

LICENSING SUB COMMITTEE

Tuesday, 25 March 2014 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Democratic Services
Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for the electronic
agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

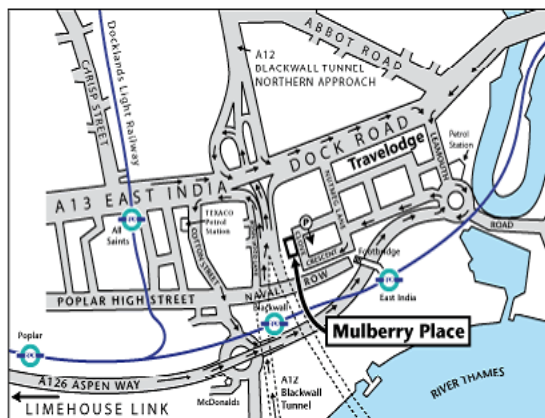
Audio/Visual recording of meetings.

No photography or recording without advanced permission.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line:(http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. 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.

2. RULES OF PROCEDURE (Pages 5 - 20)

To note the rules of procedure which are attached for information.

	PAGE NUMBER	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Application for a New Premises Licence for Swan Wharf, 60 Dace Road, London E3 2NQ	21 - 114	Bow East
3.2 Application for a New Premises Licence for Tapas Revolution, Unit 8 Ground Floor, 58 Bethnal Green Road, London, E1 6JW	115 - 178	Bromley-By-Bow
4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

This page is intentionally left blank

Agenda Item 1

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:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

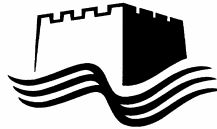
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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>

This page is intentionally left blank

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.

[

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.

This page is intentionally left blank

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub-Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub-Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub-Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub-Committee Webpages

To view go to the Committee and Member Services web page: www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

- Terms of Reference for the Licensing Sub-Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub-Committee meetings is published five clear (working) days before the Sub-Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub-Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

Public Seating		Objectors Benches		Sub-Committee Members
Public Seating				Chair
Public Seating				Legal Officer
Public Seating		Applicants Benches		Committee Officer
Public Seating				Licensing Officer

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. Decision letter will be sent to all interested parties confirming the decision made.

This page is intentionally left blank

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	25 March 2014	Unclassified	LSC 70/134	

Report of: David Tolley Head of Consumer and Business Regulations Service	Title: Licensing Act 2003 Application for a Premises Licence for Swan Wharf, 60 Dace Road, London E3 2NQ
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Bow East

1.0 Summary

Applicant: **Hive Locations LLP**
Name and **Swan Wharf**
Address of Premises: **60 Dace Road**
London
E3 2NQ

Licence sought: **Licensing Act 2003**
•The sale by retail of alcohol
•The provisional of regulated entertainment
•The provisional of Late Night Refreshment

Representation: **Local Residents / Residents Association**
Councillor Marc Francis
Environmental Protection

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 Swan Wharf, 60 Dace Road, London E3 2NQ. The application includes the ground floor, first floor, second floor and the third floor.

3.2 A copy of the application is enclosed as **Appendix 1**.

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

The sale by retail of alcohol (On sales)

- Sunday to Wednesday, from 08:00 hrs to 23:00 hrs
- Thursday, from 08:00 hrs to 23:30 hrs
- Friday and Saturday, from 08:00 hrs to 01:00 hrs the following day

The provision of regulated entertainment

Films (Indoors). Live Music (outdoor), Recorded Music, Performance of Dance (indoors and outdoors) and anything of a similar description (indoor and outdoor).

- Sunday to Wednesday, from 09:00 hrs to 23:00 hrs
- Thursday, from 09:00 hrs to 00:00 hrs
- Friday and Saturday, from 09:00 hrs to 01:00 hrs the following day

The provision of late night refreshment (Indoors)

- Thursday, from 23:00 hrs to 00:00 hrs
- Friday and Saturday, from 23:00 hrs to 01:00 hrs the following day

Hours open to the public

- Sunday to Wednesday, from 08:00 hrs to 23:30 hrs
- Thursday, from 08:00 hrs to 00:00 hrs
- Friday and Saturday, from 08:00 hrs to 01:30 hrs the following day

Non-standards

- On New Year's Eve the finish time shall be extended to 03:00 hours on New Year's Day

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 1st November 2013.
- 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, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 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 Local Residents/Residents Association, Environmental Protection and a ward councillor.
- 5.9 Please see **Appendix 4** for the representation of Environmental Protection.
- 5.10 Please see **Appendix 5** for the representation of Councillor Marc Francis.
- 5.11 Please see below the list of local residents/ residents association making a representation.

Name	Appendix
Rebecca Shawyer	6
Vivienne Bellamy	7
Association of Ironworks	8
Bilal Butt	9
Alexander Mayor	10
Darren Scott	11
Jenny Storey	12
Ross Watters	13
Monika Glogowska-Rea	14
Sarah Lovett	15
Adam Stork	16
Ben Cannings	17

- 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
 - Public Health
- 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 Essentially, the relevant parties oppose 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.
- 5.15 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 18 -22** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

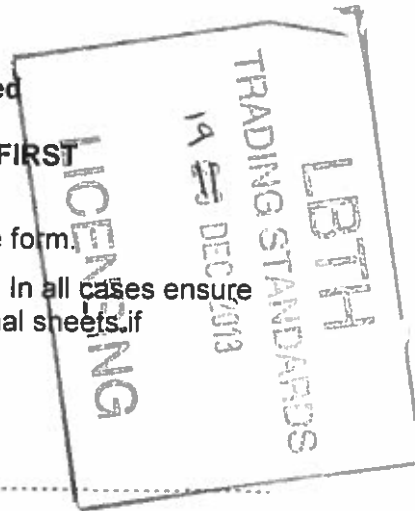
- 9.1 There are no financial implications in this report.

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	representation of Environmental Protection
Appendix 5	Representation of the Cllr Marc Francis
Appendices 6-17	List of local residents/ residents association making a representation
Appendix 18	Licensing Officer comments on noise while the premise is in use
Appendix 19	Licensing Officer comments on access/egress problems
Appendix 20	Licensing Officer comments on crime and disorder on the premises
Appendix 21	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 22	Planning
Appendix 23	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 Hive Locations LLP

(Insert name(s) of applicant)

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 Swan Wharf 60 Dace Road Tower Hamlets			
Post town	London	Post code	E3 2NQ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	To be assessed

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

I am making the application pursuant to a

statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					


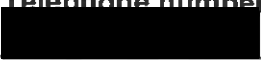

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

I am 18 years old or over		<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name Hive Locations LLP
Address 
Registered number (where applicable) OC387516
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Liability Partnership
Telephone number (if any) 
E-mail address (optional) 

Part 3 Operating Schedule

When do you want the premises licence to start?

Day Month Year

1 5 : 0 1 ; 2 0 1 4

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

Day Month Year

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

Premises as shown edged red on the plan for pop up dining space bar, private function spaces and external terrace encouraging interaction within the creative talent of the local community

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

n/a

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

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 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 Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Part of a pop up dining space /bar encouraging interaction with creative talent of the local community and private functions		
Mon	09:00	23:00			
Tue	09:00	23:00	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	09:00	23:00			
Thur	09:00	00:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.		
Sat	00:00	01:00			
Sun	09:00	00:00			
	00:00	01:00			
Sun	09:00	23:00			
	00:00	01:00			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Part of a pop up dining space /bar encouraging interaction with creative talent of the local community and private functions		
Mon	09:00	23:00			
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	09:00	00:00			
Fri	09:00	00:00	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) On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.		
Sat	00:00	01:00			
	09:00	00:00			
Sun	00:00	01:00			
	09:00	23:00			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Part of a pop up dining space /bar encouraging interaction with creative talent of the local community and private functions		
Mon	09:00	23:00			
Tue	09:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed	09:00	23:00			
Thur	09:00	00:00	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)		
Fri	09:00	00:00			
Sat	00:00	01:00	On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.		
	09:00	00:00			
Sun	00:00	01:00			

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 (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3) Part of a pop up dining space /bar encouraging interaction with creative talent of the local community and private functions		
Mon	09:00	23:00			
Tue	09:00	23:00			
Wed	09:00	23:00	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	09:00	00:00			
Fri	09:00	00:00	Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.		
Sat	00:00	01:00			
	09:00	00:00			
Sun	00:00	01:00			

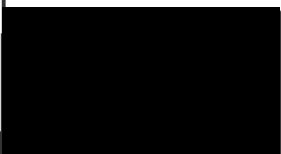

H

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 Anything similar to e, f, or g		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon	09:00	23:00		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	09:00	23:00	Please give further details here (please read guidance note 3)		
Wed	09:00	23:00			
Thur	09:00	00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri	09:00	00:00			
Sat	00:00	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)		
	09:00	00:00			
Sun	00:00	01:00			
	09:00	23:00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:30			
Fri	08:00	00:00			
Sat	00:00	01:00			
	08:00	00:00			
Sun	00:00	01:00			
	08:00	23:00			
			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)		
			On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.		

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

Name Rufus Lawrence
Address 
Postcode 
Personal Licence number (if known)
Issuing licensing authority (if known)

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) Part of a pop up dining space /bar encouraging interaction with creative talent of the local community and private functions		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00	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) On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.		
Sat	00:00	01:00			
	23:00	00:00			
Sun	00:00	01:00			

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)

None

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	23:30	
Tue	08:00	23:30	
Wed	08:00	23:30	
Thur	08:00	00:00	
Fri	00:00 08:00	00:30 00:00	
Sat	00:00 08:00	01:30 00:00	
Sun	00:00 08:00	01:30 23:30	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) On New Year's Eve the finish time to be extended to 03:00 on New Year's Day.			

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)

See Consultation Document

b) The prevention of crime and disorder

See Consultation Document

c) Public safety

See Consultation Document

d) The prevention of public nuisance

See Consultation Document

e) The protection of children from harm

See Consultation Document

Please tick yes

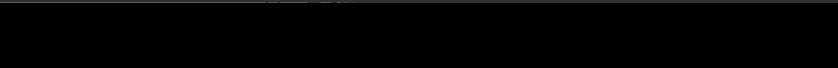
- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, 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

IT IS AN OFFENCE, LIABLE ON SUMMARY 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	
Date	
Capacity	

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	19 th December 2013
Capacity	Solicitors and Agents for the Applicant

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

Angela Cromey



Post town London Post code 

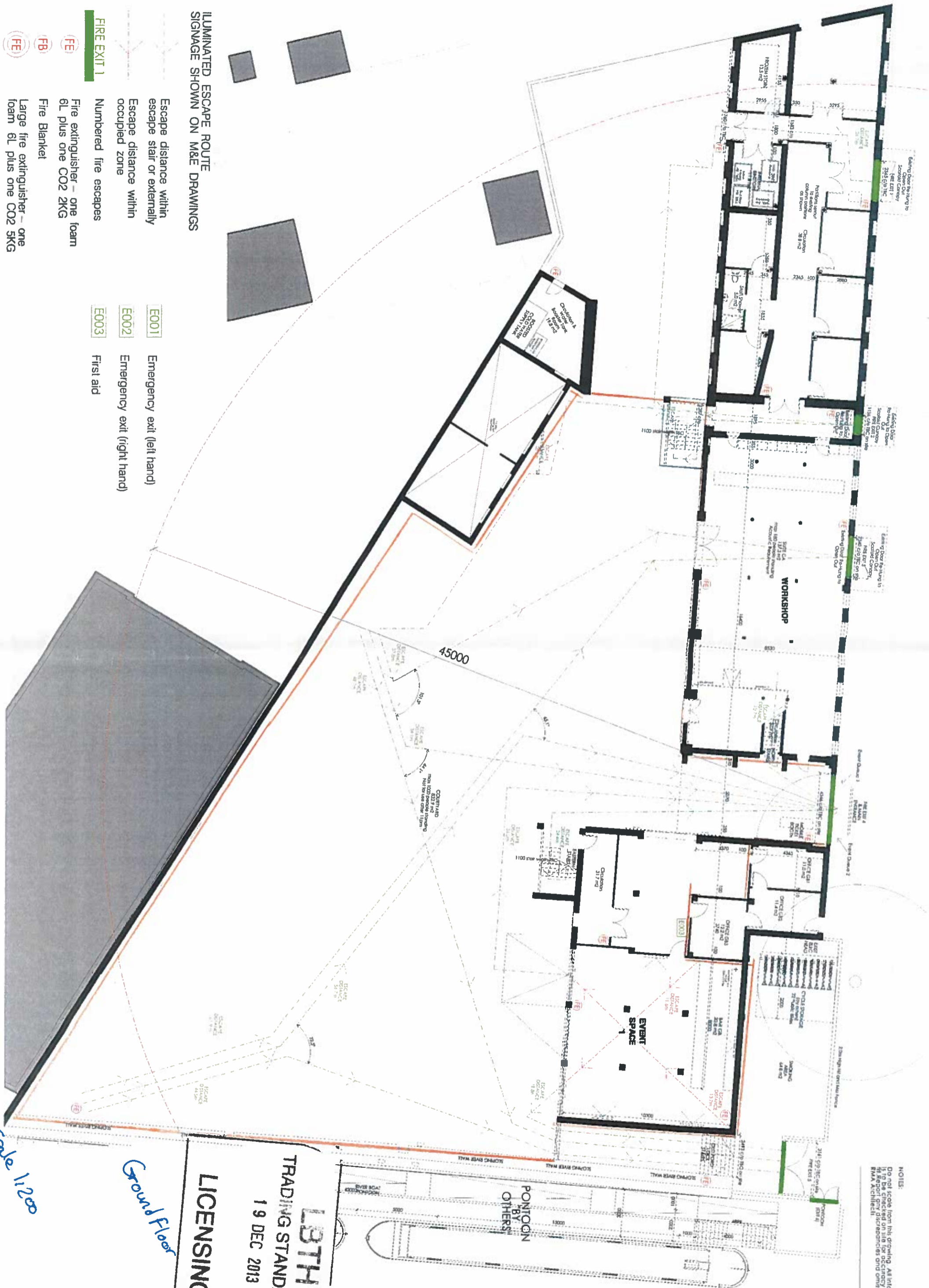
Telephone number (if any) 

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 include 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 the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



**ILLUMINATED ESCAPE ROUTE
SIGNAGE SHOWN ON M&E DRAWINGS**

Escape distance within
escape stair or externally

Escape distance within
occupied zone

E001 Emergency exit (left hand)

E002 Emergency exit (right hand)

E003 First aid

FIRE EXIT 1

- FE** Fire extinguisher - one foam 6L plus one CO2 2KG
- FB** Fire Blanket
- FE** Large fire extinguisher - one foam 6L plus one CO2 5KG

