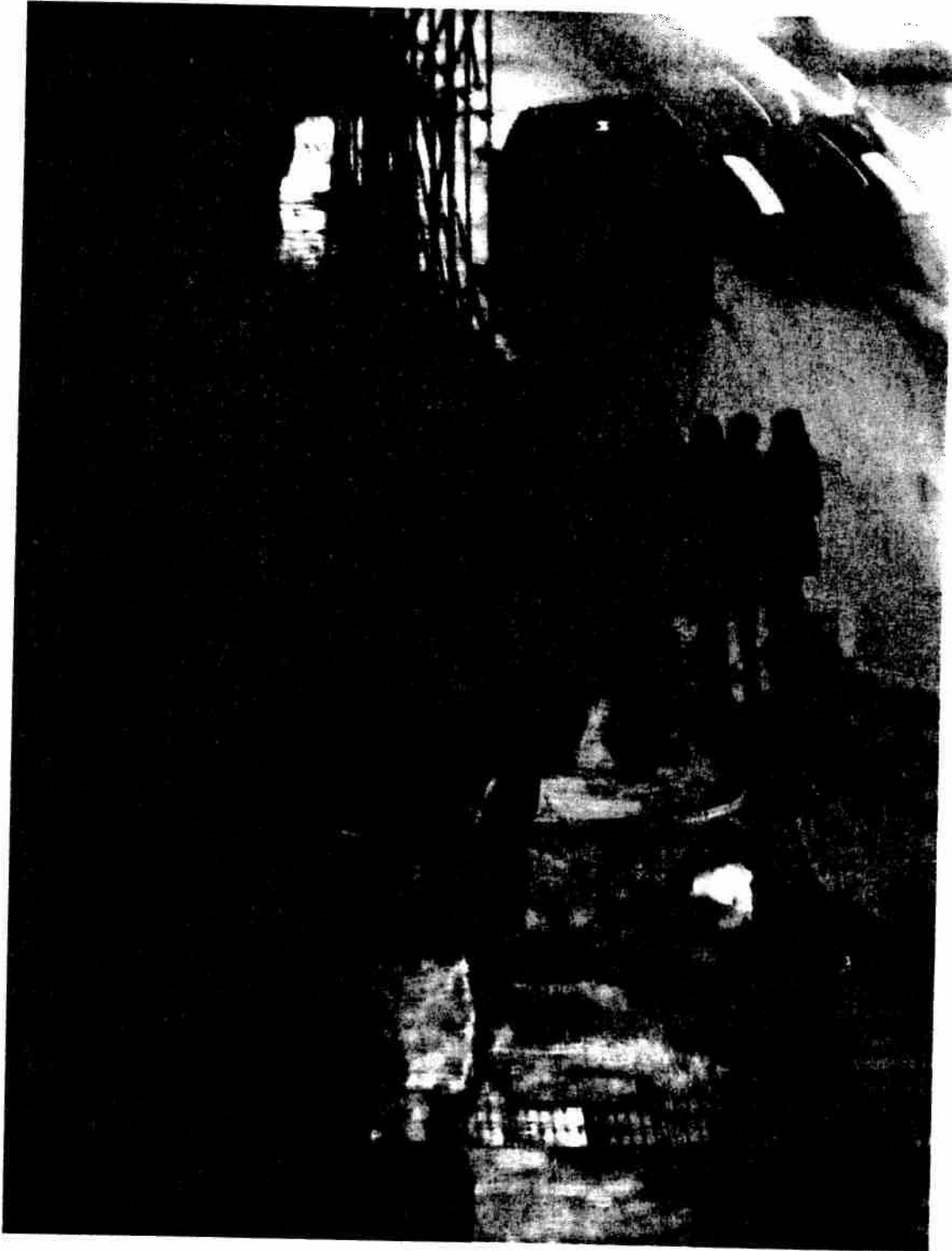


Figure 2 – 01/03/08 at 1.04am – A rowdy crowd filling the pavement waiting to enter Edge.





**Figure 3 – 09/03/08 at 2.02 Edge is clearly open as its smokers shelter from the rain under door awning & neighbouring scaffolding at 159**

- Ends -

# Appendix H 11

**Mohshin Ali**

**From:** ron davies [ron\_davies6@hotmail.com]  
**Sent:** 01 May 2008 23:30  
**To:** John Cruse; Mohshin Ali  
**Subject:** The Edge Licence review  
**Attachments:** edgeappeal mark2.doc

Dear sir,

**The Edge Licence Review**

Please consider the following comments in relation to the current Edge Licence review :

Please find attached a doc that includes just a few of the issues that I have experienced from 'The Edge' nightclub in the 2 years that I have lived at Flat 8, 157 Commercial street (a few floors above the club).

In recent weeks the club has continued to operate past its restricted midnight opening on every Saturday night (and also often on Fridays)... I have had to call the noise team on two occasions within the last few months.

Please don't let this establishment continue to flout the council's law's and restrictions at the expense of the local residents!

Regards,  
Ron Davies,  
07860 562122

---

Get fish-slapping on Messenger! Play Now

Mr R Davies,  
Flat 8,  
157 Commercial street,  
London.  
E1 6BJ.  
Tel : 07860 562122

The Planning Inspectorate,  
Room 3/21,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol.  
BS1 6PN

January 8<sup>th</sup> 2008

**Ref : APP/E5900/A/07/2060232 & Ref : APP/E5900/A/07/2060233**  
**The Edge, 157 Commercial Street Appeal.**

*Dear Sir/Madam,*

I wish to object to the Edge's current Appeal ref: APP/E5900/A/07/2060232, 233 and strongly back Tower Hamlet's decision to enforce a midnight close with a temporary A4 permission, as well as the recommendation to refuse the Sui-Generis permission.

The Operation of the Edge nightclub has been the most disruptive element of living in this community since I first moved here in March 2006

Even following the Council's grant of A4 permission (till Midnight) and the withdrawal of the request for Sui-Generis (by the Edge owners themselves prior to the Council Planning meeting to consider the two matters), the venue continues to cause regular disruption to all who live in the vicinity.

I have included various prior correspondence between myself (and one other resident), the Tower Hamlets council and the Planning Inspectorate to be considered as part of your deliberations.

