

LICENSING SUB COMMITTEE

Tuesday, 21 October 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:

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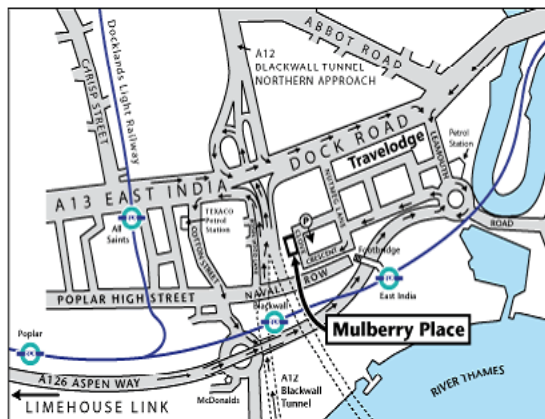
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APOLOGIES FOR ABSENCE

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(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3 .1 Application for a New Premises Licence Paddy Power, 620 Roman Road, London E3 2RW	21 - 74	Bow East
3 .2 Application for a Time Limited Premises Licence for Winterville Events Limited, Victoria Park, Bow, E3	75 - 182	Bow East
4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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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>

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TOWER HAMLETS



LICENSING COMMITTEE

**RULES OF PROCEDURE
GOVERNING APPLICATIONS FOR
PREMISES LICENCES
AND OTHER PERMISSIONS
UNDER THE LICENSING ACT 2003**

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: *Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.*

3.2 Timescale for notice of hearings to be given

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 Persons who must be notified of a hearing

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
 - a person specified as a Designated Premises Supervisor
 - an interim authority
 - transfer of a premises licence
 - a temporary event notice
 - a personal licence

- Any holder of a premises licence or club premises certificate where:
 - application is made for review

Note: *Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.*

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest
or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to deemed as determined by default.

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4. Procedure at the Hearing

- 4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee either in the Officer's report or otherwise. That will be followed by the

evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:

- a) their application, representation or notice; and
- b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit the person to return; or
- allow them to return only on such conditions as the authority may specify.

4.5 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

- 7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations
- 7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

- 8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:
 - a) it can be accessed by the recipient in a legible form;
 - b) it is capable of being reproduced as a document for future reference;
 - c) the recipient has agreed in advance to receive it in such form;
 - d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

- 9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: *An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.*

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing

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

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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.

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Agenda Item 3.1

Committee : Licensing Sub-Committee	Date: 21 October 2014	Classification: Unclassified	Report No. LSC 37/145	Agenda Item No.
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Report of: David Tolley Head of Consumer & Business Regulation Originating Officer: Kathy Driver Principal Licensing Officer	Title: Gambling Act 2005 Application for a new Premises Licence Paddy Power, 620 Roman Road, London E3 2RW Ward affected: Bow East
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1.0 Summary

Applicant Name **Power Leisure Bookmakers Limited**

Address of Premises: **620 Roman Road
London
E3 2RW**

Licence sought: **New Premises Licence**

- **Betting**

Representations: **Representatives of local residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied
for register

If not supplied, name and
telephone number of holder

File Only

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a new premises licence for Paddy Power, 620 Roman Road, London E3 2RW
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The premises is three storey building with residential accommodation above. The premises is situated within Roman Road market.
- 3.4 A map showing the relevant premises is included as **Appendix 2**.

4.0 **Premises in the vicinity**

- 4.1 Corals, 617-619 Roman Road
William Hill, 568a Roman Road
Ladbroke, 550 Roman Road
Betfred, 458 Roman Road
Coral, 403 Roman Road
Adult Gaming Centre, 530-532 Roman Road

Overland Children Centre
Eastside Youth Centre, 6 Parnell Road
Old Ford Primary School, Wrights Road
Appian Court Sheltered Accommodation

5.0 **Licensing Policy for Gambling, and Gambling Commission advice.**

- 5.1 The Council has adopted a licensing policy in relation to gambling and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 18th September 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Gambling Commission has issued guidance to Licensing Authorities which will also be available at the hearing. It can also be viewed at www.gamblingcommission.gov.uk. Relevant Sections can be found within the licensing officer's report.
- 5.4 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 commission's advice, or has developed it further.

6.0 Representations

6.1 This hearing is required by the Gambling Act 2005 because representations have been made by representatives of local residents.

6.2 The representations relate to:

- Protecting children and other vulnerable persons from being harmed or exploited by gambling

6.3 Please see **Appendix 3** for the representation of Roman Road Town Team.

6.4 An interested party is defined as someone who:

- (a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- (b) has business interests that might be affected by the authorised activities, or
- (c) represents persons who satisfy paragraph (a) or (b)

6.5 The application was required to be advertised in a local newspaper and by a poster at the premises.

6.6 The licensing objectives are:

- Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and other vulnerable persons from being harmed or exploited by gambling

6.7 Members should note that moral objection to gambling is not relevant to the decision making process (See **Appendix 4**).

6.8 In addition, children are not permitted on an off-track betting premises (See **Appendix 10**). There are however, a number of other premises where they are permitted and they may witness gambling, the most obvious being shops that sell lottery and scratch card tickets.

6.9 There are time limits to any representations. These are contained in the Gambling Act 2005 (Premises Licences and Provisional Statements) Regulations 2007.

7.0 Licensing Officer Comments

7.1 The Licensing Section is also a responsible authority. The following is intended simply to advise Members of the relevant aspects of the Gambling commission's advice and the Borough Gambling Policy. Members may depart from the advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

- 7.2 The Committee can, if it feels minded to compose conditions on the premises licence. Paragraph 9.28 of the guidance states:
Licensing Authorities should not attach conditions that limit the use of the premises for gambling, except where that is necessary as a result of the requirement to act:
- in accordance with the Guidance, the Commissions Codes of practice or their own statement of licensing Policy
 - in a way that is reasonably consistent with the licensing objectives.
- Conditions must be proportionate to the circumstances they are seeking to address. In particular;
- relevant to the need to make the proposed building suitable as a gambling facility; directly related to the premises and type of licence applied for;
 - fairly and reasonably related to the scale and type of premises;
 - reasonable in all other respects.
- 7.3 Local authorities are also prevented from attaching conditions relating to certain matters. Paragraph 9.32 of the guidance sets out the relevant sections of the Act where conditions may not be imposed.
- section 169(4) prohibits an authority from imposing a condition on a premises licence which makes it impossible to comply with an operating licence condition
 - section 172(10) provides that conditions may not relate to gaming machine categories, numbers, or method of operation
 - section 170 provides that membership of a club or body cannot be required by attaching a condition to a premises licence (the Act specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated)
 - section 171 prevents an authority imposing conditions in relation to stakes, fees, winnings or prizes.

7.4 Guidance issued to Licensing Authorities by the Gambling Commission

- Gambling Commission Advice on Moral Objections (**Appendix 4**)
- Gambling Commission advice on the Principles to be applied when considering applications (**Appendix 5**)
- Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime (**Appendix 6**)
- Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way (**Appendix 7**)
- Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling (**Appendix 8**)
- Gambling Commission Advice on Premises Licences (**Appendix 9**)

- Gambling Commission Advice on Betting Premises (**Appendix 10**) there are mandatory conditions which must apply to this application. There are also default conditions concerning hours, which will apply in this case as no dis-application has been made by the applicant.