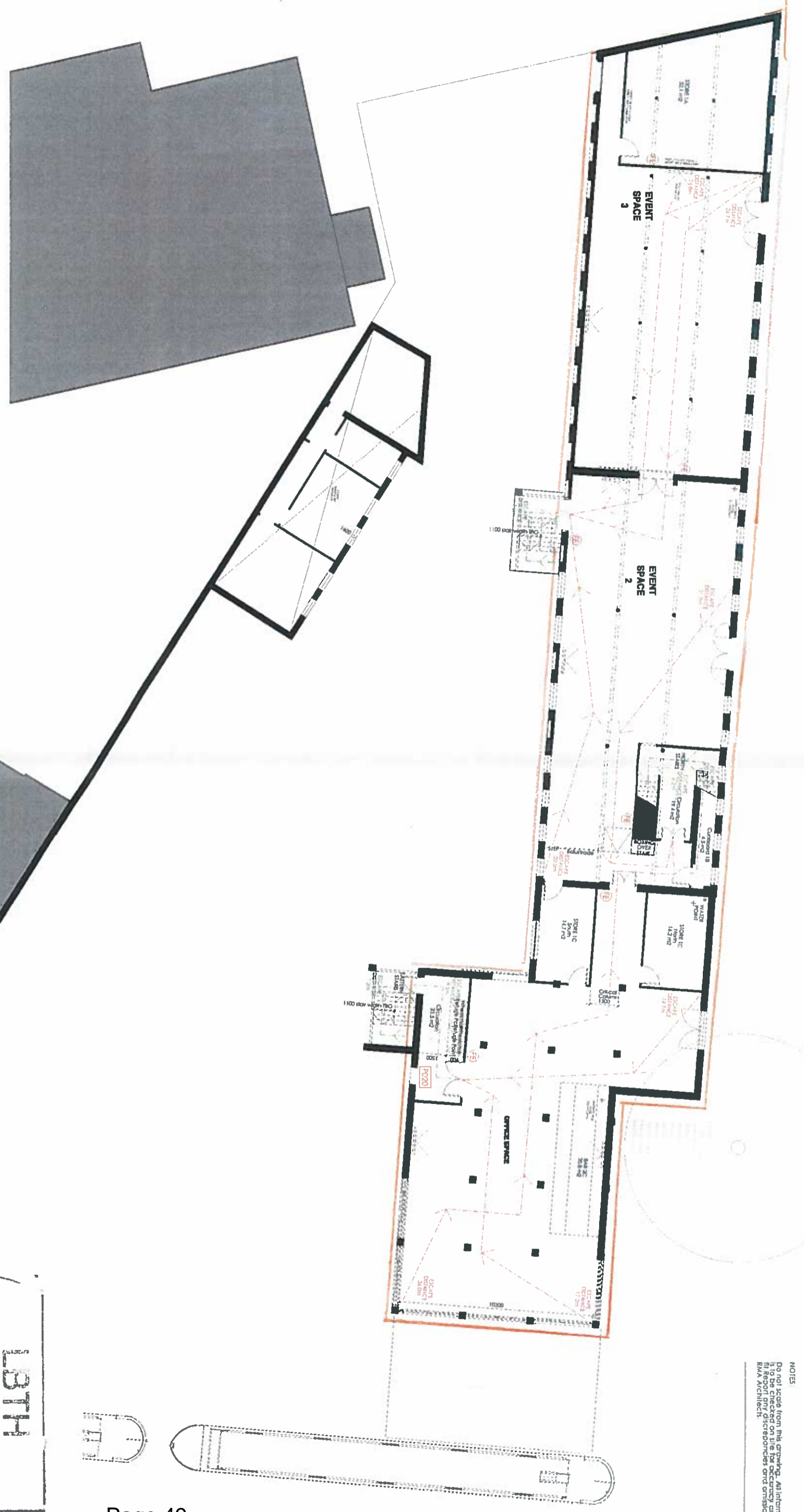
Ground Floor

Scale 1:1250

LBTH
TRADING STANDARDS
19 DEC 2013
LICENSING

NOTES:
Do not scale from this drawing. All information is to be checked on site for accuracy and report any discrepancies and omissions to RMA Architects.

NOTES
 Do not scale from this drawing. All information
 is to be checked on site for accuracy and
 RMA Architects



**ILLUMINATED ESCAPE ROUTE
 SIGNAGE SHOWN ON M&E DRAWINGS**

- Escape distance within
escape stair or externally
- Escape distance within
occupied zone
- Numbered fire escapes

FIRE EXIT 1

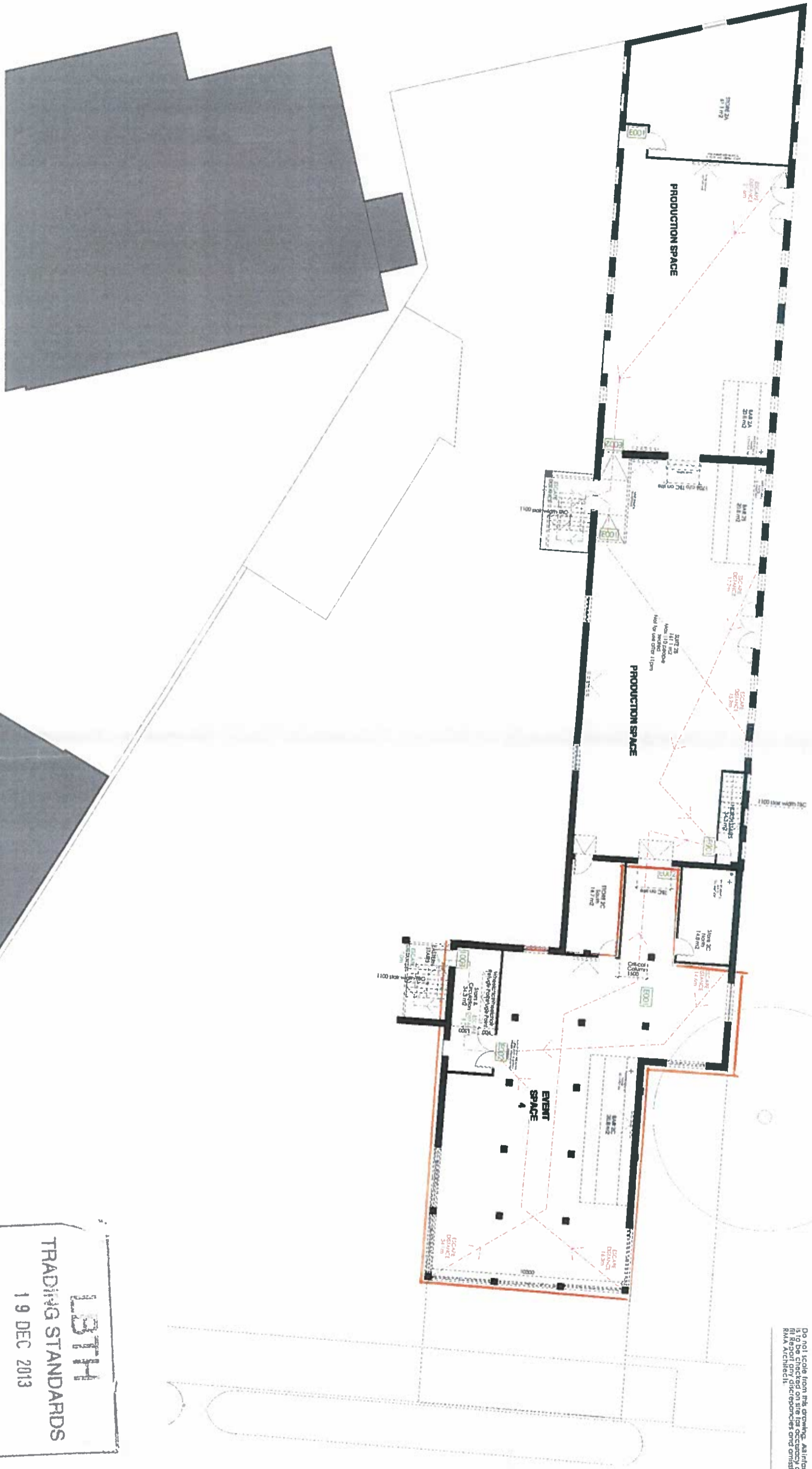
- Fire extinguisher - one foam
6L plus one CO2 2KG
- Fire Blanket
- Large fire extinguisher - one
foam 6L plus one CO2 5KG

- Emergency exit (left hand)
- Emergency exit (right hand)
- First aid

LBTH
 TRADING STANDARDS
 19 DEC 2013
LICENSING

*1st Floor
 Scale 1:200*

NOTES
 Do not scale from this drawing. All information
 should be checked on site for accuracy and
 any discrepancies and omissions to
 RMA Architects.

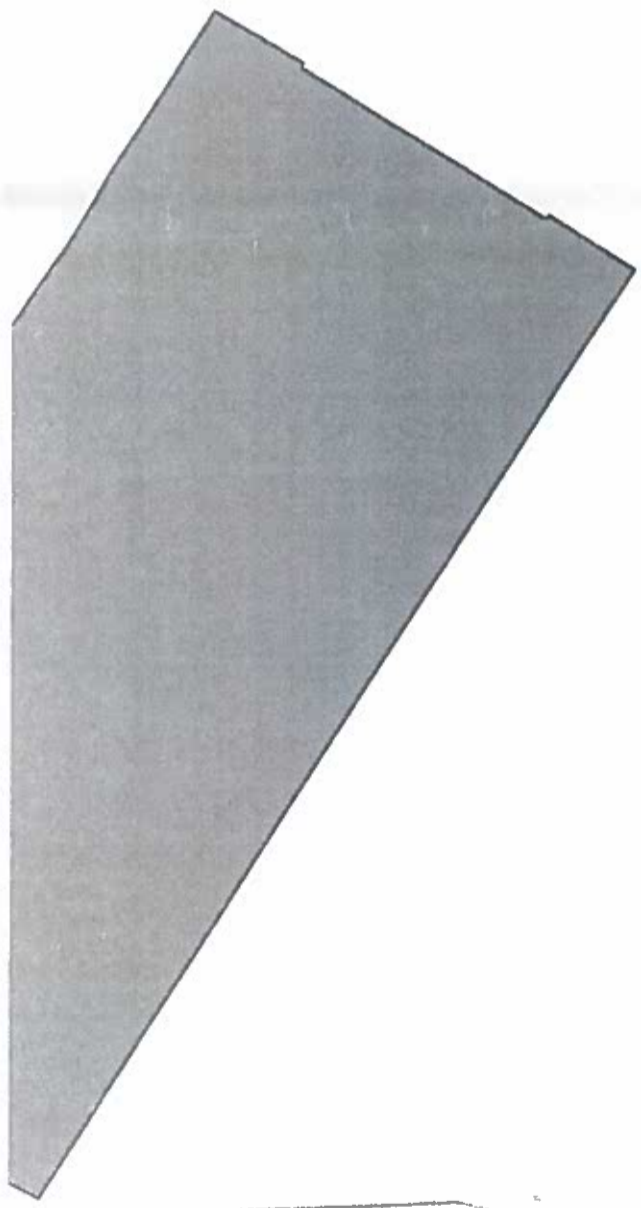
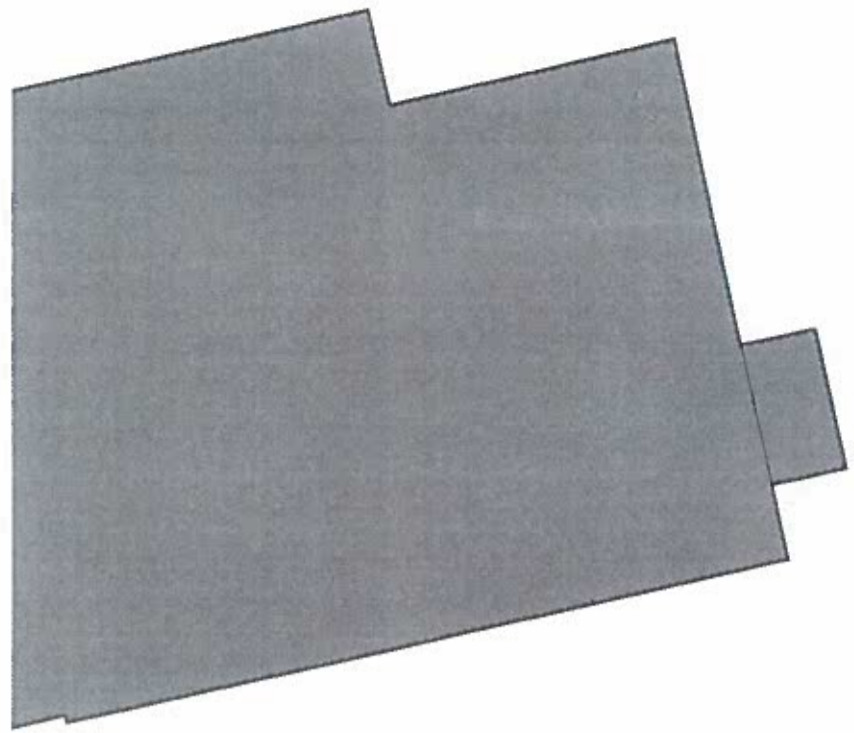
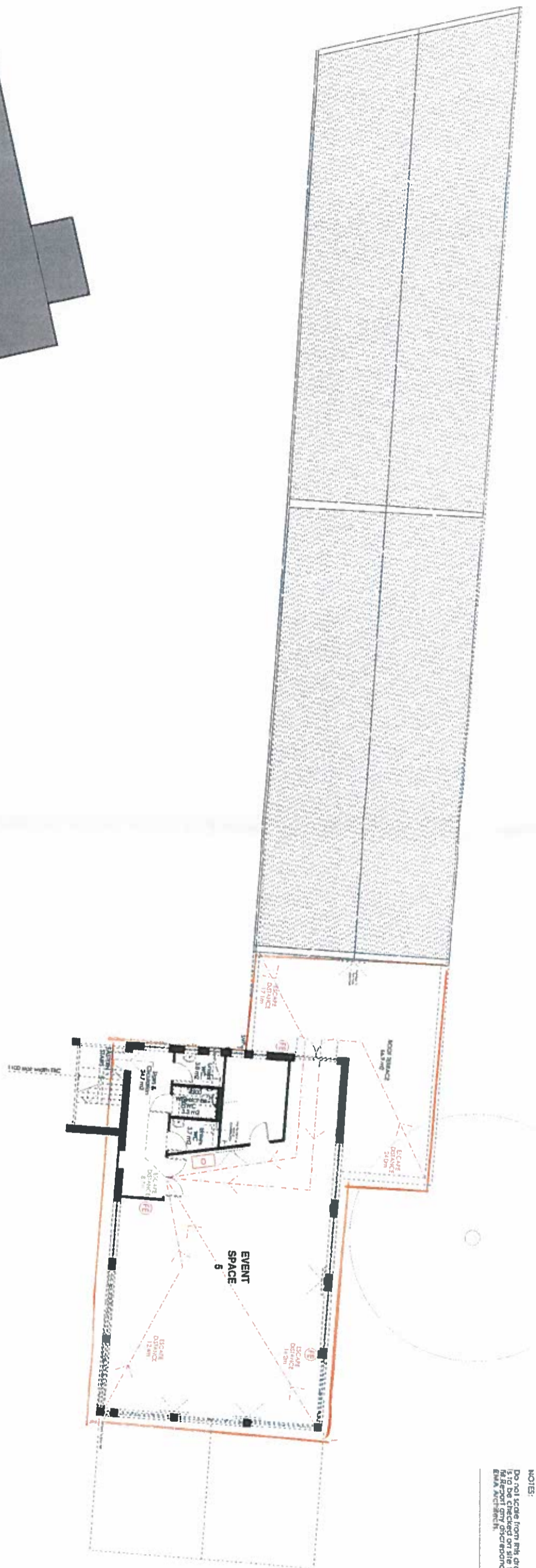


- Escape distance within
escape stair or externally
- Escape distance within
occupied zone
- Numbered fire escapes
- Fire extinguisher – one foam
6L plus one CO2 2KG
- Fire Blanket
- Large fire extinguisher – one
foam 6L plus one CO2 5KG
- E001 Emergency exit (left hand)
- E002 Emergency exit (right hand)
- E003 First aid
- FIRE EXIT 1

L3TH
 TRADING STANDARDS
 19 DEC 2013
LICENSING

2nd floor
scope
1:200

NOTES:
Do not scale from this drawing. All information
is to be checked on site for accuracy and
discrepancies are to be reported to the
author of the drawing.