Yours Sincerely

Mr R Davies,

## 1. Correspondence to the council regarding the Edge since May 07 (i.e. since the Council's grant of A4 to midnight with no Sui-Generis)

**From:** joanna.webb@sgcib.com [mailto:joanna.webb@sgcib.com]  
**Sent:** 03 December 2007 14:10  
**To:** Stephen Irvine; Iain Pendrigh; Derrick Harrington; John Cruse  
**Cc:** cros@dial.pipex.com  
**Subject:** EDGE - 157 Commercial St - Planning Breach ? [C1]

Dear Sirs,

I was lead to understand that the nightclub known as Edge had, earlier this year, been clearly directed in a Planning committee meeting to close by midnight, as befits its A4 Bar planning allowance.

If I am correct in this understanding then I wish to report a clear breach of this agreement this past weekend :

After a blissfully quiet period of a few months, Edge opened its doors again on Saturday evening 1st Dec and was still pumping out heavy bass music which was rocking my bed until at least 2.30 am on Sunday morning 2nd Dec, and, I am informed by distressed neighbours who are the parents of a new baby, did not eject its clients until 3.30am.

The owners/managers of the club showed all their customary lack of consideration to the local residents : music so loud it moves my bed on the 5th floor of the residential building in which they are situated in the basement ; allowing noisy clientele to gather in large groups to smoke on the pavement underneath our residential bedroom windows ; extremely noisy departures at closing time, involving unruly clientele ; Edge filling to bursting our residential bin room with their commercial waste. I won't go on - I have written often enough, and at length, of the anti-social behaviour emanating from Edge and the events of Saturday night was an unwelcome reminder of what once was and could so easily, it seems, become again.

I have included all of you in my email since I believe it is a planning breach as well as an environmental health issue, due to the noise transference and that the licensing dept should probably also be kept in the loop.

Regards  
Jo

Joanna Webb

Flat 9  
157 Commercial St  
London  
E1 6BJ

**From:** ron davies [mailto:ron\_davies6@hotmail.com]

**Sent:** 13 July 2007 19:53

**To:** John Cruse; steve.irvine@towerhamlets.gov.uk; georgegallowaydotcom@gmail.com

**Cc:** Iain Pendrigh; Derrick Harrington; Bryan Jones; Alkesh Solanki; Colin Perrins

**Subject:** RE: The Edge operating outside of it's planning permission again!

John,

Why when the venue does not have Planning permission to be run as a 'club', is the council allowing it to continue in this capacity?

Whilst the venue may not be breaking it's licensing conditions isn't the fact that it does not have the planning permission to be run as a club, in any way enforceable?

The council's noise control team continue to be called out by residents and continue to confirm that the club is in breach of it's requirement in this capacity.

What is happening with the previous Noise abatement notices that have been issued to the venue??

It's no good just passing this back and forth between your various Council departments. Someone needs to take accountability for this mess and do something about it.

Regards,  
Ron Davies.

**From:** ron davies [mailto:ron\_davies6@hotmail.com]

**Sent:** 12 July 2007 22:34

**To:** steve.irvine@towerhamlets.gov.uk

**Cc:** John Cruse; Iain Pendrigh; Derrick Harrington; Bryan Jones; Alkesh Solanki

**Subject:** The Edge operating outside of it's planning permission again!

I've just passed a whole wall of posters advertising a club night this Saturday (14th July) at the Edge (157 Commercial Street).

Here's a link to a website advertising this event:

<http://www.dontstayin.com/uk/london/edge-shoreditch/2007/jul/14/event-125468>

The night is called 'Crazy Behaviour' which ironically is in keeping with the operation of this club, and the lack of any sort of enforcement from the council.

As part of a recent planning application "The Edge" withdrew its request for Planning permission to run as a club, as I know you are aware. Since this time it has continued to run numerous club nights and again I'm sure you are aware.

What does it take for the council to act on a venue that is clearly and continually in breach of its planning/licensing conditions?

I'll be taking up this matter with my local MP.

Regards,

Ron Davies.

Flat 8,

157 Commercial street.

## 2. Letter to Tower Hamlets Council in regards Edge applications for late night opening.

Re: Edge Planning applications – PA/06/2242 & PA/06/2243

I wish to strongly object to both Planning Applications from the Edge Nightclub

*PA/06/2242 – Use as a bar (Class A4) Operating Monday to Wednesday 11am to 2am, Thursday to Saturdays 11am to 4am, and Sunday 11am to Midnight*

*PA/06/2243 – Use as a bar and late night entertainment venue Operating Mondays to Wednesday 11am to 2am. Thursdays to Saturdays 11am to 4am and Sunday 11am to Midnight*

**I wish the following points to be considered in regards to BOTH of the above Planning applications from the Edge (157 Commercial Street) /06/2242 & /06/2243**

My flat is directly above the Edge Nightclub and the noise emanating from the bar/club (when it operates) within my residence is totally unacceptable.

I (and the other residents of 157) have raised numerous complaints with the Tower Hamlets Environmental Health department regarding the noise nuisance and the Council's noise team have been called out on several occasions. Each time the noise team have attended they have confirmed that the club has caused a statutory noise nuisance and notices have been served on the premises.

I understand that the Edge has never had any sort of acoustic testing/sound proofing to determine and limit the impact on the residents in the same block and the nearby buildings. I am amazed that the council has failed to act before this time on this issue when it has all the evidence on this matter in its hands.

When 157 Commercial street (the address of the Edge and flats above it) was converted into residential flats in 2002, Tower Hamlets produced Planning Report No. DP163/012. It recommended granting the then A3 (now A4 – *please note that this is BAR USE NOT CLUB*) Status but **only subject to several conditions**. The following conditions have **not been complied with and are still unresolved** (*this is from more than 4 years ago!*)

- **Condition 1.** Reserved matters (to be submitted within 2 months):- (i) fume extraction details; (ii) sound insulation for the windows of the proposed flats; and (iii) refuse storage arrangements.



- **Condition 3.** The ground floor and basement (then) Class A3 (now A4) use to be open only between the hours of 9am to Midnight Mondays to Saturdays and 9am to 11.30pm on Sundays.
- **Condition 4.** The approved sound insulation arrangements to be installed to the flats prior to their occupation.
- **Condition 7.** No process, activity or machinery shall be carried out/operated so as to cause detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit or electrical interference.
- **Condition 8.** No music to be played within the ground/basement floors so as to be audible from the nearest residential property

*(Please note that it is impossible for the Edge to operate without being audible within the nearest residential property. I live on the third floor of 157 Commercial street and I have to put up with the constant thudding and vibration from the club's music. The residents on the 1<sup>st</sup> floor (closest to the club) report much worse. Environmental Health has many recorded incidents of this).*

As part of the Variation of Premises Licence for the Edge which was passed by the Licensing Committee Hearing in November 2005 the following conditions to the Regulated Entertainment were specified :-

- *The applicant to comply with all reasonable requirements from Environmental Health and sound levels must be set and maintained in agreement with Environmental Health (Noise) Officers.*
- *All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-section (1) Paragraph (g) of the Environmental Protection Act 1990 within any other premise*

Neither of these conditions are being complied with and yet the council has done nothing to address these issues. I also do not understand how the council could have approved this License variation when the Edge had not met the planning conditions to run as a bar, let alone running as a club.

