



Meeting of the

LICENSING SUB COMMITTEE

Wednesday, 6 August 2008 at 6.30 p.m.

A G E N D A

VENUE

Room M71, The Town Hall, Mulberry Place, 5 Clove Crescent, London,
E14 2BG

Members:	Ward Represented
Chair: Councillor Alexander Heslop	Bow East
Councillor Azizur Rahman Khan	Bethnal Green North
Councillor Motin Uz-Zaman	Mile End East

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

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Tel: 020 7364 4850, E-mail: margaret.sampson@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Wednesday, 6 August 2008

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION		
4 .1 Application for Variation of the Premises Licence: EOne Club, 168 Mile End Road, London E1 4LJ	15 - 114	St Dunstan's & Stepney Green
4 .2 Variation of Premises Licence: Victoria PH, 110 Grove Road, London E3 5TH	115 - 186	Bow West

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:-

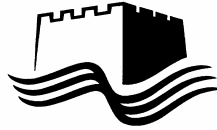
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph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

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

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Agenda Item 4.1

Committee: Licensing Sub-committee	Date:	Classification Unclassified	Report No.	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial)	Title: Licensing Act 2003 Application for a Variation of the Premises Licence for EOne Club, 168 Mile End Road, London E1 4LJ
Originating Officer: Jackie Randall Principal Licensing Officer	Ward affected: St. Dunstons and Stepney Green

1.0 Summary

Applicant: **Admiral Taverns (Nevada) Ltd**

Name and Address of Premises: **EOne Club**
168 Mile End Road
London
E1 4LJ

Licence sought: **Variation of premises licence under the Licensing Act 2003**

- **Extending the hours for the sale of alcohol**
- **Extending the hours for the provision of regulated entertainment (also addition of licensable activities)**

Representations: **Local Residents**
Local Businesses

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Jackie Randall 020 7364 5109

3.0 Background

- 3.1 This is an application for a variation of the premises licence for the EOne Club, 168 Mile End Road, London E1 4LJ.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current hours of the licence are as follows:

The sale by retail of alcohol (on and off sales):
Monday to Thursday from 10:00 hours to midnight
Friday and Saturday 10:00 hours 02:00 hours

Regulated Entertainment

The permitted hours are as follows:
Monday, Tuesday, Wednesday & Thursday until 1.00 am the following days;
Sunday until midnight.
Friday and Saturday until 3.00am the following days.
In addition
Private Entertainment (no restrictions on times)
Public Entertainment (recorded music only) (no restrictions on times)

Late Night Refreshment

In addition to the above (which permits meals until midnight)
The sale of hot food and hot drink is permitted up to 30 minutes after the end of permitted hours

Hours premises are open to the public:

There are no restrictions

New Year

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

- 3.3 A copy of the variation application is enclosed in **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as follows:
Extending the hours for the sale of alcohol as follows;

Monday to Thursday from Midday until 04:00 hours the following day
Friday and Saturday from midday until 05:00hours the following day
Sunday from midday until 03:30 hours the following day

Regulated Entertainment, Provision of facilities for dancing and recorded music ;

Monday to Thursday from Midday until 03:30 hours the following day
Friday and Saturday from midday until 04:30hours the following day
Sunday from midday until 03:30 hours the following day

- 3.5 A map showing the situation of the premises and surrounding area can be found in **Appendix 3**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.

- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents and businesses
- 5.12 **See Appendix 5** for the representations of local residents.
- 5.13 **See Appendix 6** for the representations of local businesses.
- 5.14 **See Appendix 6A** for conditions that have been agreed by Peter Mackay with the Metropolitan Police

5.14 Only representations that relate to the following licensing objectives are relevant;

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

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

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

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the licensing Act 2003

❖ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).

Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.7).

❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.10)

❖ Conditions may not be imposed for the purpose other than the licensing objectives.

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

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

Appendix 7 Licensing Officer comments on noise while the premise is in use

Appendix 8 Licensing Officer comments on access/egress problems

Appendix 9 Licensing Officer comments on crime and disorder on the premises

Appendix 10 Licensing Officer comments on crime and disorder from patrons leaving the premises

Appendix 11 Planning

Appendix 12 Licensing Policy relating to hours of trading

7.0 Exemptions

7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.

7.2 Acts of religious worship, wherever performed are not licensable.

7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."

7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

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

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the premises licence application
- Appendix 2** A copy of the variation application
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 5** Representations of local residents
- Appendix 6** Representation of local businesses
- Appendix 7** Licensing Officer comments on noise while the premise is in use
- Appendix 8** Licensing Officer comments on access/egress problems
- Appendix 9** Licensing Officer comments on crime and disorder on the premises
- Appendix 10** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 11** Planning
- Appendix 12** Licensing Policy relating to hours of trading

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. 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, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Access and egress problems

Such as:

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

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Sections 8.2 of the Licensing Policy, and also Section 12.5)**.

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

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

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. **(See Appendix 2 Annex G of**

the Licensing Policy). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (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 and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

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

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

Crime and disorder on the premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2. of the Licensing Policy)**

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police is acknowledged (2.2).
Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

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

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder" (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Planning

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

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
 - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
 - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
 - Previous history
 - Access to public transport
 - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

11793


(E one Club)
168 Mile End Road
London
E1 4LJ

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: 24 April 2006

FOR OFFICE USE

Receipt Number 183427 Fee Paid £55 Fee Req.

Date 17.05.07 Initial ES

Part A - Format of premises licence

Premises licence number

11793

Part 1 - Premises details

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

(E one Club)
168 Mile End Road

Post town

London

Post code

E1 4LJ

Telephone number

0207 790 1684

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

Alcohol

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).

Where a special hours certificate is in force on Monday to Saturday replace the permitted hours condition for those days with the following:

Subject to the following paragraphs, the permitted hours on Monday to Thursday shall extend until 01:00 hours and Friday and Saturday until 02:00 hours, except that—

- (a) the permitted hours shall end at midnight on any day on which music and dancing is not provided after midnight; and
- (b) on any day that music and dancing end between midnight and two o'clock the permitted hours shall end when the music and dancing end.

In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

- (a) with the substitution of references to three o'clock in the morning for references to two o'clock in the morning or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.

In addition

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
For New Years Eve see below

Regulated Entertainment

The permitted hours are as follows:

Sunday until midnight.

Monday, Tuesday, Wednesday and Thursday until 1.00 am the following days;

Friday and Saturday until 3.00am the following days.

In addition

Private Entertainment (no restrictions on times)

Public Entertainment (recorded music only) (no restrictions on times)

Late Night Refreshment

In addition to the above (which permits meals until midnight)

The sale of hot food and hot drink is permitted up to 30 minutes after the end of permitted hours

New Year

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

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

On and off sales

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence
Admiral Taverns (Nevada) Limited
150 Aldersgate Street
London
EC1A 4EJ

Registered number of holder, for example company number, charity number (where applicable)
06076004

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol
Peter Robert Ciaran Mackay
E one Club
168 Mile End Road
London
E1 4LJ

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

Licensing No: 9741
Issuing Authority: London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

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

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

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

Part 1 The times the licence authorises the carrying out of licensable activities is to be read with the following:

The above restrictions do not prohibit:

- (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.

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

Off Sales

Alcohol shall not be sold in an open container or be consumed in the licensed premises
Alcohol shall not be sold or supplied except during permitted hours.

The above restrictions do not prohibit:

- (a) 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;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) 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;

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

Private entertainment applies to the following only:

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 applies to the following only:

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

Regulated Entertainment

The following conditions apply:

1. The permission is granted subject to the rules of the Council as attached in the Rules of Management for Places of Public Entertainment.
2. A waiver of Rule 2 of the Rules of Management for Places of Public Entertainment permitting performances involving nudity is applicable under the conditions as attached in **Appendix A**.
3. The maximum number of persons to be accommodated at any one time shall not exceed one hundred (100).
4. The doors opening inwards to the premises from Mile End shall be locked fully open at all times that the premises are occupied.
5. Tables and chairs within the premises shall be placed so as to provide a clear route from the rear of the bar to the exit.
6. The open fire- place at the rear of the premises shall not be used.
7. The rear yard shall not be accessible for public use.
8. On or before the 7 April 2006 a noise limiter located in a separate and remote lockable cabinet from the volume control must be fitted to the musical amplification system in the premises set at a level determined by and to the satisfaction of an authorised officer of the Environmental Health Service of the London Borough of Tower Hamlets so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured to the satisfaction of officers from the Environmental Health Service. The keys securing the noise limiter cabinet shall be held by the applicant without prior written agreement of the Environmental Health Service.
9. No alteration or modification to any existing sound system(s) in the Premises may be effected without the prior written agreement of an authorised Officer of the Environmental Health Service.

10. No additional sound generating equipment shall be used on the Premises without being routed through the sound limiter device.