- Escape distance within
escape stair or externally
- Escape distance within
occupied zone
- Numbered fire escapes
- Fire extinguisher - one foam
6L plus one CO2 2KG
- Fire Blanket
- Large fire extinguisher - one
foam 6L plus one CO2 5KG

- E001 Emergency exit (left hand)
- E002 Emergency exit (right hand)
- E003 First aid

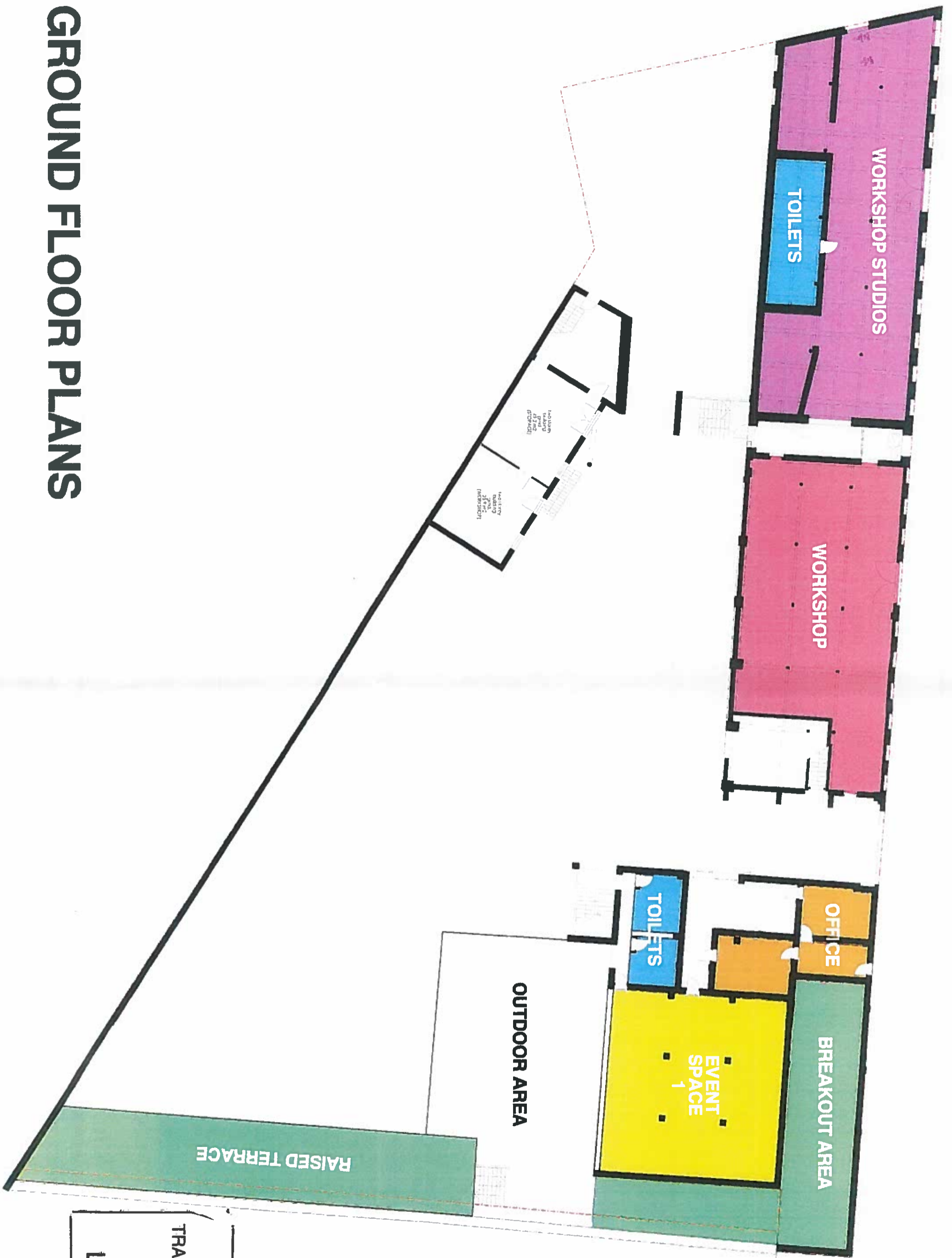
FIRE EXIT 1

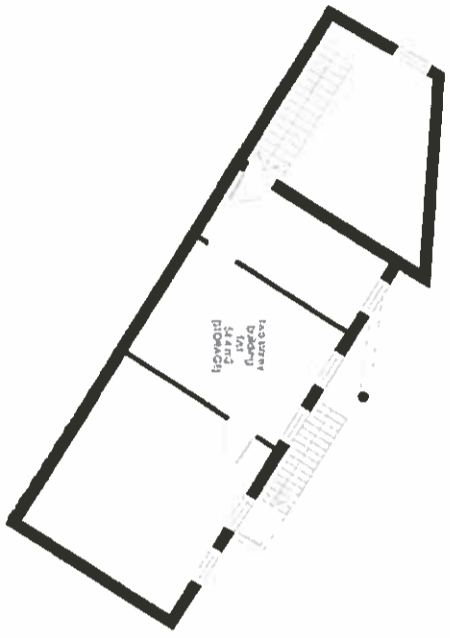
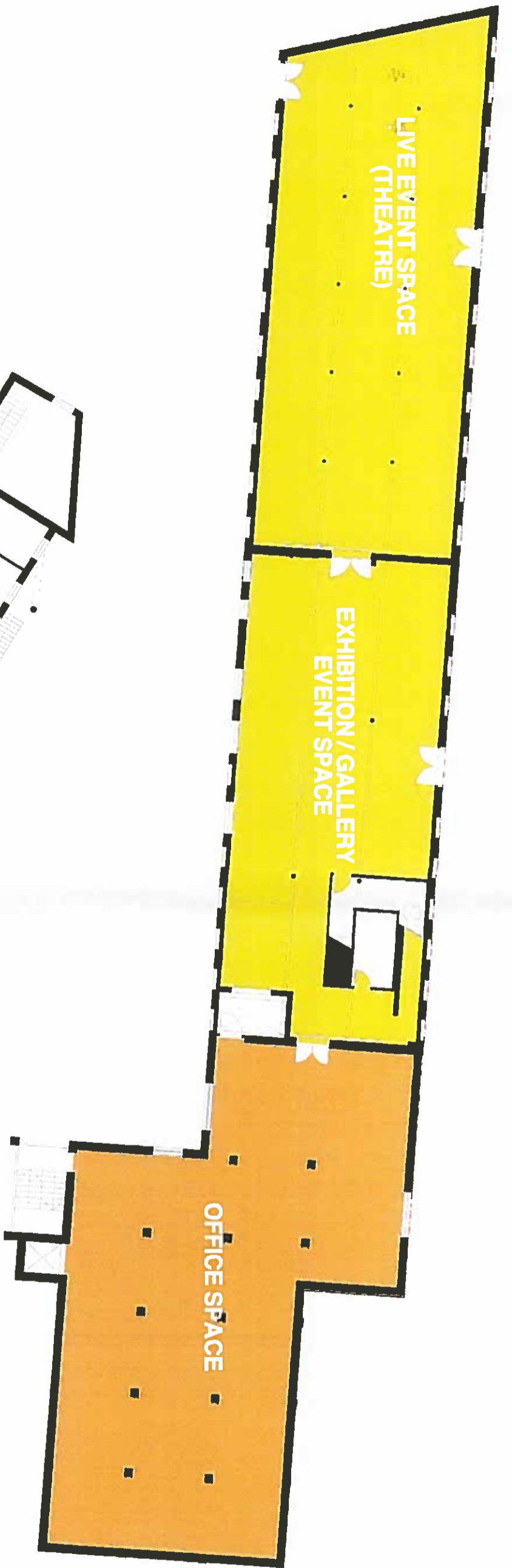


13TH
TRADING STANDARDS
19 DEC 2013
LICENSING

3rd Floor
Scale 1:200

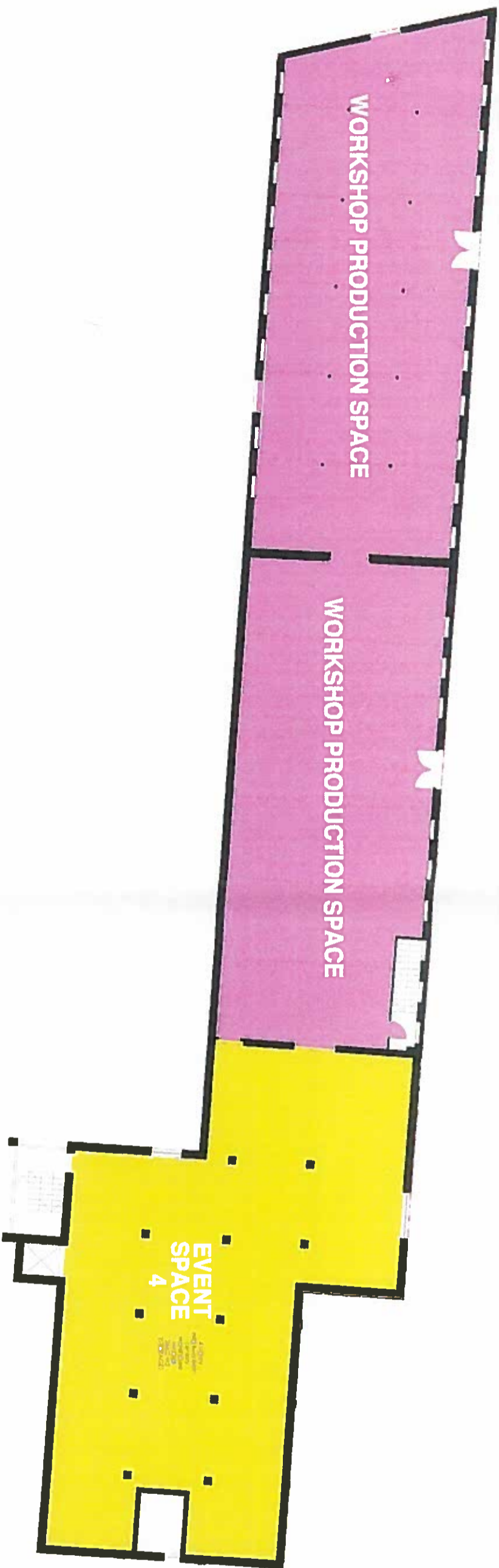
GROUND FLOOR PLANS





1ST FLOOR PLANS

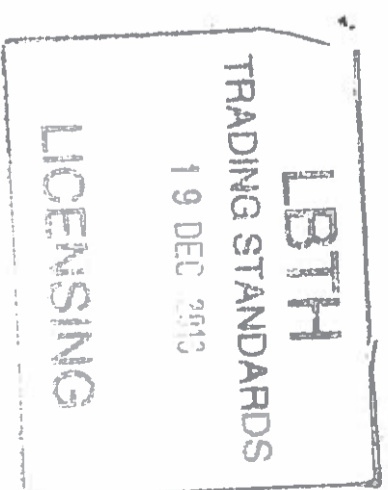
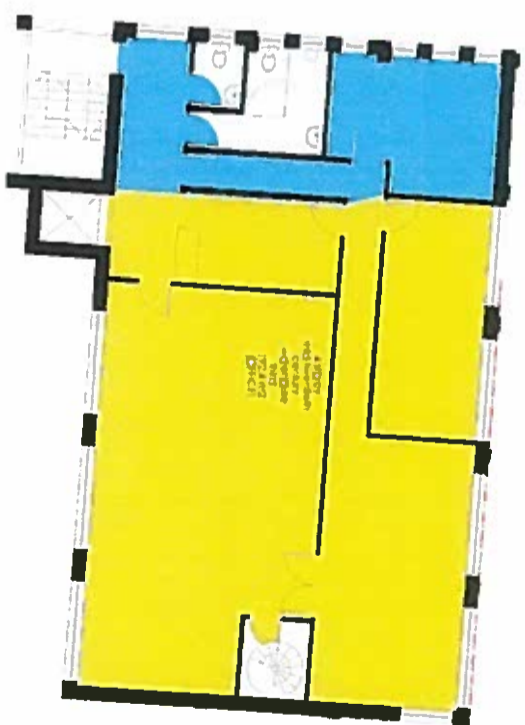
LBTH
 TRADING STANDARDS
 19 DEC 2013
 LICENSING



2ND FLOOR PLANS

LBTH
TRADING STANDARDS
19 DEC 2013
LICENSING

3RD FLOOR PLANS

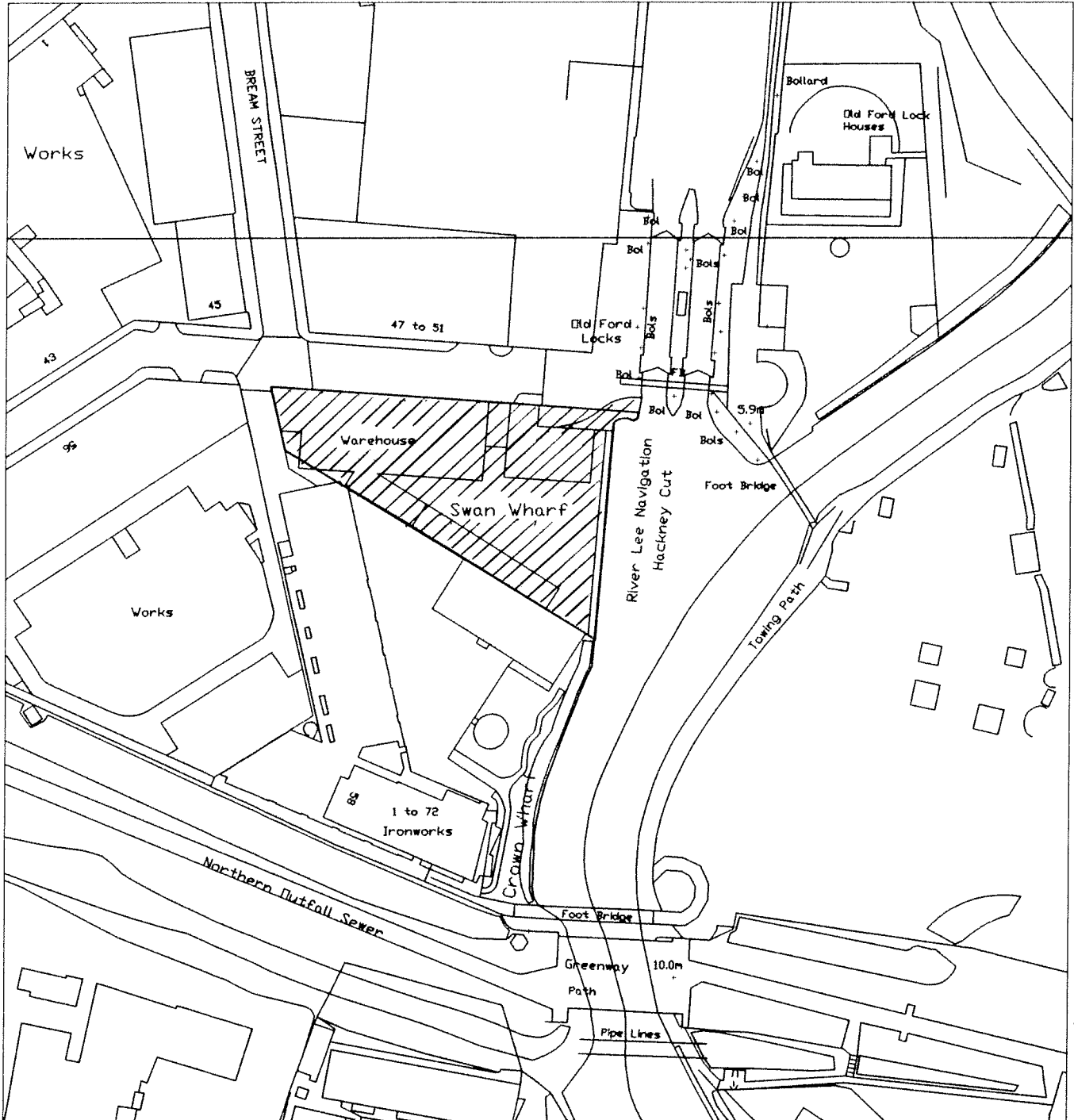


Appendix 2



ASSET MANAGEMENT

Title	SWAN WHARF	Scale	1:1250	Date	06: 12: 11	Dwg. No.	
-------	------------	-------	--------	------	------------	----------	--