I believe that other council's Licensing and Planning departments can work together, why can't Tower Hamlets??

The current hours (Friday & Saturday until 04:00am) are totally unacceptable due to the impact on the residents and yet this new application is looking to further extend these hours so that Thursday opening is also until 4am...with 2am for the remainder of the week. This would make it impossible for the residents to get a decent night's sleep during the working week.

The Edge does not have its own waste dumping facility and has continued dumping its waste in the residents rubbish facility often causing them to overflow. The club has recently been using the Wheelie bin recently placed outside by the Hawksmore Restaurant. This wheelie bin overflows for approximately half of the week (I have reported this to Environmental Health via its Web site but no response has been forthcoming) resulting in many Bin bags just thrown alongside on the ground. These Bin bags often split open with the rubbish being blown into the entranceway of the flats at 157 Commercial street. The Wheelie bin is left constantly on the street (24 hours a day, 7 days a week). I understand that this is a breach of planning.

Patrons of the Edge have to exit directly below the residents flats which results in many disturbed nights of sleep. Unfortunately the patrons from the Edge often use the main entrance door to the flats as a urinal and there have been at least two occasions in the last six months where a large pile of vomit has been deposited on our doorstep.

The Edge nightclub patrons often cause a public disturbance when leaving the establishment. Two recent examples are :-

- Saturday 9<sup>th</sup> December, where a thirty man brawl erupted in the middle of Commercial street and required the attendance of three police cars at 04:30 am in the morning.
- Just this weekend, Sunday 29<sup>th</sup> January, several men who had just left the Edge club started a fight which resulted in a considerable amount of spilled blood. The Police had to attend and can confirm that there were several arrests. This took place between 02:00 – 6:30am and again caused the residents serious disruption.

The Edge seems intent on gaining the necessary permission to run as a Striptease/Sex Club and I understand that the Sui-Generis Planning permission is the first step in this direction.

I strongly oppose these plans as it would only worsen an already bad problem in this area. I already have to put up with walking past the local prostitute a couple of hundred metres from my address on many nights. This sort of activity at the Edge will only encourage more of the same onto Commercial street as they tout for more business from the over excited patrons as they leave the club.

It will also encourage the club to open late on weekday nights which will in turn bring misery to all of the residents at 157 Commercial street (see previous internal/external noise issues).

This Club is in the middle of one of Tower Hamlet's conservation areas/ Has been running without the necessary planning permission since the beginning / Causes a statutory noise nuisance whenever it operates / Causes nothing but problems for the residents in the area. It is long overdue that the Council did something about it.

Regards,  
Ron Davies.

### 3. Evidence of letters to Tower Hamlet Council in regards Edge noise complaints from around the time the Inspectorate were originally asked to look into this matter (2006)

#### **My original email to the Tower Hamlets council**

I wish to make a complaint regarding the Edge Nightclub, 157 Commercial street.

On Friday night/Saturday morning (23rd Sept 23:00 hours - 24th Sept 04:00) the Edge nightclub was operating with noise levels which are unacceptable for residents who live in the same block.

Whenever the Edge nightclub runs there is a level of noise nuisance which is difficult to deal with, however on certain nights this noise nuisance can be much worse.

The problems arise from extremely heavy drum and bass noise which vibrate the building and can be felt all the way up to the Penthouse floor (which is 4 floors above the club).

Has the council ever conducted a noise assessment of this club (i.e. the impact it causes the residents nearest to the club - Flats 1-9 of 157 Commercial st). Is there any noise limiter or any sort of restrictions on the noise levels within the club to stop certain DJ's just deciding to turn the music up to unacceptable levels?

One of the conditions of the club's licence state that it does not disturb the residents.. The club clearly breaks this condition every single time that it opens. Why is the council not doing anything about this?

When can the council come and take some noise levels and actually DO SOMETHING!?!?! Why has nothing been done on this front in the past when there have been many many complaints already registered??

Regards,  
Ron Davies  
Flat 8,  
157 Commercial street.  
E1 6BJ.

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#### **Their response :-**

---

Dear Mr Davies,

Thank you for your E-mail dated 23rd September 2006.

In order for the Environmental Health/Environmental Protection department to investigate your noise complaint effectively please call the out of hours noise service so that our officers can assess the level of noise that you are suffering. Once an assessment has been made the department will determine the most appropriate course of action.

If the department witnesses a Statutory Nuisance then a noise abatement order will be served on the person responsible to abate or prohibit the statutory nuisance.

If any of the license conditions has been breached then evidence needs to be gathered to verify the allegation. I suggest that you speak to Mr John Cruse (team leader - Licensing) who can advise you in relation to the process to call for a review of the licence (which you as a local resident have the power to do). Mr Cruse can be contacted on 020 7364 5000.

Please call the noise patrol on 0207 364 7070:-

- 8pm to 330am Monday to Thursday and;
- 24 hours Friday to Sunday.

I trust that this clarifies the position.

Mr A. Stanton Esq (Hons) MCIEA  
Environmental Health Officer  
Environmental Health  
Environmental Protection  
Area Team North  
London Borough of Tower Hamlets  
Southco Green  
London E1 4RN

**My final response :-**

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Thank you for your response.

I know from personal experience and also from speaking to other residents in the block (157) that it has been very difficult (to almost impossible) to get the noise patrol to respond to a problem on a particular night. I understand that they are often very busy during the problem times on Friday and Saturday nights.

However, I'm willing to try this process again as this appears to be the only way of moving this forward.

I will speak to the other residents at 157, and hopefully one of the residents on the lower floors will be able to put in the call as the noise nuisance from those levels is certain to be a statutory nuisance.

I will be back in touch if we find the noise patrol are unavailable to attend due to other commitments. I would expect the council to be more proactive on this front if they are unable to honour the process that we are being asked to follow.

Regards,  
Ron Davies  
157 Comm st.