The following additional conditions apply to striptease

11. To the extent that striptease is permitted by law it shall be deemed in these conditions to apply to all forms of striptease or nudity by male or female performers.
12. Striptease shall only be permitted at premises which have a liquor licence.
13. The striptease entertainment shall be given only by paid performers/entertainers who are engaged exclusively for that purpose.
14. There shall be no physical participation by the audience.
15. Any performance will be restricted to dancing and the removal of clothes, there must not be any other form of sexual activity.
16. All striptease shall take place in an area which is not visible from the street or overlooking buildings.
17. The performance area shall be separated from the audience and consist of a stage, platform or similar construction that meets with the approval of the Council.
18. The performer shall have direct access to a changing room without passing through the audience, or when direct access is not practical the performer shall be escorted from the stage by a steward or other employee of the licence holder.
19. The performer shall be provided with a changing room which must be separate and apart from public facilities.
20. There shall be no sexually explicit external advertising likely to cause offence as to the nature of the activity being held at the premises.
21. A notice shall be prominently displayed in a conspicuous position on the premises at least one hour before the start, advising customers when the performance is to commence.
22. Whilst striptease is taking place no person under the age of 18 shall be allowed on any part of the premises licensed for the sales of alcohol and a notice shall be displayed in clear terms at each entrance that :- **NO PERSON UNDER 18 TO BE ADMITTED**
23. The licensee shall ensure that gratuities are not thrown at the performer.
24. Where premises are within a radius of 100 metres of places of worship the entertainment shall not be held at such times as would cause offence to religious observers.
25. Where premises are within a radius of 100 metres of any school or educational establishment, striptease performances will not take place until after 8.30p.m. except on Saturday and Sunday.

26. There shall be no contact between the performer and any of the audience during performances.
27. There shall be only one performer on the stage at any one time.
28. The layout of the premises must remain unaltered to that inspected and approved by the Council at the time of renewal or application; any alterations to the premises during the currency of the licence must be approved by the Council prior to the works commencing.

Annex 2 - Conditions consistent with the operating Schedule

None

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
18 Jul 2005

Part B - Premises licence summary

Premises licence number 11793

Premises details

Postal address of premises, or if none, ordnance survey map reference or description (E one Club) 168 Mile End Road	
Post town London	Post code E1 4LJ
Telephone number 0207 790 1684	

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

Alcohol
Monday to Thursday 10:00 hrs to 01:00 hrs the following days
Friday and Saturday 10:00 hrs to 02:00 hrs the following days
Sunday 12:00 hrs to 22:30 hrs
See full licence for drink up time and conditions.

Regulated Entertainment
The permitted hours are as follows:
Sunday until midnight.
Monday, Tuesday, Wednesday and Thursday until 1.00 am the following days;
Friday and Saturday until 3.00am the following days.

The opening hours of the premises

In addition Private Entertainment (no restrictions on times) Public Entertainment (recorded music only) (no restrictions on times) Late Night Refreshment In addition to the above (which permits meals until midnight), the sale of hot food and hot drink is permitted up to 30 minutes after the end of permitted hours New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.
These are not restricted

Name, (registered) address of holder of premises licence

Admiral Taverns (Nevada) Limited 150 Aldersgate Street London EC1A 4EJ

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

On and off

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

06076004

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

Peter Robert Ciaran Mackay

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

No

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We ADMIRAL TAVERNS (Nevada) LIMITED

(Insert name(s) of applicant)

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

Premises licence number	11413
-------------------------	-------

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
EONE CLUB 168 MILE END ROAD STEPNEY GREEN			
Post town	LONDON	Post code	E1 4LJ

Telephone number at premises (if any)	02077901684
Non-domestic rateable value of premises	£11250

Part 2 – Applicant details

Daytime contact telephone number	01244 505 474		
E-mail address (optional)			
Current postal address if different from premises address	ADMIRAL TAVERNS (Nevada) LIMITED SUITE H3 STEAM MILL BUSINESS CENTRE STEAM MILL STREET		
Post Town	CHESTER	Postcode	CH3 5AN

21 APR 2008

1

Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

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

THE PREMISES IS A PUBLIC HOUSE ON MIKE ENDS ROAD NEAR THE ANCHOR RETAIL PARK, ITS BAR IS TO THE LEFT AS YOU ENTER AND IS APPROX 20FT LONG, POOL AREA TO THE BACK WHERE GENTS TOILETS ARE AND TO THE RIGHT OF THAT IS THE SNUG AREA WITH LADIES TOILETS. THE PROPOSED VARIATION IS FOR A PERMINANT EXTENSION OF HOURS (CLOSING) TO THE CURRENT PERMINANT LICENSING HOURS IN PLACE.

* I DID HAVE GRANDFATHER RIGHTS ALREADY FOR THIS PERMINANT EXTENSION OF HOURS BUT IT APPEARS WAS NOT PUT IN PLACE AS ALL THE DOCUMENTATION SEEMS TO HAVE DISAPPEARED WHEN SENT TO BREWERY

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

A

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

B

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

C

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

D

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

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	12:00	03:30	Please give further details here (please read guidance note 3) AMPLIFIED AT CERTAIN TIMES, HOWEVER WE ALREADY HAVE A LIMITED FITTED AND SOUND PROOFING THROUGHOUT		
Tue	12:00	03:30			
Wed	12:00	03:30	State any seasonal variations for the playing of recorded music (please read guidance note 4) N/A		
Thur	12:00	03:30			
Fri	12:00	04:30	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		
Sat	12:00	04:30			
Sun	12:00	03:30			

G

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

H

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

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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon	20:00	03:30	Please give further details here (please read guidance note 3)		
Tue	20:00	03:30			
Wed	20:00	03:30	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Thur	20:00	03:30			
Fri	20:00	04:30	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	20:00	04:30			
Sun	20:00	03:30			

SMALL WOODEN DANCE FLOOR IN MAIN BAR AREA

N/A

N/A

K

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

L

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

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish		Both	<input checked="" type="checkbox"/>
Mon	12:00	04:00	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A.		
Tue	12:00	04:00			
Wed	12:00	04:00			
Thur	12:00	04:00			
Fri	12:00	05:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY		
Sat	12:00	05:00			
Sun	12:00	03:30			

N

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

NONE

GAMING MACHINES.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12:00	04:00	N/A.
Tue	12:00	04:00	
Wed	12:00	04:00	
Thur	12:00	04:00	
Fri	12:00	05:00	
Sat	12:00	05:00	
Sun	12:00	03:30	
			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) TO INCLUDE ALL BANK HOLIDAYS CHRISTMAS EVE BOXING DAY NEW YEAR'S DAY

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

NONE.

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

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

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

- CCTV PROVIDED THROUGHOUT VENUE (EXTERNAL/INTERNAL)
- NEW SECURITY FIRM WILL BE EMPLOYED
- PICTURES TAKEN ON ENTRY BY CCTV
- ONCE BARRED FOR BREAKING HOUSE RULES, CAUSING NOISANCE OR CRIMINAL ACTIVITY, YOU ARE BARRED FOR LIFE FROM THIS VENUE AND HAYFIELD
- FRI-SAT ONLY, 31'S AND 02'S ALLOWED IN WITH EXCEPTION TO STUDENTS WITH STUDENT ID CARDS (NCS ETC)

b) The prevention of crime and disorder

- FRI/SAT DOOR SECURITY (NEW FIRM) WILL BE ON DUTY FROM 23:00 TILL ALL CUSTOMERS GONE AND BAR CLOSED. 3 SECURITY ON FRI AND 2 ON SAT. THEY WILL BE CHECKING EVERY ENTRY, ID SEARCHES AND CHECKS, ALSO SEARCHES FOR WEAPONS AND DRUGS. INTERNAL PATROLLING OF ALL AREAS EVERY 5 MINS, CHECKING CUSTOMERS, SAFETY, TOILETS FOR ANY CRIMINAL ACTIVITY SUCH AS DRUGS, BAD BEHAVIOUR ETC. ALSO CONSTANT VIGILANCE OF EXTERNAL AREA AND DEALING WITH ANY ISSUES IMMEDIATELY. THIS WILL ALSO BE DONE BY MANAGEMENT. NO DRINKS ALLOWED FOR CONSUMPTION OUTSIDE, ONLY MAX OF 10 PEOPLE OUTSIDE FOR CIGARETTE AT ANY ONE TIME.

c) Public safety

- CONSTANT CHECKS FOR WEAPONS
- NEW SECURITY FIRM AS ABOVE
- STRICT SECURITY CHECKS ON ENTRY AND DURING
- ROUTINE PATROLS FOR SUSPICIOUS ACTIVITY OR PACKAGES
- CCTV THROUGHOUT
- NO BOTTLES AFTER MIDNIGHT
- NO DRINKS OUTSIDE.

d) The prevention of public nuisance

- CONSTANT VIGILANCE OF THE AMOUNTS PEOPLE ARE DRINKING
- NO DRINKS OUTSIDE
- ONLY 10 PEOPLE AT ONE TIME OUTSIDE TO SMOKE, WITH MAX OF TEN MINS
- CCTV INTERNAL/EXTERNAL
- CONSTANT VIGILANCE BY MANAGEMENT/SECURITY AT ALL TIME BOTH INTERNAL/EXTERNAL AND ACTED UPON IMMEDIATELY.

e) The protection of children from harm

AS WE ARE A CLUB NO CHILDREN ARE PERMITTED IN THE BAR. YOU HAVE TO BE OVER 18 YRS TO BE ADMITTED. HOWEVER FULL HEALTH & SAFETY REGS ARE IN PLACE WHERE NEEDED.

PART B) THE PREVENTION OF CRIME AND DISORDER

ANYONE OUTSIDE FOR A CIGARETTE WILL BE GIVEN 5-10 MINS TO FINISH IT, IF ANY LONGER THEY WILL HAVE TO PAY AGAIN FOR RE-ENTRY THIS PREVENTING LINGERING OUTSIDE. NO BOTTLES WILL BE SERVED OVER THE BAR AFTER MIDNIGHT. ID WILL BE DOUBLE CHECKED AT DOOR TILL AND BAR AND NO SERVING OF ALCOHOL TO PEOPLE WHO HAVE HAD ENOUGH. CCTV VIEWABLE IN BAR BY BAR STAFF AND SECURITY. ALL CUSTOMERS CHECKED IN AND OUT SO WE KNOW HOW MANY CUSTOMERS ARE IN THE VENUE AT ANY TIME.