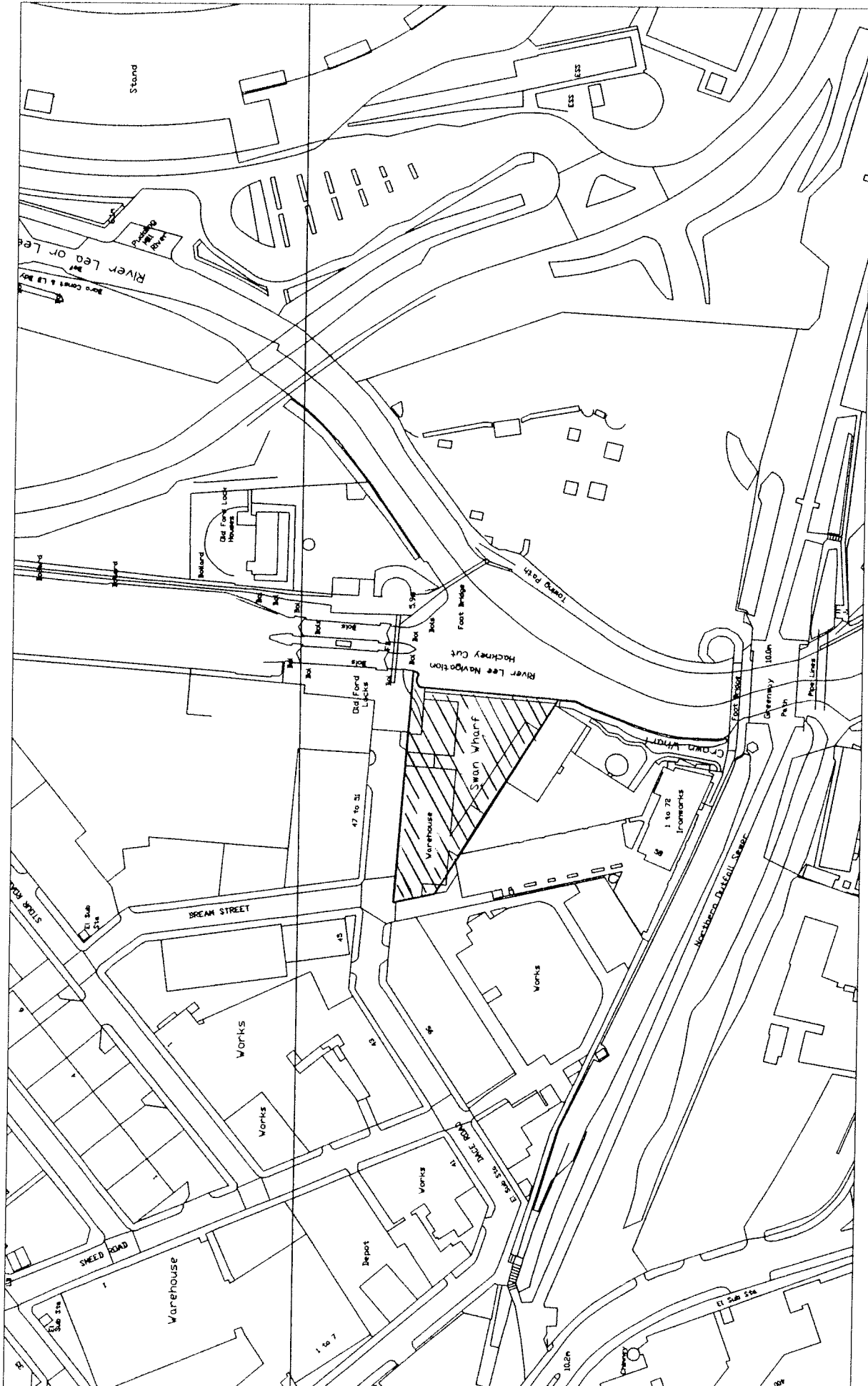
Reproduced from the 2002 Ordnance Survey 1:1250 map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright LA100019288



SWAN WHARF

Location Plan
Scale 1:1250

Asset Management

Scale 1/1250

Reproduced from the 1992 Ordnance Survey 1:1250 map with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright

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: Alkesh Solanki
Sent: 04 February 2014 10:54
To: Licensing
Cc: Mohshin Ali; MARK.J.Perry@met.police.uk; Alan.D.Cruickshank@met.police.uk; Clive Shipman; Trish Barber
Subject: SWAN WHARF. 60 DACE RD.
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Licensing,

Further to the E-mail thread below, I write to notify Licensing Team that EH/EP object to this premises application on the grounds that it will not meet the licensing objective for the prevention of public nuisance.

I do not accept many aspects of the noise management "chapter" of the Swan Wharf Future Consultation Document, especially as they are using their permission from the Olympics as a template and are considering an acoustic report from 2011.

The Olympics and Paralympics were one off events for our country but also it was so close to our locality and hence a special licence was granted as the expectations were that residents would be more tolerant to noise nuisance. Alas, during the few occasions that Swan Wharf operated during these grand occasions, the Council did receive noise complaints from local residents that were investigated and action was taken to ensure that the nuisance was abated.

Within the current application (and important to stress that each application must be judged on its on merits) and after negotiations and attempting to find a happy, workable medium, as far as I am concerned, to PREVENT PUBLIC NUISANCE, the following should be formed as conditions along with the other proposals suggested by the applicant in their operating schedule:

- music or other amplified sound played within the premises or the external areas must not be audible inside any residential premises with the window open **at any time**;
- music or other amplified sound played in the external areas can only be audible on residential terraces up to 8pm Monday to Sunday;
- Deliveries and servicing to take place between 8am and 6pm Monday-Friday and between 8am and 1pm Saturdays;
- The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements;
- There shall be no striptease or nudity, and all persons shall be decently attired at all times;
- The external areas should not be used for sitting out, eating or drinking outside the hours of 8 am and 9 pm Monday to Thursday, 8 am and 10 pm Fridays & Saturdays and 11 am to 9pm Sunday;
-

Sunday to Thursday, terminal hour for all licensable activity 23.00 hours and closed at 23.30 hours; and

Friday and Saturday, terminal hour for all licensable activity 00.30 hours and closed at 01.00 hours.

With IRON WORKS, residential estate directly adjacent to the proposed, I hope the Licensing sub-committee will conclude that to prevent public nuisance, my proposed licensing conditions, along with other proposals made in the applicants consultation document will be the most appropriate course of action.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY | 020 7364 6518/5007 | alkesh.solanki@towerhamlets.gov.uk

From: Alkesh Solanki
Sent: 30 January 2014 14:49
To: 'Robert Sutherland'
Cc: Trish Barber [REDACTED]
Subject: RE: SWAN WHARF. 60 DACE RD.
Importance: High

Hello Robert,

Thanks for getting back to me... we can start, in earnest to resolve our issues.

Further to your E-mail, I have the following comments to make.

- No music or other amplified sound shall be played within the premises or the external areas so as to be audible from the nearest affected residential premises;

“The residential balcony looks over the courtyard, so we think this will be very hard. Can we say it will not be audible after a certain hour?”

I will not agree to this as it would mean, technically, that regulated entertainment can take place which will be audible at residential, up to a certain hour. So I would be agreeing to residential loss of amenity and thus the possibility of noise amounting to a statutory and or public nuisance. I do not think that my condition is unreasonable.

- The external areas should not be used for sitting out, eating or drinking outside the hours of 11am and 9pm Mondays- Sundays

“We want to serve breakfast and dinner, so would look to say 8am and 10pm“

I am happy to agree 10pm only on Friday and Saturday but it will depend on the type of numbers you are proposing. What is the maximum number given that, as you correctly say “The residential balcony looks over the courtyard.”

I am happy to trial the 8am start but will insist that it is 11am on Sunday.

Looking forward to your thoughts on this matter at your earliest convenience.

Regards,
Alkesh

From: Robert Sutherland [REDACTED]
Sent: 28 January 2014 21:25
To: Alkesh Solanki
Cc: MARK.J.Perry@met.police.uk; Trish Barber; Angela Cromeey; Robert Sutherland
Subject: SWAN WHARF. 60 DACE RD.
Importance: High

Dear Alkesh

Please accept my apologies for the delay, my client's initial thoughts are below

- Deliveries and servicing to take place between 8am and 6pm Monday-Friday and between 8am and 1pm Saturdays;

This is fine.

- No music or other amplified sound shall be played within the premises or the external areas so as to be audible from the nearest affected residential premises;

The residential balcony looks over the courtyard, so we think this will be very hard. Can we say it will not be audible after a certain hour?

- The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements;

This is fine.

- There shall be no striptease or nudity, and all persons shall be decently attired at all times;

This is fine.

- The external areas should not be used for sitting out, eating or drinking outside the hours of 11am and 9pm Mondays- Sundays

We want to serve breakfast and dinner, so would look to say 8am and 10pm

If we can agree the above we would agree the hours put forward by yourself namely:

- Sunday to Thursday, terminal hour for all licensable activity 23.00 hours and closed at 23.30 hours; and

- Friday and Saturday, terminal hour for all licensable activity 00.30 hours and closed at 01.00 hours.

Regards,

Robert Sutherland
Director and Solicitor Advocate
for Jeffrey Green Russell Limited

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Alkesh Solanki
Sent: 02 January 2014 22:51
To: [REDACTED]
Cc: MARK.J.Perry@met.police.uk
Subject: RE: SWAN WHARF. 60 DACE RD.

Dear Angela,

I would like the following conditions to be added to the operating schedule as part of your application.

- Deliveries and servicing to take place between 8am and 6pm Monday-Friday and between 8am and 1pm Saturdays;
- No music or other amplified sound shall be played within the premises or the external areas so as to be audible from the nearest affected residential premises;

- The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements;
- There shall be no striptease or nudity, and all persons shall be decently attired at all times; and
- The external areas should not be used for sitting out, eating or drinking outside the hours of 11am and 9pm Mondays- Sundays

In terms of the hours that you have applied for, which are not line line with the Council's licensing framework policy, however I am willing to stray from the aforementioned policy and thus offer you:

- Sunday to Thursday, terminal hour for all licensable activity 23.00 hours and closed at 23.30 hours; and
- Friday and Saturday, terminal hour for all licensable activity 00.30 hours and closed at 01.00 hours.

I am back in the office next week but look forward to your response in the meantime.

Many thanks,
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY |
020 7364 6518/5007 | alkesh.solanki@towerhamlets.gov.uk

From: Alkesh Solanki
Sent: 26 December 2013 21:56
To: [REDACTED]
Cc: Alan.D.Cruickshank@met.police.uk
Subject: SWAN WHARF. 60 DACE RD.

Dear Angela,

Please allow me to introduce myself, I am the EHO dealing with this application. I would like to have an opportunity to add specific conditions to this application and request that you reduce the operating hours that are in line with the Council's licensing framework policy. If this can be agreed I would not be inclined to offer an adverse representation to committee.

I will revert to you in due course with my proposals.

Regards,
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY |
020 7364 6518/5007 | alkesh.solanki@towerhamlets.gov.uk

This email has been scanned for all viruses by the MessageLabs SkyScan service.

Appendix 5

Mohshin Ali

From: Marc Francis
Sent: 06 February 2014 14:27
To: Licensing
Cc: John Mccrohan; Kathy Driver; Mohshin Ali; Simmi Yesmin; Simmi Yesmin
Subject: Swan Wharf, Fish Island E3 - Licensing Application

Sir/Madam,

I am writing, as the ward councillor for Fish Island, to register my objections to *Hive Location LLP's* licensing application for Swan Wharf on the grounds of the prevention of nuisance and the prevention of crime and disorder.

My objections are informed not only by this application and its accompanying documents, but by the experience of neighbouring residents in Iron Works when licensable activities took place around the time of the 2012 Olympic Games. In some places, Iron Works is just 5 metres from the boundary of Swan Wharf and residents there were subjected to extensive noise nuisance from within the venue, the courtyard adjacent to the main building and also when leaving it. I note with interest that Hive has made no mention of the problems its events caused or the lessons it has learned from those and more recent events.

The lack of any meaningful sound insulation within Swan Wharf means there is no obstacle to noise emanating from this building. The noise management strategy contained within Hive's supporting documents simply restates a set of proposals that have already proven to be inadequate on more than one occasion. In my view, it would be a very serious public nuisance to around a hundred residents living in Iron Works to have to put up with recorded music until 11pm during the week, and especially until midnight on Thursdays and 1am on a Friday and Saturday nights. Effectively, it would make their lives a misery.

Furthermore, since the destruction of the boundary wall by Hive's contractors in the run-up to the Olympics, there is no physical barrier between Swan Wharf and Iron Works. As a result, the two buildings combine to amplify sound created between them. The request for live music in this outdoor space just metres away from residents' bedrooms for the same set of hours is therefore even more unacceptable than that for recorded music within Swan Wharf. Such activity cannot be anything other than a public nuisance during those hours. The lack of this boundary wall also means partygoers will be able to access the Iron Works site.

Finally, the proposals in Hive's accompanying statement cannot give anyone any confidence that it will be able to ensure its patrons leave the premises quietly after it closes. The idea that a few posters and stewards will ensure that up to one thousand patrons Hive is applying for the venue to hold is risible. The statements about the availability of public transport in the area serve only to highlight its scarcity during the daytime and absence late at night. This was acknowledged during the consideration of the Olympics application, which claimed access and egress to Swan Wharf would be principally via the "Water Chariot" canal boat service.