#### 4. Original letter to Inspectorate in regards to the Edge Appeal

Mr R Davies,  
Flat 8,  
157 Commercial street,  
London.  
E1 6BJ.  
Tel : 07860 562122

The Planning Inspectorate,  
Room 3/21,  
Temple Quay House,  
2 The Square,  
Temple Quay,  
Bristol.  
BS1 6PN

July 26<sup>th</sup> 2006

**Ref : APP/E5900/C/06/2014012**

Dear Sir/Madam,

*I wish to make my views known in regards the Enforcement Appeal at 157 Commercial Street, London E1 6BJ (see above reference).*

*I am a resident/owner of a flat in the same block as the Edge nightclub and so I have first hand experience of the issues of living in close proximity to this business.*

##### **Noise Nuisance**

*The noise emanating from the club which is now open later than 4:00am on weekends has been disturbing my sleep from the time I first moved into my flat in March 2006.*

*I have previously contacted Tower Hamlets Council to complain about the noise and to ask if the club was in breach of it's licensing conditions (i.e. that it does not disturb the residents in the block). I raised this issue with the council on the 17<sup>th</sup> April and was given a reference (Flare ref : 62796 if you wish to confirm) and was told that this would be investigated, however over 3 months have passed and I am still awaiting a response from these investigations.*

*The bass from the music in the club can be heard (and even felt) clearly in my flat whilst I attempt to sleep. My flat is 3 floors above the club. Most of the residents in the block suffer even more from the noise problem as they are closer to the club.. (i.e. the first and second floors). Some of the other residents are short term tenants and many are students and so they may not feel the need to provide input to this appeal (as they will shortly be moving on).*

***I believe that the flats at 157 Commercial street are not sufficiently sound proofed for this type of activity to take place without disturbing many (if not all) of the residents in the block.***

*I have recently spoken to the tenant on the floor nearest to the nightclub (Flat 1) and I am told that even when using ear plugs, that he is unable to sleep. This has forced the tenant to sleep at a friend's every weekend. He is waiting for his tenancy to end before he can move. I unfortunately do not have that option as I recently bought the flat without realising that a club would be allowed to cause this much noise pollution in a residential block (i.e. I believed that the council would require a business of this nature be properly sound proofed!! Which it clearly isn't!).*

*I have been unable to contact this tenant in the last few days, but have this copy of an email he sent to the council in regards the Noise problem from the club. Please feel free to confirm with the council that this was a genuine complaint from the tenant :-*

*Copy of email from Jerome Maetz (Flat 1 – 157 Commercial st) to Council officer John Cruse (Tower Hamlets Council) on 11<sup>th</sup> July 2006 :-*

*-----Original Message-----*

***From: Jerome Maetz [mailto:[jerome.maetz@wanadoo.fr](mailto:jerome.maetz@wanadoo.fr)]***

***Sent: 11 July 2006 22:25***

***To: john.cruse@towerhamlets.gov.uk***

***Subject: 157 Commercial Street London E1 6BJ***

*Dear Mr,*

*I am currently living at 157 Commercial Street, Flat 1, London E1 6BJ and I would like to complain against the Edge and Hawksmoor.*

*The Edge: the restaurant / night club / private club / pub.... does not respect its neighbors in terms of noise and public security. Since I moved in (three months ago) techno music has been played every Saturday evening until 4am and more recently other parties were organized Fridays and Wednesdays with the same sound volume. To give an example of the volume, the ground of the apartment is moving and ear plugs are totally inefficient so that I now spend every WE by friends because sleeping has become impossible. I have called the Noise Disturbance Department many times to make a complain before giving up. Moreover, after each party, glass bottles and glass pieces are found in front and inside the building.*

*Hawksmoor: Depending on the Week and on the day, loud music is played (usually between 11h30 and 1am), it seems however that some efforts have been made.*

*I think the minimum every citizen can ask is to sleep at night.*

*Please make them stop destroying the life of local inhabitants.*

*Regards*

*Maetz Jérôme  
157 Commercial Street (Flat 1)  
London E1 6BJ (Mobile 07726307754)  
jerome.maetz@wanadoo.fr*

***Environmental Nuisance***

*We often have problems with rubbish disposal from the Nightclub. I understand that they are using our residential waste facilities to dispose of their rubbish. This often causes the residents facilities to overflow.*

*Just last week the door to the residents rubbish facilities would not close due to overflowing and was left to smash about in the wind as a result (there were lots of empty spirit bottles and other commercial waste that had been dumped). I believe the council had to arrange a special rubbish collection to alleviate the situation.*

*I am told by another resident that an Environmental officer from the council has been to the site and inspected the rubbish disposal and can confirm this misuse.*

*When leaving through the front door of the residence on the 16<sup>th</sup> July there was a big pile of vomit up against the door to the residence and along the side wall which was almost impossible not to step into. I know I cannot state for a fact that the club was to blame, however it seems a distinct likelihood as the exit doors from the club are just a few feet from the door to the residence of 157 Commercial street.*

*The entrance door to the residence often smells of urine. Again I believe the patrons of the club to be responsible.*

*There have been many occasions in the past when broken bottles/glasses are just left on the pavement outside the door to the residence with glass sometimes coming under the main door and into the communal hallway.*

*I hope and trust you will take these issues into consideration as part of your decision. Could you please acknowledge receipt of this letter and also send me a copy of the decision letter.*

*Yours Sincerely,  
Mr R. Davies*

# Appendix H 12



**Mohshin Ali**

**From:** fay cattini [fay.cattini@btinternet.com]

**Sent:** 01 May 2008 18:02

**To:** Mohshin Ali

**Subject:** The Edge

Dear Mohshin Ali

I understand that a review of the Edge licence is to be carried out by Tower Hamlets Environmental Health and Planning. After 7 years, I am delighted. I am writing to say that I would like to see the Edge licence completely revoked. My objections would be that they continually are in breach of their licence terms and also on the grounds of public nuisance - high levels of noise to residents living above the premises; noise from crowds of smokers outside premises; noisy anti-social behaviour on local streets as clubbers leave the premises, especially at weekends.

Yours truly

Fay Cattini  
32 Monthope Road  
London E1 5LS

# Appendix H 13

**Mohshin Ali**

**From:** Tessa Abineri [tessa.abineri@royalacademy.org.uk]  
**Sent:** 01 May 2008 10:39  
**To:** John Cruse; Mohshin Ali  
**Cc:** CROS  
**Subject:** Edge Licence Review

Dear Sir

**Edge Licence Review - 157 Commercial Street E1**

I am delighted that a Temporary Stop Notice has been imposed on **Edge**, although disappointed - but not surprised - that this has been ignored by **Edge**. I understand that a Licence Review is now planned and I am writing in support of any action which will help to stop the unacceptable noise and behaviour to which residents of this area have been subjected for the last 7 years. It is a shame that the previous complaints from residents will not be a matter of record at your forthcoming hearing, as they would give you a good picture of just what residents have had to put up with, over a very long time - and right up to the present time.

