



Meeting of the

LICENSING SUB COMMITTEE

Tuesday, 17 September 2013 at 6.30 p.m.

A G E N D A

VENUE

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

If you require any further information relating to this meeting, please contact:

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: simmi.yesmin@towerhamlets.gov.uk

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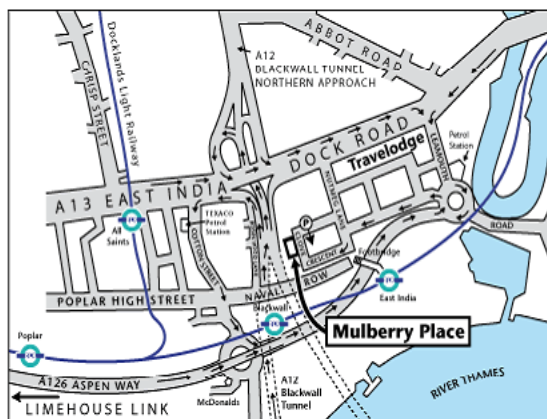
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LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Tuesday, 17 September 2013

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)

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 Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	5 - 16	
To note the rules of procedure which are attached for information.		
4. UNRESTRICTED MINUTES	17 - 30	
To confirm as a correct record of the proceedings the unrestricted minutes of the Licensing Sub-Committees held on 6 th & 20 th August 2013.		
5. ITEMS FOR CONSIDERATION		
5 .1 Application for a Premises Licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF	31 - 86	St Katharine's & Wapping
5 .2 Application for Time Limited Premises Licence for Millwall Park, Manchester Road, London E14	87 - 164	Millwall
5 .3 Application for a Variation of a Premises Licence at Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL	165 - 214	Weavers
6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Isabella Freeman, Assistant Chief Executive (Legal Services), 020 7364 4801; or
John Williams, Service Head, Democratic Services, 020 7364 4204

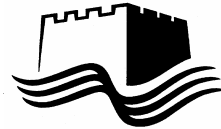
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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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).
 - 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 deemed as determined by default.

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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 grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

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 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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.15 P.M. ON TUESDAY, 6 AUGUST 2013

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Rajib Ahmed

Officers Present:

Kathy Driver – (Principal Licensing Officer)
Luke Elford – (Lawyer – Enforcement and Litigation Team)
Simmi Yesmin – (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

None

Objectors In Attendance:

PC Alan Cruickshank - (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure was noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee meetings held on 16th & 23rd July were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION**5.1 Application for a New Premises Licence for 82a Commercial Street, London E1 6LY**

This application had been withdrawn by the Applicant.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**Application for a Temporary Event Notice for Unit 4, Stour Road, London E3 2NT.**

At the request of the Chair, Ms Kathy Driver, Principal Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice for Unit 4, Stour Road, London E3 2NT. It was noted that objection had been made by the Metropolitan Police.

The applicant was not present at the meeting, therefore Members invited PC Alan Cruickshank, Metropolitan Police to make his representation on behalf of PC Mark Perry.

PC Cruickshank, explained that at last year's Hackney Wicked Festival there had been problems of anti-social behaviour, crime and disorder and public nuisance. It was noted that this year, Police Officers had been working with Festival Organisers to better organise the event and to prevent problems of public nuisance and crime and disorder as experienced at the previous event two years ago. It was noted that Queens Yard was set as a designated area for the sale of alcohol, and therefore there should be no other sale of alcohol outside the designated area. It was further noted that Queens Yard would be manned by SIA security staff.

PC Cruickshank stated that if other venues were to start selling outside the designated area there would be a lack of control which would cause further problems of public nuisance. It was also noted that the applicant had applied for hours beyond the festival opening hours.

The Licensing Objectives

In considering these applications, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to refuse the application due to substantial concerns raised by the Metropolitan Police in terms of public nuisance and crime and disorder at the previous event last year.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Unit 4, Stour Road, London E3 2NT, be **REFUSED**.

The meeting ended at 2.35 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 20 AUGUST 2013

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

Members Present:

Councillor David Snowdon (Chair)

Councillor Rajib Ahmed
Councillor Peter Golds

Other Councillors Present:

Councillor Zara Davis

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
Paul Greeno	– (Senior Advocate, Legal Services, Chief Executive's)
Alex Lisowski	– (Licensing Officer)
Ian Wareing	– (Environmental Protection)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Shaheen Ahmed	- (Falcon News)
Ijaz Ahmed	- (Falcon News)
Ben Allali	- (Ferry House)
Anthony Hoete	- (Rhythm Factory)
Bernie Bakpa	- (Rhythm Factory)

Objectors In Attendance:

Kaan Gulcelik	- (Resident)
Jackie Fox	- (Resident)
Phil Crier	- (PBC Licensing)
Khaled Ahmed Ali	- (Resident)
PC Mark Perry	- (Metropolitan Police)

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

3. RULES OF PROCEDURE

The rules of procedure were noted.

4. UNRESTRICTED MINUTES

The minutes of the Licensing Sub Committee meeting held on 23rd July 2013 were agreed and approved as a correct record.

5. ITEMS FOR CONSIDERATION**5.1 Application for a New Premises Licence for Falcon News, 156 Bethnal Green Road, London, E2 6DG**

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for Falcon News, 156 Bethnal Green Road, London E2 6DG. It was noted that objections had been made by local residents.

Paul Greeno, Senior Advocate gave advice to Members and explained that the majority of the representations had been complaints based on the lack of enforcement in the area and allegations of conditions being breached at another premises owned by the applicants.

Mr Ali, stated that five test purchases had been undertaken at the premises that was mentioned by the objectors, four by Licensing Services and one by Trading Standards since August 2012 and all five had been negative which meant that the applicants had been compliant with their existing licensing conditions for their premises at 183 Bethnal Green Road.

At the request of the Chair, Ms Shaheen Ahmed, Applicant, gave a brief history of the premises, explaining that the premises had been open since 2006 as a newsagent, and that their customers were mainly local residents. She explained that the reason for the application was to cater for a new demand from customers who wanted to purchase alcohol with their daily confectionary and groceries etc. She noted the concerns raised in relation to her other premises at 183 Bethnal Green Road, however she stated that it had been managed by someone else who she had rented the premises out to

but had recently taken over again. She further explained that it was a smaller shop than 152 Bethnal Green Road and she did not accept the allegations made about the 24hour sale of alcohol, and underage sales etc. It was noted that she would investigate into this matter and do the appropriate checks.

Ms Ahmed then highlighted the concerns of anti-social behaviour in the area and sympathised with the residents and expressed a willingness to work with the police and possibly reduce the hours applied for if this helped alleviate concerns. Ms Ahmed continued to talk about the issues in the area and mentioned the fact that Mr Kaan Gulcelik, Lead Objector, he himself owned the premises next door which also sold alcohol.

At the request of the chair, Ms Janet Fox, local resident stated that the premises maybe small but alleged still sold alcohol to those that were drunk and under the influence of drugs. She stated that there too many premises selling alcohol already and another one would cause more anti-social behaviour and public nuisance than what currently existed.

Members then heard from Mr Kaan Gulcelik, objector, who referred to his statement contained in the agenda and stated that the applicants sold to underage children, and sold outside their licensing hours causing violence and anti-social behaviour in the area.

In response to questions, Mr Ali reconfirmed that five test purchases had been undertaken at the premises on 183 Bethnal Green Road, four by Licensing Services and one by Trading Standards which had been all been negative which meant that the applicants compliant with their existing licence.

Members expressed concern about the early sale of alcohol and the display area used to display alcohol in the premises. It was noted that Mr Gulcelik's premises was next door to the premises itself and were identical in size. It was further noted that the premises had CCTV cameras both internal and external to the premises. In response to a further question Mr Ijaz Ahmed, Manager, stated that he did want to sell single cans/bottles as some customers preferred to buy just the one can/bottle instead of a multipack, however did not object to selling low strength beers, largers and ciders.

Members retired to consider their decision at 7.10pm and reconvened at 7.25pm.

The Licensing Objectives

In considering these applications, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant

the licence and impose additional conditions in order to address the concerns raised in relation to the licensing objectives of “the prevention of public nuisance” and “the prevention of crime and disorder”.

The Sub Committee listened carefully to Ms Ahmed and Mr Gulcelik and Ms Fox. There was no hard evidence that had been presented to the Sub Committee to show that the applicant had breached their current licence at a different premise. The Chair explained that each application was considered individually and on its own merits and therefore could not be based on another premises.

However, Members did note the concerns raised by the objectors and noted that there had been five (5) test purchases undertaken at that premises – four (4) by Licensing and one (1) by Trading Standards since August 2012 and all five had been negative which meant that the applicants had been compliant with their existing licensing conditions for their premises at 183 Bethnal Green Road.

Members noted that the remainder of the objections related to crime and disorder and public nuisance and which it was said existed in the area. Members therefore deliberated whether the grant of this licence would lead to an increase in such. Members were not satisfied that it would be did consider that the additional conditions imposed in terms of amended hours for sale of alcohol, and the restriction to sell single cans/bottles and high strength alcohol would address the concerns raised by objectors in terms of street drinking and alcohol related anti-social behaviour. Further, it was noted that only part of the premises would be available for the sale of alcohol and that the plan showing were alcohol would be supplied from would form part of the licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Falcon News, 156 Bethnal Green Road, London E2 6DG, be **GRANTED**, with conditions;

Sale of Alcohol

Monday to Sunday from 10:00 hours to 23:00 hours

Hours premises are open to the public

Monday to Sunday from 08:00 hours to 23:00 hours

Conditions

1. This premise shall not sell any beer, lager or cider that exceeds the strength of 5.6 abv.

2. That the shop floor plan on page 50 of the agenda showing the intended areas for display of alcohol shall form part of the licence.
3. Single cans/bottles of beer, larger or cider can only be sold when 3 or more bottles/cans are purchased together.

5.2 Application for a New Premises Licence for First Floor, Ferry House, 26 Ferry Street, London, E14 3DT

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a new premises licence for First Floor, Ferry House, 26 Ferry Street, London E14 3DT. It was noted that objections had been made by local residents, Environmental Health, Freeholders and the Licensing Authority.

It was noted that further amendments had been made to the application and the Applicant had agreed to operate the Challenge 21 Policy, suggested by Trading Standards and a number of conditions set by the Police were also agreed.

Mr Greeno then advised Members that there was an existing premises licence for the ground floor, and that Members were here to only consider the premises licence application for the 1st Floor of the premises, and if Members were minded to grant the application then this would need to compliment the premises licence on the ground floor in order for enforceability.

At the request of the Chair, Mr Ben Allali, Applicant, explained that this premises had been a licensed venue for 300 years. He explained that he wanted a separate licence for the first floor in order to lease out a franchise to a restaurant to solely operate on the first floor. He explained that this would be run by new owners, new management, and new staff and would be independent from the pub on the ground floor. He explained that he had been operating the premises for 18 months and has had no problems. It was noted that alcohol would be served with food only and there would be no vertical drinking, as well as this he offered to limit the capacity of the premises to 64 people.

Mr Allali stated that he currently had French Tour Operators coming weekly with approximately 300 people at lunch times and was now looking to come in the evenings too. It was noted that the premises was covered by CCTV cameras as well as this there was a camera on the street facing the premises which would easily detect if there were any breaches of the licence.

He concluded that the premises, was surrounded by four other premises including restaurants and a pub providing regulated entertainment etc. Mr Allali stated that the hours applied for were within the council framework hours and that there were other venues which had multiple licenses whilst using the same entrance.

Members then heard from Mr Ian Wareing, Environmental Health who explained that having two licenses in the same building would cause problems. He then referred to the history of complaints detailed in his statement. He did mention that the applicant had offered to remove the regulated entertainment from the application and had offered to restrict the use of the balcony area. Mr Wareing also raised concerns that this premises could potentially have up to 42 days of temporary events.

Mr Alex Lisowski, Licensing Services, referred to his statement detailed in the agenda and stated that it would be impossible to detect and enforce conditions if there were two separate licences. He suggested that the applicant resubmit the application as a variation application instead.

Cllr Zara Davis, Ward Councillor, spoke on behalf of Deni Butterfield and Gerald Berthier, local resident objectors, and explained how the premises had been managed since the applicant had taken over, she expressed concerns that current licensing hours and conditions had been breached by staying open beyond the opening hours, patrons consuming alcohol outside the premises, doors and windows being kept open, holding karaoke nights on days not licensed to and generally customers causing anti-social behaviour and public nuisance when leaving the premises.

Members then heard from, Mr Phil Crier, Agent for the Ferry Street LLP Freeholders, explained that he represented eight apartments on Ferry Street. He briefly summarised the concerns relating to the premises and stated that if a licence was granted it would give rise to difficulties of enforcement. He stated that the freeholders had no objection to the restaurant but had issues with their being two licenses active in one premises. He then concluded that if Members were inclined to grant the application then the conditions suggested by the Police should be strengthened.

In response to questions it was noted that there was no specific details of who the franchise would be given too, but a strong possibility it would be a French Tour Operator that currently used Ferry House as a rest stop, for tourists. Mr Allali also confirmed that he would remove himself as the Designated Premises Supervisor once the franchise was transferred.

Mr Allali stated that he had been trading for 18 months, and had no problem and if any problems were to occur then interested parties would have the power to review the licence. Upon further questioning it was noted that conditions would need to be strengthened and Mr Allali did not wish to restrict the opening times to lunch time only as it was intended that the restaurant would be open in the evenings too.

Members retired to consider their decision at 8.20pm and reconvened at 8.40pm.

Consideration

Members considered this matter carefully noting the representations against and what Mr Allali has said. In taking a decision Members had regard to the Licensing Act 2003, the Licensing Objectives, the Statement of Licensing Policy and the Licensing Guidance.

Members noted that this was an application for a licence for the 1st floor of the Ferry House and that there was a licence for the ground floor with conditions. Members had heard that there were breaches of those conditions, specifically condition 7. Mr Allali initially denied any reaches but then said that they may have occurred when he was not there. Members were satisfied, on balance, that there had been breaches, especially of condition 7.

Members were also mindful that if they were to grant a licence of the 1st Floor, then they would have to be satisfied that those conditions would be complied with. The matter was complicated in the fact that conditions on the ground floor could conflict with conditions on the 1st floor and although Members considered that they could impose conditions for the ground floor, they did consider that there could be potential problems in enforcement. This would not be an obstacle if they were satisfied that conditions were currently being complied with but they could not. This difficulty in enforcement, coupled with the current breaches, meant that Members were not satisfied that these conditions would be complied with and a natural consequence of this would be difficulties of enforcement. It was important that conditions are capable of being enforced for there to be confidence in the system and a lack of ability to enforce enforcement due to conflict in conditions would undermine such confidence. Therefore for crime and disorder reasons the application was refused.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for First Floor, Ferry House, 26 Ferry Street, London E14 3DT, be **REFUSED**.

5.3 Application for a Temporary Event Notice for Car Park rear of Rhythm Factory, 16-18 Whitechapel Road, London E1 1EW

At the request of the Chair, Mr Mohshin Ali, Senior Licensing Officer, introduced the report which detailed the application for a Temporary Event Notice for the Car Park rear of Rhythm Factory, 16-18 Whitechapel Road, London E1 1EW. It was noted that objections had been made by Environmental Health and the Metropolitan Police.