As a result, Hive's patrons will inevitably be relying either on minicabs to get to a main transport station or wondering around trying to work out which way to walk to get home. The experience of residents in Iron Works after the Temporary Event last August suggests that many intoxicated people will simply mill around on Dace Road for an hour or more, directly outside their homes, talking loudly and in some instances shouting and arguing with one another. In addition, given its location, there is little prospect of the police being able to respond in a timely manner to any serious incidents of crime and disorder that do occur.

In summary, therefore, I believe there are sufficient grounds for the Licensing Authority to reject this application outright on the grounds of both the prevention of public nuisance and the prevention of crime and disorder. I hope *Hive* will be persuaded to withdraw this application and engage in a meaningful consultation with residents in Iron Works about what would constitute acceptable activities within Swan Wharf and the hours of such operations. If it chooses not to do so, I would like the opportunity to explain my own objections to this application in detail to the Licensing Sub-committee.

Yours sincerely,

Marc

Cllr Marc Francis

Appendix 6

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 11 January 2014 17:54
To: Mohshin Ali
Subject: FW: IRONWORKS, FLAT 5, 58 DACE ROAD, E3 2NX

From: rebecca shawyer [REDACTED]
Sent: 11 January 2014 13:11
To: Licensing
Subject: [REDACTED]

Good Afternoon,

I am writing to object to the license permission of Swan Wharf 60 Dace Road. I Understand they are planning to put forward a license application for a venue/club which would offer alcohol to be sold of their premises.

Being a resident at the IRONWORKS this would be really off-putting, disruptive & inappropriate for several reasons.

- 1) Crime could rise in the area
- 2) It would be a nuisance as a resident as it would be loud, disruptive & potentially could leave rubbish in local area.
- 3) The club could be a danger as its located next to the canal which has easy access & dearly a drunken Clubber could wander the wrong direction.

Over the time of the Olympics the Venue opened briefly & it was highly disruptive then and on that basis only I strongly object to them having a full term license.

Please keep me informed as to the progression of the application and any potential/future meetings you may have regarding the application itself.

Kindest Regards,
Rebecca Shawyer & Liam Chivers.

Appendix 7

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 11 January 2014 17:54
To: Mohshin Ali
Subject: FW: URGENT: Swan Wharf licence application
Attachments: swan.pdf; Tower Hamlets Letter.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Flagged

From: Vivienne Bellamy [REDACTED]
Sent: 11 January 2014 11:30
To: Licensing
Cc: Marie Harding; [REDACTED]
Subject: URGENT: Swan Wharf licence application
Importance: High

Dear Sir or Madam

Further to my email below, I have received an auto response advising that Marie Harding will be out of office until 15th January.

In view of the urgent nature of my request for an extension to the consultation period with regard to Hive Locations' premises licence application, I would be grateful if you could deal with this matter in Ms Harding's absence.

I look forward to hearing from you.

Yours sincerely

Vivienne Bellamy

From: [REDACTED]] On Behalf Of Vivienne Bellamy
Sent: 10 January 2014 23:50
To: 'Marie Harding'; mayor@london.gov.uk; Marc.Francis@towerhamlets.gov.uk
Cc: [REDACTED]; licensing@towerhamlets.gov.uk; 'Giselle Ottley'
Subject: [air_members] Swan Wharf licence application
Importance: High

Dear Ms Harding

Thank you for forwarding Hive Locations' premises licence application in respect of Swan Wharf.

Since parts of the Iron Works are within 15 metres of Swan Wharf and most of our homes directly face it, the granting of this licence clearly will have a profound impact on residents in terms of noise and disruption.

However, with Tower Hamlets' notification letter dated 20th December and the premises licence start date of 15th January, Iron Works residents have been given just 14 business days in which to assess the implications and prepare a response. Hive Locations' application appears to be timed to ensure the least resistance, since many residents will have been away over the Christmas / new year period.

I would request that the consultation period be extended to allow for proper consideration of Hive Locations' licence application by Iron Works residents.

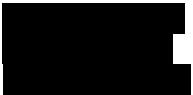
My main concerns are:

- 1) Hive Locations is planning to have OUTDOOR live music and dance until 1 am on Friday and Saturday nights and 11pm on Sundays (pages 9 and 11 of the application). When this has happened in the past, residents have been subjected to 12-hour sessions of extremely loud thumping music and sounds of revelry outside our windows, with no respite other than to leave our homes.
- 2) The Swan Wharf venue is not sound-proofed so music played inside (page 10 of the application) is still loud enough to cause a nuisance to residents.
- 3) How will hoards of party-goers leave the area late at night when there is no nearby public transport?
- 4) The Victorian brick wall which once separated the Iron Works from Swan Wharf was demolished by Swan Wharf's freeholder prior to the 2012 Olympics and has never been reinstated. This poses a serious threat to the security of the Iron Works. Despite numerous emails to Giselle Ottley at LLDC (cc'd above) since Feb 2013 requesting that it look into the matter of the demolished brick wall and the freeholder's failure to reinstate it (which was a condition of the temporary premises licence granted for Swan Wharf during the Olympic period), I have received no response.

I would be grateful for your urgent response regarding extension of the consultation period.

Yours sincerely

Vivienne Bellamy



From: Marie Harding [<mailto:Marie.Harding@towerhamlets.gov.uk>]
Sent: 08 January 2014 12:37
To: 'Vivienne Bellamy'
Subject: RE: Swan Wharf licensing application

As requested.

Regards

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

London Borough of Tower Hamlets E-Mail Disclaimer.

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

If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document, ask yourself whether you need a hard copy.

--

You received this message because you are subscribed to the Google Groups "AIR Members" group. To unsubscribe from this group and stop receiving emails from it, send an email to

Appendix 8

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 13 January 2014 09:28
To: Mohshin Ali
Subject: FW: Licencing Act 2003 and Swan Wharf 60 Dace Road E3 2NA New Premise
Attachments: 20140112_112055.jpg

Follow Up Flag: Follow up
Flag Status: Flagged

Mohshin,
One of yours.
Alex.

From: David Preston [REDACTED]
Sent: 12 January 2014 13:24
To: Licensing
Subject: Licencing Act 2003 and Swan Wharf 60 Dace Road E3 2NA New Premise

Dear Sir/Madam

I am writing on behalf of the Association of Ironworks Residents (AIR), the recognised residents' association for the Iron Works, which contains 77 residential units and adjoins Swan Wharf. Our members have unanimously voted to object to the Swan Wharf licencing application. In our members' opinion Swan Wharf is a really unique space and if used in the correct manner it could prove to be very beneficial to the local area. However, AIR objects to the application as currently formulated on the grounds of the prevention of nuisance, the prevention of crime and disorder and public safety.

Prevention of nuisance

With regard to the application for the **performance of live music outside** it should be noted that Swan Wharf together with The Ironworks forms what is effectively an amphitheatre containing any noise that is generated from the external areas of both buildings. This means that any live music taking place in the external courtyard of Swan Wharf is amplified significantly and severely impacts residents overlooking Swan Wharf. This actually occurred a week before the 2012 London Olympics when Swan Wharf held a launch party with live music in their courtyard. The result was that Ironworks' residents had to contact Tower Hamlets to complain about the noise as early as 9pm. In fact it was so loud that residents had to decamp to the front of their properties in order to avoid the noise. More recently Swan Wharf held a one off event indoors but at the end of the evening people waiting for taxis congregated under the archway in the middle of Swan Wharf and the noise just from a group of about 20 people caused a massive noise issue in the early hours of the morning.

With regard to the application for the **playing of recording music inside** it should be noted that Swan Wharf has a corrugated roof with no insulation and approximately 14 single glazed windows (most containing Perspex, not even glass) facing the Ironworks. This offers very little protection regarding sound isolation. One of our members has spent many years working as a professional sound engineer and has a background in building recording studios. In his opinion the building is not of a standard which can allow the operator to play recorded music in the evening without having a substantial impact on local residents.

Prevention of crime and disorder

Furthermore, and In the case of both applications, we have serious concerns about the sheer number of people exiting Swan Wharf at the same time and requiring taxis. Fish Island is not well served by public transport and there is only way in and out. The combination of these two factors means that the local area could easily be swamped by private cars and taxis. Additionally that volume of people leaving at the same time would generate a lot of noise and the potential for disorder at both the front and rear of Swan Wharf further impacting Ironworks' residents.

Public safety

A current issue, and one particularly relevant to the application for the **performance of live music outside** is that there is presently no boundary fence or wall separating the Western section of Swan Wharf from the Ironworks. The owners demolished a perfectly good brick wall and have since failed to reinstate it, despite requests to do so. I have attached a photograph showing the wholly inadequate fencing that sits between the Ironworks and Swan Wharf. Over the last year we have had to endure camera crews from Swan Wharf using the Ironworks as though it was part of Swan Wharf and even abusing residents when challenged. Until there is a proper boundary fence or wall between the two developments then we would have serious concerns about partygoers trespassing onto the Ironworks or using it as some kind of shortcut.

Summary

The statement in the general description of the premises describes it as “for pop up dining space, bar, private function spaces and external terrace encouraging interaction within the creative talent of the local community” and we, as part of the local community, would actively encourage a proposal that has these aims at its heart but not at the price of making life in the evenings a misery for residents living in the Ironworks, particularly those living adjacent to Swan Wharf. We certainly don't see how late night entertainment is compatible with the aims laid out in the application's description.

It is the opinion of the Residents Association that Swan Wharf is entirely unsuitable as a venue for entertainment in the evenings, either indoors or outdoors. We therefore object to the application for the **performance of live music outside** and object to the application for the **playing of recording music inside** unless a condition was imposed on the licence that both should finish no later than 8pm in the evening.

My contact details are as follows :-

David John Preston
Honorary Treasurer – Association of Ironworks Residents





Appendix 9

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 13 January 2014 09:59
To: Mohshin Ali
Subject: FW: Swan wharf

Follow Up Flag: Follow up
Flag Status: Flagged

Mohshin,
One for you.
Alex.

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

From: Billy Riaz [REDACTED]
Sent: 13 January 2014 01:34
To: Licensing
Cc: [REDACTED]
Subject: Swan wharf

Hi there,

I am writing this email to strongly object to the planning permission for the proposed club/venue at swan wharf.

The temporary license they were granted not so long ago brought so many issues.

Litter, no parking, drunk people on the streets who we're making a nuisance to everyone. Extremely loud music which would keep our 3 year old awake throughout the night.

On certain evenings it even seemed unsafe as there were so many unsavoury people which looked like they were hanging around.

This location just does not seem an acceptable place for such a venue.

I hope you can take my objections seriously.

My details are:

Mr billal butt
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Please let me know if you require me to elaborate further.

Thanks

Billal

Appendix 10

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 13 January 2014 11:57
To: Mohshin Ali
Subject: FW: Swan Wharf, Hackney Wick E3: license/Prevention of public nuisance

From: Alexander Mayor [REDACTED]
Sent: 13 January 2014 11:50
To: Licensing
Cc: Will Mayor
Subject: Swan Wharf, Hackney Wick E3: license/Prevention of public nuisance

Hi there

I'd like to register concern about the proposed license for Swan Wharf. I live in Iron Works, the large residential development behind the proposed new venue. Music and noise travels far in this area as there so few businesses (we know this from the Olympics period where Forman's Fish Island hosted events), also the building makes extensive use of glass frontages to bedrooms/living areas, which are more conductive of sound.

I'm all for new businesses in the area and am not against the idea of a bar opening on the street per se, but given the echo-y layout and position of our building very close to this venue and the likelihood of loud music / smoking area noise, a license to 1-3am is unacceptable. I would be happy if the venue disallowed outside-use after 12, with limiters on decibel level beyond midnight.

Within our building, the management company rules are 'no noise after 11pm without arrangement'. If a venue next door is allowed to make noise/music after this hour, the likelihood is a general spiralling of noise made by other tenants too. This is absolutely unacceptable.

Yours
Alexander Mayor

[REDACTED]

Appendix 11

Mohshin Ali

From: Alex Lisowski
Sent: 14 January 2014 16:55
To: Mohshin Ali
Subject: FW: Premises licence application Swan Wharf 60 Dace Road

From: Darren Scott [REDACTED]
Sent: 14 January 2014 16:31
To: Alex Lisowski
Subject: Re: Premises licence application Swan Wharf 60 Dace Road

Dear Mr Lisowski

I would like to formally object to the above application at Swan Wharf, 60 Dace Road.

The main basis for this objection is the prevention of public nuisance. Hundreds of people live in the building which runs parallel to Swan Wharf. The outside area where dining, live music and other entertainment is proposed overlooks the courtyard of the Iron Works building at 58 Dace Road. When Swan Wharf were granted a temporary licence during the Olympics, the sound from INSIDE Swan Wharf filled the Iron Works courtyard (with its impressive acoustics) each night, making it sound as though each of our flats were on top of a nightclub. When considering this application, you should note that Swan Wharf is a HUGE building - it is not some small bar. Filling this with sound and people is immense.

I'm sure you can appreciate that this is not acceptable. People's bedrooms overlook the outside area where the application is proposed for. This is not some central London student flat - this is residential, with young children and older people living in Iron Works. People come here to live and relax - it's their home.

This would very much make the application a public nuisance. It's quite unacceptable to have a live entertainment/music venue situated so close to so many people paying council tax.

It would also increase the number of people under the influence in the area, the amount of rubbish in the street (it is already quite bad with smashed bottles at the weekend), pose potential security issues to the residents at Iron Works, and increased noise levels with people coming and going at all hours after the venue has closed its doors for the night. I believe this falls under public safety and the prevention of crime and disorder.

It's also with protection of children from harm that I object - as mentioned, there are many families in Iron Works. These children do not need to be kept awake at night, or have to deal with smashed glass and drunk people.

I'm more than willing to discuss this further - please consider that a venue this size cannot be permitted to be used as a late-night licensed establishment. It is far, far too close to a HUGE residential building full of homemakers and tax payers. Currently Swan Wharf is used as a

venue for filming and photo shoots, as well as an office. Let it continue as this, for the reasons listed above and many more.

Best

Darren Scott
[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

On 6 Jan 2014, at 15:08, Alex Lisowski <Alex.Lisowski@towerhamlets.gov.uk> wrote:

Dear Mr Scott,
There are four grounds on which you can object to a licence (the licensing objectives):
The prevention of crime and disorder.
The prevention of public nuisance.
Public safety.
The protection of children from harm.
When you set out your objections, they do not have to be listed under the headings above. Just put how you think you will be affected by the licence.
The last day for representations is 16/1/2014.
You can send them by e-mail. Please include your full home address and a contact telephone number.
If objections are received, the application will be decided upon at a hearing of the Council's licensing sub-committee. You will be able to attend the meeting and present your objections.
Please send your e-mail to licensing@towerhamlets.gov.uk.
Yours sincerely,
Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

From: Darren Scott [REDACTED]
Sent: 06 January 2014 14:46
To: Alex Lisowski
Subject: Re: Premises licence application Swan Wharf 60 Dace Road

Dear Mr Lisowski
Thank you for this. What is the official procedure for lodging an objection to this please?
Best

Darren Scott
[REDACTED]

[REDACTED]

[Redacted]

Dear Mr Scott,
Attached is a copy of the application for Swan Wharf, 60 Dace Road. The last day to make representations is 16/1/2015.

Yours sincerely,
Mr A. Lisowski,
Licensing Officer,
The London Borough of Tower Hamlets.