7.5 The Gambling Policy of the London Borough of Tower Hamlets

- London Borough of Tower Hamlets Gambling Policy Definition of vulnerable person (**Appendix 11**)
- London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises (**Appendix 12**)

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** Representation of Roman Road Town Team.
- Appendix 4** Gambling Commission Advice on Moral Objections
- Appendix 5** Gambling Commission advice on the Principles to be applied when considering applications
- Appendix 6** Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime
- Appendix 7** Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way
- Appendix 8** Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling
- Appendix 9** Gambling Commission Advice on Premises Licences
- Appendix 10** Gambling Commission Advice on Betting
- Appendix 11** London Borough of Tower Hamlets Gambling Policy
Definition of vulnerable person
- Appendix 12** London Borough of Tower Hamlets Gambling Policy relating to betting machines on betting premises

Appendix 1

Application for a premises licence under the Gambling Act 2005 (standard form)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

If you are completing this form by hand, please write legibly in block capitals using ink. Use additional sheets if necessary (marked with the number of the relevant question). You may wish to keep a copy of the completed form for your records.

Where the application is—

- In respect of a vessel, or
To convert an authorisation granted under the Betting, Gaming and Lotteries Act 1963 or the Gaming Act 1968,

the application should be made on the relevant form for that type of premises or application.

Part 1 – Type of premises licence applied for

- Regional Casino, Large Casino, Small Casino, Bingo, Adult Gaming Centre, Family Entertainment Centre, Betting (Track), Betting (Other)

Do you hold a provisional statement in respect of the premises? Yes No

If the answer is "yes", please give the unique reference number for the provisional statement (as set out at the top of the first page of the statement):

Part 2 – Applicant Details

If you are an individual, please fill in Section A. If the application is being made on behalf of an organisation (such as a company or partnership), please fill in Section B.

Section A

Individual applicant

1. Title: Mr Mrs Miss Ms Dr Other (please specify)

2. Surname: Other name(s):

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence]

3. Applicant's address (home or business – [delete as appropriate]):

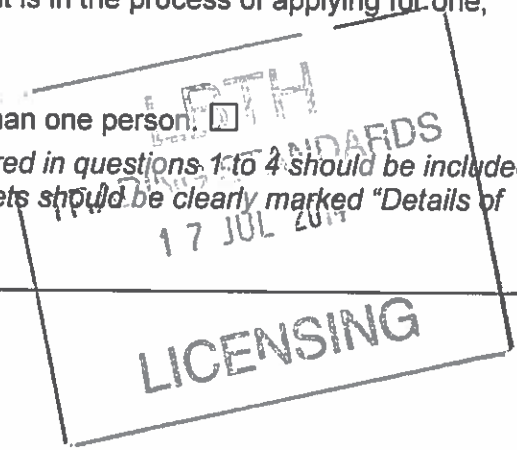
Postcode:

4(a) The number of the applicant's operating licence (as set out in the operating licence):

4(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made:

5. Tick the box if the application is being made by more than one person.

[Where there are further applicants, the information required in questions 1 to 4 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]



Section B

Application on behalf of an organisation

6. Name of applicant business or organisation: **Power Leisure Bookmakers Ltd**

[Use the names given in the applicant's operating licence or, if the applicant does not hold an operating licence, as given in any application for an operating licence.]

7. The applicant's registered or principal address:

**Oneustonsq
40 Melton Street
London**

Postcode: **NW1 2FD**

8(a) The number of the applicant's operating licence (as given in the operating licence):

000-001034-N-103643-008

8(b) If the applicant does not hold an operating licence but is in the process of applying for one, give the date on which the application was made: **N/A**

9. Tick the box if the application is being made by more than one organisation.

[Where there are further applicants, the information required in questions 6 to 8 should be included on additional sheets attached to this form, and those sheets should be clearly marked "Details of further applicants".]

Part 3 – Premises Details

10. Proposed trading name to be used at the premises (if known): **Paddy Power**

11. Address of the premises (or, if none, give a description of the premises and their location):

**620 Roman Road
London
Postcode: E3 2RW**

12. Telephone number at premises (if known): **N/A**

13. If the premises are in only a part of a building, please describe the nature of the building (for example, a shopping centre or office block). The description should include the number of floors within the building and the floor(s) on which the premises are located.

Three storey building with residential accommodation above, market street location

14(a) Are the premises situated in more than one licensing authority area? **No**

14(b). If the answer to question 14(a) is yes, please give the names of all the licensing authorities within whose area the premises are partly located, **other than the licensing authority to which this application is made: N/A**

Part 4 – Times of operation

15(a). Do you want the licensing authority to exclude a default condition so that the premises may be used for longer periods than would otherwise be the case? **No**

[Where the relevant kind of premises licence is not subject to any default conditions, the answer to this question will be no.]

15(b). If the answer to question 15(a) is yes, please complete the table below to indicate the times when you want the premises to be available for use under the premises licence.

	<i>Start</i>	<i>Finish</i>	<i>Details of any seasonal variation</i>
Mon			
Tue			
Wed			
Thurs			
Fri			
Sat			
Sun			

16. If you wish to apply for a premises licence with a condition restricting gambling to specific periods in a year, please state the periods below using calendar dates: **N/A**

Part 5 – Miscellaneous

17. Proposed commencement date for licence (leave blank if you want the licence to commence as soon as it is issued): (dd/mm/yyyy)

18(a). Does the application relate to premises which are part of a track or other sporting venue which already has a premises licence? **No**

18(b). If the answer to question 18(a) is yes, please confirm by ticking the box that an application to vary the main track premises licence has been submitted with this application.

19(a). Do you hold any other premises licences that have been issued by this licensing authority?

Yes [delete as appropriate]

19(b). If the answer to question 19(a) is yes, please provide full details:

269 Whitechapel Road	London	E1 1BY	14573
----------------------	--------	--------	-------

20. Please set out any other matters which you consider to be relevant to your application:

None

Part 6 – Declarations and Checklist (Please tick)

We confirm that, to the best of our knowledge, the information contained in this application is true. We understand that it is an offence under section 342 of the Gambling Act 2005 to give information which is false or misleading in, or in relation to, this application.

We confirm that the applicant(s) have the right to occupy the premises.

Checklist:

- Payment of the appropriate fee has been made/is enclosed
- A plan of the premises is enclosed
- We understand that if the above requirements are not complied with the application may be rejected
- We understand that it is now necessary to advertise the application and give the appropriate notice to the responsible authorities

Part 7 – Signatures

21. Signature of applicant or applicant's solicitor or other duly authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:



Print Name: Poppleston Allen

Date: 17 July 2014

Capacity: Solicitors for & on behalf of the applicant

22. For joint applications, signature of 2nd applicant, or 2nd applicant's solicitor or other authorised agent. If signing on behalf of the applicant, please state in what capacity:

Signature:

Print Name: _____

Date: _____

Capacity: _____

[Where there are more than two applicants, please use an additional sheet clearly marked "Signature(s) of further applicant(s)". The sheet should include all the information requested in paragraphs 21 and 22.]

[Where the application is to be submitted in an electronic form, the signature should be generated electronically and should be a copy of the person's written signature.]