At the request of the Chair, Mr Anthony Hoete, Agent for the Applicant explained that the Police had requested for information which were not required for TEN applications, however, these had been provided to the Police. Mr Hoete questioned the reasons for the objections made by both the

responsible authorities as he believed it could have been a part of the process and only a duty of care to object to every application.

He explained that there had only been one incident in the venue in 14 years and as a duty of care the police had been called to the venue. He explained that there had been no communication from the Police when the application was sent in, all additional information requested had been provided, there would be ten SIA security staff, twice the staffing then what the guideline suggested.

Mr Hoete, explained that patrons would pass through the Rhythm Factory as a secure entry to the car park, the building opposite the car park was unoccupied and therefore no potential to cause disturbance to residents. In summary he stated that the Police objections were unfounded and happy to agree noise levels with Environmental Health to address their concerns.

At this point Mr Greeno, asked if an option would be for noise levels to be monitored and a way of enforcement would be to serve an abatement notice to the applicant if noise levels were exceeded. Mr Wareing stated that music playing constantly was difficult to monitor. He confirmed that statutory nuisance could be dealt with by way of an abatement notice, however public nuisance could not be.

PC Mark Perry, Metropolitan Police stated that he didn't regularly object to applications as just part of a process, but objected to applications when necessary. He stated that the application did not include a risk assessment, a security plan etc and for an event for 499 people this needed to be done in order to be managed and policed well. He concluded that the risk assessment provided was not sufficient, it was too rushed and there was risk of crime and disorder.

Mr Wareing mentioned that there were two other events being advertised at the Rhythm Factory, one at 10pm and one at 11pm the same day as the temporary event. After much discussion it was noted that some tickets had been sold for these events but the rest would be sold at the door.

In response to further questions the applicant confirmed that there would be little cross over between events as it was unlikely that the same people would attend both events (day and night).

It was also noted that there were going to readily available porter loos for the event and patrons would be leaving the event via the footpath on Plumbers Road leading onto Whitechapel Road.

Members retired to consider their decision at 9.10pm and reconvened at 9.25pm.

The Licensing Objectives

In considering these applications, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing

Objectives, the Licensing Guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to refuse the application.

Members were concerned that the event would finish at 10pm and another event inside the Rhythm Factory would start at 11pm although advertised to start at 10pm. This would mean 499 patrons leaving the proposed temporary event and 400 people entering the premises. Members considered that this would cause chaos and be difficult to manage and would lead to disorder and public nuisance

In regards, to issues of noise nuisance, this could have been dealt with, by way of an abatement notice served to the applicant if noise levels were high. However the main concerns were over access and egress, which would have been likely to have caused public nuisance and public disorder. Members were also concerned that there was no or little cross over between the two events as confirmed by the applicant. There would therefore be a large number of people entering and leaving at the same time with consequent problems of public disorder. Had there been a cross over between the two events, then the decision may have been different.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for Car Park rear of Rhythm Factory, 16-18 Whitechapel Road, London E1 1EW, be **REFUSED**.

6. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 9.30 p.m.

Chair, Councillor David Snowdon
Licensing Sub Committee

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Agenda Item 5.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	17 September 13	Unclassified	LSC 16/134	

Report of: David Tolley Head of Consumer and Business Regulations Service Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF Ward affected: St. Katherine's Dock
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1.0 Summary

Applicant: **Tobacco Dock Limited**

Name and **Tobaco Dock**

Address of Premises: **50 Porters Walk**
Wapping
London
E1W 2SF

Licence sought: **Licensing Act 2003 – premises licence**

- **Sale by retail of alcohol**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

Representations: **Local resident**

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 premises licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF.
- 3.2 A copy of the application form is enclosed as **Appendix 1**.
- 3.3 The timings that have been agreed with Environmental Protection and Met Police are as follows:

Sale by retail of alcohol - *On and off sales*

- Monday to Sunday, from 10:00 hrs to 00:30 hrs the following days

The provision of late night refreshment - *Indoors*

- Monday to Sunday, from 23:00 hrs to 01:00 hrs the following days

The provision of regulated entertainment – *Indoors*

Live music, recorded music, performance of dance and anything of a similar description

- Monday to Sunday, from 10:00 hrs to 01:00 hrs the following days

Non-standard timings

All licensable activities until 02:00 hours for a maximum 15 occasions in a calendar year

Hours premises are open to the public:

- Monday to Sunday, from 08:00 hrs to 01:30 hrs the following days

Non-standard timings

All licensable activities until 02:30 hours for a maximum 15 occasions in a calendar year

- 3.4 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8th December 2012.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.

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 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

5.3 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.

5.4 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.

5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.

5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

5.8 This hearing is required by the Licensing Act 2003, because a relevant representation has been made a local resident.

5.9 Please see **Appendix 4** for the timings and conditions agreed with Environmental Protection and Met Police. The solicitor acting on behalf of the licence holder has emailed the person making the representation in relation to the agreed conditions. Please see **Appendix 4A**.

5.10 Please see **Appendix 5** for the representation of the local resident.

- 5.11 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise
 - Trading Standards
 - Child Protection
 - Public Health
- 5.12 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.13 Essentially, the resident opposes the application because in their opinion, the applicant has not explained how within the context of the application they will meet the prevention of public nuisance and the prevention of crime and disorder.
- 5.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.
- 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.

6.0 Licensing Officer Comments

- 6.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)
- ∇ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ 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.” (1.12)
- ∇ 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 (10.6).
- ∇ 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.10.25).
- ∇ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.20)
- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.33).
- ∇ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.39).

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve the licensing objectives.” (2.39)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 6 - 11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.
- 7.0 **Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

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

8.0 Legal Comments

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

9.0 Finance Comments

9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Guidance by the Home Office
- Appendix 4** Conditions agreed with responsible authorities
- Appendix 5** Representation of the local resident
- Appendix 6** Licensing Officer comments on noise while the premise is in use
- Appendix 7** Licensing Officer comments on access/egress problems
- Appendix 8** Licensing Officer comments on crime and disorder on the premises
- Appendix 9** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 10** Planning
- Appendix 11** Licensing Policy relating to hours of trading

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

Part 1 – Premises Details

Tobacco Dock, 50 Porters Walk, London			
Post town	London	Post code	E1W 2SF
Telephone number at premises (if any)	[REDACTED]		
Non-domestic rateable value of premises	£125000.00		

Part 2 – Applicant Details

Please state whether you are applying for a premises licence as

- | | |
|---|-------------------------------------|
| | Please tick ✓ yes |
| a) An individual or individuals | <input type="checkbox"/> |
| b) A person other than an individual | <input type="checkbox"/> |
| i. as a limited company | <input checked="" type="checkbox"/> |
| ii. as a partnership | <input type="checkbox"/> |
| iii. as an unincorporated association or | <input type="checkbox"/> |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> |
| c) a recognised club | <input type="checkbox"/> |
| d) a charity | <input type="checkbox"/> |
| e) the proprietor of an educational establishment | <input type="checkbox"/> |
| f) Health Service Body | <input type="checkbox"/> |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> |
| h) The Chief Officer of police of a police force in England & Wales | <input type="checkbox"/> |



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

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

If an individual or 1 of 2 applicants is applying ie, Area manager, Manager, Assistant Manager, details in the box

Mr/Mrs/Miss/Miss or other Surname	First Names
I am 18 years old or over	<input type="checkbox"/>
Current address if different from premises address	
Post Town	
Daytime contact number	
E-mail address (optional)	

Second applicants details ie Area manager, Manager, Assistant Manager, details in the box

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr/Mrs/Miss/Miss or other Surname	First Names
I am 18 years old or over	<input type="checkbox"/> Yes
Current address if different from premises address	
Post Town	Post Code
Daytime contact number	
E-mail address (optional)	

(B) OTHER APPLICANTS

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

Name	Tobacco Dock Limited
Address	[REDACTED]
Company registered number	[REDACTED]
Description of applicant (for example partnership, company, unincorporated association etc.)	Limited Company
Telephone number (if any)	[REDACTED]
Email address (optional)	[REDACTED]

PART A3 - Operating Schedule

When do you want the premises licence to start?

Day Month Year

as soon as possible

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

Day Month Year

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

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

Not Applicable

Please give a general description of the premises (please read guidance note 1)

Premises over two levels which has distinct rooms and spaces and two ships on the ornamental quay which can be hired for corporate events, conferences and exhibitions and similar uses which are either private events to which the public have no access or events which are for general public access.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003).

Provision of regulated entertainment – please tick 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 late night refreshment (if ticking yes, fill in box I) ✓

Supply of alcohol (if ticking yes, fill in box J) ✓

In all cases complete boxes K, L and M.

A

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

B

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

C

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

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	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details (please read guidance note 3)		
Mon			State any seasonal variations for boxing or wrestling (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details (please read guidance note 3)		
Mon	10.00	01:00			
Tue	10.00	01:00			
Wed	10.00	01:00			
Thur	10.00	01:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Fri	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)		
Sat	10.00	01:00			
Sun	10.00	01:00			
			Until 02:00 for maximum 25 occasions in a calendar year.		

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	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details (please read guidance note 3)		
Mon	10.00	01:00			
Tue	10.00	01:00			
Wed	10.00	01:00			
Thur	10.00	01:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
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)		
Sat	10.00	01:00			
Sun	10.00	01:00			
			Until 02:00 for maximum 25 occasions in a calendar year.		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	✓
				Outdoors	
				Both	
Day	Start	Finish	Please give further details (please read guidance note 3)		
Mon	10.00	01:00			
Tue	10.00	01:00			
Wed	10.00	01:00			
Thur	10.00	01:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Fri	10.00	01:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column		

Sat	10.00	01:00	on the left, please list (please read guidance note 5) Until 02:00 for maximum 25 occasions in a calendar year.
Sun	10.00	01:00	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing.		
Day	Start	Finish	Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	✓
Mon	10.00	01:00		Outdoors	
Tue	10.00	01:00	Please give further details (please read guidance note 3)		
Wed	10.00	01:00			
Thur	10.00	01:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	10.00	01:00			
Sat	10.00	01:00	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 (please read guidance note 5)		
Sun	10.00	01:00	Until 02:00 for maximum 25 occasions in a calendar year.		

I

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	✓
Day	Start	Finish		Outdoors	
Mon	23:00	01:00	Please give further details (please read guidance note 3)		
Tue	23:00	01:00	Supply of hot food and/or hot drink		
Wed	23:00	01:00	State any seasonal variations for provision of late night refreshment (please read guidance note 4)		
Thur	23:00	01:00			
Fri	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)		
Sat	23:00	01:00			
Sun	23:00	01:00	Until 02:00 for maximum 25 occasions in a calendar year.		

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (please read guidance note 7)	On the premises	
				Off the premises	
				Both	✓
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	10.00	01:00			
Tue	10.00	01:00			
Wed	10.00	01:00			
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)		
Fri	10.00	01:00			
Sat	10.00	01:00	Until 02:00 for maximum 25 occasions in a calendar year.		
Sun	10.00	01:00			

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

Name _____

Address _____

Postcode _____

Personal Licence Number (if known) _____

Issuing licensing authority (if known) _____

K

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)

L

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	08:00	01:30			
Tue	08:00	01:30			
Wed	08:00	01:30	Non standard timings. Where you intend the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur	08:00	01:30			
Fri	08:00	01:30			
Sat	08:00	01:30	Until 02:30 for maximum 25 occasions in a calendar year.		
Sun	08:00	01:30			

M

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

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

The layout plan for this unusual premises identifies the specific areas within which it is intended to carry out licensable activities. There will be no permanent licensed facility on site. The premises will be available to be hired for special events and each event will be unique in terms of the number of patrons using the premises, what licensable activities are intended for the event and the time at which those licensable activities take place.

Each event requires the licence holder to carry out a number of risk assessments to ensure the licensing objectives are promoted and that local residents do not incur noise nuisance from the events. In the past a premises licence or Temporary Event Notices have been granted for specific events and the purpose of this application is to avoid future applications being made and giving greater control of the licensed events to the venue's operator.

Licensable activities are permitted until 2am on no more than 25 occasions in any calendar year.

The prevention of crime and disorder

CCTV is provided. Data will be kept for a minimum of 31 days after any event and access will be given to the Metropolitan Police immediately upon request.

All events including the details of the Hirer, number of patrons attending, licensable activities provided and hours of licensable activities, together with a layout plan will be notified to the Licensing Authority, police and Environmental Health Officer at least 14 days before the event takes place, unless otherwise agreed by the Metropolitan police and Environmental Health Officer.

The level of security personnel is assessed for each event and appropriate levels of SIA security will be employed for those events where it is deemed necessary, taking account of the nature of the event, licensable activities taking place, number of persons attending and hours for which licensable activities are taking place.

Patrons will not be permitted to take alcohol away from the premises in open containers.

Public safety

Appropriate Fire and other event-related Risk assessments are carried out for the events as well as adopting a policy for dispersal of the patrons.

The prevention of public nuisance

Patrons are not permitted to consume alcohol on the quayside after 9pm.

Licensable activities on either of the two ships will cease at 9pm other than the lower deck of the ship which connects to the Tobacco Dock building.

A noise assessment has been carried out. Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period

Notices will be displayed advising patrons to leave quietly and where practicable via the Pennington Street car park away from residential dwellings as much as possible. Temporary taxi ranks will be set-up by the event organiser in this car park to prevent crowds and associated noise causing public nuisance on the corner of Wapping Lane and The Highway

The protection of children from harm

A Challenge 25 policy will be adopted.