Basically, **Edge** is responsible for a deteriorating quality of life for residents in the area concerned. That alone should be reason enough to put a stop to it.

The area is overwhelmingly residential. I live in a block just diagonally opposite **Edge** where there are 100 flats, mostly occupied by hard-working people and many young families. Many people live in accommodation even closer to **Edge** than I do and they are suffering even more from broken nights due to the rowdiness of **Edge** events.

We deserve the right of a night's sleep - not one that is interrupted by street fighting and shouting, huge traffic noise, police sirens under our windows, and so on. This community has already suffered much too much from the anti-social and LOUD behaviour that occurs when **Edge** operates **way beyond the current permitted hours - and this has continued right up until last weekend.**

We have learned from bitter experience with **Edge** that patrons cannot be controlled. Surely the local residents, as well as the over-stretched police force, deserve to have some consideration and protection that would result from appropriate action from their Council.

I beg you to consider the quality-of-life factors that I have mentioned and stop **Edge** from having such a negative effect on our community.

Thank you for your consideration.

Yours faithfully

Tessa Abineri  
Flat 9 - Exchange Building  
132 Commercial Street  
London E1 6NG

# Appendix H 14

**Mohshin Ali**

**From:** xerxes dalal [xdalal@gmail.com]

**Sent:** 30 April 2008 15:38

**To:** Mohshin Ali

**Subject:** Re: Video Evidence for Licence Review of Edge Nightclub, Basement, 157 Commercial Street, London, E1 6BJ

Hi Mohshin,

Thank you for speaking with me earlier today.

As mentioned in my previous email I have video evidence of a major incident which started in Edge nightclub at about 1:40am on Saturday 24th March 2007. Police were called to the scene.

I have taken the video cassette to Snappy Snaps to get copied on to a DVD format. I'm hoping it will be ready before the deadline for submitting evidence for Edge's Licence Review on 2nd May 2008. If not I sincerely hope that it can still be submitted as evidence against Edge.

Thanking you.

Kind Regards,

Xerxes Dalal  
Flat 7  
157 Commercial Street  
London E1 6BJ  
Tel: 07799416181

**Mohshin Ali****From:** xerxes dalal [xdalal@gmail.com]**Sent:** 29 April 2008 23:48**To:** Mohshin Ali**Subject:** Re: Licence Review of Edge Nightclub, Basement, 157 Commercial Street, London E1 6BJ

To whom it may concern,

My name is Xerxes Dalal and I live in Flat 7, 157 Commercial Street, E1 6BJ with my wife and one year old daughter. Since we moved into our home in April 2006, the noise disturbance from Edge nightclub on weekends has been a constant nightmare for us. We have experienced noise and vibrations from the property since moving into our flat. The building does not have the proper sound proofing and this caused considerable distress to my wife during her pregnancy. She was never able to get a restful night sleep on weekends when Edge was operating. Two years down the line we still have to bear numerous sleepless nights on weekends and disruptions to our quality of life.

Our one year old daughter is constantly woken on weekends by loud intoxicated club goers smoking directly beneath our bedroom window way past midnight. When leaving Edge between 2am and 4am there is drunken shouting and screaming and more often than not there is vomit outside our entrance door which also gets used as a urinal. On many occasions after Edge has been operating, broken glass bottles and glasses, empty cans and numerous cigarette butts are left directly outside our resident's entrance. We often have to push our baby's pram through this litter. Edge also continues to dump its commercial waste in our resident's bin room which often creates a mountain of rubbish and makes it impossible for us to dump our own waste due to the volume of commercial waste. The sound of bottles crashing into bins between 3am & 5am is an unwelcome alarm call.

On a number of occasions we have had to call the Council's noise patrol as the music vibrations from Edge and noise from drunken club goers smoking outside has disturbed us on the 3rd floor. This has been documented as a noise nuisance a number of times by the officers attending. Planning for Edge restricts it to a Midnight close, but I have lost count of the number of times that Edge has breached it's planning and stayed open till 3 or 4am. On many occasions I have called the noise patrol to report these breaches of planning. More recently the Council issued Edge with a Temporary Stop Notice which was breached on at least three occasions which have been documented. During this period Edge even tried switching off its neon sign whilst fully operational during the TSN in an attempt to stay off the radar. When I called the noise team just last weekend (Sunday 27<sup>th</sup> April 2008 at 12:45am) Edge was operating at full swing again with its blue neon sign switched off after midnight.

Since December 2007 I have had to call the Council's noise team sixteen times due to noise from Edge. The dates & times are:

Sunday 2<sup>nd</sup> December 2007 at 2:07am  
 Friday 7<sup>th</sup> December 2007 at 12:20am  
 Sunday 9<sup>th</sup> December 2007 at 12:22am & 1:09am  
 Sunday 20<sup>th</sup> January 2008 at 12:25am  
 Saturday 26<sup>th</sup> January 2008 at 1:07am  
 Sunday 27<sup>th</sup> January 2008 at 12:39am  
 Sunday 3<sup>rd</sup> February 2008 at 12:30am  
 Saturday 9<sup>th</sup> February 2008 at 12:15am  
 Saturday 23<sup>rd</sup> February 2008 at 1:25am  
 Saturday 1<sup>st</sup> March 2008 at 12:11am  
 Sunday 2<sup>nd</sup> March 2008 at 2:26am  
 Sunday 9<sup>th</sup> March 2008 at 12:05am  
 Sunday 16<sup>th</sup> March 2008 at 12:00am  
 Sunday 13<sup>th</sup> April 2008 at 12:50am  
 Sunday 20<sup>th</sup> April 2008 at 1:35am & 2:50am  
 Sunday 27<sup>th</sup> April 2008 at 12:45am

During this period we have been away from home for a couple of weeks over New Year and a couple of weeks end of March, beginning of April 2008 otherwise i'm sure I sadly would have had to make more complaints to the noise team regarding noise disturbance from Edge.

Many times my wife and I have witnessed fights spilling out from Edge nightclub. One of these incidences at approximately 1:40am on Saturday 24th March 2007, I actually caught on camera and have the film as evidence. My wife was nearly full term pregnant at the time. Our daughter was born ten days later. The fight was so bad that there were approximately 14 police cars and vans in attendance, which stopped traffic on Commercial street. If the Council would like to review this evidence, please let me know whom it should be submitted to.