PART C) PUBLIC SAFETY

- FIRE ALARMS SYSTEM FITTED ALREADY WITH SIREN AND LIGHTS ALERT
- STAFF ARE FIRE TRAINED
- ALL COSHH LOCKED AWAY

PART D) THE PREVENTION OF PUBLIC NOISANCE.


- ON CLOSING WE WILL NOT ALLOW EVERYONE TO LEAVE AT ONCE, BUT HAVE A SLOW DISPERSMENT OF CUSTOMERS WHICH WILL BE MARSHALLED BY MGMT/SECURITY INTERNALLY AND EXTERNALLY IN HIGH VIS JACKETS MOVING CUSTOMERS ON QUIETLY. WILL ALSO CALL TIME AT THE BAR EARLIER IN ORDER TO ACHIEVE THIS AND GIVE CUSTOMERS ENOUGH TIME.

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	11/4/08
Capacity	DIRECTOR

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

Signature	
Date	
Capacity	

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

CONTACT: *Rachael Roberts*

 ADMIRAL TAVERNS (Nevada) LIMITED
 SUITE H3, STEAM MILL BUSINESS CENTRE
 STEAM MILL STREET

Post town	CHESTER	Post code	CH3 5AN
Telephone number (if any)	01244 505474		

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

LONDON BOROUGH OF TOWER HAMLETS 193410

25067

Cheque
Received: P.O..M.O.
Cash

C

Date 21-4-2008

Received of M E One Club

the sum of One Hundred and Ninety pounds
and Variation Premiums Less Allowance, in respect of
Eone Club

165 Mile End Road
London E14 5J

Amount
£ 190.00


for Director of Finance

F/67

 **BARCLAYS**

MILE END BRANCH

20-57-06

70367265

Date 20/4/08

Pay Tower Hamlets Council Only

ONE HUNDRED NINETY POUNDS

£190-00

only 

Account Payee

E ONE CLUB

22/09/2008



PARTNER

Cheque No. Sort Code Account No.

⑈ 100087⑈ 20⑈ 5706⑈ 70367265⑈ 02



Part B - Premises licence summary

Premises licence number

11413

Premises details

Postal address of premises, or if none, ordnance survey map reference or description (E one Club) 168 Mile End Road	
Post town London	Post code E1 4LJ
Telephone number 0207 790 1684	WE CERTIFY THAT THIS IS A TRUE COPY OF ITS ORIGINAL TLT LLP ONE REDCLIFF STREET BRISTOL BS1 6TP

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

Alcohol
Monday to Thursday 10:00 hrs to 01:00 hrs the following days
Friday and Saturday 10:00 hrs to 02:00 hrs the following days
Sunday 12:00 hrs to 22:30 hrs
See full licence for drink up time and conditions.

Regulated Entertainment
The permitted hours are as follows:
Sunday until midnight.
Monday, Tuesday, Wednesday and Thursday until 1.00 am the following days;
Friday and Saturday until 3.00am the following days.

In addition
Private Entertainment (no restrictions on times)
Public Entertainment (recorded music only) (no restrictions on times)

Late Night Refreshment

In addition to the above (which permits meals until midnight), the sale of hot food and hot drink is permitted up to 30 minutes after the end of permitted hours

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

The opening hours of the premises

These are not restricted

Name, (registered) address of holder of premises licence

Punch Taverns Plc
Jubilee House
Second Avenue
Burton Upon Trent
Staffordshire
DE14 2WP
WE CERTIFY THAT THIS IS A TRUE COPY OF ITS ORIGINAL

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

On and off
FTLT LLP
ONE REDCLIFF STREET
BRISTOL BS1 6TF

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

03752645

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

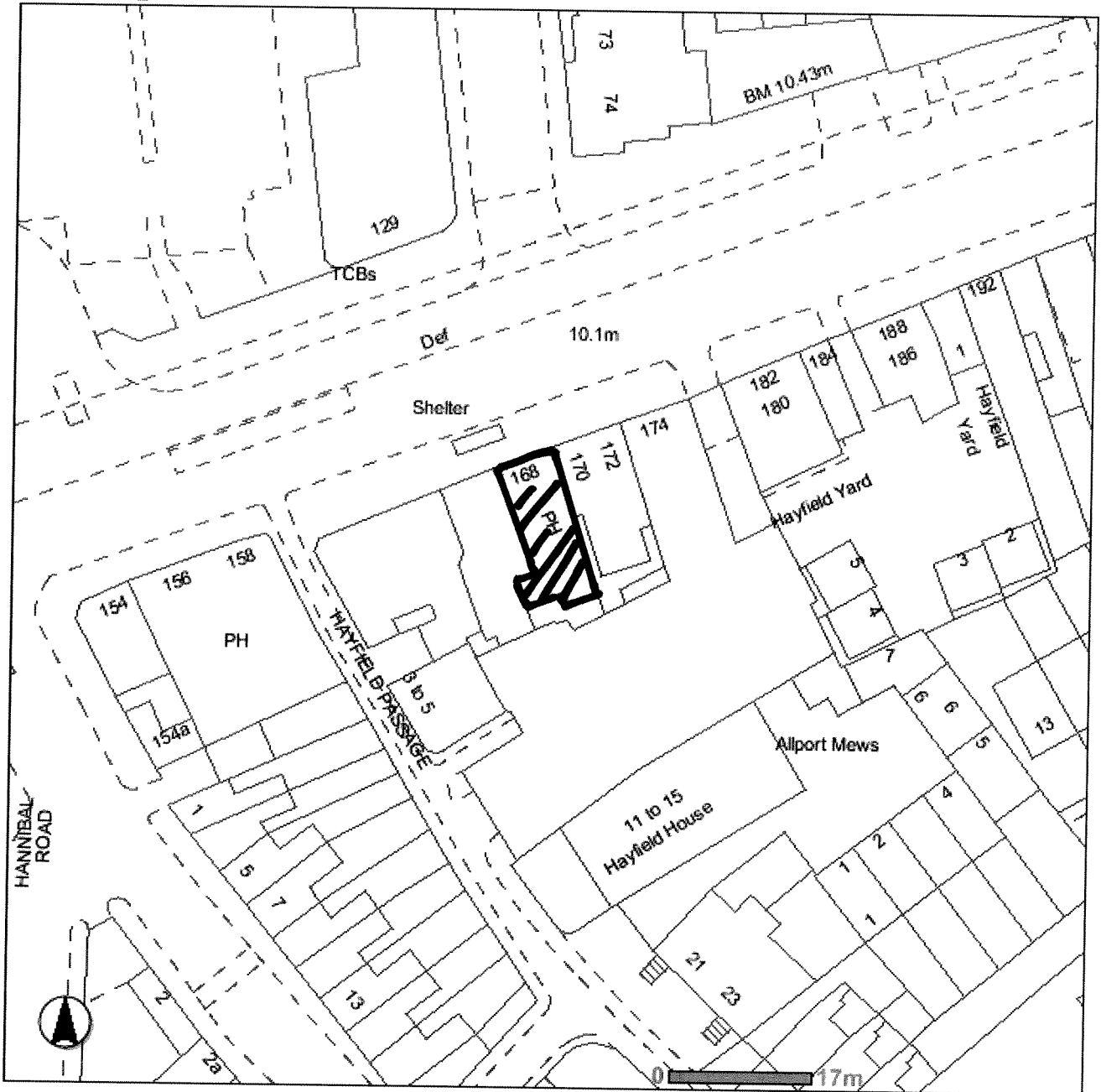
Peter Robert Ciaran Mackay

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

No

Appendix 3

Map



Scale 1:750

Map of:

168 Mile End Road

Notes:

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Map



Scale 1:1250

Map of:

168 Mile End Road

Notes:

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Appendix 4

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. 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, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 5

LOCAL RESIDENTS	
Name	Address
James Frane	The Drill Hall, 174 Mile End Road, London E1 4LJ
Dermot Finn	The Drill Hall, 174 Mile End Road, London E1 4LJ
Dr Sajid Ali khan	1, Hayfield Yard, London E1 4LL

Jacqueline Randall

From: John Cruse
Sent: 15 May 2008 13:29
To: Jacqueline Randall
Subject: FW: objection for licensing for the Eone club,168 mile end road
Follow Up Flag: Follow up
Flag Status: Yellow

From: james frane [mailto:jamesfrane@hotmail.com]
Sent: 15 May 2008 11:43
To: John Cruse
Subject: objection for licensing for the Eone club,168 mile end road

The Drill Hall
174 Mile End Road
London
E1 4LJ

Dear Mr Cruse,

I am emailing you to object to the proposal of extending the hours to the "E One club" on Mile End Road, Stepney Green. I am a resident near the club and have several times had to call the Police due to violence outside coming out of the club.

Presently I am working for the London Ambulance Service as a trainee Paramedic and as a result have to get up very early for work, on many occasions i have had little sleep due to the disturbances outside which has had a result to my work during the day.

I have also had problems with party goers from the club urinating and vomiting in the entrance to our residence, including broken bottles and glasses being left.

I totally disagree with this club having any sort of licence at all let alone an extended one! The security staff have little regard for the violence once outside the club.

May I thank you for your time in reading my concerns and look forward to hearing from in regard to this matter.

Yours sincerely

Jamie Frayne

Messenger's gone Mobile! [Get it now!](#)

Jacqueline Randall

From: John Cruse
Sent: 15 May 2008 09:38
To: Jacqueline Randall
Subject: FW: RE :Licensing Act 2003 & Eone Club,168 Mile End Road London E1 4LJ

Follow Up Flag: Follow up
Flag Status: Red

Jackie, for your info.