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

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 4 – Signatures (please read guidance note 10)

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

Signature	
Date	27.6.2013

Capacity	Solicitors and agents for the applicant
----------	---

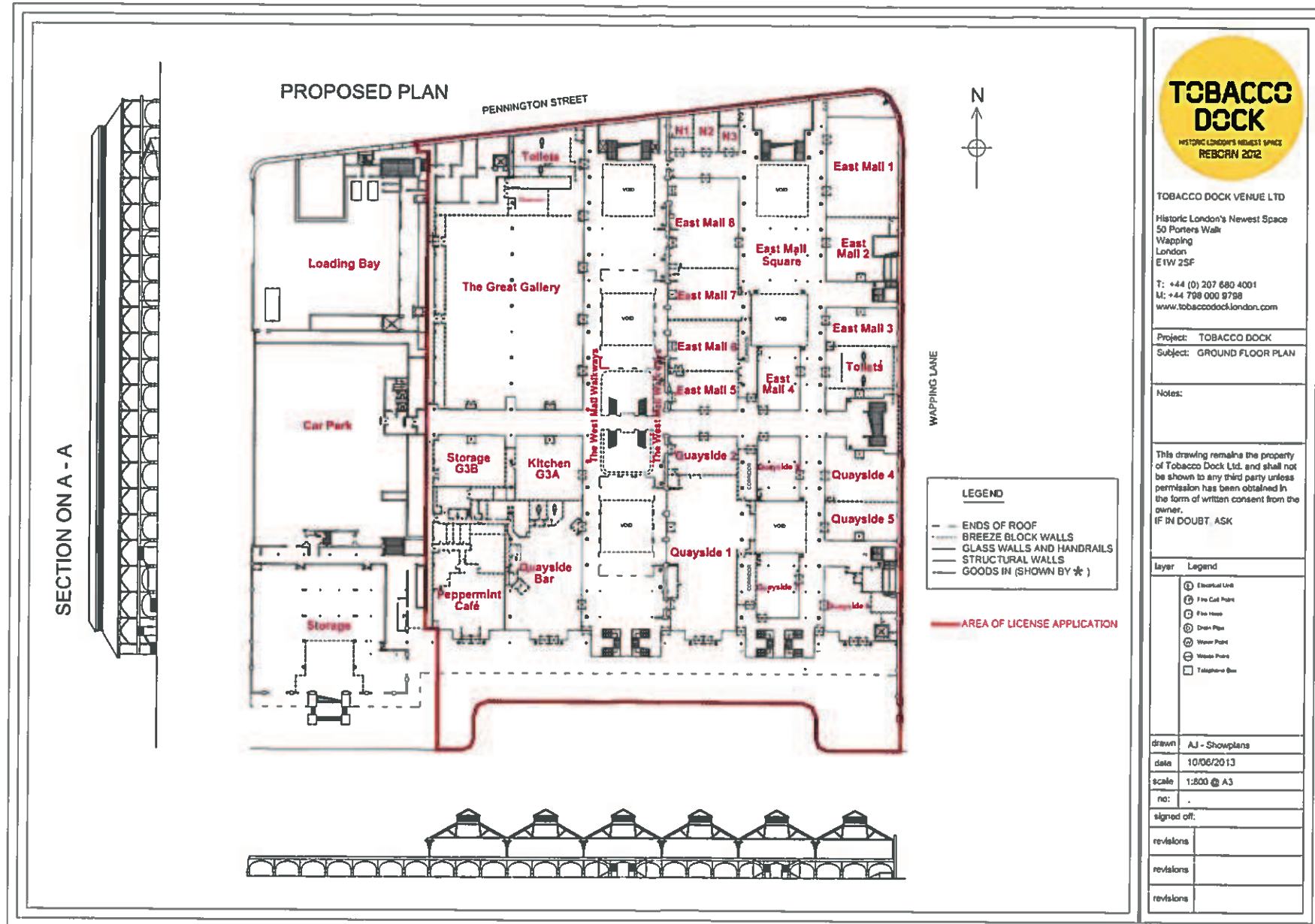
For joint applicants signature of 2nd applicant or 2nd applicant's Solicitor or other authorised agent (please read guidance note 12) If signing on behalf of the applicant please state in what capacity

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Blake Laphorn New Kings Court, [REDACTED] [REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]
Telephone number (if any)		Tel: [REDACTED]	
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for guidance

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 be in a tent.
3. For example the 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 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 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.



TOBACCO DOCK VENUE LTD
 Historic London's Newest Space
 50 Porters Walk
 Wapping
 London
 E1W 2SF
 T: +44 (0) 207 680 4001
 M: +44 798 000 8798
 www.tobaccodocklondon.com

Project: TOBACCO DOCK
 Subject: GROUND FLOOR PLAN

Notes:

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 IF IN DOUBT ASK

LEGEND

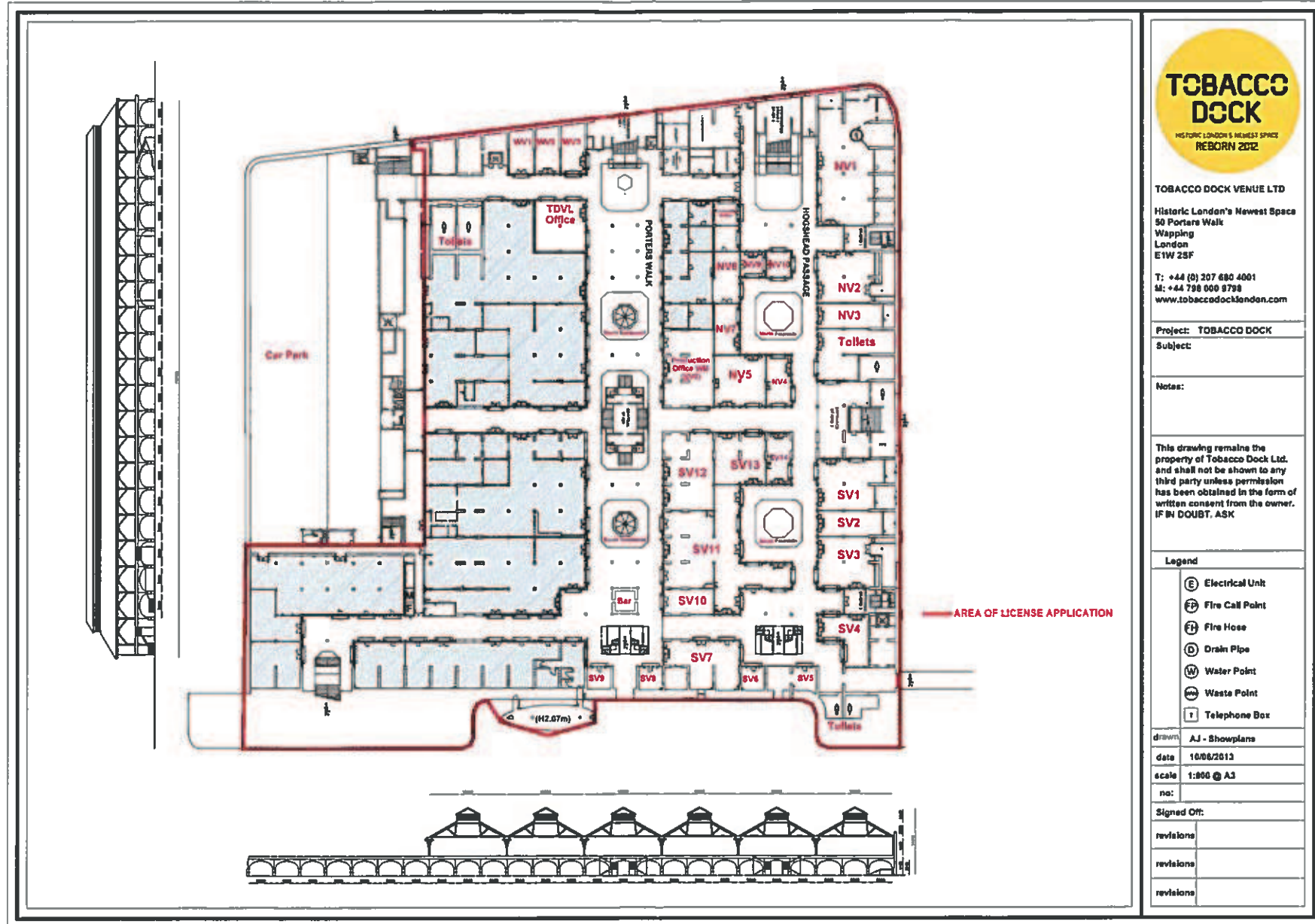
- ENDS OF ROOF
- BREEZE BLOCK WALLS
- GLASS WALLS AND HANDRAILS
- STRUCTURAL WALLS
- GOODS IN (SHOWN BY ☆)

— AREA OF LICENSE APPLICATION

Layer	Legend
①	Electrical Unit
②	Fire Call Point
③	Fire Hose
④	Drain Pipe
⑤	Water Pipe
⑥	Waste Pipe
⑦	Telephone Box

drawn	AJ - Showplans
date	10/06/2013
scale	1:500 @ A3
no:	.
signed off:	
revisions	
revisions	
revisions	

LBTH
 TRADING STANDARDS
 28 JUN ...
 ...



TOBACCO DOCK VENUE LTD
 Historic London's Newest Space
 50 Porters Walk
 Wapping
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 T: +44 (0) 207 680 4001
 M: +44 798 000 8798
 www.tobaccodocklondon.com

Project: TOBACCO DOCK
 Subject:

Notes:

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Legend

(E)	Electrical Unit
(F)	Fire Call Point
(H)	Fire Hose
(D)	Drain Pipe
(W)	Water Point
(M)	Waste Point
(T)	Telephone Box

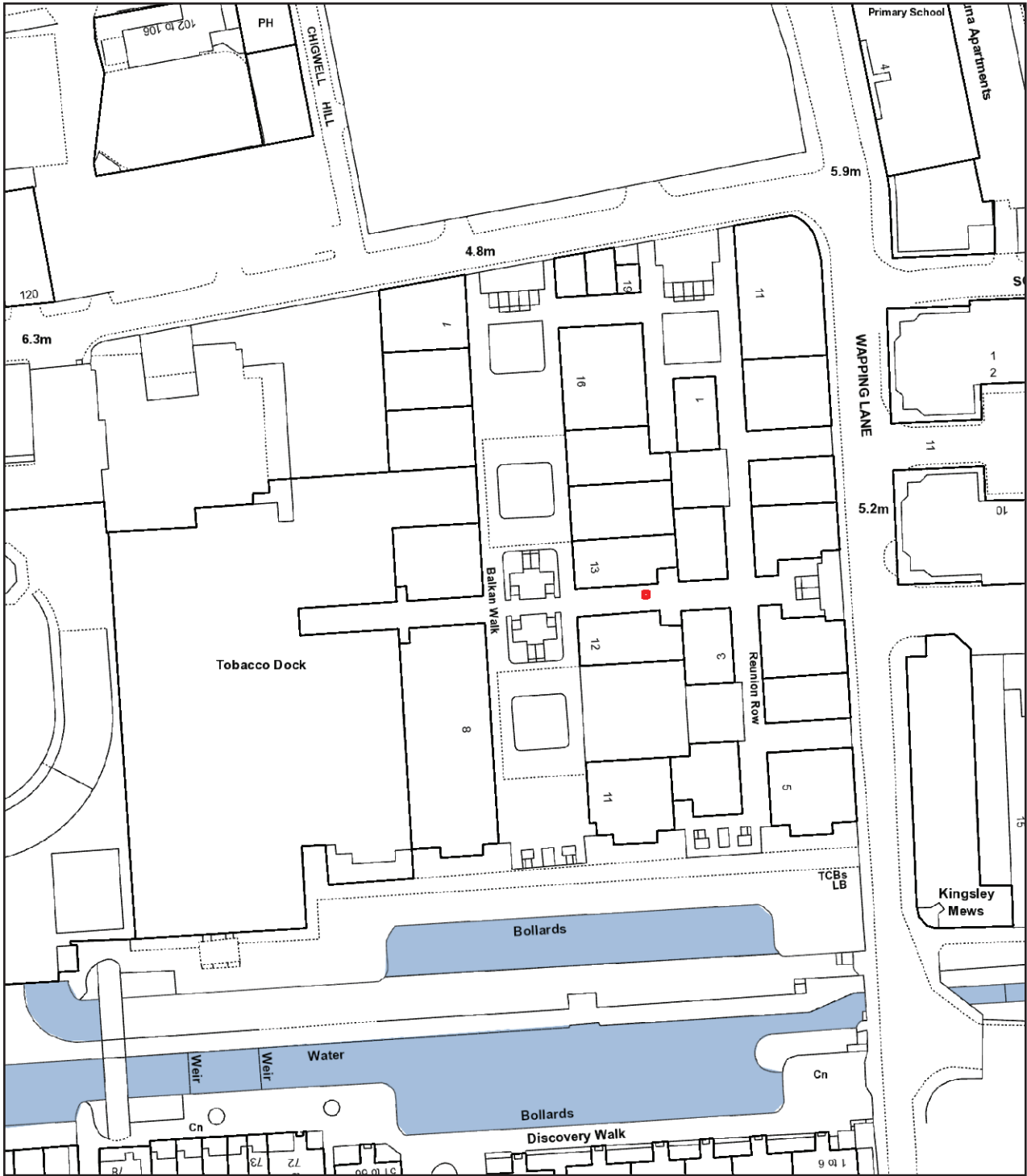
drawn: AJ - Showplans
 date: 10/06/2013
 scale: 1:300 @ A3
 no:

Signed Off:

revisions	
revisions	
revisions	

LBTH
 TRADING STANDARDS
 28 JUN 2013
 LICENSING

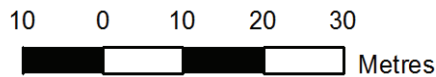
Appendix 2



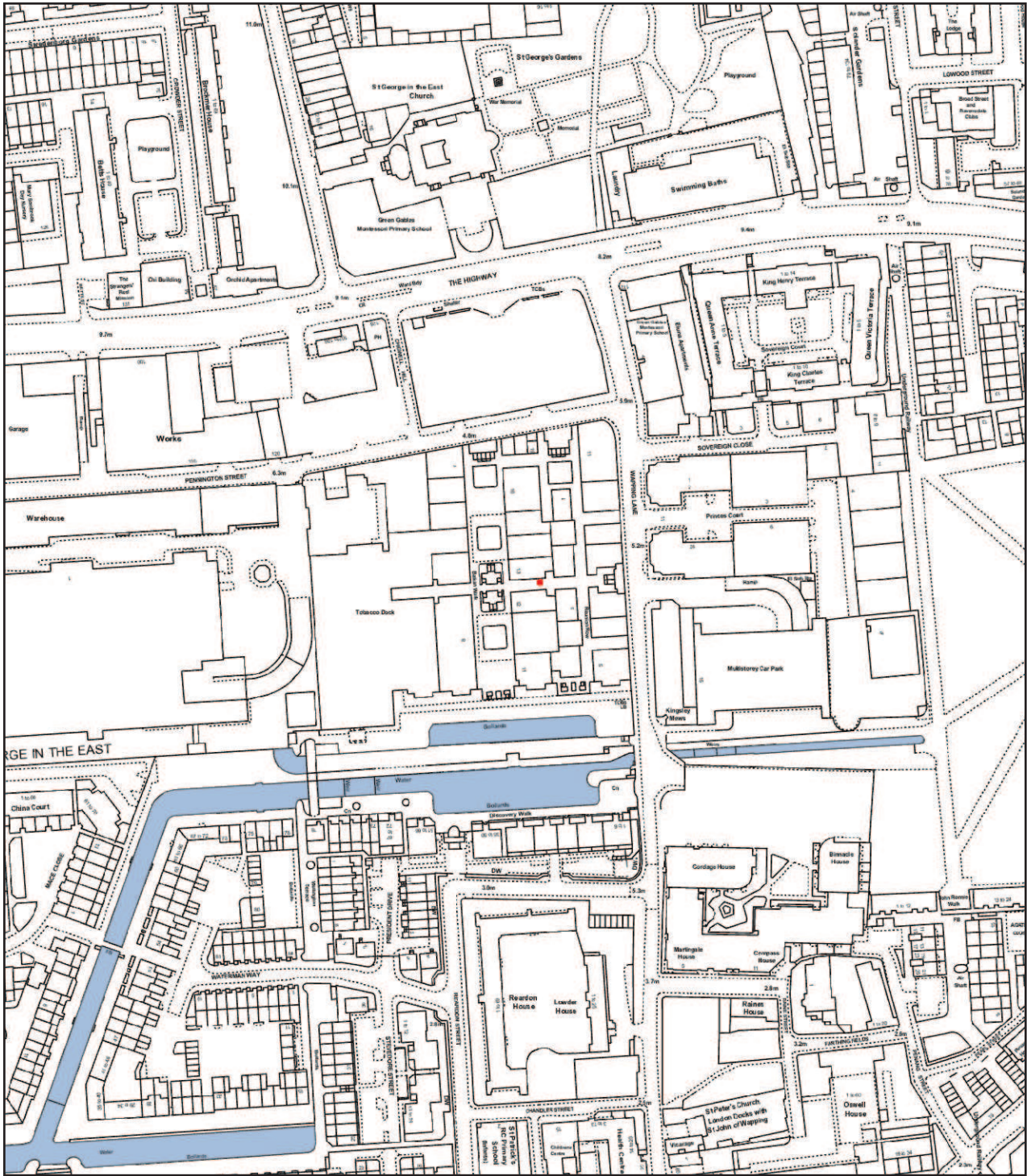
Tobacco Dock



Scale 1:1153



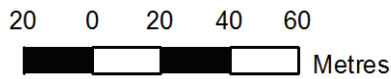
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Tobacco Dock



Scale 1:2690



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Appendix 3

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

- 9.4 A representation is “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 businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive 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 sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4

Mohshin Ali

From: Alan.D.Cruickshank@met.pnn.police.uk
Sent: 01 August 2013 07:58
To: [REDACTED]
Cc: Licensing; Ian Wareing
Subject: Tobacco Dock

Dear Licensing

Please see the agreement below re: Tobacco Dock.