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

[London Borough of Tower Hamlets E-Mail Disclaimer.](#)

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

If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

<L11_DaceRoad60.pdf>

Appendix 12

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 11 January 2014 17:55
To: Mohshin Ali
Subject: FW: Swan Wharf Licensing - Hackney Wick

Follow Up Flag: Follow up
Flag Status: Flagged

From: Jenny Storey [REDACTED]
Sent: 10 January 2014 23:58
To: Licensing
Subject: Swan Wharf Licensing - Hackney Wick

To whom it may concern

I am a resident of Ironworks, which is adjacent to and shares a boundary with Swan Wharf. I bought my flat in Ironworks in December 2012. I would have seriously reconsidered the purchase had I been aware that there would have been a late licensed outdoor music venue / bar next to the property. I have no objection to the building's current use, but I certainly object to a licence being granted, in some cases up to 3am. It is clear that the owners are trying to incrementally increase the scope of their licence so I am quite concerned that granting this extension will simply lead to further extension requests. The previous owner of Swan Wharf has already knocked down one of the boundary walls between Swan Wharf and Ironworks, which means that we are totally exposed to people coming in and out of the building. We no longer have a porter on site at Ironworks, so I am concerned about the licence extension from both a noise (public nuisance) perspective as well as a crime and disorder perspective.

I recognise that it is preferable to have Swan Wharf in use, but it is not an appropriate space for a late licensed bar or music venue (particularly given its outdoor space, which I understand was used during the Olympics and caused significant noise nuisance to Ironworks residents at the time) given its proximity to a residential building.

This is intended as a full objection to the proposed licence extension as currently proposed. Please ensure that this objection is taken into consideration.

Kind regards

Jenny Storey

Appendix 13

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 15 January 2014 12:33
To: Mohshin Ali
Subject: FW: License Swan Wharf Objection

Importance: High

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

From: ross watters [REDACTED]
Sent: 15 January 2014 12:21
To: Licensing
Subject: License Swan Wharf Objection
Importance: High

To whom it concerns,

following the application of Swan Wharf for licence application I wish to object to proposal on the grounds of and not limited to the prevention of crime and disorder, prevention of public nuisance, public safety and protection of children from harm.

The proposed site is directly next door to the development of Ironworks and the acoustics of the venue to date has proved a nuisance with music being heard within the Ironworks site and noise from patrons of the events.

Since the removal of permit parking on fish island, it has seen a five fold increase of cars parking on Dace road and the surrounding roads, meaning it is now difficult to park my car and that of my partner as a resident - with licensed premises only adding to the parked cars of those who do not live here impacting local residents and leading to potential damage to parked vehicles from drunk patrons.

The noise already experienced from events in Swan Wharf has caused noise issues within Ironworks from the music and people smoking outside the premises and walking to and from the site. This will only increase causing more issues for residents.

The premises will not directly improve local amenities to the residents to Dace road and will cause disruption and nuisance and potential vandalism.

Whilst i am committed to improving the local area, this proposal does not serve the local residents directly and will cause issues in the area, whilst the area is currently looking to gain a conservation area title.

Regards

Mr Ross Watters & Dr Jonathan Hubb

[REDACTED]

Appendix 14

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 15 January 2014 15:11
To: Mohshin Ali
Subject: FW: Premises licence application Swan Wharf 60 Dace Road

From: Property Management at Concept Spaces [REDACTED]
Sent: 15 January 2014 14:28
To: Licensing
Subject: Re: Premises licence application Swan Wharf 60 Dace Road

Dear Sir/Madam,

I would like to formally object the above application at Swan Wharf, 60 Dace Road on behalf of:

Concept Spaces Limited as well as managed by us flats as follows:
[REDACTED] Iron Works

In my opinion Iron Works as a residential place should be protected from the following risk factors:

Public nuisance- the building is far too close to Swan Wharf meaning that any noise coming from it would affect residents of Iron Works. The building has poor insulation and residents will be able to hear any noise coming from Swan Wharf.

Swan Lake also overlooks the courtyard of Iron Works meaning that proposed dining areas and live music will be visible to residents and young children who should be protected from such a view.

People residing at Iron Works enjoy their privacy and ability to relax which will be affected by proposed application.

Public safety- although there is on site porter at Iron Works, the building is not being monitored 24/7. We are aware of several complaints already made usually over the weekend regarding people partying around in local warehouses. With the opening of new nightclub this will no doubt dramatically raise and will have impact on security level as well as build-up of unnecessary litter around.

Crime and disorder-I believe that crime level will raise dramatically with opening of new venue which will attract and influence young people in a bad way. Having the night club so close to residential development poses high risk of public being affected not only by constant noise but also serious security risks and possible local vandalism and crime.

Protection of children from harm- Iron Works has always been popular as homely place to be for many families with young children. As a managing agents we have a duty of care to our tenants who already started to raise concerns not only about security of their children but also their happiness. Long opening hours of the venue will mean that many families will struggle with getting their children to sleep with ongoing noise coming from the venue.

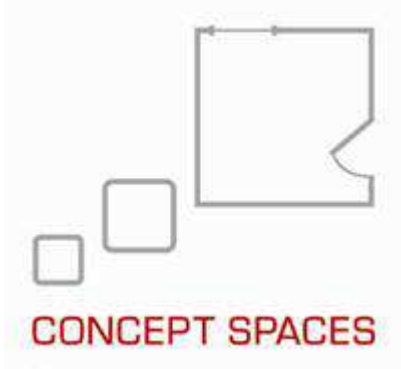
To conclude, I do hope your Authority will make a reasonable decision to ensure that residents of Iron Works aren't affected by this application.

Should you require any further information please do not hesitate to contact me directly on [REDACTED]

Yours faithfully,

Monika Glogowska-Rea ARLA
Property Manager

Property Management Department



Residential & Commercial Lettings, Sales, Management & Investments



Please consider your environmental responsibility before printing this e-mail or any other document

Email Disclaimer:

The information in this email is confidential and is intended solely for the addressee. Access to this email by anyone else is unauthorized - any disclosure or onward transmission requires prior consent. If you are not the intended recipient, any disclosure, copying, distribution or action taken or omitted to be taken in reliance on it, is prohibited and may be unlawful. Any opinions expressed represent only the author and do not necessarily reflect those of Concept Spaces Ltd. It is the responsibility of the individual to protect against software viruses and Concept Spaces Ltd accept no liability for loss or damage caused. When dealing with offers and transactions, all correspondence is deemed 'Subject to Contract'.

Appendix 15

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 16 January 2014 10:04
To: Mohshin Ali
Subject: FW: Swan Wharf Licensing Proposal

Mohshin,
One of yours.
Alex.

From: Simon Hitchenson [REDACTED]
Sent: 16 January 2014 09:39
To: Licensing
Cc: [REDACTED]
Subject: Swan Wharf Licensing Proposal

Dear Sirs,

I would like to make known my thoughts on the proposal regarding alcohol and entertainment licensing at Swan Wharf at 60 Dace Road, Bow.

It has come to my attention that an application has been made to serve alcohol until 1am or later on certain days and to host OUTDOOR music events until 11pm, 1am or even 3am.

I am afraid I must object to the use of Swan Wharf as an OUTDOOR music venue, given it's extremely close proximity to over 70 residential properties on the grounds of public nuisance, the protection of children from harm and potentially public safety, too. With absolutely no sound proofing, even if noise limits are imposed there will be severe disruption to residents of the Iron Works building and any surrounding warehouse properties that may be residential (I am unsure of the status of these). If any events are to happen over the Summer (which being realistic, is probably the main reason for Swan Wharf's application to hold outdoor events) Iron Works residents will have to open their windows as the flats are prone to heat retention, particularly during the warmer months. This will mean a completely undiluted audio experience and considerable infringement on our right to a quiet environment in our HOMES. Even with windows shut, there will be no onus on the venue to control noise levels beyond legal limits (which will be unreasonably loud for locals anyway), which will be a considerable nuisance to all Iron Works residents and most in Crown Wharf and Wick Lane Wharf, too. With little option to escape the noise, there is the potential for this to cause damage to hearing, particularly in young children who have more sensitive ears.

The acoustic properties of the Iron Works Courtyard and reflections at the rear off of Crown Wharf have caused problems in the past and in my own case, hours of disruption to my right to peace and quiet in my property. There are also the pulsing vibrations that will no doubt result from amplified bass sounds and the general low frequencies of the sort of music normally played at bars and clubs - I have no reason to believe Swan Wharf will be any different in it's generation of such nuisances.

Having suffered considerable noise pollution from this summer's events in the Olympic Park such as (but not limited to) Wireless Festival and The Electric Daisy Carnival which were over a mile away, I cannot condone the proposal to host outdoor music events so close to residential properties. Watching television at normal and at some points even heightened volumes became difficult due to the noise from the concerts/festivals throughout the day until they finished at 11pm. Having music events even CLOSER than

that means anyone with children will have trouble getting them to sleep at a reasonable hour, without having to mention the interruption of the sleep of adults. I am lead to believe that some residents of the Iron Works have to get up for work at 4am. If a music event finishes at 3am, they will be lucky if they can get an hour of quality sleep which is wholly unacceptable. Even if people rise at more normal hours - 6am or 7am, this is still only 3 or 4 hours sleep - not enough.

I also have concerns about crime and disorder as a result of the late licensing allowing alcohol to be served late into the morning. This particular area of Fish Island seems to be primarily residential and the encouragement of nightclub in such an area, with no immediately close public transport infrastructure or waiting area for taxis suggests there may be congestion, loitering, damage to property (urination, vomiting, fall out from violence/fighting, litter, cigarette smoke, illegal substances?) and general public nuisance. I have never witnessed any kind of police presence on Fish Island before so am concerned that any misdoings may go unchecked.

As a musician myself I enjoy live music but know that playing at very low volumes, even if only with acoustic instruments at home can be a nuisance to neighbours and I would be disappointed if the licence proposed is granted as it would have such a profound and direct effect on the right to so many local residents: over 140 at the Iron Works and considerably more at Wick Lane and Crown Wharfs, as well as those at the peanut factory and surrounding warehouses. There is also the potentially negative effect this licence may have on property/rental values in the area, the current relative quiet (at least in London terms) being transformed nightly by a noisy, undesirable, outdoor music event. While I'm not aware of it being a council requirement (I will need to do some research), leaseholders and tenants at the Iron Works are forbidden from generating sound or music that is audible outside their own property past 11pm. Agreeing a licence that will be generating a considerable dB reading outside ALL properties makes a mockery of this kind of requirement and sets a precedent for encouraging noise pollution and anti-social behaviour with regard to music/noise.

I look forward to this issue being considered with common sense and sympathy for local residents.

Yours faithfully,

Simon Hitchenson (and on behalf of Sarah Lovett)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Appendix 16

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 20 January 2014 09:43
To: Mohshin Ali
Subject: FW: Swan Wharf licence

Mohshin,
This is one of yours.
Alex.

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

From: Adam Stork [REDACTED]
Sent: 17 January 2014 18:36
To: Licensing
Subject: Swan Wharf licence

Dear Sir/Madam,

Re Swan Wharf, 60 Dace Road, E3

We live in The Ironworks, and object to the granting of a licence for Swan Wharf to serve alcohol and host outdoor events on a regular basis.

This would be extremely disruptive to an essentially residential area, particularly given how close Swan Wharf is to the flats. The noise is likely to be a significant problem.

There is minimal actual physical barriers from the flats as well as the closeness. This leads to some strong possibility of vandalism, harm to individuals, or worse. In particular, there are children in the flats - we have an 8 year old - and we would be concerned that they could be put at risk from this scheme.

Adam Stork
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

--

Appendix 17

Licensing Authority - Tower Hamlets Council
Mulberry Place (AH),
5 Clove Crescent,
London,
E14 2BG

7th February 2014

Dear Sir/Madam,



I am writing in relation to the Notice of Application for New Premises Licence for Swan Wharf, 60 Dace Road, Tower Hamlets, London, E3 2NQ.

I am a resident of the Ironworks development, in which my flat is situated at the closest proximity to Swan Wharf (please see figure 1). It is for this reason that I have taken an interest in the development and applications of Swan Wharf and in particular how they will impact on the Ironworks residents.

I have spoken on two occasions to Rufus Lawrence, the Hive's representative who has given assurance that Swan Wharf will benefit the local community and will make a worthwhile use of a space that has been disused for some time. In principle I am very supportive of the community work and the creative endeavours of this development if implemented correctly and sympathetically.

I do have some concerns that I wish to outline. I believe David Preston from the Association of Ironworks Residents has brought to your attention issues of 'Prevention of crime and disorder' and 'Public safety' but I would like to address further the 'Prevention of nuisance'. It is imperative that measures are taken so that local neighbors who live only meters away are not frequently disturbed by the noise and human traffic which are inevitable with any late night events space.

Soundproofing of the second floor stables

My primary concern is noise pollution; Swan Wharf has a corrugated roof with no insulation and approximately 14 single glazed windows (some Perspex) facing the Iron Works. This offers very little protection with regards to sound isolation. Figure 2 clearly shows the proximity of these Perspex windows from my balcony. Figure 3 shows a current interior view of the stables roof structure.

I have many years experience working as a professional sound engineer and in the construction of recording studios. I also have a degree in Sound Technology specialising in acoustics. To my mind the Stables in Swan Wharf are currently not of a standard which can allow them to run live or recorded music late night without having a substantial impact on local residents given the proximity of the Iron Works development.

The initial conversion of Swan Wharf from a factory into a 'temporary' pop up events space prior to the Olympics was seen as a 'temporary' venture; consideration into the long term usage of the space and its impact with regard to noise on local residents was not taken into account. If the building was converted for a permanent events space from the outset; then I'm sure their architects would have specified soundproofing for the roof structure and windows with strong thermal and acoustic performance.

I have been made aware that Swan Wharf plans to sound proof the stables roof but in order to give my support to their application these measures need to be in place prior to obtaining a license. I appreciate Swan Wharf may wish to keep the integrity of the internal structure, but from experience the only way to isolate sound (notably low frequencies) is to either add mass or decouple the roof structure; preferably a combination of both.

Noise from external stairwell

Access to the penthouse and water front space is obtained via an external stairwell that is completely exposed (visible in figure 1). I seek to obtain further information on how Swan Wharf proposes to contain the noise as it's clientele change levels and leave the premises on mass. With a large volume of people leaving at the same time this has the potential to generate a lot of noise and disorder. I believe in its current state this will have a significant impact on the Iron Works residents.

Noise from Penthouse / Terrace

To minimize the impact of noise to local residents I would suggest that the terrace be closed after 9pm.

Whilst I agree the transmission of sound from the water front areas and penthouse will have less impact on local residents due to the increased distance from the Ironworks development. I suggest that if noise levels do prove to be above an acceptable level, that an additional door maybe required to the terrace to ensure one is kept shut at all times reducing sound leakage (please see figure 4).

Sustained noise

I am aware that the ground floor of Swan Wharf has been converted into woodworking workshops, which will benefit the local community. I think this is a great idea but I'm keen to avoid a 'tag team' effect whereby local residents have noise generated by machinery during the day (entirely reasonable given the industrial nature of this area) which is then swiftly replaced by noise from the outdoor and indoor bar areas in the evenings, with little respite in between. Noise levels in this situation are difficult to prejudge. I would hope that the dual nature of Swan Wharf would operate much like a fair use contract in that there is only so much noise over a prolonged duration, which can be deemed permissible.