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

From: Finn Dermot [mailto:Dermot.Finn@bartsandthelondon.nhs.uk]

Sent: 13 May 2008 23:01

To: John Cruse

Subject: FW: RE :Licensing Act 2003 & Eone Club,168 Mile End Road London E1 4LJ

Subject: RE :Licensing Act 2003 & Eone Club,168 Mile End Road London E1 4LJ

The Drill Hall
174 Mile End Road
London
E1 4LJ

Dear Mr Cruse

Thank your for you letter regarding the above venue, and informing me of its application for new /revised opening hours after speaking to one of your colleagues she made it very clear that is acceptable to object ,regarding the above application via email.

Reasons For Objection

*

On numerous occasions the police have been called becuae of the out breaks of fights outside the above venue in the early hours of the morning ,resulting in disruption of sleep and being unable to concentrate at work the preceding day.

*

Due to the nature of my work and finishing at times that are early in the morning ,on numerous occasions I've been subject to both verbal and near physical abuse ,due to the number of individuals outside the venue who are heavily intoxicated ,i feel this is due to the smoking ban ,I've now resorted to crossing the road and above the venue as to avoid this.

*

There has also been an increase in the amount of individuals using the alcove and the front door of the flats as a human toilet /waste ground e.g urination and the increase in litter etc which i feel is not just unpleasant upsetting but also very humiliating ,it is also a health and safety issue which i feel also effects the general public..

I do hope that some of the above points will be taken into consideration in your overall decision

Yours Sincerely

Dermot Finn

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Jacqueline Randall

From: Sajid Khan [sajidalikhan@hotmail.com]
Sent: 19 May 2008 11:04
To: Jacqueline Randall
Cc: tops@wildcross.co.uk
Subject: Issue of licence E1 Club 168 Mile End Road E1 4LJ

From Dr Sajid Ali Khan 1 Hayfield Yard E1 4LL

Objection to Licence of E1 Club 168 Mile End Road E1 4LJ

Any licence at the above premises needs to take into account the continuous misbehaviour of its clientele, continuing to the present, and including urinating, vomiting & discarding beer cans in the entrance to Hayfield Yard.

Rather than extending their licence serious thought should be given to restriction of drinking hours UNLESS a proper policy of controlling the misbehaviour of their clientele is put in place AND enforced.

Messenger's gone Mobile! [Get it now!](#)

Appendix 6

LOCAL Businesses		
Contact	Business	Address
Shakira Abubaker	Capital Connections Ltd	154 Mile End Rd, London E1 4LJ
Mohibur Choudhury	Wildcross Properties	170 Mile End Rd, London E1 4LJ

Jacqueline Randall

From: shakira abubaker [shakiraabubaker@hotmail.co.uk]
Sent: 19 May 2008 19:08
To: Jacqueline Randall
Subject: E1 licence

Dear jacqueline.

I have been informed that it is yourself that I need to contact in regards to "the E1 club" licence to stay open to early hours of the morning.

I strongly object to this as I feel that it will cause further disruption in the local community. It also puts the safety of other residents at risk as they feel thretend and intimidated by large, drunk, out of control men. The customers of the club are regularly involved with violence which usually takes place either inside or outside the club. Local police are than called to handle the situation which has gone out of hand due to late night opening hours. Its not very pleasant to walk down in the morning past blood and broken glass left by "the E1 pub" the night before. I feel that extending its current late night opening licence will have a devastation effect on the local people and encourage people to be involved in unnecessary violance which we are trying to reduce in tower hamlets.

Maybe you can look into cutting down on the hours the club already has? This I am sure will do much justice for the community.

I would much appreciate if you could take our view into consideration as we are a small local business who have been trading in the borough for over 12 years.

We would much appreciate your help in this very serious matter.

Please do not hesitate to contact me on the number below for any further information.

Regards

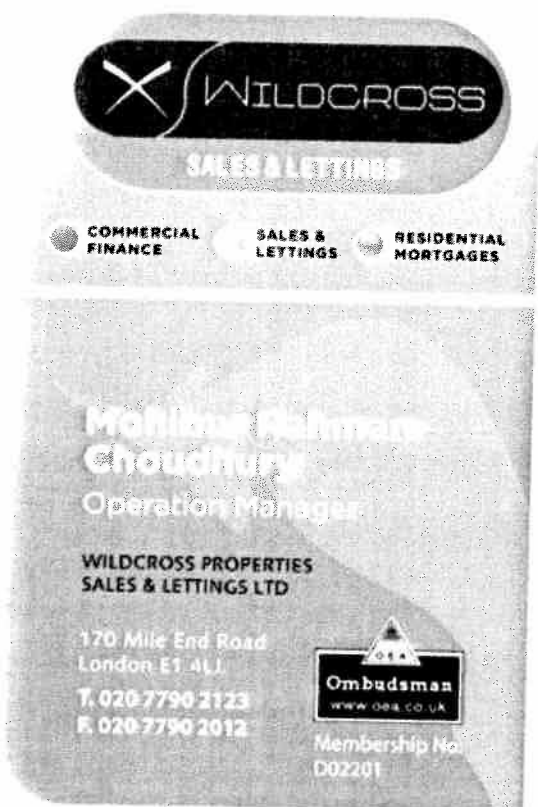
Shakira Abubaker
Sales Manager

Capital Connections london ltd
02072659999

Get fish-slapping on Messenger! Play Now

Jacqueline Randall

From: Mohibur Choudhury [Tops@wildcross.co.uk]
Sent: 19 May 2008 11:01
To: Jacqueline Randall
Subject: license of "the E1 Club", 168 Mile end road, London E2



To the licensing department
.....

RE: license of "the E1 Club", 168 Mile end road, London E2

We strongly object to any plans to extend the hours of the club mentioned above.

We have an office next door and our property is regularly vandalised and damaged by the customers of this club.

Every Friday/ Saturday we have to clean up the mess left by these drunk clients and extending the hours would be disasterous.

We have had to replace our windows several times due to the customers coming from this club all fuelled up on alcohol and venting any fury from problems caused in the club on our property.

The littering and bloodstains (due to fights spilling outside) on the pavement most days is a major concern.

We would actually like someone to look into this matter and reduce the current opening time for this club.

The current late opening licence should be revoked.

That way maybe the rest of the road will be able to sleep in peace, knowing that we won't wake up the next morning to find our property damaged, vomited on, urinated on.

We have spoken to the police with regards to this and they have advised us to write to you as they are regularly called to attend to trouble in this club.

Wildcross had the door and window smashed on the 17th of May and this is the fourth time in the space of a year.

This matter needs to be taken seriously and urgent response would be appreciated.

Yours sincerely

Mohibur Rahman Choudhury
Operation Manager

Wildcross Properties
Sales & Lettings Ltd
F: 020 790 2123
E: 020 790 2012

19/05/2008

Appendix 6A

Jacqueline Randall

From: Alan.Cruickshank@met.pnn.police.uk
Sent: 16 May 2008 15:21
To: Kathy Butler; Jacqueline Randall
Cc: peter_mackay65@hotmail.com
Subject: Eone
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Eone objection.doc

Good afternoon

Please find enclosed our objection to the variation application.

Mr Mackay , as discussed if you agree to the conditions outlined , we will not object to your application. This needs to be confirmed by Monday afternoon and sent to LBTH Licensing (as above)

If there is any problems please speak to my colleague, Lou Allen , as I will not be in the office on Monday

Best wishes

Alan

Licensng

0208 217 6699
<<Eone objection.doc>>

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- * 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.

Your reference :

Our reference :

Date : 26th May 2008



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

Metropolitan Police Service
Tower Hamlets Division (HT)

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

Tel: (020) 8 217 4118

Fax: (020) 8 217 6688

Dear Sir,

Re: Application to vary a premises licence : Eone ,168 Mile End Rd,E1

I write with reference to the above application which was received by Tower Hamlets police on the 25th April 2008.

Please accept this letter as notice that the police as a responsible authority object to the above application on the grounds of crime and disorder.

Police have attended this venue on a number of occasions , resulting in either arrests or crime reports.

On the 3rd March 2008 at about 0235 , an assault occurred , where a suspect was arrested.

On the 5th March 2008 at about 0325 , an assault occurred between known parties and a suspect was arrested.

On the 8th of March 2008 at about 0215, police were called to a woman collapsed at the venue. On their arrival, she was arrested and eventually charged with assault on the three officers .

On the 15th March 2008 at about 2245 , police were called to fight between friends. A crime was recorded.

On Thursday 16th of May 2008 at about 0830 , I met with the DPS for the premises , Mr Peter Mackay , to discuss his application and to remind him of his obligation to promote the licensing objectives. With this in mind he has already agreed to have extra conditions on his licence

In relation to a dispersal policy , he has agreed to cease all licensable activities a half hour before closing time. As a result he will agree to the following times

MUSIC

Mon – Thur 1200 – 0330
Fri – Sat 1200 – 0430
Sun 1200 – 0330

DANCE

Mon – Thur 2000 – 0330

Fri - Sat 2000 – 0430

Sun 2000 – 0300

ALCOHOL

Mon – Thur 1200 – 0330

Fri – Sat 1200 – 0430

Sun 1200 – 0300

“ Last orders “ will be called fifteen (15) minutes before the end of the allocated licensing time. All regulated activities will cease during the half hour before closing. Lights will be switched on and the clientele encouraged to leave. The premises have an agreement with a local taxi firm . Staff will encourage people to move quickly and quietly from the area.

Mr Mackay has a 21+ age policy unless they are students.He is now also charging a £5 entry fee to discourage individuals that may be troublesome.