Thanks Jon

Best wishes

Alan

From: Wallsgrove, Jon [REDACTED]
Sent: 31 July 2013 15:10
To: Cruickshank Alan D - HT
Subject: Tobacco Dock

Dear Alan

As promised here are the proposals from my client regarding amendments to the application and agreement to conditions on the basis the police would withdraw their representation against the application.

1. Sale of alcohol 10am until 00.30 each day
2. All other licensable activities 10am until 01.00 each day
3. Opening hours 8am until 01.30 each day
4. Non-standard times: 15 occasions in one calendar year all licensable activities extended until 02.00am and opening hours until 02.30am
5. In addition to any conditions imposed by the Local Authority which are consistent with the operating schedule the following conditions are offered:
 - a) A F696 risk assessment to be submitted if there are any outside promoters or DJ's at the venue.
 - b) All events including the details of the Hirer, number of patrons attending, licensable activities provided and hours of licensable activities, together with a layout plan will be notified to the Licensing Authority, police and Environmental Health Officer at least 14 days before the event takes place, unless otherwise agreed by the Metropolitan police and Environmental Health Officer. No licensable activities are permitted other than at a pre-booked event so notified in accordance with this condition.

If this is an acceptable compromise to promote the licensing objectives then I leave you to forward to licensing confirming the same. Thank you for your help in the matter.

Kind Regards

Jon

Jon Wallsgrove
Partner
Licensing and Regulatory team

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Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 04 September 2013 12:04
To: Mohshin Ali
Subject: FW: Tobacco Dock

From: Ian Wareing
Sent: 04 September 2013 10:29
To: 'Wallsgrove, Jon'
Cc: Licensing; Simmi Yesmin
Subject: RE: Tobacco Dock

Thanks Jon.

Licensing/Simmi, please note that EH wish to withdraw the representation made against the above application. Conditions below have been agreed and should be added to the Licence if granted.

Regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008

ian.wareing@towerhamlets.gov.uk

From: Wallsgrove, Jon [REDACTED]
Sent: 04 September 2013 10:13
To: Ian Wareing
Subject: RE: Tobacco Dock


Ian I assume you mean this?

Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period

This is written into the applications operating schedule and accordingly my client expected it to be a condition. If you could confirm I can then send a letter to the resident today and hopefully avoid the hearing on 17th.

Kind Regards

Jon



From: Ian Wareing [<mailto:Ian.Wareing@towerhamlets.gov.uk>]
Sent: 04 September 2013 09:58
To: Wallsgrove, Jon
Subject: RE: Tobacco Dock

Jon, I will confirm this with Licensing, but can you add to this email trail the condition of the off-site limits? It does not appear to be here.

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008
ian.wareing@towerhamlets.gov.uk

From: Wallsgrove, Jon [redacted]
Sent: 02 September 2013 15:24
To: Ian Wareing
Cc: Mohshin Ali
Subject: FW: Tobacco Dock

Ian

As below can you confirm that you are withdrawing your representation on the basis of the conditions below. I want to write to the one resident confirming what has been agreed with the police and yourself as I believe this will have a significant bearing on whether she wishes to maintain her representation and thus whether a hearing will be required.

Kind Regards

Jon

Jon Wallsgrove
Partner
Licensing and Regulatory team



Please consider the environment - think before you print

From: Wallsgrove, Jon
Sent: 22 August 2013 12:15
To: 'Ian.Wareing@towerhamlets.gov.uk'
Subject: Re: Tobacco Dock

Ian, understood.

Can you confirm to licensing please?

Thanks

Jon

Jon Wallsgrove
Partner
Licensing and Regulatory team

Sent from my BlackBerry Wireless Handheld

From: Ian Wareing [<mailto:Ian.Wareing@towerhamlets.gov.uk>]
Sent: Thursday, August 22, 2013 10:54 AM GMT Standard Time
To: Wallsgrove, Jon
Subject: RE: Tobacco Dock

Jon, thank you for this. I am happy with these additional conditions along with the agreed levels set offsite.

I also understand, as I hope your clients do that this is a fluid piece of work at the moment and further conditions may need to be added/removed as the venue begins to take shape.

Kind regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008
ian.wareing@towerhamlets.gov.uk

From: Wallsgrove, Jon [REDACTED]
Sent: 21 August 2013 17:27
To: Ian Wareing
Subject: Re: Tobacco Dock

Ian

Yes I can confirm they are the recommendations in section 7 of the report. Many have been put in place and others are being put in place. All of course are subject to getting the licence.

All the proposed conditions below would have to be in place before they use the licence in the event a licence is granted.

On that basis I hope you are able to confirm with the below conditions you can withdraw your objection. I can then write to the resident what conditions are agreed.

Jon

Jon Wallsgrove
Partner
Licensing and Regulatory team

Sent from my BlackBerry Wireless Handheld

[REDACTED]

From: Ian Wareing [<mailto:Ian.Wareing@towerhamlets.gov.uk>]
Sent: Monday, August 19, 2013 11:11 AM GMT Standard Time
To: Wallsgrove, Jon
Subject: RE: Tobacco Dock

Jon, thanks for this. You have stated that your clients are to implement the recommendations, can they confirm that they are the recommendations in the noise report and a timescale as to when they will be undertaken/completed?

Regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place

From: Wallsgrove, Jon [REDACTED]
Sent: 15 August 2013 14:23
To: Ian Wareing
Subject: Tobacco Dock

Dear Ian

I have now received my clients instructions. They are going to implement the recommendations. In terms of conditions on the premises licence the wording of the report is not satisfactory as some of it is duplication, some of it lacks clarity. Accordingly I have re-drafted the recommendations into what I think are the appropriate conditions and I trust these are acceptable to you.

I would just mention specifically the "marshalls" mentioned in the report. Adequate marshalling will take place for each event but I do not consider this needs to be a condition of the premises licence and the way it is set out in the report is certainly not appropriate wording. The same is for the windows and doors. With the other conditions limiting the noise the doors and windows can be managed by the operators discretion rather than as a condition.

The condition below will require for every event co-operation with your department on agreeing the noise levels.

1. A telephone number and / or email address should be made available on relevant Tobacco Dock websites for noise complaints. Any noise complaints should be logged and investigated with written records of the details available to view by the local authority. Should any noise complaints be received, and if noise levels are above those specified in the licence conditions, immediate action would be taken to reduce the levels at the noise source. A complaints log should be maintained throughout every event, detailing addresses of complaints, times and actions

2. Loudspeakers should be directed inwards as much as possible to reduce overspill from the intended coverage area.

3. All plant associated with events (generators, chillers, etc) should be located as far away from noise sensitive locations as possible.

4. For music and cinema type events, the sound system should be a Line-array.' The 'line-array' should be carefully designed to be as distributed as possible and include delay speakers in order to provide coverage to smaller areas rather than the entire venue. It should also be directed away from noise sensitive properties.

5. For music events beyond 2300hrs the sound control programme that should be followed is detailed below:

Sound Control Procedures

{ Sound Propagation Tests

Sound propagation tests should be carried out before a major music event with all mitigation measures in place to correlate the sound levels from the event with those at the nearest noise sensitive properties. This will enable any necessary adjustments to be made to the sound system to maximise the containment of music and achieve acceptable levels at the residential locations. A

sound limit should then be set for that event, which would be subject to further reduction as necessary.

The day and times of any sound propagation test will be agreed with the local authority.

} Sound Monitoring and Control

The noise levels at the residential properties should be regularly checked to ensure they comply with the noise conditions. If off site levels begin to approach the noise limits, noise reductions will be immediately implemented.

In addition to the above, it is recommended that a suitably qualified independent acoustic consultant is employed for the first major music event to ensure that the noise levels do not exceed those specified in the proposed licence conditions.

6. Persons who are travelling to or from the Premises by means of private transport may use the parking facilities which are available next door to the site and away from the public highway. The availability of parking reduces the pressure on on-street parking, and reduces the number of people leaving the Premises having to walk on the public highway.
7. Patrons of the Premises will be provided details of preferred minicab companies.
8. All deliveries and servicing (including waste management servicing) to the Premises are to be carried out internally and accordingly away from the public highway.
9. Bottles used in the Premises will not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a potential public nuisance.
10. Where the nature of a function, the number of people attending a function, and the opening and closing times of a function make it appropriate, marshals will marshal and monitor the entrance to and egress from the Premises of those persons attending the Premises. They will also monitor where appropriate the behaviour of persons in the vicinity of the Premises. This will help to achieve orderly arrival and departure of persons, and will help to reduce the risk of nuisance being caused by persons arriving at and leaving the Premises.
11. Where the level of noise in the Premises and the time of day or night make it appropriate, the doors to the Premises will be maintained closed (except in the case of an emergency evacuation) in order to prevent noise breakout from the Premises via open doors.
12. The same applies to the windows in the Premises, which should be maintained closed where the level of noise in the Premises and the time of day or night make it appropriate.
13. Noise levels will be specified in the contract conditions with hirers of the Premises to ensure sound levels are maintained within the limits in order to reduce the risk of disturbance. Furthermore, during a function in the Premises, sample noise measurements will be made by a designated person with an approved sound level meter to ensure that the levels are not being breached. Immediate action would be taken to reduce levels if this should arise.
14. In addition to taking measurements, subjective monitoring will be carried out at appropriate times along the nearest sensitive facades. This is to provide a subjective check that all the

measures in place in respect of the Premises are working to prevent public nuisance being caused in connection with the Premises.

Jon Wallsgrove
Partner
Licensing and Regulatory team



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Appendix 4A

Mohshin Ali

From: Wallsgrove, Jon [REDACTED]
Sent: 04 September 2013 10:51
To: [REDACTED]
Cc: Mohshin Ali
Subject: Tobacco Dock Licensing application

Importance: High

Dear Mr Brook

I am the solicitor acting for Tobacco Dock and write further to your email representation dated 24th July. I wanted to update you on the application and my client's position. Firstly can I just explain that although an application was submitted for activities 7 days a week it is not my clients intention to do so as the venue is going to be hired out for corporate events and public events on a much more infrequent basis. In the past such events have required a premises licence for the specific event or a Temporary Event Notice. The current application removes the burden of numerous applications each year. Thus the 7 days in the application simply gives my client flexibility in taking a booking for any day of the week during the times stated (which have been revised as below). It is not anticipated the premises will have more than 2-3 events per month.

The Local Authority have advised me the matter is listed for a hearing before their Licensing Sub-Committee on 17th September 2013. You are the only person that has made a representation against the application. I thought I would drop you a line to confirm that the police and Environmental Health Officer did have some concerns with the application. My client and I had pre-consulted with both bodies and put submitted an application which we believed addressed those concerns. Subsequently the police and EHO made representations asking my client to consider amendments to the application and some additional conditions.

My client has agreed to the changes and accordingly both the police and EHO have withdrawn their representation. I have attached the application and would ask you to read through paragraph M of the application which sets out the steps my client is going to take to promote the licensing objectives. These steps will be endorsed on the premises licence as conditions. A breach of a condition on the licence is a criminal offence and can of course lead to a review of the premises licence.

In addition to those steps my client has agreed the following:

1. Sale of alcohol will cease at 00.30
2. All other licensable activities will cease at 01.00
3. Opening hours of 8am until 01.30
4. 15 non-standard times per calendar year for all activities until 02.00, closing at 02.30.
5. A F696 risk assessment to be submitted if there are any outside promoters or DJs
6. All events including details of the hirer, number of patrons attending, licensable activities provided and hours together with a layout plan will be notified to the Licensing Authority, police and EHO at least 14 days before the event, unless otherwise agreed with EHO and police.
7. No licensable activities are permitted other than a pre-booked event so notified in accordance with condition 6.

8. A telephone number and / or email address should be made available on relevant Tobacco Dock websites for noise complaints. Any noise complaints should be logged and investigated with written records of the details available to view by the local authority. Should any noise complaints

be received, and if noise levels are above those specified in the licence conditions, immediate action would be taken to reduce the levels at the noise source. A complaints log should be maintained throughout every event, detailing addresses of complaints, times and action

9. Loudspeakers should be directed inwards as much as possible to reduce overspill from the intended coverage area.

10. All plant associated with events (generators, chillers, etc) should be located as far away from noise sensitive locations as possible.

11. For music and cinema type events, the sound system should be a Line-array.' The 'line-array' should be carefully designed to be as distributed as possible and include delay speakers in order to provide coverage to smaller areas rather than the entire venue. It should also be directed away from noise sensitive properties.

12. For music events beyond 2300hrs the sound control programme that should be followed is detailed below:

Sound Control Procedures

Sound Propagation Tests

Sound propagation tests should be carried out before a major music event with all mitigation measures in place to correlate the sound levels from the event with those at the nearest noise sensitive properties. This will enable any necessary adjustments to be made to the sound system to maximise the containment of music and achieve acceptable levels at the residential locations. A sound limit should then be set for that event, which would be subject to further reduction as necessary. The day and times of any sound propagation test will be agreed with the local authority.

Sound Monitoring and Control

The noise levels at the residential properties should be regularly checked to ensure they comply with the noise conditions. If off site levels begin to approach the noise limits, noise reductions will be immediately implemented.

In addition to the above, it is recommended that a suitably qualified independent acoustic consultant is employed for the first major music event to ensure that the noise levels do not exceed those specified in the proposed licence conditions.

13. Persons who are travelling to or from the Premises by means of private transport may use the parking facilities which are available next door to the site and away from the public highway. The availability of parking reduces the pressure on on-street parking, and reduces the number of people leaving the Premises having to walk on the public highway.