Ironworks residents are already subjected to sustained noise from the renovation of the Olympic stadium/park on a constant and daily basis. This also, needs to be accounted for in your decision.

I would like to re-iterate that I remain supportive of the Swan Wharf Project. Their representatives have been honest and forthcoming and it has been a pleasure to deal with them. I do however hope that they can implement the measures necessary to protect their neighbors from potential noise pollution and disturbances.

It has been difficult for the residents to truly gauge the impact of the events held at Swan Wharf up until this point it has been undergoing renovation so has hosted very few events. I would suggest that local residents should gauge the impact the bar/eating area has during regular operative hours first, I strongly recommend this should be do first prior to the acquisition of a late license.

Yours sincerely,



Ben Cannings



Cc: Jeffery Green Russell Limited at Waverley House



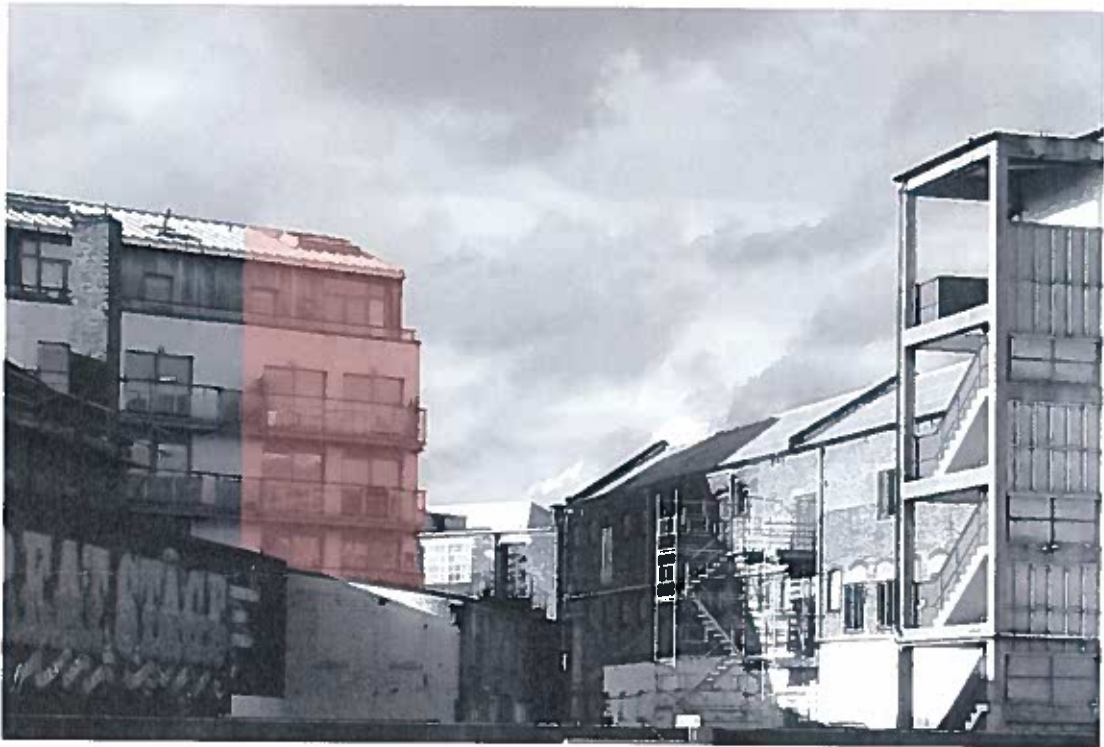


Figure 1.

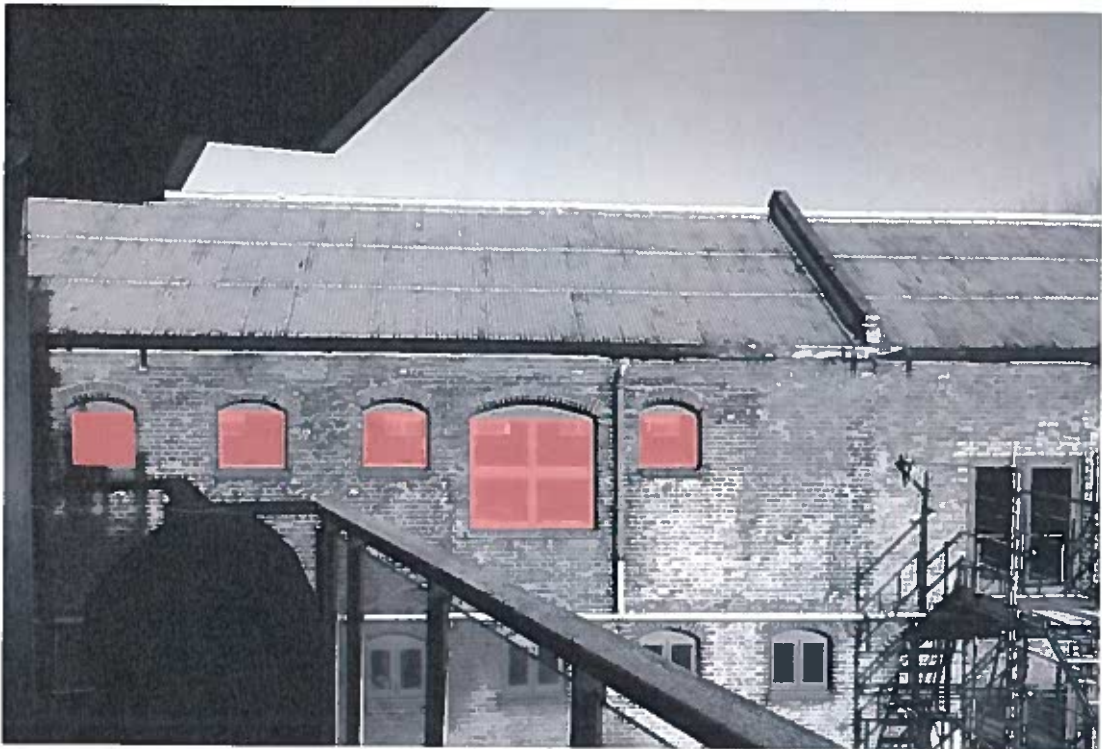


Figure 2.



Figure 3. *(Image from taken from hirespace)*



Figure 4. *(Image from taken from hirespace)*

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 12.4**).

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 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

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 20

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 21

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 22

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 23

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 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	25 March 2014	Unrestricted	LSC 71/134	

Report of David Tolley Head of Consumer and Business Regulation Services Originating Officer: Alexander Lisowski Licensing Officer	Title Licensing Act 2003 Application for a New Premises Licence for Tapas Revolution, Unit 8 Ground Floor, 58 Bethnal Green Road, London, E1 6JW. Ward affected Bromley By Bow
--	--

1.0 Summary

Applicant:	Ibericos etc. (Calle) Limited
Name and	Tapas Revolution
Address of Premises:	Unit 8 Ground Floor 58 Bethnal Green Road London E1 6JW
Licence sought:	Licensing Act 2003 Application for a new premises licence to allow: <ul style="list-style-type: none">• Late Night Refreshment• The On-Sale of Alcohol• Regulated Entertainment
Objectors:	Local Residents The Metropolitan Police

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

Alexander Lisowski
020 7364 7446

3.0 **Background**

3.1 This is an application for a new premises licence for the retail sale of alcohol, the provision of late night refreshment, and regulated entertainment at Tapas Revolution, Unit 8 Ground Floor, 58 Bethnal Green Road, London, E16JW.

3.2 A copy of the application is enclosed as **Appendix 1**.

The hours applied for are:

The Provision of Late Night Refreshment

Sunday to Wednesday, 23.00pm to Midnight

Thursday to Saturday, 23.00pm to 01.00am the following day

The Provision of Recorded Music

Sunday to Wednesday, 10.00am to Midnight

Thursday to Saturday, 10.00am to 01.00am the following day

The Retail Sale of Alcohol

Monday to Wednesday, 10.00am to Midnight

Thursday to Saturday, 10.00am to 01.00am the following day

The Opening Hours of The Premises

Sunday to Wednesday, 10.00am to Midnight

Thursday to Saturday, 10.00am to 01.00am the following day

The applicant has agreed with Environmental Health to amend their offered condition No. 8 to “ No noise from regulated entertainment shall be audible at any affected and/or habitable room at a level that causes a public nuisance.”

3.3 Maps showing the relevant premises are included as **Appendix 2**.

4.0 **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 1st November, 2013.

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 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.5 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.6 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.
- 5.7 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- Local Residents
 - Metropolitan Police

See Appendices 4 & 5

- 5.8 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

5.9 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

5.10 The objections cover allegations of

- Crime and public disorder
- Public nuisance

5.11 There are strict time limits to any representations. The time limits 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 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 “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 In **Appendices 7-11** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

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

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Cumulative Impact Zone

- 10.1 The venue is within the Brick Lane Cumulative Impact Zone.
See Appendix 6.

10.0 Appendices

- Appendix 1** A copy of the application.
- Appendix 2** Maps of the area surrounding the venue.
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations.
- Appendix 4** Representations of the Police.
- Appendix 5** Petition and representations of Local Residents.
- Appendix 6** Brick Lane Cumulative Impact Zone
- Appendix 7** Licensing officer comments on anti-social behaviour on the premises.
- Appendix 8** Licensing officer comments on anti-social behaviour patrons leaving the premises.
- Appendix 9** Access and egress problems.
- Appendix 10** Planning.
- Appendix 11** Licensing Policy relating to hours of trading.

This page is intentionally left blank

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.

I/We Ibericos etc. (Calle) Limited
(insert name(s) of applicant)

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 Tapas Revolution Bethnal Green Unit 8, Ground Floor 58 Bethnal Green Road		
Post town	London	
Telephone number at premises (if any)		
Non-domestic rateable value of premises	£construction	

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 please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

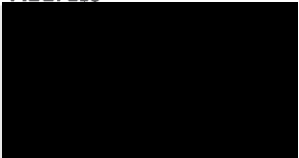
Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

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

Name Ibericos etc (Calle) Ltd
Address 
Registered number (where applicable) 08676264
Description of applicant (for example, partnership, company, unincorporated association etc.) limited company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD		MM		YYYY			
┌	└	┌	└	┌	└	┌	└

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

DD		MM		YYYY			
┌	└	┌	└	┌	└	┌	└

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

The premises will be a Spanish restaurant and Tapas bar specialising in high quality and authentic Spanish food and drink. It is located within the new Avantgarde development at ground floor level. The application follows planning consent PA/07/02193.

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

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

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

Provision of regulated entertainment

Please tick any 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 I)

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

In all cases complete boxes K, L and M

A

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

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Tue					
			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)		
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10:00	00:00			
Tue	10:00	00:00			
Wed	10:00	00:00	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10:00	01:00			
Fri	10:00	01:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sat	10:00	01:00			
Sun	10:00	00:00			

G

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

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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	23:00	00:00			
Tue	23:00	00:00			
Wed	23:00	00:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)		
Thur	23:00	01:00			
Fri	23:00	01:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	23:00	01:00	From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day		
Sun	23:00	00:00			

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	10:00	00:00	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
Tue	10:00	00:00	
Wed	10:00	00:00	
Thur	10:00	01:00	
Fri	10:00	01:00	
Sat	10:00	01:00	
Sun	10:00	00:00	

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

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

The applicant has a wealth of experience in operating licensed premises. It currently operates two highly acclaimed Spanish restaurants and Tapas bars in London. In addition to comprehensive management procedures, the applicant proposes a number of the London Borough of Tower Hamlets' Model Conditions to ensure the promotion of all four Licensing Objectives.

Please see enclosed schedule of conditions and supporting documents.

b) The prevention of crime and disorder

Please see above.

c) Public safety

Please see above.

d) The prevention of public nuisance

Please see above.

e) The protection of children from harm

Please see above.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated 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.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	[REDACTED]
Date	30/01/2014
Capacity	Thomas & Thomas Partners LLP, Solicitors on behalf of the Applicant

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)

JS/TB/IBE.3.4

[REDACTED]

Post town	London	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

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 include 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 the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or 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, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Tapas Revolution Bethnal Green

Schedule of Proposed Conditions

1. Substantial food and suitable beverages other than alcohol, including drinking water, shall be equally available during the whole of the permitted hours in all parts of the Premises where alcohol is sold or supplied.
2. CCTV camera system covering both internal and external areas to the premises is to be installed.
3. The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or an officer of any other responsible authority.
4. At all times when the premises are open, a person who can operate the CCTV system must be present on the premises.
5. An incident log shall be kept at the premises, and made available on request to an authorised officer of the City Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. all ejections of patrons
 - c. any complaints received
 - d. any incidents of disorder
 - e. all seizures of drugs or offensive weapons
 - f. any faults in the CCTV system
 - g. any refusal of the sale of alcohol
 - h. any visit by a relevant authority or emergency service.
6. Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents.
7. Refuse, including bottles, is to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises.
8. No noise from regulated entertainment shall be audible at any affected façade at a level that causes a public nuisance.
9. No more than 10 smokers allowed to smoke in the external areas after 23:00.
10. The outside area of the premises shall not be used for licensable activities except between the hours of 08:00 and 23:00.

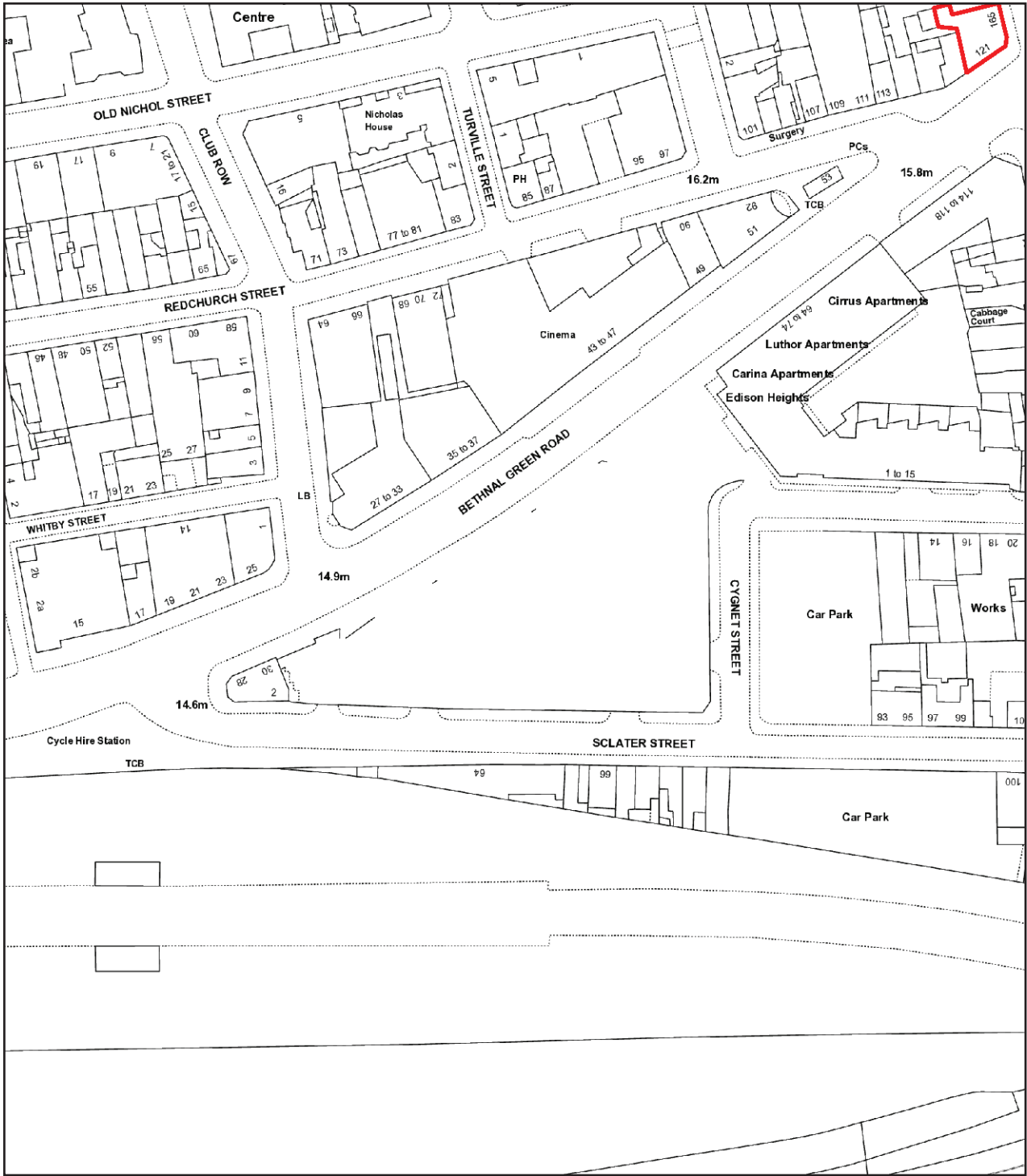


11. All furniture placed outside the premises will be fitted with rubber, or a similar material, on their feet to reduce the level of noise when they are moved.