Mr Mackay has already employed a new security firm and at the time of writing there has been no serious disorder since their employment

However, our objection will be withdrawn if Mr Mackay agrees to the following extra conditions

1. Upon entry to the premises , every customer must be searched. The searches will include the searching of the customer’s wallet , bag , purses or any other item being carried by that customer.
Any person who will not submit themselves to a search, will be refused entry.
The searches will be conducted by the door staff (hereafter referred to as SIA accredited door staff) and covered by the premises CCTV.
A metal detecting wand should also be used .Two wands should be kept on the premises
2. Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated. If drugs are found on searching at the point of entry, police may be called.
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:-
 - a. Time/ date and location of the seizure.
 - b. Member of staff seizing the item.
 - c. 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 will 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. Only 10 – 15 people will be allowed outside at one time. In relation to smoking, the customers will only be allowed outside for a maximum of five minutes to smoke. As part of the dispersal policy no customer will be allowed outside within only one hour of closing.
All forms of bottled drinks be they alcohol or not, will be decanted into glasses after 2300
8. A Premises Daily Register / Incident Book 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:
 - a. Name of the person responsible for the premise on each given day.
 - b. 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.
 - c. 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'. Every Friday, there will be a minimum of four (4) door supervisors and every Saturday, there will be three (3). It has been agreed with police that the amount of SIA door supervisors and the days they work can be reviewed at any time.
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 License 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. The times for licensable activities as stated above.

16. 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.

Yours faithfully

Alan Cruickshank PC 189HT
Licensing Officer

Jacqueline Randall

From: Peter MacKay [peter_mackay65@hotmail.com]
Sent: 17 May 2008 16:39
To: alan.cruickshank@met.police.uk; Kathy Butler; Jacqueline Randall
Subject: RE: Eone
Importance: High

Dear Alan / Jacqueline,

Many thanks for getting this information to me and further to our meeting on the 16th May 2008 I would hereby like to formally agree to these condition as set out on the attachment to this e-mail.

If there is any further problems or clarification needed, then please do not hesitate to contact me.

If you could both please confirm receipt of this acceptance of your conditions.

Many Thanks
Peter MacKay
Licensee
Eone Club
168 Mile End Road
London
E1 4LJ

Subject: Eone
Date: Fri, 16 May 2008 15:21:14 +0100
From: Alan.Cruickshank@met.police.uk
To: Kathy.Butler@towerhamlets.gov.uk; jacqueline.randall@towerhamlets.gov.uk
CC: peter_mackay65@hotmail.com

Good afternoon
Please find enclosed our objection to the variation application.
Mr Mackay , as discussed if you agree to the conditions outlined , we will not object to your application. This needs to be confirmed by Monday afternoon and sent to LBTH Licensing (as above)
If there is any problems please speak to my colleague, Lou Allen , as I will not be in the office on Monday

Best wishes
Alan
Licensng
0208 217 6699
<<Eone objection.doc>>

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- * 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.

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Appendix 7

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 8

Access and egress problems

Such as:

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

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Sections 8.2 of the Licensing Policy, and also Section 12.5).**

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

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

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. **(See Appendix 2 Annex G of**

the Licensing Policy). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (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 and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

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

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

Appendix 9

Crime and disorder on the premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2. of the Licensing Policy)**

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

Appendix 10

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

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

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 11

Planning

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

Appendix 12

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
 - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
 - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
 - Previous history
 - Access to public transport
 - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only

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Agenda Item 4.2

Committee: Licensing Sub-committee	Date:	Classification Unclassified	Report No. LSC018/ 809	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Licensing Officer	Title: Licensing Act 2003 Application for a variation of the Premises Licence for Victoria, 110 Grove Road, London E3 5TH Ward affected: Bow West
---	---

1.0 Summary

Applicant: **Charles Wells Ltd**

Name and Address of Premises: **Victoria
110 Grove Road
London
E3 5TH**

Licence sought: **Variation of premises licence under the Licensing Act 2003**

- **Extending the hours for the sale of alcohol**
- **Extending the hours for the provision of regulated entertainment (also addition of licensable activities)**
- **Extending the hours for the provision of late night refreshment**
- **Removal of certain embedded restrictions**

Representations: **Environmental Protection
Local residents**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Mohshin Ali 020 7364 5498

3.0 Background

- 3.1 This is an application for a variation of the Premises Licence for Victoria, 110 Grove Road, London E3 5TH.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current standard timings are as follows:

The sale by retail of alcohol:

- Monday to Saturday from 11:00 hours to midnight
- Sunday from 12:00 hours to 23:30 hours

Regulated Entertainment consisting of:

Live music (maximum two performers) and Recorded Music

- Monday to Saturday from 11:00 hours to midnight
- Sunday from 12:00 hours to 23:30 hours

Late Night refreshment

- Monday to Saturday from 23:00 hours to midnight
- Sunday from 23:00 hours to 23:30 hours

Non-standard timings

- Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays, 24th December, 26th December, 1st January hours extended until midnight
- 25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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

Hours premises are open to the public:

- Monday to Saturday from 11:00 hours to 00:30 hours the following day
- Sunday from 12:00 hours to midnight

Non-standard timings

- Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays, 24th December 26th December, 1st January opening hours extended until 00:30 hours
- 25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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

3.3 A copy of the application is enclosed as **Appendix 2**.

- 3.4 The applicant has described the nature of the variation as follows:
- Extending the hours for the sale of alcohol
 - Extending the hours for the provision of regulated entertainment (to add films, making music and dancing to the licensable activities)
 - Extending the hours for the provision of late night refreshment
 - Remove embedded restriction on live music from 'maximum two performers' to allow more than two performers to allow bands.

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

Sale of Alcohol (on and off sales)

- Sunday to Wednesday, from 10:00 hours to midnight
- Thursday to Saturday, from 10:00 hours to 01:00 hours the following day

Non-standard timings

- From finish time on New Years Eve to start time in New Years Day

Regulated Entertainment - Indoors

Films.

Live Music (remove embedded restriction on live music from 'maximum two performers' to allow more than two performers to allow bands).

Recorded music and anything of a similar description.

Provision of facilities for making music, provision of facilities for making dancing and provision of facilities for entertainment of a similar description.

- Sunday to Wednesday, from 10:00 hours to midnight
- Thursday to Saturday, from 10:00 hours to 01:00 hours the following day

Non-standard timings

- New Years Eve extended to 01:00 hours on New Years Day

Late Night Refreshment

- Sunday to Wednesday, from 23:00 hours to midnight
- Thursday to Saturday, from 23:00 hours to 01:00 hours the following day

Hours premises are open to the public:

- Sunday to Wednesday, from 10:00 hours to 00:30 hours the following day
- Thursday to Saturday, from 10:00 hours to 01:30 hours the following day

Non-standard timings

- From finish time on New Years Eve to start time in New Years Day

3.5 A map showing the situation of premises in the local area is included as **Appendix 3.**

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.

- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents and Environmental Protection.

- 5.12 Please see **Appendix 5** for the representations of 33 residents in the form of petitions.
- 5.13 Two of the residents from the petition also submitted individual representations. Please see **Appendix 6** for the representation of M Deering. Please see **Appendix 7** for the representation of S Mapstone.
- 5.14 Please see **Appendix 8** for the representation of Environmental Protection.
- 5.15 The application was required to be advertised in a local newspaper and by a blue poster. Due to failure of advertising the application correctly, the consultation period was extended to 5th June 2008.
- 5.16 Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.17 Essentially, Environmental Protection and the residents oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.18 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the licensing Act 2003

❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).

Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).

❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)

❖ Conditions may not be imposed for the purpose other than the licensing objectives.

❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).

❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.

❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).

❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

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

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

- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and access/egress as follows:
- Appendix 9** Licensing Officer comments on noise while the premise is in use
 - Appendix 10** Licensing Officer comments on access/egress problems
 - Appendix 11** Licensing Officer comments on crime and disorder on the premises
 - Appendix 12** Licensing Officer comments on crime and disorder from patrons leaving the premises
 - Appendix 13** Planning
 - Appendix 14** Licensing Policy relating to hours of trading

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the premises licence application
- Appendix 2** A copy of the variation application
- Appendix 3** Maps of the area
- Appendix 4** Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations
- Appendix 5** Representations of 33 residents in form of petitions
- Appendix 6** Representation of M Deering
- Appendix 7** Representation of S Mapstone
- Appendix 8** Representation of Environmental Protection
- Appendix 9** Licensing Officer comments on noise while the premise is in use
- Appendix 10** Licensing Officer comments on access/egress problems
- Appendix 11** Licensing Officer comments on crime and disorder on the premises
- Appendix 12** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 13** Planning
- Appendix 14** Licensing Policy relating to hours of trading

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

10406

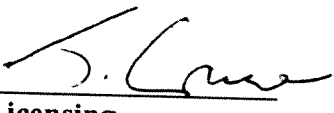
Victoria PH
110 Grove Road
London
E3 5TH

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John Cruse 
Team Leader Licensing

Date: 16/11/05

M:\LICENSING\Word97\2003 Licensing Act certs & lics\2003\Issued Premises Licences\GroveRd110.lic.doc

FOR OFFICE USE

Receipt Number 159473 Fee Paid ~~£190~~
£60 Fee Req. Date 21.6.05 Initial SJS



Part A - Format of premises licence

Premises licence number

10406

Part 1 - Premises details

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

(Victoria PH)
110 Grove Road

Post town

London

Post code

E3 5TH

Telephone number

020 8980 6609

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight
Sunday from 12:00 hours to 23:30 hours

Regulated Entertainment consisting of:

Live music (maximum two performers) and Recorded Music

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight
Sunday from 12:00 hours to 23:30 hours

Late Night refreshment

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday until midnight
Sunday until 23:30 hours

In addition to above: Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays,
24th December, 26th December, 1st January hours extended until midnight
25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 00:30 hours
the following day
Sunday from 12:00 hours to midnight

In addition to above: Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays,
24th December 26th December, 1st January opening hours extended until 00:30 hours
25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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

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

On and off sales

Part 2

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

Mr Bernard Micallef and Mr Charlie Magri
Victoria PH
110 Grove Road
London
E3 5TH

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

N/A

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

Kenneth Ian Maude
Victoria PH
110 Grove Road
London
E3 5TH

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

Kenneth Ian Maude – DH/PER/298/2005
Issuing Authority – Dartford Borough Council

Annex 1 - Mandatory conditions

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

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

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

The sale by retail of alcohol:

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight
Sunday from 12:00 hours to 23:30 hours

Regulated Entertainment consisting of:

Live music (maximum two performers) and Recorded Music

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight
Sunday from 12:00 hours to 23:30 hours

Late Night refreshment

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday until midnight
Sunday until 23:30 hours

In addition to above: Bank Holiday weekends on Fridays Saturdays Sundays and Mondays, 24th December 26th December, 1st January hours extended until midnight
25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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

Annex 2 - Conditions consistent with the operating Schedule

Maximum of two performers for live music

Customers shall be requested to leave the premises in orderly and quiet manner.