14. Patrons of the Premises will be provided details of preferred minicab companies.

15. All deliveries and servicing (including waste management servicing) to the Premises are to be carried out internally and accordingly away from the public highway.

16. Bottles used in the Premises will not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a potential public nuisance.

17. Where the nature of a function, the number of people attending a function, and the opening and closing times of a function make it appropriate, marshals will marshal and monitor the entrance to and egress from the Premises of those persons attending the Premises. They will also monitor where appropriate the behaviour of persons in the vicinity of the Premises. This will help to achieve orderly arrival and departure of persons, and will help to reduce the risk of nuisance being caused by persons arriving at and leaving the Premises.

18. Where the level of noise in the Premises and the time of day or night make it appropriate, the doors to the Premises will be maintained closed (except in the case of an emergency evacuation) in order to prevent noise breakout from the Premises via open doors.

19. The same applies to the windows in the Premises, which should be maintained closed where the level of noise in the Premises and the time of day or night make it appropriate.

20. Noise levels will be specified in the contract conditions with hirers of the Premises to ensure sound levels are maintained within the limits in order to reduce the risk of disturbance. Furthermore, during a function in the Premises, sample noise measurements will be made by a designated person with an approved sound level meter to ensure that the levels are not being breached. Immediate action would be taken to reduce levels if this should arise.

21. In addition to taking measurements, subjective monitoring will be carried out at appropriate times along the nearest sensitive facades. This is to provide a subjective check that all the measures in place in respect of the Premises are working to prevent public nuisance being caused in connection with the Premises.

22. Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period

I would also like to mention (as I will be addressing the Councillors on these points and thought it fair to give you the head's up) that in a licensing application the Committee are obliged to attach great weight to the view of the police, though I accept this may not extend to issues of noise. I will also invite them to attach weight to the view of the Environmental Health Officer who has assessed that the above conditions in place will prevent noise nuisance.

I do not know how familiar you are with licensing law and I apologise if I am about to set out matters which you already know, but for the sake of completeness... I will also address the Committee on the balance between the interests of businesses and residents and the fact that the power of reviewing a licence allows a Council to grant a licence knowing swift action can be taken against irresponsible operators. An application for a review can be brought by any person and following a 28 day consultation period there is a hearing, just as there is for a new licence. The Council then have power to revoke or suspend the licence, or change the licence in any way (e.g. removing activities, changing the times, adding/removing conditions).

As I said earlier each of the conditions agreed with the police and EHO must be complied with and breach is a very serious matter, an offence punishable with a fine and/or imprisonment.

I hope I have set out my clients position fully but if you do have any questions on the above please let me know. If there are any remaining concerns you have then please let me know what they are as my client may be able to provide further re-assurance.

It may well be the case that in light of the above you take a different view on your representation and that the conditions meet your concerns. If it did I would ask that you confirm by email to Mr Ali (cc'd) and myself that you will withdraw your representation and that a hearing is not required. There is much work for Mr Ali to do in preparation for the hearing and I am sure he will appreciate it if you could email us both one way or another as soon as possible.

Yours Sincerely

Jon Wallsgrove
Partner
Licensing and Regulatory team



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Mohshin Ali

From: Wallsgrove, Jon [REDACTED]
Sent: 04 September 2013 11:00
To: [REDACTED]
Cc: Mohshin Ali
Subject: RE: Tobacco Dock Licensing application

Apologies here is the relevant section of the application form to I refer to:

M

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

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

The layout plan for this unusual premises identifies the specific areas within which it is intended to carry out licensable activities. There will be no permanent licensed facility on site. The premises will be available to be hired for special events and each event will be unique in terms of the number of patrons using the premises, what licensable activities are intended for the event and the time at which those licensable activities take place.

Each event requires the licence holder to carry out a number of risk assessments to ensure the licensing objectives are promoted and that local residents do not incur noise nuisance from the events. In the past a premises licence or Temporary Event Notices have been granted for specific events and the purpose of this application is to avoid future applications being made and giving greater control of the licensed events to the venue's operator.

Licensable activities are permitted until 2am on no more than 25 occasions in any calendar year **(NB now reduced to 15)**

The prevention of crime and disorder

CCTV is provided. Data will be kept for a minimum of 31 days after any event and access will be given to the Metropolitan Police immediately upon request.

All events including the details of the Hirer, number of patrons attending, licensable activities provided and hours of licensable activities, together with a layout plan will be notified to the Licensing Authority, police and Environmental Health Officer at least 14 days before the event takes place, unless otherwise agreed by the Metropolitan police and Environmental Health Officer.

The level of security personnel is assessed for each event and appropriate levels of SIA security will be employed for those events where it is deemed necessary, taking account of the nature of the event, licensable activities taking place, number of persons attending and hours for which licensable activities are taking place.

Patrons will not be permitted to take alcohol away from the premises in open containers.

Public safety

Appropriate Fire and other event-related Risk assessments are carried out for the events as well as adopting a policy for dispersal of the patrons.

The prevention of public nuisance

Patrons are not permitted to consume alcohol on the quayside after 9pm.

Licensable activities on either of the two ships will cease at 9pm other than the lower deck of the ship which connects to the Tobacco Dock building.

A noise assessment has been carried out. Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period

Notices will be displayed advising patrons to leave quietly and where practicable via the Pennington Street car park away from residential dwellings as much as possible. Temporary taxi ranks will be set-up by the event organiser in this car park to prevent crowds and associated noise causing public nuisance on the corner of Wapping Lane and The Highway

The protection of children from harm

A Challenge 25 policy will be adopted.



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Appendix 5

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 24 July 2013 12:42
To: Mohshin Ali
Subject: FW: Licensing Application Tobacco Dock

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 24 July 2013 10:51
To: Licensing
Subject: Licensing Application Tobacco Dock

Leslie Brook



Hello,

I live adjacent to Tobacco Dock and have seen the notice they have posted regarding an application to serve alcohol up to 2:00am on 25 days a year.

I strongly object to this. Living so close, whenever Tobacco Dock host a late night event we suffer from the noise and disturbance. People urinating in doorways, shouting and leaving litter. Coaches or fleets of taxis queuing in the street with engines running. Loud music etc. I have 2 children of school age 5 & 10 and mid week events are just unfair on them, and even at weekends we have a right to undisturbed sleep.

I hope you decline their application.

Regards,

Leslie Brook

Appendix 6

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 12.4**).

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 12.5**).

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 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):

- 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 (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 (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) 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 (2.39).

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 7

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 Section 8.1 of the Licensing Policy**).

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.4**).

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 12.5**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39).

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 (2.37).

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. (2.39)

Appendix 8

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 (10.41).

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 9

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 Pool 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 (10.41).

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 (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.37)

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 10

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 11

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

- Monday to Thursday 06:00 hours to 23:30 hours
- Friday and Saturday 06:00 hours to midnight
- Sunday 06:00 hours to 22:30 hours

(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

(see 12.9 of the licensing policy)

Agenda Item 5.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	17 September 13	Unclassified	LSC 17/134	

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for Time Limited Premises Licence for Millwall Park, Manchester Road, London E14
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected Millwall

1.0 Summary

Applicant: **London Oktoberfest Ltd**
Name and **Millwall Park**
Address of Premises: **Manchester Road**
London E14

Licence sought: **Licensing Act 2003**
Sale of alcohol
Provision of regulated entertainment

Objectors: **Local Resident Group**
Local residents
Local Councillor

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a time limited premises licence for Millwall Park, Manchester Road, London E14.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The application was amended to reduce the number of days applied for; this was to incorporate the days when licensable activities are taking place. The time limited period is from 3rd to 6th October 2013.
- 3.4 The Regulated Entertainment hours have been amended following agreement with Environmental Health, (see Appendix 15) the hours are as follows:

Sale of Alcohol

Thursday and Friday from 16:00 to 22:30 hours

Saturday from 12:00 to 22:30 hours

Sunday from 12:00 to 18:30 hours

The Provision of Regulated Entertainment:

Live Music

Thursday and Friday from 17:00 to 22:00 hours

Saturday from 13:00 to 22:00 hours

Sunday from 13:00 to 18:00 hours

Recorded Music

Thursday and Friday from 16:00 to 22:30 hours

Saturday from 13:00 to 22:30 hours

Sunday from 13:00 to 19:00 hours

Hours premises is open to the public:

Thursday and Friday from 16:00 to 23:00 hours

Saturday from 13:00 to 23:00 hours

Sunday from 13:00 to 19:00 hours

- 3.5 A map of the site and the area of the park are included as **Appendix 2**.

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8th December 2010.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.

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 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

5.3 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.

5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.

5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.

5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:

Local Resident Group See **Appendix 4**

Local Councillor See **Appendix 5**

Local Residents See **Appendices 6 - 13**for representations

5.9 I attach a page of the petition whereby elements of the content are borderline and the advice given in 5.6 applies in this case. The petition consisted of 45 signatures. See **Appendix 14**

- 5.10 A petition of 114 signatures was received in time but did not meet the licensing objective test as given in 5.3.
- 5.11 Environmental Health has agreed conditions and amendments to hours with the applicant. Those are attached in **Appendix 15**.
- 5.12 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.13 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.14 The objections cover allegations of
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
 - Drinking beyond the permitted hours
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - Noise leakage from the premises
 - Safety problems
- 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 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended 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 medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ 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 (1.9).
- ∇ 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.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 16-21** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 **Legal Comments**
- 7.1 The Council's legal officer will give advice at the hearing.
- 8.0 **Finance Comments**
- 8.1 There are no financial implications in this report.

Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 4** Representation from Lorraine Cavanagh, Millwall Park User Group
- Appendix 5** Representation from Cllr Gloria Thienel
- Appendix 6** Representation from Gareth Hargreaves
- Appendix 7** Representation from Andrew Hesselden
- Appendix 8** Representation from Mr. B. Mahil
- Appendix 9** Representation from Mrs P. Mahil
- Appendix 10** Representation from Lawrence McCabe
- Appendix 11** Representation from Glen McCarty
- Appendix 12** Representation from B.J Smith
- Appendix 13** Representation from Frank Thienel
- Appendix 14** Petition
- Appendix 15** Environmental Health agreed conditions/hours
- Appendix 16** Licensing Officer comments on anti social behaviour on the premises
- Appendix 17** Licensing Officer comments on anti social behaviour from patrons leaving the premises
- Appendix 18** Licensing Officer comments on Noise while the premises is in use
- Appendix 19** Licensing Officer comments on Access and Egress problems
- Appendix 20** Licensing Officer comments on Noise leakage from the premises
- Appendix 21** Licensing Policy on hours of trading

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Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

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

On-Line payments can be made at:

http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) London Oktoberfest

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Millwall Park Manchester Rd, E14 3AY	
Post town	Post code
London	E14 3AY

Telephone number at premises (if any)

Non-domestic rateable value of premises £

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

Please tick as appropriate

- | | | |
|-------------------------------------|--|-------------------------------------|
| <input checked="" type="checkbox"/> | I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or | <input checked="" type="checkbox"/> |
| <input type="checkbox"/> | I am making the application pursuant to a
▪ statutory function or
▪ a function discharged by virtue of Her Majesty's prerogative | <input type="checkbox"/> |

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
---	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
-----------	----------------------	----------	----------------------

Daytime contact telephone number	<input type="text"/>
----------------------------------	----------------------

E-mail address (optional)	<input type="text"/>
---------------------------	----------------------

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
---	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
-----------	----------------------	----------	----------------------

Daytime contact telephone number	<input type="text"/>
----------------------------------	----------------------

E-mail address (optional)	<input type="text"/>
---------------------------	----------------------

B) OTHER APPLICANTS

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

Name	London Oktoberfest, LTD
Address	B1 Business Center, Suite 206 Davyfield Rd Blackburn BB1 2QY
Registered number (where applicable)	07400686
Description of applicant (for example partnership, company, unincorporated association etc)	Private Limited Company
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
29	09	2013

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

Day	Month	Year
08	10	2013

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

--

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

The premises will consist of a 3,800 m² tent which can hold up to 3,300 people, as well as an outdoor, enclosed smoking area. The tent will be comprised mostly of seating areas of large wooden benches and tables. Also, the tent will house a stage for a small, traditional German folk band.

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

Provision of regulated entertainment

Please tick all that apply

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

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

In all cases complete boxes K, L and M

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

B

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

C

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

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			<p><u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)</p>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)</p> <p><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)</p>	Both	
Tue					
Wed					
Thur					
Fri					
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 [Y]</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)</p> <p><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)</p>		
Mon					
Tue					
Wed					
Thur	17:00	22:00			
Fri	17:00	22:00			
Sat	13:00	22:00			
Sun	13:00	18:00			

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 [Y]</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Mon					
Tue					
Wed					
Thur	16:00	23:00			
Fri	16:00	23:00			
Sat	12:00	23:00			
Sun	12:00	19:00			

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing					
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon								
Tue								
Wed						State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

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 [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 2)	Both		
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						

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the premises		
Mon			Please give further details here (please read guidance note 7)	Both		
Tue						
Wed				State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	16:00	22:30				
Fri	16:00	22:30		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)		
Sat	12:00	22:30				
Sun	12:00	18:30				

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

Name

Carsten Baum

Address

[Redacted Address]

Postcode [Redacted]

Personal Licence number(if known)

LBH-PER-N-132

Issuing licensing authority (if known)

London Borough of Hackney

K

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

The only type of "adult entertainment" offered at London Oktoberfest is the sale of beer and limited sales of alcohol. To prevent children and under age persons from illegally obtaining such restricted items, children are only allowed on Sunday and only when they are accompanied by an adult. Security and bar staff will follow "Challenge 25" policy and ask for ID from anyone who appears to be 25 years old or younger.

L

Hours premises are open to the public Standard timings (please read guidance note 6)			<u>State any seasonal variation</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur	16:00	23:00	
Fri	16:00	23:00	
Sat	12:00	23:00	
Sun	12:00	19:00	

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

M

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

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

We will fulfill all rules set forth by the Licensing Act of 2003 by staying in close contact with the council and other governing bodies regarding Millwall Park. We will be mindful of the surrounding residences as well as users of the park. We will seek to minimize, wherever possible, the impact of the event to the "normal life" in the park.

b) The prevention of crime and disorder

Between 23 & 24 security personnel will be employed during opening hours. All exits are final and re-entry is not allowed. We will also stay in close contact with the local police force.

c) Public safety

The event will close early so that many guests will be able to take public transportation home. Additionally, stewards will be placed along the pedestrian path to guide guests away from the tent & out of the park.

d) The prevention of public nuisance

The tent will be closed once full capacity is reached. No marketing efforts will be carried out among high risk groups. Also, a noise consultant will be employed to ensure that the overall sounds of the event do not surpass a level which would be a nuisance to nearby residents or businesses.

e) The protection of children from harm

Children are only allowed ~~on~~ during the Sunday Lunch, from 12-19 and only when they are accompanied by an adult. We will also adhere to Challenge 25 policies.