Part 8 – Contact Details

23(a) Please give the name of a person who can be contacted about the application:

Richard Bradley

23(b) Please give one or more telephone numbers at which the person identified in question 23(a) can be contacted:

0115 948 7424

24. Postal address for correspondence associated with this application:

Richard Bradley

Poppleston Allen

37 Stoney Street

The Lace Market

Nottingham

Postcode: NG1 1LS

25. If you are happy for correspondence in relation to your application to be sent via e-mail, please give the e-mail address to which you would like correspondence to be sent:

r.bradley@popall.co.uk

NOTICE OF APPLICATION FOR A PREMISES LICENCE

This notice is issued in accordance with regulations made under section 160 of the Gambling Act 2005

Notice is hereby given that **Power Leisure Bookmakers Limited**

of the following address –
**Oneustonsq
40 Melton Street
London**

Postcode **NW1 2FD**

the number of whose operating licence is **000-001034-N-103643-008**

who applied for an operating licence on **N/A**

has made an application for a **Betting (Other) Premises Licence**

The application relates to the following premises

**Paddy Power
620 Roman Road
London
E3 2RW**

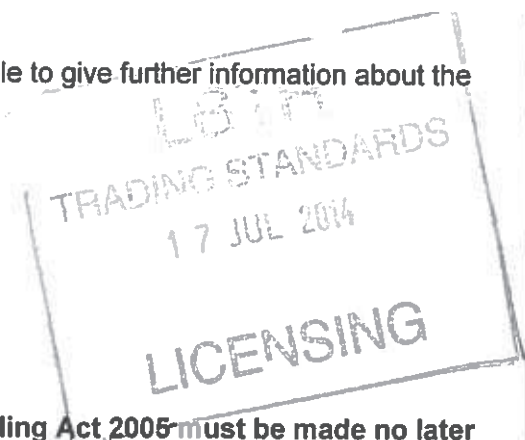
The application for a premises licence has been made to the following licensing authority:

**Licensing Department
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
E14 1BY
Website: www.towerhamlets.gov.uk**

Information about the application is available from the licensing authority, including the arrangements for viewing the details of the application.

The following person connected with the applicant is able to give further information about the application:

**Richard Bradley
37 Stoney Street
The Lace Market
Nottingham
NG1 1LS
0115 948 7424
r.bradley@popall.co.uk**



Any representations under section 161 of the Gambling Act 2005 must be made no later than the following date **14th August 2014**

Gambling Act 2005

THE OBJECTIVES UNDER THE ACT ARE :

- **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime**
- **Ensuring that gambling is conducted in a fair and open way**
- **Protecting children and other vulnerable persons from being harmed or exploited by gambling**

Gambling Act 2005

Objective 1

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime.

- We have adopted and complied with the guidelines produced by the Association of British Bookmakers (ABB) in relation to the Proceeds of Crime Act 2002 (POCA) .
- If we suspect anyone of using our premises for the furtherance of criminal activity (for instance drug dealing, using counterfeit money, selling suspected stolen property and criminal damage) we will contact the police immediately, report to our UK Head of Security and record the instance in the shop log.
- We exercise considerable caution when approached by a customer unknown to us who wants to place a significant bet.
- We at Paddy Power are also aware of the need to notify the Gambling Commission should we suspect anyone, including our own staff, of committing an offence under the Act.
- All of our shops have digital CCTV installed. We have upgraded all of our existing shops to a remote system (completed end 2009) with virtually every area of the customer area supervised.
- We have a full time Head of Security / Money Laundering Officer heading a security team monitoring staff / customer activity.

Gambling Act 2005

Objective 2

Ensuring that gambling is conducted in a fair and open way.

- A copy of our current betting rules is prominently displayed in each of our offices.
- We encourage shop teams / district managers to use positive discretion to resolve customer issues at a local level – we are very proud of the fact that very few issues are escalated beyond this stage.
- Where a customer dispute cannot be resolved satisfactorily we encourage reference to IBAS.
- We will always abide by any decision made by IBAS.
- Our shop staff receive ongoing / refresher training which we believe to be essential in ensuring that any possible issues are addressed at bet acceptance stage.

Gambling Act 2005

Objective 3

Protecting children and other vulnerable persons from being harmed or exploited by gambling

- All our staff receive ongoing extensive training on social responsibility.
- The protection of the vulnerable is at the heart of all new employees' induction training regardless of whether they are experienced or not
- Under 18 notices are prominently displayed in each of our offices.
- All staff will require sight of a photographic form of identity if they suspect a customer to be under age – all such instances are recorded in the shop log.
- We prominently display leaflets and posters giving information on Gamcare services together with contact details.
- We operate a self exclusion policy whereby customers complete an exclusion form together with a recent photograph – details are circulated to all nearby Paddy Power offices.
- We regularly donate to The Responsibility in Gambling Trust (RIGT).
- Our shops are designed, wherever possible, to allow direct supervision by staff of the FOBT terminals. FOBTs are monitored by CCTV.

I, Richard Bradley in the firm of Messrs. Poppleston Allen, Solicitors of 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS refer to the following:-

1. Letter to London Borough of Tower Hamlets dated 17th July 2014
2. Application form
3. Notice of application
4. Two copies of the plan of the proposed premises: Drawing Number 13674-04.
5. One copy of the plan of the proposed premises Drawing Number 13674-05 for illustrative purposes only
6. Copy of the Licensing Objectives and how Paddy Power approaches the same
7. Cheque in the sum of £3000

I FURTHER CERTIFY that I have served documents 1 – 7 upon the following:-

1. Licensing Department,
London Borough of Tower Hamlets,
Mulberry Place (AH),
PO Box 55739,
5 Clove Crescent,
E14 2BG

I FURTHER CERTIFY that I have served a true copy of documents 1 & 3 upon the following:-

2. Metropolitan Police Service, Licensing Unit, Limehouse Police Station, 27 West India Dock Road, London, E14 8EZ
3. HM Revenue and Customs, NRU (Betting and Gaming), Portcullis House, 21 India Street, Glasgow, G2 4PZ
4. London Fire Brigade Authority, Fire Safety Regulation : North East Area 2, London Fire Brigade, 169 Union Street, London , SE1 0LL
5. The Gambling Commission, 4th Floor, Victoria Square House, Victoria Square, Birmingham, B2 4BP
6. Child Protection Department, CPRS Unit, 2nd Floor, Mulberry Place, 5 Clove Crescent, London, E14 2BG
7. Planning Department, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London, E14 2BG
8. Environmental Protection, London Borough of Tower Hamlets, Administration Team, Mulberry Place (AH), PO BOX 55739, 5 Clove Street, E14 2BG

I effected service by sending the said documents to the Licensing Department by Special Delivery and the other authorities by first class post addressed to them on 17 July 2014.

SIGNED .....

DATED:17/7/14.....

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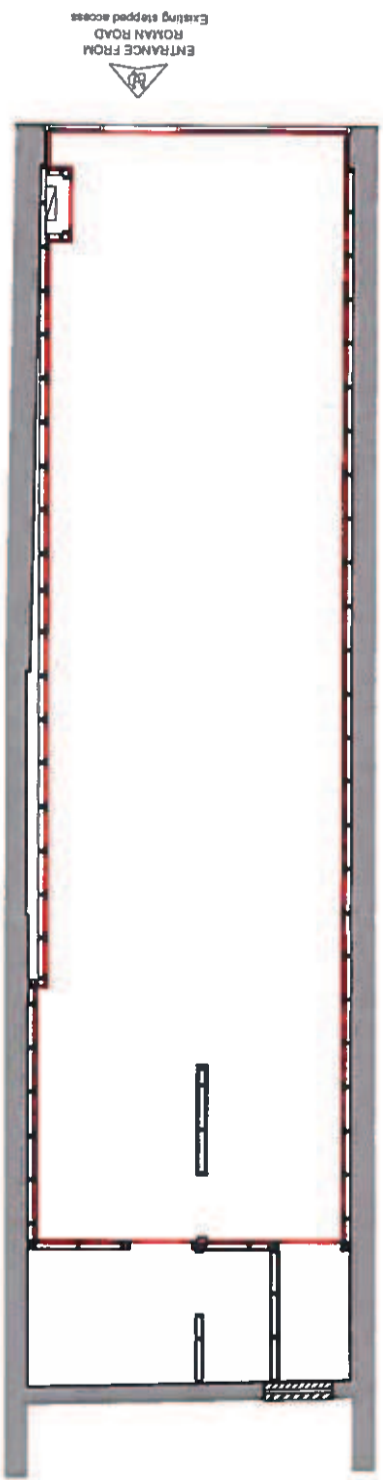
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SPECIFICATIONS AND DRAWINGS PLUS ANY ACCOMPANYING PRODUCT
LITERATURE, AGREED DETAIL ETC.