Children under 16 to be accompanied by a responsible adult.

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

The rear doors to the garden be closed to patrons and only used for emergency access/egress from 23:00 hours Monday to Sunday.

Annex 4 - Plans

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

21 June 2005



Part B - Premises licence summary

Premises licence number

10406

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Victoria PH)
110 Grove Road

Post town
London

Post code
E3 5TH

Telephone number
020 8980 6609

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:
Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight
Sunday from 12:00hours to 23:30 hours
Regulated Entertainment consisting of:
Live music (maximum two performers) and Recorded Music:
Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight; Sunday from 12:00 hours to 23:30 hours
Late Night refreshment: Monday, Tuesday, Wednesday, Thursday, Friday, Saturday until midnight; Sunday until 23:30 hours

The opening hours of the premises

In addition to above: Bank Holiday weekends on Fridays Saturdays Sundays and Mondays, 24th December 26th December, 1st January hours extended until midnight; 25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours.

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

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 00:30 hours the following day
Sunday from 12:00 hours to midnight

In addition: Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays, 24th December 26th December, 1st January hours extended until 00:30 hours; 25th December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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

Name, (registered) address of holder of premises licence

Mr Bernard Micallef & Mr Charlie Magri
110 Grove Road
London
E3 5TH

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

On and off sales

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

N/A

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

Kenneth Ian Maude

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We Charles Wells Ltd
 (Insert name(s) of applicant)

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

Premises licence number 10406

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Victoria 110 Grove Road			
Post town	London	Post code	E3 5TH

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16500

Part 2 – Applicant details

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	18
Post Town	
Postcode	

Part 3 - Variation

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

Please tick yes

If not do you want the variation to take effect from

Day Month Year

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

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

Extend terminal hour for all licensable activities to:

Sunday - Wednesday 10.00 am - 00.00

Thursday - Saturday 10.00am - 01.00

Extend opening hours to thirty minutes after finish time for all licensable activities allowing a winding down period.

Add films, making music and dancing to the licensable activities.

Remove embedded restriction on live music from Max of 2 performers to allow more than 2 performers to allow bands.

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

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

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

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

In all cases complete boxes N, O and P

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors	<input type="checkbox"/>	
Mon	10.00	00.00	Please give further details here (please read guidance note 3) Moving pictures shown to support Karoke	Both	<input type="checkbox"/>	
Tue	10.00	00.00				
Wed	10.00	00.00		State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	10.00	01.00				
Fri	10.00	01.00		Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sat	10.00	01.00				
Sun	10.00	00.00				

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Remove embedded restriction on live music from Max of 2 performers to allow more than 2 performers to allow bands.		
Mon	10.00	00.00			
Tue	10.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed	10.00	00.00			
Thur	10.00	01.00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	00.00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10.00	01.00			
Fri	10.00	01.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sat	10.00	01.00			
Sun	10.00	00.00			

G

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

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>	
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)</p>	Indoors <input checked="" type="checkbox"/>
Mon	10.00	00.00		Outdoors <input type="checkbox"/>
Tue	10.00	00.00	<p><u>Please give further details here</u> (please read guidance note 3) Karaoke</p>	Both <input type="checkbox"/>
Wed	10.00	00.00		
Thur	10.00	01.00		
Fri	10.00	01.00	<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>	
Sat	10.00	01.00	<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day</p>	
Sun	10.00	00.00		

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input checked="" type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon	10.00	00.00	Karoke	
Tue	10.00	00.00		
Wed	10.00	00.00	<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day	
Fri	10.00	01.00		
Sat	10.00	01.00		
Sun	10.00	00.00		

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u> Provision for customer to dance to all forms of music played on the premises		
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00	<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur	10.00	01.00			
Fri	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sat	10.00	01.00			
Sun	10.00	00.00			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	00.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	00.00	<u>Please give further details here</u> (please read guidance note 3) Karoke		
Wed	10.00	00.00			
Thur	10.00	01.00	<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri	10.00	01.00			
Sat	10.00	01.00	<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun	10.00	00.00	New Years Eve extended to 01.00 hours on New Years Day		

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	23.00	00.00			
Tue	23.00	00.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed	23.00	00.00			
Thur	23.00	01.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri	23.00	01.00			
Sat	23.00	01.00			
Sun	23.00	00.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol! (please read guidance note 4)		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	01.00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Finish time on New Years Eve to start time on New Years day		
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			

N

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

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	00.30	
Tue	10.00	00.30	
Wed	10.00	00.30	
Thur	10.00	01.30	
Fri	10.00	01.30	
Sat	10.00	01.30	
Sun	10.00	00.30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) Finish time on New Years Eve to start time on New Years day

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

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
It was sent to Council to change Licence name into Charles Wells

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

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

Good management during extended hours and licensable activities ensuring compliance with the Licensing Act as at present.

b) The prevention of crime and disorder

Liason with local police and Licensing Authority.

c) Public safety

Promotion of public safety by effective management, provision of sufficient first aid boxes and accident reporting procedures.

d) The prevention of public nuisance

Customers requested to respect local residents and to leave premises in a quiet and orderly manner.

e) The protection of children from harm

Children under 16 to be accompanied by an adult. No sale of alcohol made to a person under 18 years of age.

Staff to request photographic ID from any customers if in doubt of age (to prevent under age sales).

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	<i>Hole Wosself</i>
Date	<i>11-4-08</i>
Capacity	LICENSING CO-ORDINATOR on behalf of APPLICANT

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

Signature	
Date	
Capacity	

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

Licensing Team
 Charles Wells Pub Company
 The Morewood Centre
 Eastcotts Park
 Wallis Way

Post town	BEDFORD	Post code	MK42 0PE
Telephone number (if any)	01234 279105		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

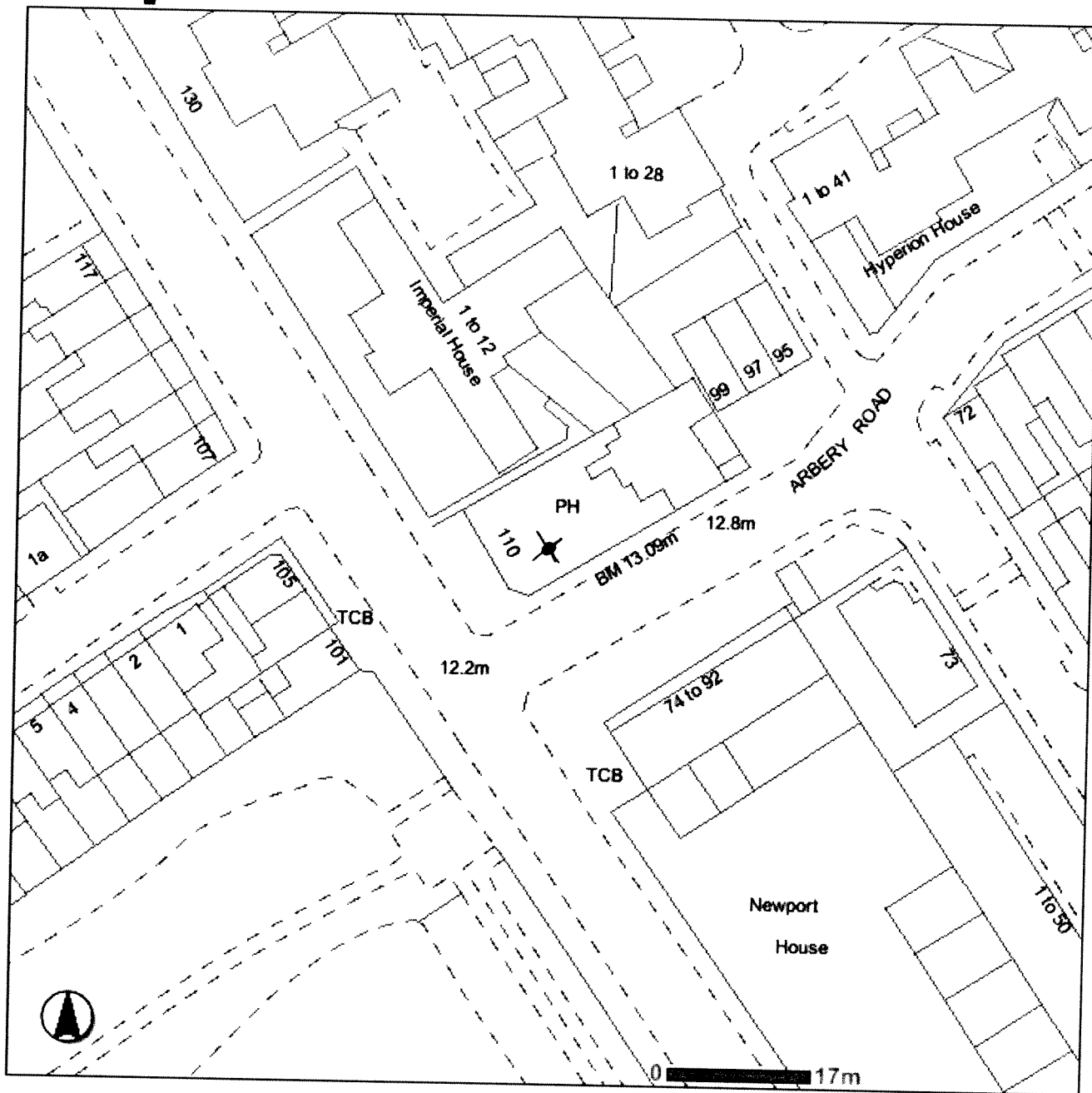
Notes for Guidance

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

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

Appendix 3

Map



Scale 1:750

Map of:

Victoria

Notes:

110 Grove Road

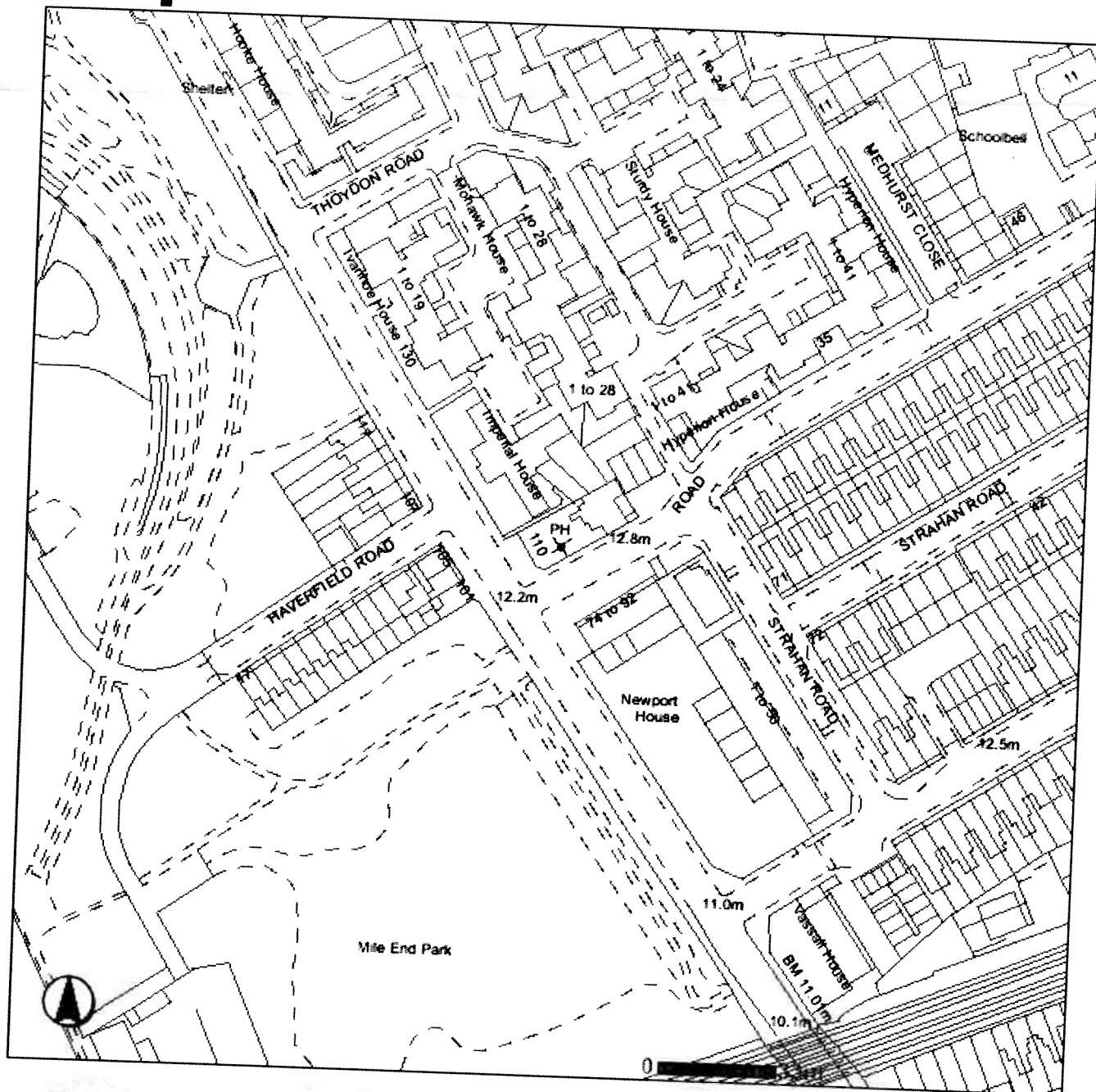
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Map



Scale 1:1750

Map of:

Victoria

Notes:

110 Grove Road

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Appendix 4

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. 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, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 5

ObjectionsGroveRoad110.Vic.xls

Name	Address1	Address2	Address3	Postcode
E Barney		74 Arbery Road	London	E3 5DD
Janar Niyarli		78 Arbery Road	London	E3 5DD
Susan Pill	21 Mohawk House	4 Geron Road	London	E3 5DZ
The Occupier	24 Mohawk House	4 Geron Road	London	E3 5DZ
S Mapstone	11 Imperial House	120 Grove Road	London	E3 5TN
M Deering	3 Imperial House	120 Grove Road	London	E3 5TN
Ana Maria M Garcia	12 Imperial House	120 Grove Road	London	E3 5TN
T Magras	10 Imperial House	120 Grove Road	London	E3 5TN
S Neyman	8 Imperial House	120 Grove Road	London	E3 5TN
Jakril Hoque	9 Imperial House	120 Grove Road	London	E3 5TN
E Moughton	2 Imperial House	120 Grove Road	London	E3 5TN
Van dac Ha	4 Imperial House	120 Grove Road	London	E3 5TN
C Alexander		80 Arbery Road	London	E3 5DD
Mr Helal Uddin		84 Arbery Road	London	E3 5DD
Mrs P Gallivan		88 Arbery Road	London	E3 5DD
Mr Mrinal Kanti Sarkar		90 Arbery Road	London	E3 5DD
Mrs P Sarkar		90 Arbery Road	London	E3 5DD
Mrs Maria Salih		92 Arbery Road	London	E3 5DD
D Gallwan		88 Arbery Road	London	E3 5DD
Mr & Mrs Gallivan		88 Arbery Road	London	E3 5DD
Mr Shashi		90 Arbery Road	London	E3 5DD
Mrs Salih		92 Arbery Road	London	E3 5DD
A...		74 Arbery Road	London	E3 5DD
S A Barnes		74 Arbery Road	London	E3 5DD
Gabriel Hudak		76 Arbery Road	London	E3 5DD
Jan Niyazi		78 Arbery Road	London	E3 5DD
Nick Donovan		82 Arbery Road	London	E3 5DD
P Vogt		105 Grove Road	London	E3 5DD
Imran		103A Grove Road	London	E3 5DD
J Chapdjev		105A Grove Road	London	E3 5DD
E West		103 Grove Road	London	E3 5DD
G P Venieelos	1 Grand Union Terrace	Haverfield Road	London	E3 5EN
A Lingwood		109 Grove Road	London	E3 5RP

This Petition is to oppose the application to vary a premises licence at the Victoria, 110 Grove Road, E3 5TH

In a residential area, it's not fair to have a 1 o'clock licence (Thurs-Sat) with a half hour winding down period and also to allow more than 2 performers to allow bands, this will make more noise, as we have had to put up with in the past this is a "public nuisance"

Name

address

Signature

E.A. Barry

74 ARBERY RD E3

E.A. Barry

Janan Nigra

78 ARBERY RD E3

J. Nigra

SUSAN PILL -

21 MOHAWK HOUSE

[Signature]

MATTHEW [Signature]

[Signature]

24 Mohawk House

London E3 5DZ

This Petition is to oppose the application to Vary a premises licence at the Victoria, 110 Grove Road, E-3 5TH

In a residential area, It's not fair to have a 1 o'clock licence (Thurs-Sat) with a half hour winding down period and also to allow more than 2 performer's to allow bands, this will make more noise, as we have had to put up with in the past this is a "public nuisance"

Name	12 MAY 2008	address	Signature
S MAPSTONE		Imperial	S Mapstone
m. Deering		3 Imperial Hse	T. Deering
Ana Maria Martinez Borcia		12 Imperial house	T. Deering
T. MAGRAS		10 IMPERIAL HOUSE	T. Magras
Jeynar		8 imperial House	Jeynar
Jakril Hoque		9 Imperial House	T. Magras
E Moughton		2 Imperial House	E Moughton
Shenpeit			Shenpeit
Van dac Ha		4 Imperial House	✓ V D HA
ALEXANDER		80, ARBERY	Alexander
MR HELAL UDDIN		84, ARBERY - Rd.	Helal Uddin
MRS P. Callinan		E3-5 DD	P. Callinan
Mr. MRINAL KANTI SARKAR		88 ARBERY RD	Mr. Sarkar
Mrs. Popy Sarkar		90 Arbery Rd.	Mrs. Sarkar
MRS. VARIA SATHI		92 ARBERY RD	Mrs. Sathi

The residents of 74-92 ARBERY ROAD would like to let you know the concerns about the Licensing Application of the Victoria pub 110 Grove Road. Over the years we have all been disturbed by loud music and people coming out of the pub making a noise while waiting for taxis that toot late at night we now get people talking outside while they have a smoke. Some of the residents have had bottles and glasses thrown in their gardens. In the summer some of the drinkers sit on the fences and can be heard talking. We have a baby and young children living in the block. The thought of having to put up with music until 1 .am in the morning is something we can no longer put up with. We do not think it is too much to ask to expect quiet evenings with no loud music and shouting when there is trouble and the police are called.