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

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

Page 14 of 16

M:\Licensing\Word97\Online Applications\Web Materials\Licensing Act 2003 web\22_11_2012\860 - premises-licence-form.doc

Part 4 – Signatures (please read guidance note 10)

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

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

Signature



Date

25/7 - 2013

Capacity

Director

For joint applications signature of 2nd applicant 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 postal address for correspondence associated with this application (please read guidance note 13)

Carsten Baur
Im Hafengrasser 2

Post town

Liberlingen

Post code

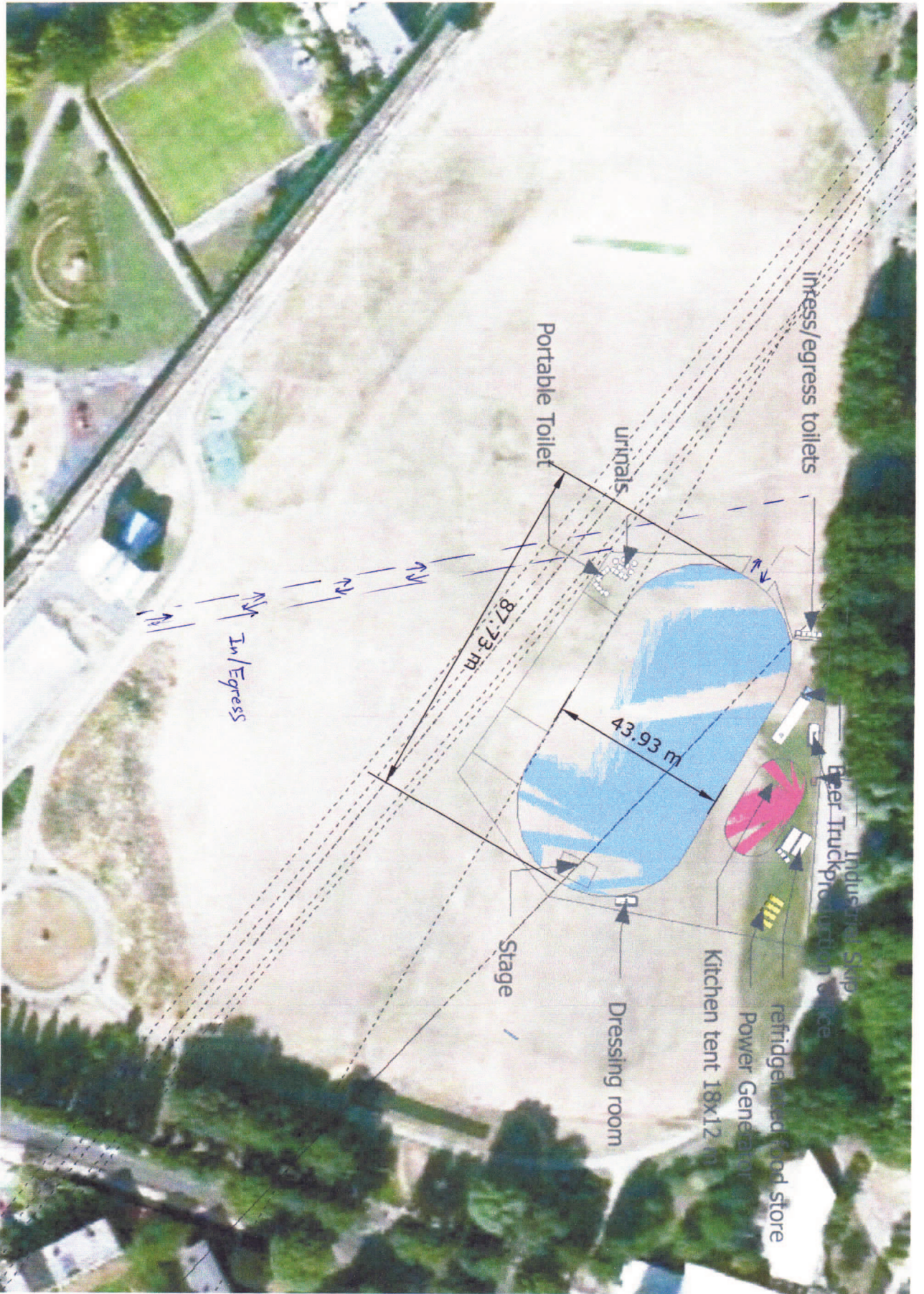
88662

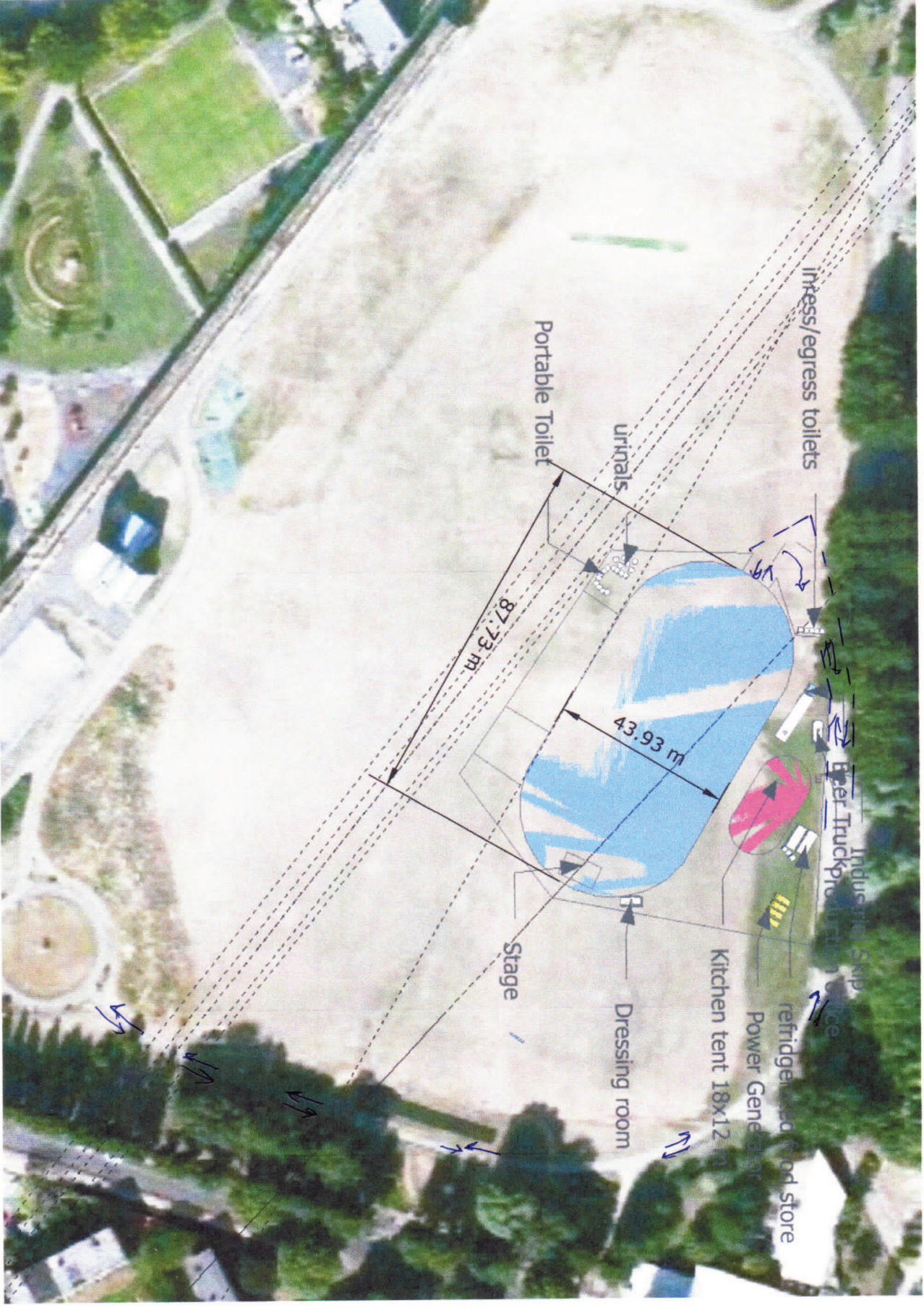
Telephone number (if any)

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

Appendix 2

Version 1
No Rain





Appendix 3

Section 182 Advice by the Home Office

Updated June 2013

Relevant, vexatious and frivolous representations

- 9.4 A representation is “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 businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive 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 sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4



MILLWALL PARK AND ISLAND GARDENS USER GROUP

The Licensing Section
London Borough Of Tower Hamlets
Mulberry Place
5 Clove Crescent
London
E14 2BG

20th August 2013

Dear Sir / Madam

As Chair of Millwall Park and Island Gardens User Group I write with the total support of the resident group to oppose the Licence for a Beer Festival to be held in Millwall Park from 3rd October 2013 to 6th October 2013 .

We would like to oppose the supply of alcohol, the provision of live music and the provision of recorded music.

Our reasons for this being

The Licensing Policy objectives and associated benefits have clear links with the Council's vision to improve the quality of life for everyone living and working in the Borough.

The five major themes that the Council set out by means of which the vision is delivered are:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

A better place for living safely:

How can the Local Authority ensure the park will be safe for customers and residents and prevent crime and disorder.



A better place for living well:

We will work with our partners and licensees to ensure that nuisance related to Licensed premises will be kept to acceptable levels, [how will this be achievable.](#)

We will work with our partners and licensees to ensure that children are protected from harm from any activity taking place in licensed premises. [There are three children's play areas in the park, how will you protect them from 3000 participants to a beer festival.](#)

A better place for creating and sharing prosperity

We will work with our partners to ensure that the Licensing Policy links with other Council strategies so that where possible the Borough economic benefits from developing the entertainments and leisure sector within the Borough, [how will you achieve this unless inviting other corporate organisations to take part.](#)

A better place for learning, achievement and leisure

We will work with our partners to ensure the Licensing Policy links with other Council strategies that encourage and promote live music, dance theatre and festivals for the wider cultural benefit of the community., [Tower Hamlets Council have a strict policy that no alcohol is sold during any of their festivals and cultural events, so how will you work with partners to ensure benefits for the local community.](#)
[The Local Authority promote healthy living and encourages residents to take part in sport in their park, how does this meet the needs of your Healthy Living Policy.](#)

I refer to your Licensing Policy Act 2003 where is clearly states that:-

The following are examples of premises that will raise concerns and that is where irresponsible drinking is encouraged or permitted, I believe a Beer Festival with an estimated 3000 people attending will encourage irresponsible drinking and put residents children playing in the park at risk.

It must also be said that major works are taking place all around Millwall Park and parking restrictions apply, encouraging the amount of people estimated to this event will only cause major chaos and problems to local residents.

The Local Authority held a fireworks display last November 2012 with around 200 residents attending, the cost to repair the park after the event went into thousands of tax payers money, what kind of repairs will be needed if we are to believe that over 3000 will attend this event.

Can I also add that London Oktoberfest Ltd is advertising this event on their website and encouraging people to attend and buy tickets **BEFORE** a Licence has been granted, surely this is not right and needs to be addressed.

Can we also bring to your attention that when Millwall Rugby Club were granted their license, the conditions attached to that was that on no account does a member of visitor take any alcohol outside of the their premises, how does that apply to numerous beer tents scattered around Millwall Park.

The above are the concerns of local residents and park users and ask that you take into account their objections when making a decision on the Licence.

Yours sincerely

L. Cavanagh

Lorraine Cavanagh OBE
Chair of Millwall Park and Island Gardens User group



Appendix 5

Councillor Gloria R Thienel
Blackwall & Cubitt Town Ward

Kathy Driver
CLC – LICENSING
Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BE

Sunday, 04 August 2013

Dear Kathy

RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29th September – 8th October 2013

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3rd October – 6th October 2013.**

As a local resident and one of the Blackwall & Cubitt Town Ward Councillors, I objected to this application on the following grounds:

My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.

Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.

The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.

There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.

There are no local public toilets and public urination is already a local concern.

Parking, already a local problem will be exacerbated and will add to nuisance.

Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.

I believe that this application should be rejected on the grounds itemised above.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely

Gloria

Councillor Gloria R Thienel

Appendix 6

Kathy Driver
Principal Licensing Officer
Licensing Team
6th Floor
Mulberry Place
5 Clove Crescent
London E14 2BG

Sunday 18th August

Dear Ms Driver

RE: Millwall Park Manchester Rd - TIME LIMITED PREMISES - 29th September – 8th October 2013

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3rd October – 6th October 2013**.

As a local resident and a keen user of the park, I object to this application on the following grounds:

Public Safety:

- The pitches will be damaged by the installation of track-ways and 3500 people per day and will affect the community long after the event has finished.
 - We saw this damage during the installation of the 2012 Olympics mast and the Fireworks display (both used trackways). This left the pitches unusable and dangerous for significant parts of the season.
- Rugby/Football/Cricket pitch bookings for this weekend and the near future – how will they be protected so they can carry on their activities as normal? The Rugby club has 4 home games that weekend over Saturday and Sunday.
- The local transport infrastructure is already stretched, it won't cope with an extra 3500 per day.
- The event seems to be aimed at selling copious amounts of beer for profit and the cultural value is minimal.
- The application refers to indoor music but it is difficult to contain music in a tent; therefore the volume needs to be reduced to an acceptable level. – the applicant has previously breached undertakings surrounding Noise pollution with this event in Kennington Park in 2012. (I include this as I feel it is relevant to the application).
- Loud music for prolonged periods of time can cause damage – especially to children.

Crime & Disorder:

- Increase in anti-social behaviour with consumption of alcohol
- Increase in anti-social behaviour with inadequate transport links to deal with egress of customers
- Increase in urination in the street (even though the organiser provides toilet facilities)

Nuisance:

- Increased cars parking in an already over-stretched area.
- Loud and low level music causes nuisance for local residents.
- When music from the event is being played, normal park activities will become unpleasant because of the volume.
- Frustrations and anger will grow when an extra 3500 people want to use the already overstretched weekend transport infrastructure and some are under the influence of alcohol.

Protection of Children:

- Loud music for prolonged periods of time can cause damage – especially to children.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely

Gareth Hargreaves

Appendix 7

[REDACTED]
[REDACTED]
[REDACTED]

Mr David Tolley
Head of Service
CLC – LICENSING
Licensing Section
Mulberry Place
5 Clove Crescent
London
E14 2BE

6th August 2013

Dear Mr Tolley

**Millwall Park Manchester Road - TIME LIMITED PREMISE 29th
September – 8th October 2013**

I write in objection to the above application to site an Oktoberfest event on Millwall Park and provide it with an event/alcohol licence.

I object on the following grounds:

Crime & Disorder

The Festival website (which fails to state that the event is “subject to licence” in contravention of the council’s parks department’s guidance) projects 3,500 visitors per day. This will stretch the local limited resources and facilities to the limit (police, council, DLR).

- Past events have resulted in litter and urination around the park and the arches, where my local rugby club is, making the whole area by the arches extremely unpleasant. I understand several of our club members needed to disinfect the area around the clubhouse afterwards. I assume portaloos will be provided however previous experience tells me this will not prevent the aforementioned problems due to the sheer numbers of people expected and the copious amounts of alcohol that will be consumed at the Bierfest.