10
A1 SHEET
INSET A2: CHECK, WITH PARTS TO THE CORRECT SIZE THIS
LINE SHOULD BE 10mm LONG (A1 SIZE DRAWING)

Paddy Power plc

- Line indicates approximate boundary lines
- Line indicates hidden or high level elements
- Hatching indicates new brick wall/foundations
- Hatching indicates new 75 block work walls/fills
- Hatching indicates new 3.5M block work walls/fills
- Hatching indicates new brick work walls/fills
- Hatching indicates new foundations

Hatching indicates existing walls, floors, ceilings, etc.
are void construction, all other walls, floors, ceilings,
etc. appear to be timber or metal. Further review on
site investigation required following step out process



LICENCE PLAN
SCALE 1:50

The area within the 'red' line is the location and extent of the premises which will be used to provide facilities for gambling



SITE LOCATION PLAN
SCALE 1:1250

Client:	PADDY POWER PLC
Project:	NEW BOOKMAKERS 620 ROMAN ROAD LONDON, E3 3RW
Task:	LICENCE PLAN
Drawn by:	AG
Checked by:	DO
Date:	07-03-14
Scale @ A1:	1:50/1:250
Dwg. No.:	13874-04
Drawn by:	AG
Checked by:	DO
Date:	07-03-14
Scale @ A1:	1:50/1:250
Dwg. No.:	13874-04



Brookway House, 74-78 Brookway,
Lough-on-Sea, Essex, S88 1AE
Tel: 01702 714877
Fax: 01702 471745

8 Atlantic Square, Station Road,
Widmore, Essex, CM8 2TL
Tel: 01378 519517
Fax: 01378 519540

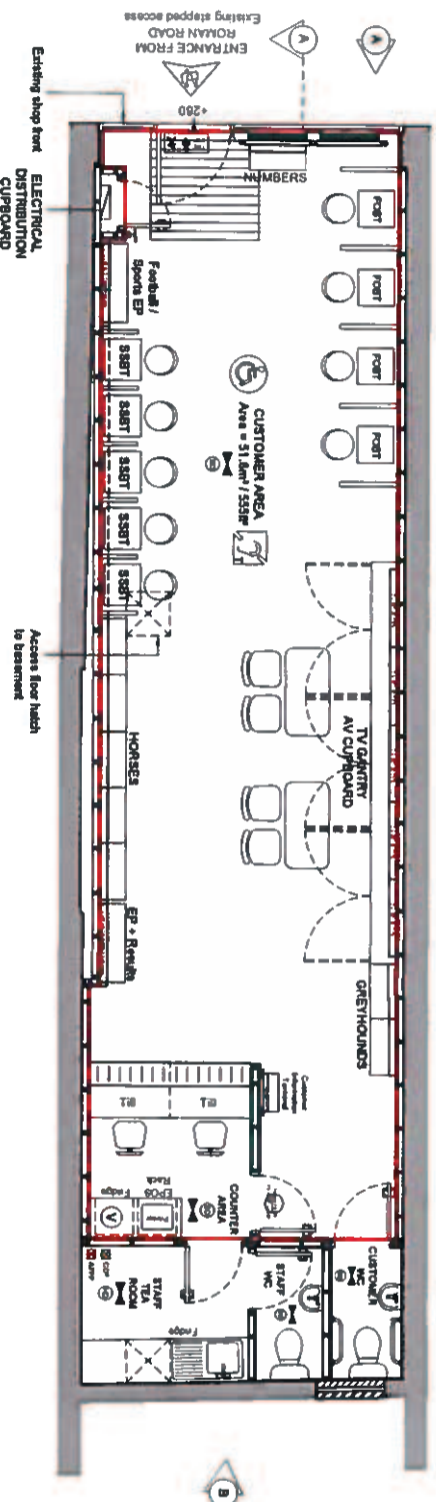


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 ALL DIMENSIONS TO BE READ IN CONJUNCTION WITH CONSULTANT'S STRUCTURAL DRAWINGS AND ELECTRICAL CONSULTANT'S ACCOUNTS DRAWINGS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ANY APPROPRIATE PRODUCT LITERATURE, AGREEMENTS, ETC.



Paddy Power plc

- Line indicates approximate boundary line
- Line indicates hidden or high level elements
- Hatching indicates new timber wall/partitions
- Hatching indicates new 75 block wall
- Hatching indicates new 3.5N block work walls/finishes
- Hatching indicates new brick work walls/finishes
- Hatching indicates new insulation
- Hatching indicates existing walls, floors, ceiling, etc. to be retained, all other walls, floors, ceiling, etc. to be removed



Anything shown on this plan which is not required by the Plan Regulations is for illustrative purposes only, and does not form part of the licence

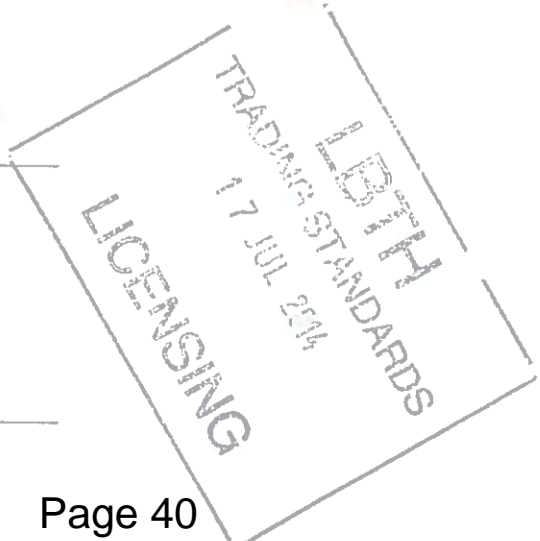
SCALE 1:50

SYMBOL	DESCRIPTION
(Symbol)	EXISTING SHOP FRONT
(Symbol)	EXISTING ENTRANCE FROM ROMAN ROAD
(Symbol)	EXISTING STEPPED ACCESS
(Symbol)	EXISTING ELECTRICAL DISTRIBUTION CUPBOARD
(Symbol)	EXISTING HORSES
(Symbol)	EXISTING EP + STABLES
(Symbol)	EXISTING RESTROOMS
(Symbol)	EXISTING COMPUTER AREA
(Symbol)	EXISTING STAFF WC
(Symbol)	EXISTING RESTROOMS
(Symbol)	EXISTING GREYHOUNDS
(Symbol)	EXISTING TV/GAMING AV CUPBOARD
(Symbol)	EXISTING CUSTOMER AREA