Dear Sir/Madam my family and I implore you not to grant Edge a licence to continue to operate with total disregard for the local community. At times over the last two years, life has been unbearable living above an establishment that has no concern for residents wanting to live peacefully in Tower Hamlets. Please help us to get our quality of life back.

Thanking you.

Yours Sincerely,

Xerxes Dalal  
Flat 7  
157 Commercial Street  
London E1 6BJ  
Tel: 07799416181

# Appendix H 15



## Mohshin Ali

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**From:** e-sinn soong [esinnsoong@hotmail.com]  
**Sent:** 25 April 2008 20:06  
**To:** John Cruse; Mohshin Ali  
**Cc:** cros@dial.pipex.com  
**Subject:** EDGE LICENCE REVIEW

Dear John Cruse and Mohshin Ali,

I would like to register my support for the license review of the EDGE on commercial st. I feel that this business has had more than enough chances to show they will operate responsibly and should now be forced to stay within the Planning specifications for their premises- midnight close Mon-Sat with 11.30 on Sun.

This is a mixed use area, where people have homes(and need to sleep) along side various businesses. The Edge has been the cause of public nuisance; including noise disturbance from customers arriving and leaving the club, honking horns, double parking causing blockage of traffic and lax security resulting in police being called on numerous occasions with sirens blaring. Customers have left the club and destroyed surrounding property, have littered leaving rubbish, bottles, and most disturbingly have urinated or defecated on our doorsteps.

This establishment has proved to have poor management, flouting it's existing closing times on many occasions so cannot be trusted to run a late night operation which will be so detrimental to those wishing to come home without fear for their safety.

Yours Sincerely,  
E-Sinn Soong  
24A Calvin st  
london  
E1 6NW

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Bag extra points with the Walkers Brit Trip Game <http://www.walkersbrittrips.co.uk/game>

# Appendix H 16

**Mohshin Ali**

**From:** Critchley [critchley@dial.pipex.com]

**Sent:** 24 April 2008 20:51

**To:** Mohshin Ali

**Cc:** John Cruse

**Subject:** Edge Licensing Review

Dear Mohshin Ali and John Cruse,

We are extremely grateful to you for calling for a Licence Review for Edge in support of the local community and our efforts to rid the neighbourhood of this inconsiderate operator and to ensure that whatever business follows will fit in with its residential position.

EDGE, since Nov 2003, has demonstrated a long and well documented history of extreme antisocial behaviour, with occasional serious disturbances. The owners and management of the club are extremely poor, and seem totally unfit to hold a licence for such premises, frequently disobeying licensing and planning regulations and exhibiting a total disregard for the residents of this community.

Operation continues unabated well past midnight. Crowds of smokers are outside at gone 2am and noisy departures still plague those nearby, whilst residents above the venue continue to feel every beat. All of this amounts to continued Public Nuisance especially after midnight and we consider that the place should be closed down!

Yours sincerely,

John and Sandy Critchley

!4 Wilkes Street, London E1 6QF

# Appendix I

**Kathy Butler**

**From:** Louise.Allen@met.pnn.police.uk  
**Sent:** 30 April 2008 17:59  
**To:** John Cruse  
**Cc:** Kathy Butler; Jacqueline Randall  
**Subject:** The Edge, 157 Commercial Street, E1 - Review  
**Attachments:** The Edge review April 08.doc

Dear Mr Cruse,

I write with reference to the review application for the above premises.

The police as a responsible authority would like to make a representation at the review on the grounds of prevention of crime and disorder and public safety.

The Edge has historically been a problematic venue on the borough. The premises licence holders Jaspal Singh and Gulzar Rathor transferred onto the premises licence at the request of police in June 2007. Jaspal Singh has always been the owner of the premises but his name has never appeared on the premises licence.

Following a promotional event in May 2007, whereby a fight occurred, Police met with Mr Singh and Mr Rathor at the police station. There were management issues that the police were concerned about, one of which was the use of outside promoters and also underage customers obtaining entry.

The result of the meeting being that Mr Singh and Mr Rathor were asked to transfer onto the licence, therefore being accountable. They also agreed to extra conditions being attached to the licence which would deal with the use of risk assessments when using outside promoters and a membership scheme, deterring underage entry.

The application for transfer was received on the 7th June as requested, but although conditions were drawn up, Mr Singh stated to police that they were going to sell the premises to Hawksmoor, who owned the ground floor, so were unable to sign conditions as there was going to be a change of ownership.

Since this date Mr Singh has not sold the premises and has carried on with the operation.

As I write this objection I am aware that there is currently no DPS for the premises and has not been so since 1st November 2007. It would appear that on the 29th February 2008, Cain Duncan and his colleague Melanie Tucker from LBTH planning, carried out a site visit whereby they paid £10 each entry to the club and purchased alcohol. A letter was sent by the licensing authority to Mr Singh on the 11th April informing him that this was the case.

The police would like to take this opportunity for the licensing panel to consider the conditions attached and should they feel it appropriate add them to the premise licence at The Edge.

The conditions are now used in nearly all the late venues on the borough and promote the licensing objectives. Condition 15 allows the Metropolitan police to risk assess all outside promoters therefore reducing the risk of gun and other serious crime.

Until now, although attempts have been made to get Mr Singh to work with the police and sign up to the conditions, we have so far failed. We are therefore using this opportunity to get The Edge in line with the other late night premises on the borough to prevent crime and disorder and make the public safe.

Regards,

Louise Allen PC150HT

Licensing Officer.

<<The Edge review April 08.doc>>

\*\*\*\*\*

It is the policy of the MPS that:

MPS personnel (or agents working on behalf of the MPS) must not use MPS systems to author, transmit or store documents such as electronic mail (e-mail) messages or attachments:

- \* containing racist, homophobic, sexist, defamatory, offensive, illegal or otherwise inappropriate material;
- \* containing material requiring a protective marking higher than RESTRICTED, (and not higher than NOT PROTECTIVELY MARKED across the internet) without the use of approved encryption;
- \* containing personal data for use other than in accordance with the notification(s) under the Data Protection Act, 1998 of the system(s) from which the data originates.
- \* This Email message has been scanned for viruses and contents.