Public Safety

- With 3500 visitors each day, limited local policing and infrastructure, there is a risk to the attendees of the Bierfest as well as local parks users and residents impacted by antisocial behaviour.
- The trucks used to set up events in the past, have left huge ruts on the sports pitches that were not repaired afterwards. The damage to the pitch was extensive and required the rugby club’s own members to repair it and make it safe for the following week’s matches as this was not done by the event contractors, nor the council Parks department.

Significant nuisance

- Noise to local residents and parks users
- Residents unable to use the park
- Disruption to sports clubs – you will note that Millwall Rugby Club already has pitch bookings for the weekend on Millwall Park and 4 confirmed home games. Rearranging just those fixtures will cause significant inconvenience and financial loss to this community club (which could exceed £3000 just for that one weekend)
- Damage to pitches that will impact users for many weeks or months to follow and cause further financial loss to the club each weekend the pitches remain unusable.

Protection of Children

Local children use the park and will see the consumption of alcohol being celebrated. By allowing this very publically-visible, and no doubt very fun event, the council appears to contradict its policy on discouraging under-age drinking (this article appeared in the East London Advertiser this week:

http://www.eastlondonadvertiser.co.uk/news/tower_hamlets_council_launches_clamp_down_on_underage_smoking_and_drinking_1_2311637#comment-986743952)

Goes against existing council policy on usage of open spaces

A motion passed by LBTH Council on 16th May 2012, resolved to amend the Open Spaces Strategy to include a section on Commercial Events in parks, to reflect the prior decisions of Council, that limits the number of events in Victoria Park to 6 days each year, prevents the park being used for commercial events on consecutive weekends, set a closing time for events to 10pm and a reduced noise limit for commercial events, and **prevents commercial events being held** in Sir John McDougal Gardens, **Millwall Park**, Island Gardens and the gardens at Trinity Square

I would be grateful to receive confirmation of receipt of this letter and for it to go before the licensing committee.

Kind regards

ANDREW HESSELDEN

Appendix 8



Kathy Driver
CLC – LICENSING
Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BE

Dear Kathy

RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29th September – 8th October 2013

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3rd October – 6th October 2013.**

As a local resident and one of the Blackwall & Cubitt Town Ward Councillors, I objected to this application on the following grounds:

My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.

Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.

The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.

There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.

There are no local public toilets and public urination is already a local concern.

Parking, already a local problem will be exacerbated and will add to nuisance.

Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.

I believe that this application should be rejected on the grounds itemised above.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely

Mr B Mahil

Appendix 9



Kathy Driver
CLC – LICENSING
Licensing Section
Mulberry Place
5 Clove Crescent
London E14 2BE

Dear Kathy

RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29th September – 8th October 2013

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3rd October – 6th October 2013.**

As a local resident and one of the Blackwall & Cubitt Town Ward Councillors, I objected to this application on the following grounds:

My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.

Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.

The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.

There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.

There are no local public toilets and public urination is already a local concern.

Parking, already a local problem will be exacerbated and will add to nuisance.

Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.

I believe that this application should be rejected on the grounds itemised above.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely

Mrs P Mahil

Appendix 10

Kathy Driver
Principal Licensing Officer
Licensing Team
6th Floor
Mulberry Place
5 Clove Crescent
London E14 2BG

Sunday 18th August

Dear Ms Driver

RE: Millwall Park Manchester Rd - TIME LIMITED PREMISES - 29th September – 8th October 2013

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3rd October – 6th October 2013.**

As a local resident who lives within 100 metres of this planned event I would like to object on the following basis.

Public Safety:

- The sports pitches will be damaged by the installation of track-ways and 3500 people per day and will affect the community long after the event has finished.
 - We saw this damage during the installation of the 2012 Olympics mast and the Fireworks display (both used trackways). This left the pitches unusable and dangerous for significant parts of the season.
- Rugby/Football/Cricket pitch bookings for this weekend and the near future – how will they be protected so they can carry on their activities as normal? The Rugby club has 4 home games that weekend over Saturday and Sunday.
- The local transport infrastructure is already stretched, it won't cope with an extra 3500 per day.
- The event seems to be aimed at selling copious amounts of beer for profit and the cultural value is minimal.
- The application refers to indoor music but it is difficult to contain music in a tent; therefore the volume needs to be reduced to an acceptable level. – the applicant has previously breached undertakings surrounding Noise pollution with this event in Kennington Park in 2012. (I include this as I feel it is relevant to the application).
- Loud music for prolonged periods of time can cause damage – especially to children.

Crime & Disorder:

- Increase in anti-social behaviour with consumption of alcohol
- Increase in anti-social behaviour with inadequate transport links to deal with egress of customers
- Increase in urination in the street (even though the organiser provides toilet facilities)

Nuisance:

- Increased cars parking in an already over-stretched area.
- Loud and low level music causes nuisance for local residents.
- When music from the event is being played, normal park activities will become unpleasant because of the volume.
- Frustrations and anger will grow when an extra 3500 people want to use the already overstretched weekend transport infrastructure and some are under the influence of alcohol.

Protection of Children:

- Loud music for prolonged periods of time can cause damage – especially to children.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely,

Lawrence McCabe

Appendix 11

The Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London
E14 2BG



8th August 2013

Regarding; Application for a Premises License by London Oktoberfest Ltd

Dear Licensing team

I would like to make a representation regarding the above license application.

As a local resident in a property directly adjoining Millwall Park I have some concerns about the event, for which I would like the following assurances or agreements made by the organizer and/or LBTH, as events of this type have a high incidence of damage and/or issue to local properties and residents due to the effects of alcohol consumption and excessive noise;

1. Security

- a. Event security to be on site before, during and after the event, ensuring that participants attend only at the advertised times and that they leave the area promptly and quietly at the advertised end time.
- b. Security (either physical barrier or additional security staff) to protect adjoining boundaries between Millwall Park and residents' properties.
- c. Security patrols of surrounding area to ensure attendees do not cause damage when arriving or leaving the area.
- d. A direct (mobile) phone number to be provided to residents for the security management team to report any breaches for immediate action.
- e. An agreement that resident concerns during the event will be handled with priority and immediately.

2. Facilities

- a. Assurance that sufficient toilet facilities will be made available and that security will stop any urination other than in the designated facilities.
- b. Assurance that sufficient medical facilities will be made available.

3. Music

- a. Confirmation that the music level will not breach 75db at the boundary of the park
- b. Monitoring device to be in place to measure sound level at all times
- c. Music to be stopped no later than the agreed time
- d. A direct (mobile) phone number to be provided to residents for the event management team to report any sound issues

- e. An agreement that resident concerns over music levels during the event will be handled with priority and immediately
- 4. Alcohol
 - a. Assurance that alcohol will only be consumed in the designated premises and not allowed out of the park.
 - b. Assurance that additional alcohol will not be allowed into the park, with security checks of participants on arrival.
- 5. Sanitation and park recovery
 - a. Assurance that the organizer will fully recover the park to it's original state, to include;
 - i. Fully clearing the park and surrounding area of any refuse within 24 hours
 - ii. Correcting any damage to the park such as grass removed by either the organizer's equipment or attendee activities
 - iii. Correcting any damage caused to resident property during the event by attendees
- 6. Police alignment
 - a. Agreements and assurances to be copied to local policing with agreement that they will mediate any disputes and will have the ability to fully enforce agreements made.

As a local resident I am pleased that community based events are being organized in our public spaces, and I am sure with the above assurances that the event will be successful not only for the organizers but also for the local population.

I look forward to your reply and the assurances of London Oktoberfest Ltd and LBTH that the above protections and agreements will be put in place prior to the event.

Kind regards



Glen McCarty



Appendix 12

B. J. Smith

30 July

RE: London Oktoberfest Ltd
application for a new Premises License
in respect of Millwall Park, Manchester Rd

Dear Sir

I object strongly against proposed
drink license

Bardays had a smaller version
some time back. A roped off tented area.
People strayed with their drinks into the
rest of the park. On leaving to travel home
they passed through park with drinks in
in their hands.

Rugby Club won a license under very
strict rules. One No alcohol to be consumed
outside of the clubs premises. This project
could not guarantee health and safety
for the park users.

This will interfere with the normal
use of the park, and that is wrong
Please reject

Yours Sincerely

B. J. Smith



Appendix 13

*Kathy Driver
Licensing Section
Town Hall
Mulberry Place
5 Clove Crescent
London E14 2BE*

Wednesday, August 21, 2013

Dear Ms Driver

RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29th September – 8th October 2013

*Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3rd October – 6th October 2013.***

My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.

Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.

The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.

There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.

There are no local public toilets and public urination is already a local concern.

Parking, already a local problem will be exacerbated and will add to nuisance.

Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.

I believe that this application should be rejected on the grounds itemised above.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely

Frank R Thienel

Appendix 14

We the undersigned being residents of the London Borough of Tower Hamlets and the Isle of Dogs wish to object to the application for a licence for the Oktoberfest which is proposed to be held in Millwall Park Between September 29th and October 8th 2013 on the grounds of potential crime and disorder, public nuisance and issues relating to public safety.

PRINTED NAME	SIGNATURE	ADDRESS	COMMENT	DATE
M SPENCER	[REDACTED]	[REDACTED]	AREA BEING OVER USED	22/08/13
C IVES	[REDACTED]	[REDACTED]	Area too small	22/8/13
S SALE	[REDACTED]	[REDACTED]	TOO MANY PEOPLE FOR THIS AREA	22/8/13
R DOVEY	[REDACTED]	[REDACTED]	NOT ENOUGH FACILITIES FOR THE NUMBER OF PEOPLE	22/8/13
A TAYLOR	[REDACTED]	[REDACTED]	SCALE OF FESTIVAL TOO LARGE FOR AVAILABLE SPACE	22/08/13
P LUDWIG	[REDACTED]	[REDACTED]	TO MANY VISITORS FOR THE AREA	22/08/13
K MAN	[REDACTED]	[REDACTED]	" "	22/8/13
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22/8/2013
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	" "
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22-22013
Lilian Murray	[REDACTED]	[REDACTED]	TO MANY VISITORS AND TOLKERS	22/8/2013
Edin Higgins	[REDACTED]	[REDACTED]	TOO noisy, dirty and prevents residents access	22/8/2013
G Northover	[REDACTED]	[REDACTED]	TO MUCH DAMAGE	22/8/2013
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22/8/13
P M LONGBOTT	[REDACTED]	[REDACTED]	It is a public space of importance	22.8.13
K [REDACTED]	[REDACTED]	[REDACTED]	TOO SMALL TO hold this	22/8/13
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22/8/13
C Wilson	[REDACTED]	[REDACTED]	Drinks do not want to be here!	
P Wilson	[REDACTED]	[REDACTED]		22/8/13

20

Appendix 15

From: London Oktoberfest [REDACTED]
Sent: 30 July 2013 12:53
To: Alkesh Solanki
Subject: Re: London-Oktoberfest

Dear Alkesh,
thanks you very for your email. This is to confirm we will follow your recommandations and are looking forward for a good cooperation.
Kind Regards,
Carsten

On 30 July 2013 at 12:02 Alkesh Solanki <Alkesh.Solanki@towerhamlets.gov.uk> wrote:

Morning Carsten,

Further to our telephone conversation this morning please confirm via E-mail the following as part of the OPERATING SCHEDULE:

1. LIVE Music to cease at 22.00 hours Thurs-Sat;
2. RECORDED MUSIC to cease at 22.30 hours Thurs –Sat;
3. BACKGROUND MUSIC only from 22.30 to 23.00 hours;
4. **SUNDAY HOURS REMAIN THE SAME as originally applied for;**
5. Low frequency level to be 70 dB @ 63 Hz and 125 Hz at any noise sensitive premise;
6. Music noise level* should not exceed the background noise level** by more than 15dB (A) over a 15 minute period 1 metre from the façade of any noise sensitive premises;
7. x2 KP ACOUSTICS members of staff to monitor noise and respond to complaints throughout the whole event;
8. Site working hours are as agreed with London Borough Tower Hamlets Environmental Protection Officers, to limit the potential nuisance from construction and de-rig noise.
9. In addition to the live event timings in which noise will be managed, there will be a three-hour noise window on Wednesday 2nd October between 15:00 and 18:00 for soundcheck purposes within which no more than two hours of noise will be generated. KP Acoustics to be present at all times to monitor noise levels throughout this period.
10. All noise data for the whole event to be sent to Tower Hamlets Environmental Protection within 14 days from the 6th October 2013.

*The LAeq of the music noise measured at a particular (agreed) location.

**The background noise level to be confirmed in the next 21 working days by the applicant in the form of an acoustic report by KP Acoustics (the prevailing sound level (background noise level) at the locations which are the nearest noise sensitive receptors at equivalent times when the event is not taking place).

If you require any clarification please contact myself or Ian Wareing.

Regards,

Alkesh.

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

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Appendix 16

Anti-Social Behaviour 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 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):

- 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 and SIA is acknowledged (2.1-2.2).

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 in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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 17

Anti-Social Behaviour From Patrons Leaving The Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.20).

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 18

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 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 (1.19)

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

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 19

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The 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 (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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 .

Appendix 20

Noise Leakage from the Premises

General Advice

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

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

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

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

Licensing Policy

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

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

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

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

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks

Police Powers

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

Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

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

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

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

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

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

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

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

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

Other Legislation

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

Appendix 21

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:

Monday to Thursday	06:00 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(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 5.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	17 September 13	Unclassified	LSC 18/134	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a variation of a premises licence at Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: **Kablamo Hospitality Ltd**
Name and **Golden Grill Restaurant**
Address of Premises: **184 Hackney Road**
London
E2 7QL

Licence sought: **Licensing Act 2003 variation**
To remove conditions from the existing
licence

Objectors: **The Metropolitan Police**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objection 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

Andrew Heron
020 7364 2665

3.0 **Background**

- 3.1 This is an application for a variation in a premises licence for Golden Grill Restaurant, 184 Hackney Road, London, E2 7QL.
- 3.2 A copy of the existing licences is enclosed for Members' information in **Appendix 1**.

The current hours are as follows:-

Ground Floor and Basement Floor

Sale of Alcohol

- Sunday to Thursday from 11:00 hours to 00:00 hours
- Friday and Saturday from 11:00 hours to 02:00 hours the following days

Late Night Refreshments

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday and Saturday from 23:00 hours to 02:00 hours the following days

Basement Only

Provision for Regulated Entertainment

(Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and anything of a similar description)

- Sunday to Thursday from 20:00 hours to 00:00 hours
- Friday and Saturday from 20:00 hours to 02:00 hours the following days

The opening hours of the premises

- Sunday to Thursday, from 10:00 hours to 00:30 hours
- Friday and Saturday, from 10:00 hours to 02:30 hours the following days

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

“To remove the Condition Number 2 from Annex 3 (alcohol shall only be served to patrons seated and dining at the premises by waiter service) for BASEMENT FLOOR ONLY.”