SCALE 1:1250

- MINIMUM SECURITY PROVISIONS**
1. CCTV
 - DIGITAL COLOUR SYSTEM WITH SUFFICIENT NUMBER OF CAMERAS TO COVER ALL AREAS INCLUDING COVER FRONT DOOR CAMERA
 - IMAGES RECORDED AND KEPT FOR A MINIMUM OF 31 DAYS
 - IMAGES ARE ACCESSIBLE CENTRALLY FOR IMMEDIATE DOWNLOAD DURING OFFICE HOURS AND AVAILABLE TO THE POLICE UPON REQUEST
 2. SAFE WITH TIME DELAY INSERT
 3. CENTRAL STATION MONITORED PREMISES ALARM SYSTEM INCORPORATING SILENT STAFF-ACTIVATED PANE BUTTONS
 4. ELECTRONICALLY CONTROLLED ACCESS TO PUBLIC TOILETS



Rev:	Amendment:	Date:
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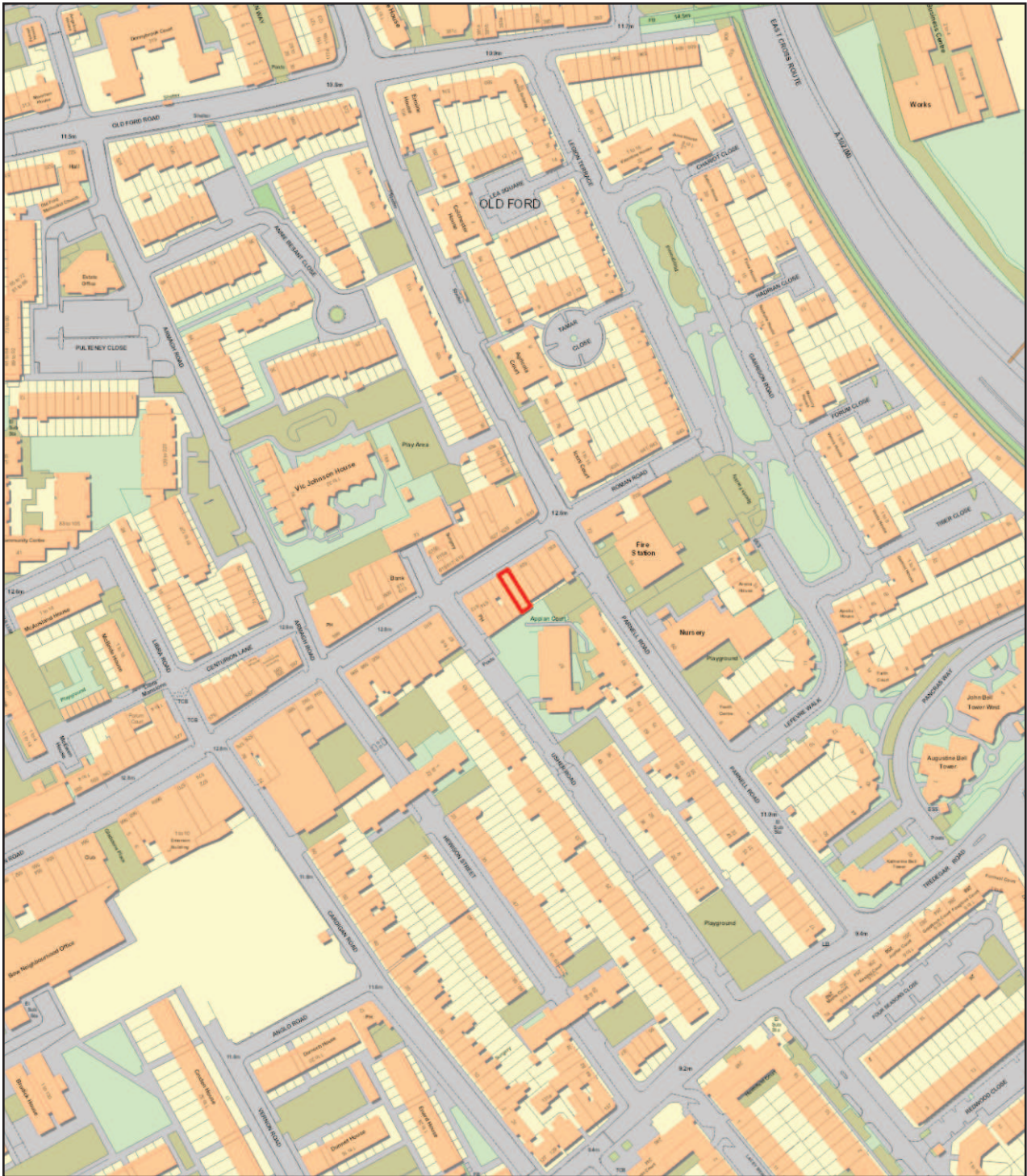


Client:	PADDY POWER PLC
Project:	NEW BOOKMAKERS 620 ROMAN ROAD LONDON, E3 2RW
Drawn by:	AG
Checked by:	DO
Date:	07-03-14
Scale @ A1:	1:50/1:250
Drawn by:	AG
Checked by:	DO
Date:	07-03-14
Scale @ A1:	1:50/1:250
Drawn by:	AG
Checked by:	DO
Date:	07-03-14

Broadway House, 71-73, Broadway,
 Leighton-Ston, Essex, SSG 1AE
 Tel: 01702 714877
 Fax: 01702 471745
 9 Atlantic Square, Station Road,
 Waltham Cross, Essex, SSG 2TL
 Tel: 01702 618517
 Fax: 01702 519540



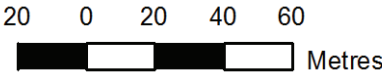
Appendix 2



620 Roman Road



Scale 1:2690



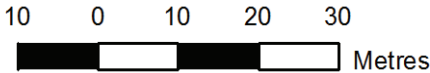
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620 Roman Road



Scale 1:1153



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Appendix 3

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ROMAN ROAD LONDON

TOWN TEAM

Roman Road Town Team

Licensing Department
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 1BY
licensing@towerhamlets.gov.uk

13 August 2014

We are writing to OBJECT to the application for a betting premises licence at 620 Roman Road.

The Roman Road Town Team is a community group representing the local residents and businesses of Roman Road, Roman Road Market and Bow. We are a non-profit Community Interest Group (CIG) made up of volunteers united in the same vision to encourage a thriving high street on Roman Road, E3.

We would like to object to the application predominantly on the grounds that it is not likely to meet the licensing objective of protecting children and other vulnerable people from being harmed or exploited by gambling, but also because we are concerned it may not meet the licensing objective of preventing gambling being a source of crime and disorder.

Protecting children and other vulnerable people from being harmed or exploited by gambling

We note that the Licensing Authority's Statement of Gambling Policy (adopted in November 2013) says:

3.2 It is the licensing authorities' view that premises should not normally be licensed which are close to schools, playgrounds, or other educational establishments such as museums. However any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how the concerns can be overcome.

We would point out that 620 Roman Road is extremely close to two such educational establishments, namely Overland Children's Centre, 60 Parnell Road (341ft/104m away), and Eastside Youth Centre, 6 Parnell Road (466ft/142m away). Its proximity to Eastside Youth Centre, which attracts teenagers from across the area (most of whom would travel along Roman Road, past the proposed betting shop at 620 Roman Road) would be particularly problematic, given the age and consequent vulnerability of its users.

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Bow Haven, a user-led Mental Health Centre is also situated on William Place, Roman Road – 0.2 miles/321 metres from 620 Roman Road – attracting 100 users with a range of mental health issues, including compulsive behaviours. The proximity of a betting shop to the centre would put at risk its vulnerable users.