12. All doors and windows shall be closed after 23:00 except for access and egress.

Thomas & Thomas Partners LLP
30.01.2014

Appendix 2

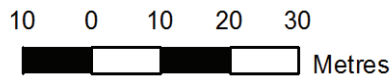


Tapas Revolution

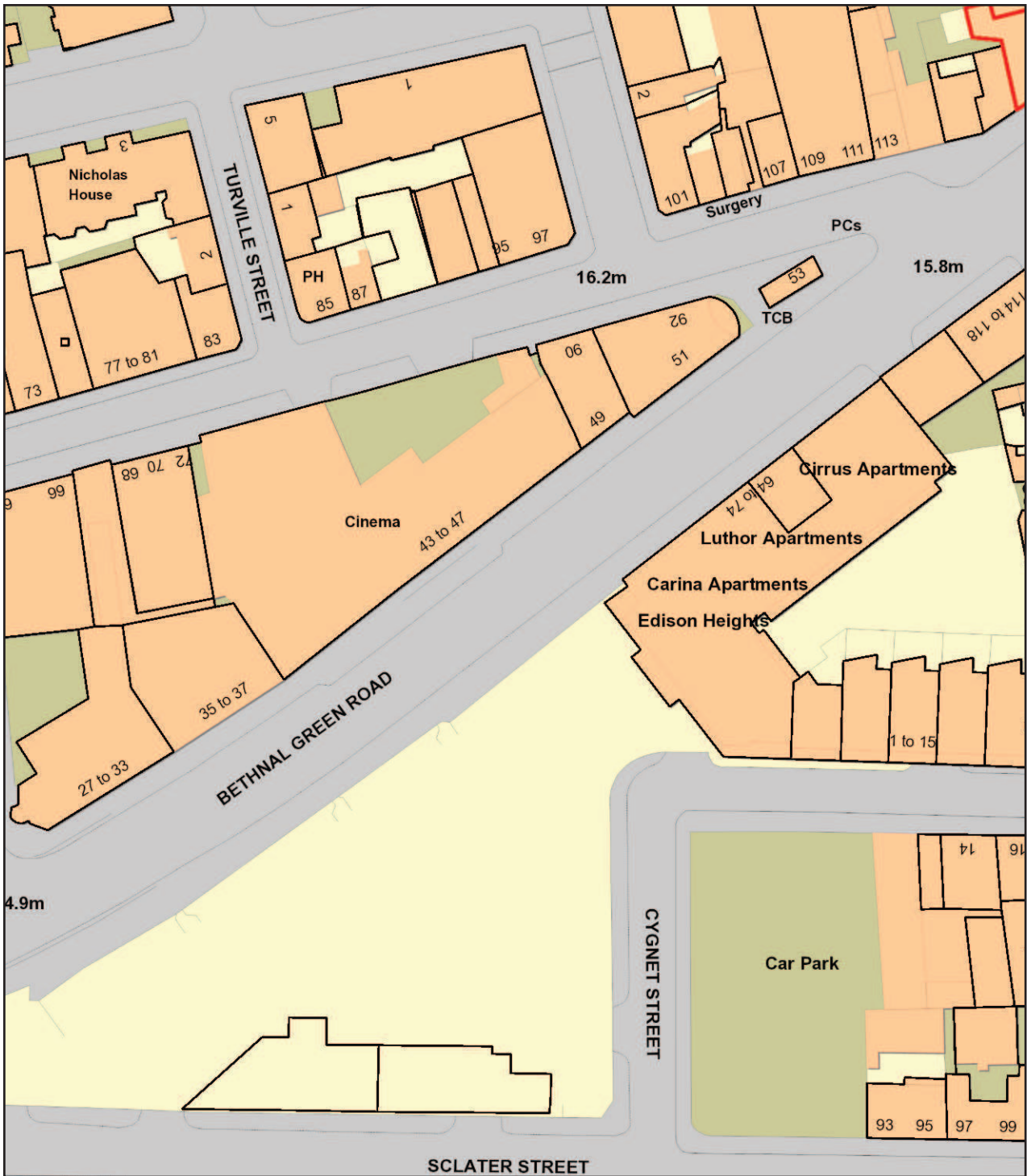
in Avantgarde Place



Scale 1:1340



Produced by London Borough of Tower Hamlets on 13/03/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

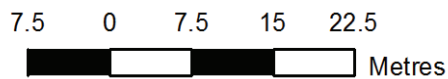


Tapas Revolution

Opposite 35-37



Scale 1:850



Produced by London Borough of Tower Hamlets on 13/03/2014. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 3

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.
- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 4

Tower Hamlets Borough

Licensing Team

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

**Limehouse Police Station,
27, West India Dock Road,
London,
E14 8EZ**

Office: **020 7275 4950/4911**

Mobile: [REDACTED]

Email: Alan.Cruickshank@met.police.uk

Your ref:

10th February 2014

Dear Mr McCrohan,

Re: Application for a Premises Licence

Tapas Revolution

Unit 8, 58 Bethnal Green Rd, E1 8JW

I write with reference regarding the above application. 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

The applicant has applied for the following hours in relation to alcohol:

Sunday - Wednesday: 1000 - midnight

Thursday - Saturday: : 1000 - 0100

It has also requested non standard timings from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Late night refreshments reflect the above hours.

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

This part of Bethnal Green Road falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems at the top end of the CIZ.

The availability of alcohol until 0100 will mean more people staying for longer within the CIZ.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have lead to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours.

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls into the above peak hours.

At the highest level of the Metropolitan Police, the Commissioner has instructed Chief Superintendent Stringer to coordinate a joint response with our colleagues at Hackney and Islington. It will mean a large number of officers from throughout the Metropolitan district will attend this area and target crime and disorder, including ASB.

Further to this, two negative effects of the "Night Time Economy" are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Can the applicant reassure the committee that they will not contribute to ASB when their patrons leave the venue?

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

I am also concerned that the outside area may attract low level ASB in terms of raised voices even if in good spirits.

. I therefore ask the committee to refuse this application as it falls within the CIZ.

I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that they consider removing the non standard timings. Police resources are stretched on NYE and I would ask the committee to refuse this.

In terms of hours, if the licence is to be granted I would ask the committee to consider the following hours

Alcohol

Sun - Monday : 1100 - 2330

Late night refreshments: until 2330

Opening Hours: 1000 - midnight (allows a half hour "drinking up" time)

Conditions.

Proposed condition No9 In terms smoking, I would ask that no drinks to be taken outside by smokers.

Proposed condition 10. The outside area will only be used for licensable activities between the hours of 1000 - 2200

Alan Cruickshank PC 189HT

Appendix 5

Petition against Tapas Revolutions' application for a premises licence

We the undersigned oppose Tapas Revolutions, Unit 8, Ground Floor, 58 Bethnal Green Rd, E1 8JW application for a premises licence. We believe that the opening of new licenced premises, which closes after 1am from Thursday to Saturday, 12am closing on week days, will have a cumulative impact on crime, disorder and public nuisance. The residents of Edison Heights, and their children, who live meters across the courtyard from the entrance to this premises will be directly affected by the rise noise caused by people leaving this premises after 1am for 3 nights and 12am for 4 nights a week. This premises is also located in a saturation policy zone and we believe that this licence will add to the late night problems around Brick Lane and therefore should be rejected by the members of the Licensing Committee.

Name Address Postcode Email Telephone no.

[Redacted]

[Redacted]

6 Adults

[Redacted] Edison Heights

M. Uday
2 adults - 1 child

[Redacted] EDISON Heights 2x adults 2x child
MR SHAFIQUZZAMAN ALI (New print)

Petition against Tapas Revolutions' application for a premises licence

We the undersigned oppose Tapas Revolutions, Unit 8, Ground Floor, 58 Bethnal Green Rd, E1 8JW application for a premises licence. We believe that the opening of new licenced premises, which closes after 1am from Thursday to Saturday, 12am closing on week days, will have a cumulative impact on crime, disorder and public nuisance. The residents of Edison Heights, and their children, who live meters across the courtyard from the entrance to this premises will be directly affected by the rise noise caused by people leaving this premises after 1am for 3 nights and 12am for 4 nights a week. This premises is also located in a saturation policy zone and we believe that this licence will add to the late night problems around Brick Lane and therefore should be rejected by the members of the Licensing Committee.

Name Address Postcode Email Telephone no.

[Redacted] Edison Heights 2x children 2x ADULTS Faisal Ahmed

[Redacted Signature]

[Redacted] Edison Heights 3x children Sana Faruk.

[Redacted] Edison Heights 2 Adults & 2 children Haseeb. Missapone

[Redacted] EDISON HEIGHTS 3 ADULTS & 1 CHILD RUSHNA BEGUM

[Redacted] Edison Heights 3 Adults + 2 child Ammar Rahman.

[Redacted] Edison Heights 2 adults 1 child E La Donmez

Edison Heights 2 adults. Meena Pral.
edison → 2 adults Tony M. Pral.
ROB

Abulqor 110 EDISON 3 RICHMOND 1 6 GP
2x adults.
4x children

[Redacted] Edison heights

1 Adults [Redacted Signature]

Petition against Tapas Revolutions' application for a premises licence

We the undersigned oppose Tapas Revolutions, Unit 8, Ground Floor, 58 Bethnal Green Rd, E1 8JW application for a premises licence. We believe that the opening of new licenced premises, which closes after 1am from Thursday to Saturday, 12am closing on week days, will have a cumulative impact on crime, disorder and public nuisance. The residents of Edison Heights, and their children, who live meters across the courtyard from the entrance to this premises will be directly affected by the rise noise caused by people leaving this premises after 1am for 3 nights and 12am for 4 nights a week. This premises is also located in a saturation policy zone and we believe that this licence will add to the late night problems around Brick Lane and therefore should be rejected by the members of the Licensing Committee.

Name Address Postcode Email Telephone no.

Leon Stanley
 [redacted] Edison Heights
 [redacted]
 E1 [redacted]
 [redacted]

ABDUL Khaleed
 [redacted] Edison Heights
 [redacted]
 E1 [redacted]
 [redacted]

Mahdi Baksh
 [redacted] Edison Heights
 E1 [redacted]
 2+ adults.
 4x children.

SALEH AHMED
 [redacted] EDISON HEIGHTS
 [redacted] RICHMIX SQUARE
 LONDON
 E1 [redacted] Adult x:
 children x

Mostaque Chowdhury
 [redacted] Edison Heights
 E1 [redacted]
 ↓

[redacted] EDISON HEIGHTS
 [redacted] RICHMIX SQ
 E1 [redacted]
 Alya Haque
 A. Haque.
 2x adults

Petition against Tapas Revolutions' application for a premises licence


We the undersigned oppose Tapas Revolutions, Unit 8, Ground Floor, 58 Bethnal Green Rd, E1 8JW application for a premises licence. We believe that the opening of new licenced premises, which closes after 1am from Thursday to Saturday, 12am closing on week days, will have a cumulative impact on crime, disorder and public nuisance. The residents of Edison Heights, and their children, who live meters across the courtyard from the entrance to this premises will be directly affected by the rise noise caused by people leaving this premises after 1am for 3 nights and 12am for 4 nights a week. This premises is also located in a saturation policy zone and we believe that this licence will add to the late night problems around Brick Lane and therefore should be rejected by the members of the Licensing Committee.

Name Address Postcode Email Telephone no.

Cagney Powell 1x adult
 [REDACTED] EDISON 1x child.

Jermaine Berchie 1x Adult
 [REDACTED] Cirrus Apartments

[REDACTED] Cirrus Apartment 1x adult ~~[REDACTED] [REDACTED]~~

[REDACTED] EDISON HEIGHTS SUMITRA BEGUM
 3x children 2x adults. 

K. M. [REDACTED]
 503, Edison Heights
 3, Richmix ~~[REDACTED]~~
 [REDACTED] Edison Heights

Madelens Junge 1 adult 1 child

[REDACTED] Mohammed Ahmed
 Carina Apartments
 4 adults 4 children

[REDACTED] BACON ST. Fenucher Hussain
 2x adults

[REDACTED] Bacon st 2 adult Putula Begum
 7 children

[REDACTED]

Petition against Tapas Revolutions' application for a premises licence

We the undersigned oppose Tapas Revolutions, Unit 8, Ground Floor, 58 Bethnal Green Rd, E1 8JW application for a premises licence. We believe that the opening of new licenced premises, which closes after 1am from Thursday to Saturday, 12am closing on week days, will have a cumulative impact on crime, disorder and public nuisance. The residents of Edison Heights, and their children, who live meters across the courtyard from the entrance to this premises will be directly affected by the rise noise caused by people leaving this premises after 1am for 3 nights and 12am for 4 nights a week. This premises is also located in a saturation policy zone and we believe that this licence will add to the late night problems around Brick Lane and therefore should be rejected by the members of the Licensing Committee.

Name Address Postcode Email Telephone no.

[Redacted] Edison Heights, 3 Richmix ..
Shona Bentfield 1x adult 1x child

L [Redacted] Edison Heights, 3 Richmix Sq.
2 Adult against it. 1 child.

[Redacted] 2 Adult Edison Heights

Ikrama Begum, [Redacted] Edison Heights. 2 adults

[Redacted] Edison 2x adults. 3x children
MAHBUB AHMED.

[Redacted] Edison Heights, [Redacted] Richmix SQUARE E1.
Mt BOBO NSONGO 2 children, 2 adults

[Redacted] Edison Heights 2 adults + 2 children

[Redacted] Edison Heights, 1 adult, 2 child.

[Redacted] Edison Heights 1 Adult

[Redacted] Heights 2x adults

Appendix 6

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Appendix 7

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 Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex 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, 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 (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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 8

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 9

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 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:

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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

This page is intentionally left blank