- 3.4 The hours that have not been amended.
- 3.5 A map showing the relevant premises is included as **Appendix 3**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8th December 2010.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised in October 2012.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Objections

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by:

The Metropolitan Police (**See Appendix 4**)

- 5.2 It should be noted that the application also received a representation from a local resident, whom failed to provide their home address upon request, therefore invalidating the objection.
- 5.3 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.4 Essentially, the regulatory Authority opposes the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
the prevention of crime and disorder
the prevention of public nuisance
- 5.5 There are strict time limits to any representations. The time limits are contained in the The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

5.6 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended 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 medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ 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 (1.9).
- ∇ 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.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing

objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises 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 conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 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 egress as follows the comments of the Association of Chief Police Officers on non-standard times is also included:

Appendix 5 Licensing Officer comments on Crime and Disorder on the Premises

Appendix 6 Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises

Appendix 7 Licensing Officer comments on Egress Problems

Appendix 8 ACPO comments on irregular times

Appendix 9 Planning

Appendix 10 Licensing Policy relating to hours of trading

7.0 Legal Comments

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

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

Appendix 1 Copy of current licence

Appendix 2 A copy of the application for variation

Appendix 3 Maps of the area

Appendix 4 Representations of the Metropolitan Police

Appendix 5 Licensing Officer comments on Crime and Disorder on the Premises

Appendix 6 Licensing Officer comments on Crime and Disorder From Patrons Leaving The Premises

Appendix 7 Licensing Officer comments on Egress Problems

Appendix 8 ACPO comments on irregular times

Appendix 9 Planning

Appendix 10 Licensing Policy relating to hours of trading

Appendix 1

(Golden Grill)


Ground Floor and Basement Floor
184 Hackney Road
London
E2 7QL

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 McCrohan 
Trading Standards and Licensing Manager

Date: 22nd July 2011



Part A - Format of premises licence

Premises licence number

16974

Part 1 - Premises details

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

(Golden Grill)
Ground Floor and Basement Floor
184 Hackney Road

Post town

London

Post code

E1 4AA

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Ground Floor and Basement Floor

Sale of Alcohol

- Sunday to Thursday from 11:00 hours to 00:00 hours
- Friday and Saturday from 11:00 hours to 02:00 hours the following days

Late Night Refreshments

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday and Saturday from 23:00 hours to 02:00 hours the following days

Basement Only

Provision for Regulated Entertainment

(Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and anything of a similar description)

- Sunday to Thursday from 20:00 hours to 00:00 hours
- Friday and Saturday from 20:00 hours to 02:00 hours the following days

The opening hours of the premises

- Sunday to Thursday, from 10:00 hours to 00:30 hours
- Friday and Saturday, from 10:00 hours to 02:30 hours the following days

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

On sales

Part 2

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

Kablamo Hospitality Ltd
175 Crondall Court
Hoxton
London
N1 6JN

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

08554726

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

Mr Niyazi Kalan
184 Hackney Road
London
E2 7QL

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

Personal licence number: 15611
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

Effective from 6th April 2010

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. At least 3 members of staff shall be on the shop floor between 22:00 hours to closing time.
3. 2 SIA registered door staff shall be employed from 23:00 hours to closing time.
4. CCTV shall be installed, operated and maintained in agreement with the Police. The system shall enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate while the premises are open for licensable activities. The recordings shall be made available to an Authorised Officer or a Police Officer within 24 hours of any request.
5. Notices shall be maintained in the premises displaying a local taxi firm's telephone number.
6. Clear and legible notices shall be displayed to remind customers to leave quietly.
7. Bottling up and clearing of rubbish shall only take place outside the premises from 11:00am to 11:00pm, Monday to Sunday.
8. The amount of people coming outside the premises to smoke shall be limited to a maximum of five people and controlled.
9. A challenge 21 Policy shall be adopted at the premises when selling alcohol.

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

Conditions attached following the licensing subcommittee hearing of 22nd July 2011:

1. No drinks shall be taken outside the premises.
2. Alcohol shall only be served to patrons seated and dining at the premises by waiter service.
3. There shall be the provision and installation of a noise limiting device to all amplified sound systems within the premises and maximum noise levels of such device are to be set and agreed beforehand with the Environmental Health Officer and if no agreement can be reached the matter is to be remitted back to the Licensing Sub Committee to consider and set an appropriate level.
4. Two SIA security staff shall be employed when regulated entertainment is taking place.

Annex 4 - Plans

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

7th June 2011 – Basement Floor (*Ref No. E26042011 Dated 26/04/11*)
Ground Floor (*Ref No. E26042011 Dated 26/04/11*)



Part B - Premises licence summary

Premises licence number

16974

Premises details

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

(Golden Grill)
Ground Floor and Basement Floor
184 Hackney Road

Post town
London

Post code
E2 7QL

Telephone number
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Ground Floor & Basement Floor

Sale of Alcohol

- Sunday to Thursday from 11:00 hours to 00:00 hours
- Friday and Saturday from 11:00 hours to 02:00 hours the following days

Late Night Refreshments

- Sunday to Thursday from 23:00 hours to 00:00 hours
- Friday and Saturday from 23:00 hours to 02:00 hours the following days

Basement Only

Provision for Regulated Entertainment

(Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and anything of a similar description)

- Sunday to Thursday from 20:00 hours to 00:00 hours
- Friday and Saturday from 20:00 hours to 02:00 hours the following days

The opening hours of the premises

- Sunday to Thursday, from 10:00 hours to 00:30 hours
- Friday and Saturday, from 10:00 hours to 02:30 hours the following days

Name, (registered) address of holder of premises licence

Kablamo Hospitality Ltd
175 Crondall Court
Hoxton
London
N1 6JN

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

On sales

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

08554726

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

Mr Niyazi Kalan

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

No restrictions

Appendix 2

Section 1 of 17

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	13.0102.PL/RC	You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name	THOMAS EDWARD
* Family name	DOCKER
* E-mail	[REDACTED]
Main telephone number	[REDACTED]
Other telephone number	

Include country code.

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

* Is the applicant's business registered in the UK with Companies House? Yes No

* Registration number	08554726
* Business name	Kablamo hospitality Ltd
* VAT number	- -
* Legal status	Private Limited Company

If the applicant's business is registered, use its registered name.

Put "none" if the applicant is not registered for VAT.

Continued from previous page...

* Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Your Address

Address official correspondence should be sent to.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Continued from previous page...

Section 2 of 17

APPLICATION DETAILS

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 17

VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

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

Describe briefly the nature of the proposed variation

To remove the Condition Number 2 from Annex 3 (alcohol shall only be served to patrons seated and dining at the premises by waiter service) for BASEMENT FLOOR ONLY
Ground Floor is operating as a Restaurant (A3 Use Class)
Basement Floor will be operating as a Bar (A4 Use Class)

Section 4 of 17

Continued from previous page...

PROVISION OF PLAYS

Will the schedule to provide plays be subject to change if this application to vary is successful?

- Yes No

Section 5 of 17

PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

- Yes No

Section 6 of 17

PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 17

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 17

PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 17

PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 17

PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 17

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 17

PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes No

Section 13 of 17

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

- Yes No

Section 14 of 17

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide 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 etc gambling machines etc.

N/A

Section 15 of 17

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

To remove the Condition Number 2 from Annex 3 for BASEMENT FLOOR ONLY

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

Continued from previous page...

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

Section 16 of 17

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

all other conditions to remain

b) The prevention of crime and disorder

all other conditions to remain

c) Public safety

all other conditions to remain

d) The prevention of public nuisance

all other conditions to remain

e) The protection of children from harm

all other conditions to remain

Section 17 of 17

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at <http://www.voa.gov.uk/>

Continued from previous page...

business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999 £1,000.00

Capacity 10000 -14999 £2,000.00

Capacity 15000-19999 £4,000.00

Capacity 20000-29999 £8,000.00

Capacity 30000-39000 £16,000.00

Capacity 40000-49999 £24,000.00

Capacity 50000-59999 £32,000.00

Capacity 60000-69999 £40,000.00

Capacity 70000-79999 £48,000.00

Capacity 80000-89999 £56,000.00

Capacity 90000 and over £64,000.00

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Continued from previous page...

Date (dd/mm/yyyy)

Add another signatory

One you're finished you need to do the following:

1. Save this form to your computer by clicking to file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/change-1> to upload this file and continue with your application

Don't forget to make sure you have all your supporting documentation to hand.

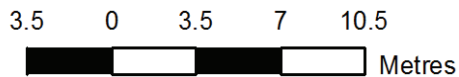
Appendix 3



184 Hackney Road, Map 1



Scale 1:384



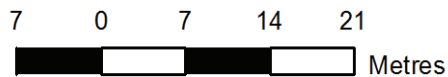
Produced by London Borough of Tower Hamlets on 08/08/2013. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



184 Hackney Road, Map 2



Scale 1:769



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Appendix 4

LBTH Licensing

HT - Tower Hamlets Borough

Licensing Office
Limehouse Police Station
27 West India Dock Road
Limehouse
E14 8EZ

Telephone: [REDACTED]

Facsimile:

Email: [REDACTED]

www.met.police.uk

Your ref:

Our ref:

30th July 2013

Dear Mr McCrohan

Re: Application to vary a Premises Licence

Golden Grill, 184 Hackney Road, E2 7QL

(Basement)

I write with reference to the above application which was received in the Licensing Office on the 9th July 2013.

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives

The prevention of crime and disorder

The prevention of public nuisance

When the original licence was applied for, I objected to alcohol being supplied in the basement. I feared that the easy availability of alcohol in a late night fast food shop would lead to crime and disorder or at the very least a public nuisance.

The licensing committee imposed a condition that alcohol could only be served with a substantial meal.

Visiting the basement, I would say that this has been totally ignored as it has become a bar.

Both PC Perry and myself have visited the Golden Grill and found it to be operating as a bar and not a restaurant.

On Saturday 1st December 2012 I was on duty in plain clothes conducting licensing visits when I visited the basement of the Golden Grill.

On our arrival there was about ten people outside the venue, none of them were eating fast food but were smoking and chatting.

The restaurant on the ground floor was empty but the basement bar was packed.

Everybody was standing in the basement area. There was certainly no one sitting have a meal. I then spoke to one of the women in charge. She said that she allowed 90 people in the basement. She had been leasing the premises from the owner for about two months. She was unaware of any condition that would stop her operating as a bar. I advised her to contact LBTH Licensing

On 14th June 2013 PC Perry of the Licensing Unit visited the Golden Grill.

He spoke with a Ibrahim OZDEMIR , a manager at the premises.

Mr. OZDEMIR stated that the club downstairs was not open and that they were planning to re-open it the next week. Whilst speaking to Mr. OZDEMIR four people entered this shop asking if the club was open. The manager said it was not. One of the customers said he wasn't surprised as the club was serving "Rocket Fuel" and people were getting "Pretty loaded at the venue" and that it wouldn't surprise him if they were causing problems outside".

The two women I spoke to ran the basement as the Qui Qui Ri Qui bar. It has been described as the following on the internet.

Mezcaleria Quiquiriqui is the first genuine mezcal bar to open in London, selling some of the finest hand crafted mezcals currently coming out of Mexico.

Mezcalerias (Mezcal bars) have been a secret of Mexico city until recently when people have really started to get turned on the the fact this is more than just a drink... with bars popping up in New York, Berlin, Paris and now London!

The mezcals we have selected are from a new wave of young producers who have gone to great lengths to perfect a modern day drink using the traditional techniques that have defined mezcal production for centuries. It is crafted from a variety of agaves, using varied artisan methods..... Mezcal is one of Mexico's oldest stimulant drinks

For those who have not yet come across what we like to call proper mezcal, think more earthy, more mineral, more fiery, more primal, more visceral, more grrrr than most things you will have drunk before. A single mezcal can have most, or all, or none of these characteristics, venturing out into its own universe where nothing at all tastes quite the way it does.

Expect the finest mezcal the UK has ever seen... fantastic mezcal cocktails... Mexican beers with lime and salt... better than good music... to get addicted and have some really fun times...

Secondly

Qui Qui Ri Qui and I didn't get off to the best start. Hidden away behind a kebab take away shop on Hackney Road, it had me wondering up and down for a good 10 minutes before spying its disguise, the Golden Grill

Thirdly

Welcome to London's first Mezcaleria! Locating this little gem is all part of the colourful experience of a night out on the mezcal tiles I assure you. On the corner of Hackney Road and Hassard Street there is a kebab shop with a bar downstairs. That's not the bar you're after. [Qui Quiri Qui](#) is, in fact, located at the end of Hassard Street, noticeable only by a small flashing 'OPEN' sign in the doorway. Down the marginally perilous staircase is a cosy single room bar, and home to what is sure to be London's newest drinking sensation. For those of you who have not tried mezcal, it really is rather wondrous. While there are many similarities with tequila, there is an added smokiness and je ne sais quoi that results in some truly imaginative metaphors as the night wears on. As redundant as this is, knowing that you will all enjoy this establishment responsibly, may I suggest not mixing mezcal with any other spirit, let's say whiskey. That would be a bad idea

It is quite clear that the DPS has allowed this to carry on and therefore in breach of his licensing conditions.

In terms of calls to the Golden Grill , on Saturday 15th September 2012 at about 0245 (when the premises should have been closed) , an argument began , both parties were drunk. It was alleged that the victim had bits of a kebab thrown over her and she was slapped to the head. She also thought the suspect was racist towards her boyfriend. CCTV shows both victim and suspect acting aggressively towards one another. The victim

was aggressive towards officers. Independent witnesses said there was no assault or racial abuse.

The suspect had made off prior to police arrival.

I attended the Golden Grill on Saturday 3rd August 2013 at about 0100 and spoke to the owner, Mr. Ibo Ozdemir. The basement area was closed.

Hackney Road, although it is a main route through Tower Hamlets, there is still a considerable amount of residential properties in this street and the surrounding side streets.

Remaining open until 0230 on a Friday and Saturday this would become one of the longest opening bars in the area.

By opening this late, the likelihood is that it will attract people who already under the influence of alcohol. Quite a considerable number would be in high spirits, boisterous or some can be aggressive and shouting at the top of their voices. Violence can easily occur from a small flashpoint. It is often very difficult for staff to deal with disruptive customers.

The current licence for the basement was not granted for it to be operated as a bar, but it is clear that this is how they operated.

To vary this licence to allow a full time bar would be to reward his previous breaches. I ask the committee to reject in full this application.

Alan Cruickshank PC 189HT

Appendix 5

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 and SIA is acknowledged (2.1-2.2).

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 in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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 6

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 and SIA is acknowledged (2.1-2.2).

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 (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

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 (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder (1.6). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified.

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 7

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 Section 8.2 of the Licensing Policy**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 12.10**)

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

Licence conditions should not duplicate other legislation (1.19).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.22) but it is essential that conditions are focused on measures within the direct control of the licence holder

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 (2.24).

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.

Appendix 8

ACPO comments on irregular times

Association of Chief Police Officers

The Association of Chief Police Officers (ACPO) has issued standard advice on unusual opening hours. As well as limiting the number they are anxious that the Police are given reasonable notice and an absolute veto on any event. Their policy is as stated below.

ACPO suggest that the following approach be applied to applications that include unspecified hours.

- No more than 12 extensions per premises per year (excluding applications made under TENS) should be allowed.
- An operating plan covering the additional measures that will be taken to manage crime and disorder on these occasions to be completed.
- A minimum of 7 days notice to police and the licensing authority.
- An absolute veto for police in respect of any of these occasions.

Appendix 9

Planning

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

Appendix 10

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Monday to Thursday	06:00 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(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