We also note that the Roman Road East district centre already has five existing betting shops (Coral on the corner of Usher Road, William Hill near Cardigan Road, Ladbrokes by Ewart Place, Betfred by Dane Place, and a second Coral by Ellesmere Road). We believe that this is more than can reasonably be supported by the small catchment area of the Roman Road East district centre (essentially the two wards of Bow East and Bow West) and that a sixth betting shop could result in a level of competition that may result in children or vulnerable people being drawn into gambling.

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

We note that the Licensing Authority's Statement of Gambling Policy says:

5.2 The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors.

We would point out that this end of Roman Road has a long-acknowledged problem with gang crime, particularly by the Bow Bloodshedders. An 18-year old was fatally stabbed and a 17 year-old seriously wounded on Parnell Road in gang-related violence in 2010. This known level of organised gang-crime in the immediately vicinity of 620 Roman Road makes it possible that the crime and anti-social behaviour objective will not be upheld.

As a result of all of these factors, the Roman Road Town Team **OBJECTS** to this application and asks that the Licensing Authority **REFUSES** it.

Yours faithfully

The Roman Road Town Team

Appendix 4

Gambling Commission Advice on Moral Objections

5.28 In deciding to reject an application, a licensing authority should rely on reasons that demonstrate that the licensing objectives are not being, or are unlikely to be, met. Licensing authorities should be aware that other considerations such as moral or ethical objections to gambling are not a valid reason to reject applications for premises licences.

This is because such objections do not relate to the licensing objectives. An authority's decision cannot be based on dislike of gambling, or a general notion that it is undesirable to allow gambling premises in an area (with the exception of the casino resolution powers).

Appendix 5

Gambling Commission advice on the Principles to be applied when considering applications

Part 5: Principles to be applied by licensing authorities in Exercising their Functions

- 5.1** In exercising most of their functions under the 2005 Act, licensing authorities must have regard to the licensing objectives set out in section 1 of the Act. In particular, licensing authorities must have regard to the licensing objectives when exercising their functions in relation to premises licences, temporary use notices and some permits. Those objectives are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable persons from being harmed or exploited by gambling.
- 5.2** In considering applications, licensing authorities in England and Wales should take particular care to bear in mind that these objectives are not the same as those in the Licensing Act 2003. In particular, they do not include considerations in relation to public safety or prevention of public nuisance. The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling.
- 5.3** Similarly in Scotland the licensing objectives for the Licensing (Scotland) Act 2005 are different. In particular the Gambling Act does not include the objectives of preventing public nuisance and protecting and improving public health.
- 5.4** Section 153 of the Act provides that in exercising its functions under Part 8 of the Act (premises licensing and provisional statements), a licensing authority shall aim to permit the use of premises for gambling in so far as it thinks it is:
- (a) in accordance with any relevant code of practice under section 24 (i.e. such as that found within the Commission's *Licence Conditions and Codes of Practice* (LCCP))
 - (b) in accordance with any relevant guidance issued by the Commission under section 25 (ie this document)
 - (c) reasonably consistent with the licensing objectives (subject to (a) and (b) above), and
 - (d) in accordance with the Licensing Authority Statement of Policy (subject to (a) and (c) above). (See part 6 of this Guidance.)
- 5.5** Section 153 applies not only to a licensing authority's relevant functions under Part 8 of the Act (ie applications for the grant, transfer, reinstatement or review of premises licences and provisional statements) but also when it is deciding whether to give a counter notice on receipt of a temporary use notice. Its effect is that, whilst in such circumstances there is a presumption in favour of permitting the relevant premises to be used for gambling, the licensing authority may not do so unless satisfied that such use would be in accordance with the guidance contained in this document, any relevant Commission code of practice and its own statement of licensing policy as well as reasonably consistent with the licensing objectives. In reaching a view that the grant of a licence, or the giving of the temporary use notice, is in accordance with such guidance, code of practice or policy statement, a licensing authority is, in common with all such public authority decision makers, under a duty to act fairly and rationally. In cases where an authority is concerned whether a grant would be in accordance with, for example, the guidance in this document, this can be resolved by the imposition of appropriate licence conditions. In the unlikely event that a licensing authority perceives a conflict between a provision of a Commission code of practice or this Guidance and its own policy statement or view as to the application of the licensing objectives the structure of section 153 makes it plain that the Commission's codes and Guidance take precedence.

- 5.6** Section 153 also makes it clear that in deciding whether or not to grant a licence a licensing authority must not have regard to the expected demand for gambling premises that are the subject of the application.
- 5.7** The requirements in section 153 are subject to the licensing authority's power (under section 166) to resolve not to issue casino premises licences. This means that a resolution not to issue a casino premises licence applies regardless of the matters set out in section 153.
- 5.8** It should be noted that, unlike the Licensing Act, the Gambling Act does not include as a specific licensing objective the prevention of public nuisance. Any nuisance associated with gambling premises should be tackled under other relevant legislation.

Appendix 6

Gambling Commission Advice on the Licensing Objective of Preventing Gambling from being a Source of Crime

- 5.9** The Commission play a leading role in preventing gambling from being a source of crime. It will maintain rigorous licensing procedures that aim to prevent criminals from providing facilities for gambling, or being associated with providing such facilities. The Act provides the Commission with powers to investigate the suitability of applicants for operating and personal licences, and others relevant to the application. This will provide the Commission with the power to make enquiries about and investigate those who are involved in the control of a company or the provision of gambling. In considering applications for operating and personal licences the Commission will, in particular, take a serious view of any offences involving dishonesty committed by applicants or persons relevant to the application.
- 5.10** As applicants for premises licences (except occupiers of tracks who do not propose to offer gambling themselves) will have to hold an operating licence from the Commission before the premises licence can be issued, licensing authorities will not need to investigate the suitability of an applicant. If during the course of considering a premises licence application, or at any other time, the licensing authority receives information that causes it to question the suitability of the applicant to hold an operating licence, these concerns should be brought to the attention of the Commission without delay.
- 5.11** Among other matters, licensing authorities may need to consider the location of premises in the context of this licensing objective. If an application for a licence or permit is received in relation to premises that are in an area noted for particular problems with organised crime, for example, licensing authorities should think about what (if any) controls might be appropriate to prevent those premises becoming a source of crime. These might include conditions being put on the licence, such as a requirement for door supervisors.
- 5.12** A licensing authority will need to consider questions raised by the location of gambling premises when:
- formulating its Licensing Authority Statement of Policy
 - receiving relevant representations to an application
 - dealing with applications as a responsible authority in its own right
 - considering applications before it.
- 5.13** Regulatory issues arising from the prevention of disorder are likely to focus almost exclusively on premises licensing, rather than on operating licences. (Although if there are persistent or serious disorder problems that an operator could or should do more to prevent, the licensing authority should bring this to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence.)
- 5.14** Local authorities are experienced in making judgements in relation to the suitability of premises, particularly those for which they have responsibilities under the Licensing Act 2003, in which context they have wider powers to also take into account measures to prevent nuisance.
- 5.15** In relation to preventing disorder, licensing authorities have the ability under section 169 of the Act to attach additional conditions to premises licences, and are entitled to include a requirement for door supervision, as provided for in section 178 of the Act. If a person employed on door supervision would be required to hold a licence issued by the Security Industry Authority (SIA), that requirement will have force as though it were a condition on the premises licence. Further information on conditions can be found in part 9 of this Guidance.