\*\*\*\*\*

Proposed licence conditions for The Edge, 157 Commercial Street, E1

1. Upon entry to the premises every customer, promoter, artist and entertainer must be 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. A metal detecting wand should also be used, two wands should be kept on the premise, (Hereafter the term door staff refers to SIA accredited door staff). Any person not submitting to a search as outlined above will be refused entry.
2. 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
3. To support the written search policy at the premises, a secure drugs box is to be installed at the premises. Any confiscated items that 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:-
  - Time/ date and location of the seizure.
  - Member of staff seizing the item.
  - Name or description of the customer from whom the item was seized.
4. 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.
5. 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 incident book. All reasonable steps must be taken to ensure all staff (including door staff) are aware of the identity of excluded persons.
6. 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.

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 following;
  - Name of the person responsible for the premise on each given day.
  - All incidents in relation to the use of 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.
  - Door Supervisors shall enter their full details at the commencement of work. (full name, home address and contact telephone number, 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.
9. The premises will have door supervisors of both sexes on duty at all times when regulated entertainment is taking place. 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'.
10. 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.
11. 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.
12. 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 shall be in the form of a passport or photographic driving licence.
13. 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. The policy shall be approved in writing by the Licensing Authority and Tower Hamlets Police.



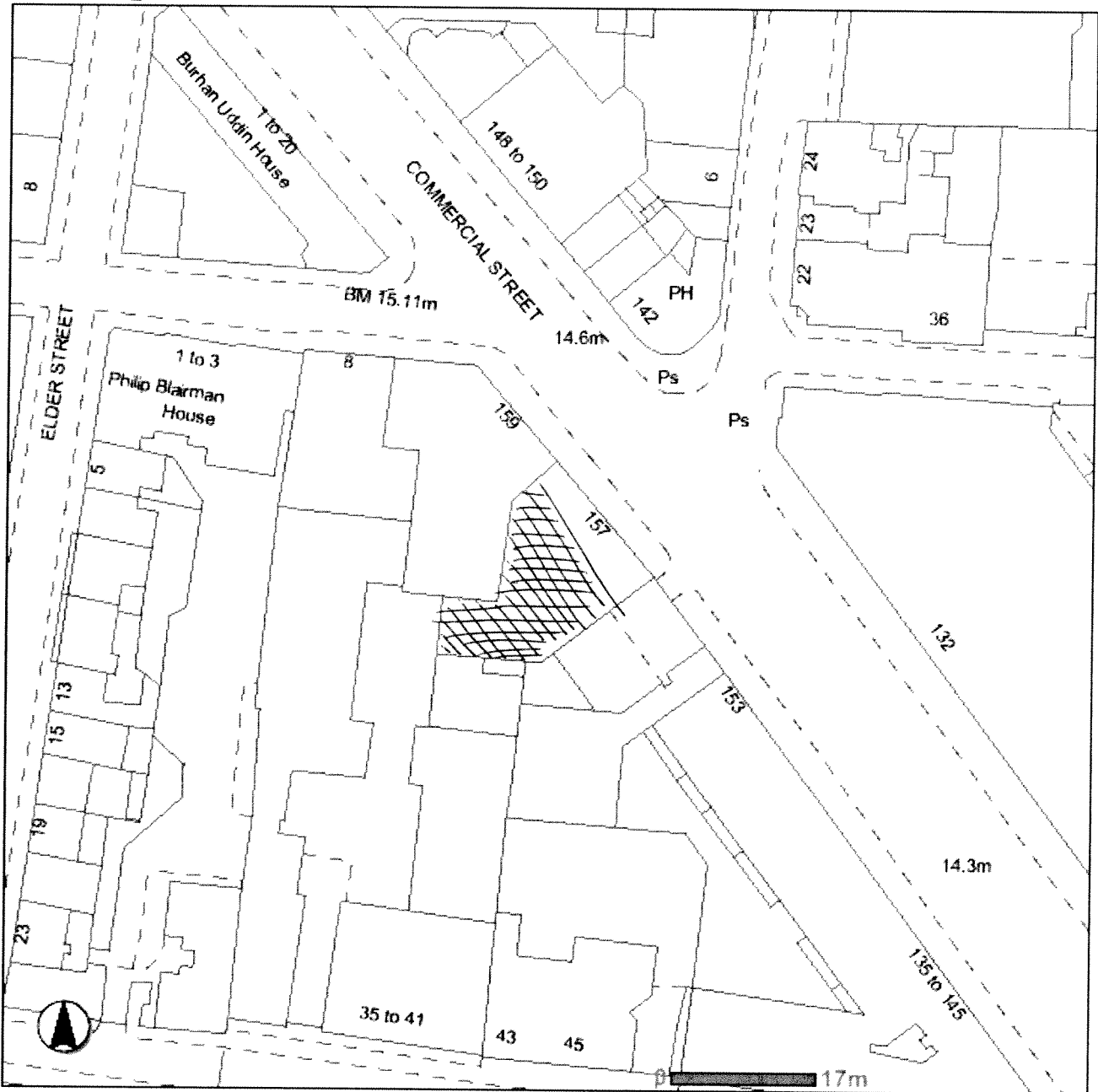
14. A CCTV system shall be installed or the existing system maintained covering areas inside and outside of club. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image that is regarded as 'identification standard.'

- 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.
- CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the club is open to the public.
- 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.
- A staff member from the club that is conversant with the operation of the CCTV system will be on the premises at all times that the club is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.

15. If external promoters are to be used for running events in the premises then Police risk assessment forms (Form 696) are to be fully completed before and after the event and emailed to the relevant police units, so that artists, DJ's, MC's and promoters can be checked. The forms will be completed and returned to the required police addresses electronically at least 2 weeks prior to the event taking place. A post event form will also be completed (F696a) and returned to the required police addresses. The management should act on police advice.