MR + MRS	Gallivan	38 ARBERY RD	12 MAY 2008 Callum
	Shaw	90 ARBERY RD	Shaw
MRS	SALIH	92 ARBERY RD	M Salih
		84 ARBERY RD	
		74 ARBERY RD	
		76 ARBERY RD	th
		78 ARBERY RD	P. Nuyssen
		82 ARBERY RD	
		105 GROVE RD	
		103A GROVE RD	
		105A GROVE RD	J Chapman
		103 GROVE RD	

Mrs. S.A. Gomes
 EABRIEL HLIDAK
 TAN NUYAZI
 Nicki Dancovich
 P. Vogt
 Mian
 J CHAPDJEV
 N. ...

G.P. VENIZELIS

1 GRAND UNION TERRAZZES
HAMPSTEAD RD

[Handwritten signature]

T. Lingwood

107 GROVE ROAD
ESRP

[Handwritten signature]

Appendix 6

12 MAY 2008

m. Deering
 3 Imperial Hse
 120 Grove Road
 Bow E 3 5TN
 30.4.08

Dear licensing section (John Cruise)

R.E. Victoria, 110 Grove Road, E.3 5TH.

I am writing to oppose the application to vary a premises licence.

My garden wall is also the Victoria's beer garden wall, so we can hear everything, the beer garden is also used for smoking customers, the door to the beer garden is opening all the time so whatever entertainment is playing at that time blasts out constantly.

The Victoria is applying for more than 2 performers to allow bands "More Noise" also thursday-Saturday til 1 AM. Plus thirty minutes after finish time for a winding down period, thats at least 1.30 AM.

As a registered childminder I have to get up by 6.30 AM to work, if a 1 AM licence is allowed, I don't see how anybody can continue to work on less than 5 hours sleep.

This is a residential area, neighbours have babies and children of school age, who again would have their sleep disturbed. In the past this has been a big problem.

I myself am a single parent as are some of my neighbours, we have had problems with 'drunk' men knocking on our doors and going to the toilet in our front gardens in the early hours, after leaving the pub. We also have to put up with cabs sounding their horns at all hours outside the pub 'P'(d) The prevention of public nuisance.

Many Thanks
m. Deering.

Appendix 7

DATE 12 MAY 2008
29/4/2008

11 IMPERIAL HOUSE
GROVE ROAD
BOW E3. 5. T.M.
LONDON

MR JOHN CRUSE (LICENSING COMMITTEE)
I AM WRITING TO YOU REGARDING
APPLICATION LICENS FOR THE VICTORIA PUBLIC
HOUSE 110 IN GROVE ROAD BOW E3. MY
REASON FOR THIS IS WHAT THE LANDLORD
IS ASKING FOR. WHICH ALL THE RESIDENTS
WHO LIVE CLOSE TO THE PUB ^{ARE} OBJECTING
TO

NOISE NUISANCE SINGING LOUD. SHOUTING
SCREAMING OPENING SHUTTING DOORS WINDOWS
BLASTING MUSIC OUT. SMOKEING IN THE
BEER GARDEN. NOISE AT TIMES HAS BEEN
UNBEARABLE. LATE ^{AT} NIGHT 6-ONE MIDNIGHT
THE PUB IS IN BREACH. PEACE ON NUMEROUS
OCCASIONS THE POLICE AT TO BE CALLED
OUT BECAUSE THINGS GOT OUT OF HAND.
ALL SO ENVIRONMENTAL OFFICER
WAS CALLED OUT. HAVING LIVE BANDS
PLAYING IS UNFORTUNATELY NOT GOING
TO HELP MATTERS. HOW LIVES ARE GOING
TO BE MADE HELL. PHYSICAL MENTAL
IN THE PAST WE HAVE PUT UP WITH IT
NOT NO MORE ITS GONE ON LONG
ENOUGH. LANDLORDS GREEDY FOR MONEY
NO RESPECT FOR THE RESIDENTS. WHAT
SO EVER. MINING CABS PULLING UP
BLASTING THEIR HORNS ^{SHOUTING} SOME BODDY CALLS
CABS

CRIME

I HAVE LIVED HERE FOR THE PAST 2-5 YEARS IT IS AN EYE OPENER SURROUNDING THE PUB WHEN PEOPLE LEAVE AT CLOSING TIME THATS WHEN IT KICKS OFF. WHEN PEOPLE GET DRUNK THERES PUNCH UPS SWEARING THEN THERE ARE CERTAIN ONES WHO DEAL DRUGS OUTSIDE AND INSIDE BEER GARDEN THEN THERE STABBING GOING ON WITH BLADES KNIVES BROKE BOTTLES. IN THE PAST THERE HAS BEEN SHOOTINGS WERE ONE LANDLORD THAT USE TO RUN THE VICTORIA PUB WAS SHOT. PEOPLE HAVE ALSO BEEN MUGGED OFF THEIR PHONES MONEY CRYSTAL THINGS. ALSO THE STUDENTS ARE JUST BAD MUSIC DRUGS ALL NIGHT LONG ANTI SOCIAL BEHAVIOUR EVEN A ASBO ~~WOULDN'T~~ WILL NOT STOP THEM. THIS IS FROM EXPERIENCE. THE STUDENTS THAT I AM TALKING ABOUT THAT LIVE AT THE BACK OF THE BEER GARDEN IN ARBERY ROAD.

WE HAVE A RIGHT TO PROTECT HOW CHILDREN FROM PEOPLE WHO EXPOSE THEMSELVES. WHEN USING THE NEIGHBOURS FRONT GARDENS HAS A TOILET THE PUB HAS TOILETS. SO THERE IS NO EXCUSE WHAT SO EVER. I ALSO NOTICE THAT THE FROSTED WINDOW IN THE BEER GARDEN WERE MENS TOILET. IS YOU CAN SEE EVERY THING THE LANDLORD SHOULD DO SOMETHING ABOUT. ^{IT} ALL FLATS SURROUNDING THE PUB HAVE LOTS OF CHILDREN LIVEING THERE. SOME PEOPLE THINK THEY CAN DO WHAT EVER THEY WANT SOME AGGRESSIVE WITH IT. IS IT ASKING TO MUCH FOR A BIT OF CONSIDRATION RESPECT GIVE HAS A BIT OF PEACE, WHEN WE COMPLAIN IT FALLS ON DEATH EARS.

YOURS S MHPSTONE

I WOULD LIKE
MY ~~NAME~~ ADDRESS
TO BE WITHHELD
FROM PUBLIC VIEW

Appendix 8

Mohshin Ali

From: Paul Johnson
Sent: 13 May 2008 18:31
To: Jacqueline Randall
Cc: Mohshin Ali
Subject: FW: Victoria - 110 Grove Road

Revised Comments

Premises License Number: 10406

Hi Jackie,

Environmental Health (EH) object to the above application to vary hours on the grounds of public nuisance.

Noise from customer access and egress and persons potentially congregating around premises up to the proposed times will potentially cause public nuisance to the surrounding residential, particularly residential above. Another factor is that of smokers creating potential noise odour nuisance up to the proposed times.

There are not details within application as to how applicant proposed to address the issue of public nuisance and that of containing the noise within the premises particularly when there is proposed live bands within.

There is a history of complaints from nearby residents re loud music, noise nuisance witnessed and non compliance by owner/manager when instructions were given to reduce level of music.

Paul Johnson
Environmental Health Enforcement Officer
Environmental Protection

Postal Address
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From: Paul Johnson
Sent: 13 May 2008 18:30
To: Jacqueline Randall
Cc: Mohshin Ali
Subject: Victoria - 110 Grove Road

Premises License Number: 10406

Hi Jackie,

Environmental Health (EH) object to the above application to vary hours on the grounds of public nuisance.

Noise from customer access and egress and persons potentially congregating around premises up to the proposed times will potentially cause public nuisance to the surrounding residential, particularly residential above. Another factor is that of smokers creating potential noise odour nuisance up to the proposed times.

There are not details within application as to how applicant proposed to address the issue of public nuisance

and that of containing the noise within the premises particularly when there is proposed live bands within.

There is a history of complaints from nearby residents re loud music and non compliance by owner/manager when instructions were given to reduce level of music.

Paul Johnson
Environmental Health Enforcement Officer
Environmental Protection

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Appendix 9

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 10

Access and egress problems

Such as:

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

Comment

The above have been grouped together as egress problems. Of course the particular facts will be different for each alleged problem.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

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

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Sections 8.2 of the Licensing Policy, and also Section 12.5).**

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (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 and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

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

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

Appendix 11

Crime and disorder on the premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Sections 5.2. of the Licensing Policy)**

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

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

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

Appendix 12

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

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

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder" (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

The Council has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder.

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 13

Planning

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

Appendix 14

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
 - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
 - The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
 - Previous history
 - Access to public transport
 - Proximity to other licensed premises, and their hours
- (see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only