5.16 Local authorities should note that in the case of gambling premises licences, disorder is intended to mean activity that is more serious and disruptive than mere nuisance. Factors to consider in determining whether a disturbance was serious enough to constitute disorder would include whether police assistance was required and how threatening the behaviour was to those who could see or hear it. There is not a clear line between nuisance and disorder and the licensing authority should take the views of its lawyers before determining what action to take in circumstances in which disorder may be a factor.

Appendix 7

Gambling Commission Advice on the Licensing Objective of Ensuring that gambling is conducted in a fair and open way

- 5.17** The Commission is concerned to ensure that not only is gambling fair in the way it is played, but also that the rules are transparent to players and they know what to expect. It achieves this by working to ensure that:
- operating and personal licences are issued only to those who are suitable to offer gambling facilities or work in the industry
 - easily understandable information is made available by operators to players about, for example: the rules of the game, the probability of losing or winning, and the terms and conditions on which business is conducted
 - the rules are fair
 - advertising is not misleading
 - the results of events and competitions on which commercial gambling takes place are made public
 - machines, equipment and software used to produce the outcome of games meet standards set by the Commission and operate as advertised.
- 5.18** Generally the Commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence. (However, if licensing authorities suspect that gambling is not being conducted in a fair and open way this should be brought to the attention of the Commission so that it can consider the continuing suitability of the operator to hold an operating licence or of an individual to hold a personal licence.)
- 5.19** In relation to the licensing of tracks the licensing authority's role will be different from other premises in that track owners will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable. Please see part 20 of this Guidance for more information.

Appendix 8

Gambling Commission Advice on Protecting Children and Other Vulnerable Persons from being Harmed or Exploited by Gambling

- 5.20** With limited exceptions, the intention of the Gambling Act is that children and young persons should not be permitted to gamble and should be prevented from entering those gambling premises which are adult-only environments. The objective refers to protecting children from being 'harmed or exploited by gambling'. That means preventing them from taking part in gambling and for there to be restrictions on advertising so that gambling products are not aimed at children or advertised in such a way that makes them particularly attractive to children, excepting Category D gaming machines.
- 5.21** In relation to casinos, the Commission has issued a code of practice on access to casino premises by children and young persons, as provided for by section 176 of the Act. The code of practice is available as part of the *Licence Conditions and Codes of Practice (LCCP)* on the Commission website¹. In accordance with that section, adherence to the code will be a condition of the premises licence. (Please see part 9 of this Guidance for more information.)
- 5.22** The Act does not seek to prohibit particular groups of adults from gambling in the same way that it prohibits children. The Commission does not seek to define 'vulnerable persons', but it does for regulatory purposes assume that this group includes people who gamble more than they want to; people who gamble beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to mental health needs, learning disability or substance misuse relating to alcohol or drugs.
- 5.23** Licensing authorities need to consider, in relation to particular premises, whether any special considerations apply in relation to the protection of vulnerable persons. Any such considerations need to be balanced against the authority's objective to aim to permit the use of premises for gambling.

Appendix 9

Gambling Commission Advice on Premises Licences

- 7.1** Where an individual or company proposes to offer gambling for which an operating licence is required, and which is premises based, that individual or company will also need to apply for a premises licence.
- 7.2** Premises licences are issued by the licensing authority with responsibility for the area in which the premises are situated.
- 7.3** The Act contains no rules about cases where premises lie within more than one authority's area. Such cases are likely to be rare. The Commission would expect an applicant to apply to the licensing authority in whose area the greater or greatest part of the premises is situated. If another authority receives an application it should discuss with the applicant and the neighbouring authority as to which is the appropriate authority. Ultimately, there is nothing in the Act giving an authority the right to turn down an application because it is responsible for a smaller area of the premises than another authority. However, in such circumstances, the other authority will be a 'responsible authority' in relation to the premises (see part 8 of this guidance), and will be able to give a view on the application through these channels. Note, this is not the same as the Licensing Act where an application must be made to the authority in which the greater part of the premises is situated.
- 7.4** Where the premises are located in two or more areas (equally or otherwise), ultimately the applicant may choose which licensing authority to apply to. In the rare cases where such premises exist, it will be important that the licensing authorities concerned maintain close contact about the grant of the premises licence, and subsequent compliance (including inspection powers) and other licensing functions. The licensing authority to which the premises licence application was made will have jurisdiction and the other(s) will need to pass relevant information about the premises to it.

Primary gambling activity

- 7.5** In accordance with section 150 of the Act, premises licences can authorise the provision of facilities on:
- (a) casino premises
 - (b) bingo premises
 - (c) betting premises, including tracks and premises used by betting intermediaries
 - (d) adult gaming centre premises (for category B3, B4, C and D machines)
 - (e) family entertainment centre premises (for category C and D machines) (note that, separate to this category, the licensing authority may issue a family entertainment centre gaming machine permit, which authorises the use of category D machines only).
- 7.6** By distinguishing between premises types the Act makes it clear that the primary gambling activity of the premises should be that described. Thus, in a bingo premises, the primary activity should be bingo, with gaming machines as an ancillary offer on the premises. This principle also applies to existing casino licences (but not 2005 Act casinos) and betting premises licences. The latest issue of the *Licence Conditions and Codes of Practice* sets out in full the requirements on operators. Subject to the gaming machine entitlements which various types of licence bring with them (and except in the case of tracks), the Act does not permit premises to be licensed for more than one of the above activities.

- 7.7** From time to time, the Commission publishes advice notes which whilst they are not legally binding are designed to assist in the understanding of matters such as primary gambling activity. These are updated in light of experience and innovation. Reference to them may assist licensing authorities in establishing compliance with primary gambling activity requirements.
- 7.8** Please see part 16 of this Guidance for more information about gaming machine categories.

Meaning of premises

- 7.13** In the Act, 'premises' is defined as including 'any place'. Section 152 therefore prevents more than one premises licence applying to any place. But, there is no reason in principle why a single building could not be subject to more than one premises licence, provided they are for different parts of the building, and the different parts of the building can reasonably be regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as pleasure parks, tracks, or shopping malls to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-division of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.
- 7.14** In most cases the expectation is that a single building/plot will be the subject of an application for a licence, for example, 32 High Street. But that does not mean that 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises.
- 7.15** We recognise that different configurations may be appropriate under different circumstances but the crux of the matter is whether the proposed premises are genuinely separate premises that merit their own licence with, for example, the machine entitlements that brings and are not an artificially created part of what is readily identifiable as a single premises.
- 7.16** The Act sets out that the type and number of higher stake gaming machines allowable in premises is restricted according to the type of premises licence or permit granted. For example, a converted casino licence allows for 20 gaming machines in categories B, C or D. With the exception of AGCs and FECs, premises are not permitted to be used exclusively for making available gaming machines, but rather to provide the gaming facilities corresponding to the premises licence type. The licence Conditions and Codes of Practice (LCCP), sets out in full the requirements on operators. The latest version of the LCCP can be found on the Commission's website.
- 7.17** With the exception of bingo clubs, tracks on race-days and licensed family entertainment centres, children will not be permitted to enter licensed gambling premises. Therefore businesses will need to consider carefully how they wish to configure their buildings if they are seeking to develop multi-purpose sites.
- 7.18** Licensing authorities should take particular care in considering applications for multiple premises licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to, or loosely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not 'drift' into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity named on the premises licence.