# Appendix J

# Map



Scale 1:750

Map of:

## Edge

Notes:

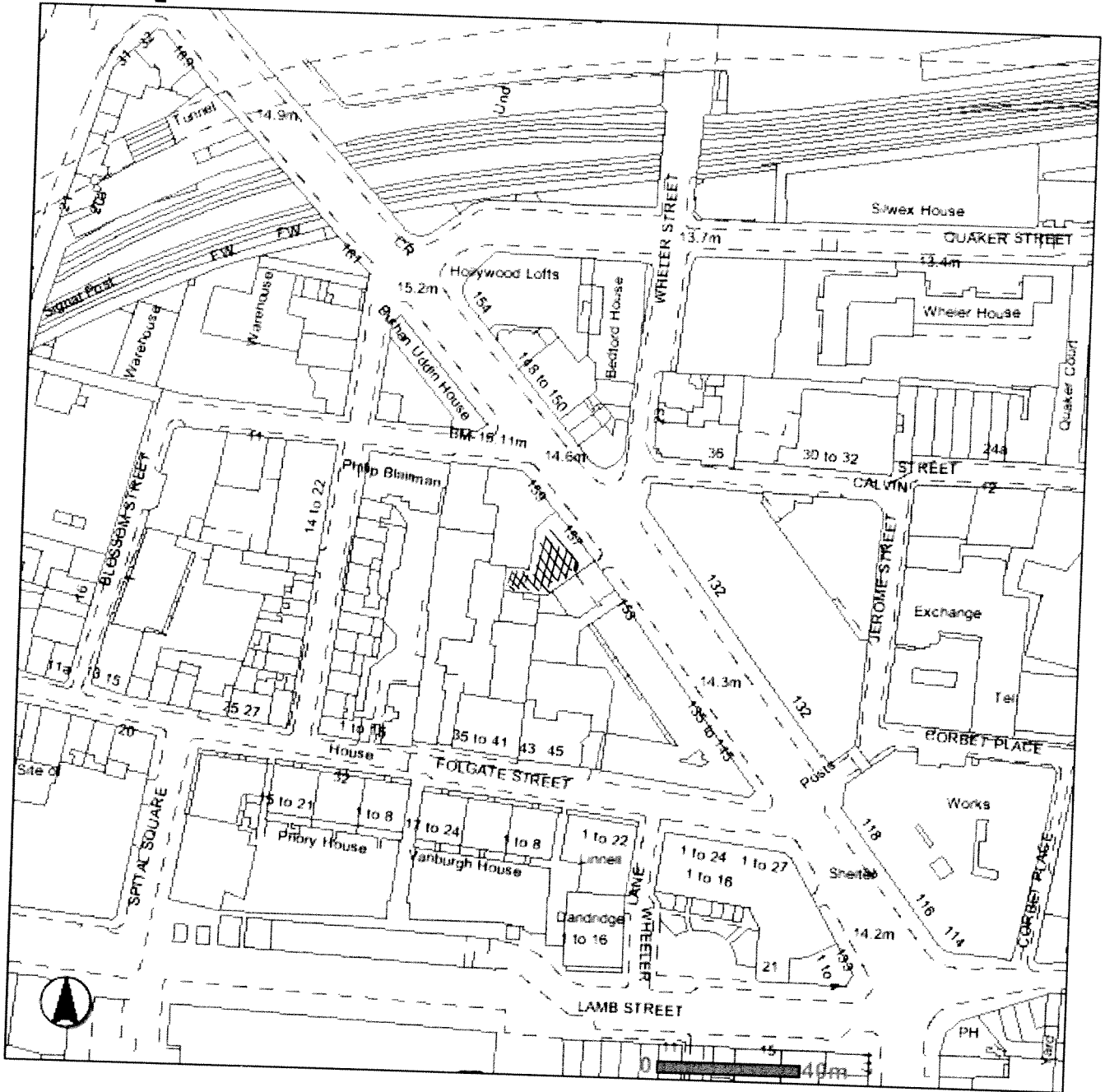
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# Map



Scale 1:1750

Map of:

## Edge

Notes:

157 Commercial Street

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# Appendix K

Our ref: CP/JN/SIN005.006

Your ref:

Date: 15 April 2008

**LZWlaw**  
LANDAU ZEFFERTT WEIR SOLICITORS

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Mr. Paul Johnson  
Tower Hamlets  
Communities, Localities & Culture  
Environmental Health, Environmental Protection  
Mulberry Place (AH)  
5 Clove Crescent  
London E14 1BY

**BY FAX: 0207 364 6831 & POST**

Dear Sir,

**RE: OUR CLIENT, MR. SINGH**  
**RE: APPLICATION FOR A REVIEW OF PREMISES LICENCE**  
**RE: THE EDGE NIGHTCLUB, 157 COMMERCIAL STREET, LONDON E.1**

We act on behalf of our above-named client in connection with your application for a review of the Premises Licence.

We have had the opportunity of discussing matters with our client and of perusing your application with evidence in support.

We should be grateful if you would be kind enough to note this firm's interest.

With regard to your application, we will let you have our client's witness statement in due course, but it seems to us that the application is based on "noise pollution".

However, perusal of your evidence in support indicates that, although reference is made to alleged incidents of noise pollution (we refer you to Appendix 10) no particulars are given as to the levels of that noise pollution. As you must be aware, prior to the grant of our client's Premises Licence, our client liaised closely both with your Mr. Paul Smith and Mr. David Hall in relation to works that needed to be undertaken at the premises in order to minimise noise pollution. One of the issues raised by our client with Mr. Paul Smith was the installation of a sound limiter, which would then be set by the Local Authority. After complying with the works that needed to be undertaken, our client was informed by Mr. Paul Smith that such a limiter would not be necessary. There are a number of references in the supporting evidence making reference to Mr. Paul Smith, for example we refer you to page F3 and the e-mail from Bickerdike Allen Partners.

We have been instructed to strenuously oppose your application, but in an effort to try and reach a sensible compromise, we have been instructed to make clear that our client would be agreeable to installing a sound limiter at the premises on the understanding that the limiter would be set at a level agreeable to the Local Authority. The point of the limiter is that, should the noise levels reach a certain level, then the music would simply cut off automatically, thereby substantially reducing any noise pollution.

Partners: Alan Zeffertt Philip Landau\*  
Andrew Weir Sushma Awrani  
Consultant: Sally-Ann Kodurand  
(Non Practising)

Associates: Carmine Procaconi  
Marie Paynter  
James Rosell\*

\* Member of Employment Lawyers Association  
\* Member of The Insolvency Lawyers Association  
\* Member of Resolution

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Page 2 of 2

Although it is accepted by our client that not all of the works referred to in the report of Bickerdike Allen Partners have been undertaken, the reason for this is that as the Local Authority is aware, there is an issue outstanding with regard to planning. We have been instructed that our client will undertake to expeditiously complete the outstanding works as set out in the said report the minute our client has received confirmation from the Secretary of State that his planning appeal has been granted.

In an effort to keep costs to a minimum and to try and resolve this matter without recourse to the full Committee, we are instructed that our client would like to have a without prejudice meeting with your Department to try and reach a sensible compromise, similar to the proposals set out in this letter.

We look forward to hearing from you.

Yours faithfully,

**LANDAU ZEFFERTT WEIR**

Email: [cd@lzwlaw.co.uk](mailto:cd@lzwlaw.co.uk)

Direct Dial: 020 7105 6183

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