7.19 In determining whether two or more proposed premises are truly separate, the licensing authority should be aware of factors which could assist them in making their decision. Depending on all the circumstances of the case, these may include:

- Is a separate registration for business rates in place for the premises?
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

7.20 Where more than one premises licence is permitted within a building the gaming machine entitlement for the separately licensed premises may not be aggregated and no more than the permitted number and category of machines for the relevant type of premises may be placed in any one of the individual sets of premises within the building.

7.21 The proper application of section 152 means that different premises licences cannot apply in respect of single premises at different times. There is no temporal element to a premises licence. Therefore, premises could not, for example, be licensed as a bingo club on week days and a betting shop at weekends.

Division of premises and access between premises

7.22 An issue that may arise when division of a premises is being considered is the nature of the unlicensed area from which a customer may access a licensed gambling premises. For casinos, bearing in mind the wide definition of a street, access might be from a foyer or other area which the public might enter for purposes other than gambling. The precise nature of this public area will depend on the location and nature of the premises. Licensing authorities will need to consider whether the effect of any division is to create a machine shed-type environment with very large banks of machines, which is not the intention of the access conditions, or whether it creates a public environment with gambling facilities being made available. Licensing authorities should, in particular, remember that where they have concerns about the use of premises for gambling, these may be addressed through licence conditions.

7.23 The Gambling Act 2005 (Mandatory and Default Conditions) Regulations² set out the access provisions for each type of premises. The broad principle is that there can be no access from one licensed gambling premises to another, except between premises which allow access to

those under the age of 18 and with the further exception that licensed betting premises may be accessed from other licensed betting premises. Under-18s can go into family entertainment centres, tracks, pubs and some bingo clubs. So access is allowed between these types of premises.

- 7.24** It should be noted that the Gambling Act 2005 (Mandatory and Default Conditions) Regulations define street as 'including any bridge, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not'. This is to allow access, for example, to casinos from hotel foyers.
- 7.25** There is no definition of 'direct access' in the Act or regulations. However, it could be said that there should be an area separating the premises concerned (for example a street or cafe), which the public go to for purposes other than gambling, for there to be shown to be direct access.
- 7.26** The relevant access provisions for each premises type is as follows:
- Casinos**
- the principal entrance to the premises must be from a street (as defined above)
 - no entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
 - no customer must be able to enter a casino directly from any other premises which holds a gambling premises licence.
- Adult gaming centres**
- no customer must be able to access the premises directly from any other licensed gambling premises.
- Betting shops**
- access must be from a street (as defined above) or from other premises with a betting premises licence
 - no direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.
- Tracks**
- no customer should be able to access the premises directly from:
 - a casino
 - an adult gaming centre.
- Bingo premises**
- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.
- Family entertainment centres**
- no customer must be able to access the premises directly from:
 - a casino
 - an adult gaming centre
 - a betting premises, other than a track.

Management of areas where category B and C gaming machines are located in premises that admit children and young people

7.27 According to mandatory and default conditions relating to premises that admit under 18s, any area where category B and C gaming machines are located must be:

- separated from the rest of the premises by a physical barrier which is effective to prevent access other than by an entrance designed for that purpose
- supervised (see below) at all times to ensure that under-18s do not enter the area
- arranged in a way that ensures that all parts of the area can be observed
- supervised either by:
 - one or more persons whose responsibilities include ensuring that under-18s do not enter the areas
 - CCTV monitored by one or more persons whose responsibilities include ensuring that under-18s do not enter the areas.

A notice stating that no person under the age of 18 is permitted to enter the area must be displayed in a prominent place at the entrance to the area.

7.28 There are a range of other conditions which attach to each type of premises. These are not covered in this section, but are set out in part 9 and the parts of this document relating to each type of premises.

Appendix 10

Gambling Commission Advice on Betting Premises

Part 19: Betting premises

- 19.1** The Act contains a single class of licence for betting premises. However, within this single class of licence, there are different types of premises which require licensing. This part of the Guidance discusses off-course betting, that is, betting that takes place other than at a track in what was previously known as a licensed betting office. Tracks are discussed in part 20 of this Guidance. Please note that there are also betting offices on tracks, that have a separate premises licence from the track licence. Those are also discussed in part 20 of this Guidance.
- 19.2** The Act also permits betting intermediaries to operate from premises, although betting intermediaries usually offer their services via remote communication, such as the internet. In principle, however, there is nothing to stop a betting intermediary applying for a betting premises licence to offer intermediary services upon the premises.
- 19.3** Under the Gambling Act, licensing authorities are responsible for issuing and monitoring premises licences for all betting premises. The issuing of premises licences is discussed in part 7 of this Guidance.

Protection of children and young persons

- 19.4** Children and young persons are not able to enter premises with a betting premises licence, although exemptions apply to tracks, as explained in part 20 of this Guidance. Children and young persons are not allowed to be employed at premises with a betting premises licence..

Betting premises licence conditions

- 19.5** Part 9 of this Guidance discusses the conditions that may or may not be attached to premises licences, and those that are attached automatically. The Secretary of State and Scottish Ministers have set out in regulations the conditions relating specifically to betting premises. The paragraphs below discuss these conditions, both mandatory – those that must be attached to betting premises; and default – those that will apply unless the licensing authority chooses to exclude them using its powers under section 169.

Mandatory conditions attaching to betting premises licences

- 19.6** A notice shall be displayed at all entrances to the betting premises stating that no person under the age of 18 will be admitted. The notice should be clearly visible to people entering the premises.
- 19.7** There must be no access to betting premises from other premises that undertake a commercial activity (except from other premises with a betting premises licence including tracks). Except where it is from other licensed betting premises, the entrance to a betting shop should be from a street (defined as including any bridge, road, lane, footway, subway, square, court, alley or passage – including passages through enclosed premises such as shopping centres – whether a thoroughfare or not).

- 19.8** Any automated telling machine (ATM) made available for use on the premises shall be located in a place that requires any customer who wishes to use it to leave any gaming machine or betting machine in order to do so.
- 19.9** No apparatus for making information or any other material available in the form of sounds or visual images may be used on the licensed premises, except where used to communicate:
- information about or coverage of sporting events, including information relating to betting on such events (and incidental information including advertisements); or
 - information relating to betting (including results) on any event in connection with which bets may have been effected on the premises.

Betting operator-owned TV channels are permitted.

- 19.10** No music, dancing or other entertainment is permitted on betting premises. This includes any form of entertainment such as apparatus producing sound or visual images which do not fall within paragraph 19.9 or machines which do not come within the categories of machine explicitly allowed in betting premises under section 172(8) of the Act.
- 19.11** The consumption of alcohol on the premises is prohibited.
- 19.12** The only publications that may be sold or made available on the premises are racing periodicals or specialist betting publications.
- 19.13** A notice setting out the terms on which a bet may be placed must be displayed in a prominent position on the premises.

Default conditions attaching to betting premises licences

- 19.14** Gambling facilities may not be offered in betting premises between the hours of 10pm on one day and 7am on the next day, on any day.

Gaming machines

- 19.15** Section 172(8) provides that the holder of a betting premises licence may make available for use up to four gaming machines of category B, C or D. Regulations state that category B machines at betting premises are restricted to sub-category B2, B3 and B4 machines. See part 16 of this Guidance for information on gaming machines.

Betting machines (bet receipt terminals)

- 19.16** Section 235(2)(c) provides that a machine is not a gaming machine if it is designed or adapted for use to bet on future real events. Some betting premises may make available machines that accept bets on live events, such as horse racing, as a substitute for placing a bet over the counter. These 'betting machines' are not gaming machines and therefore neither count towards the maximum permitted number of gaming machines, nor have to comply with any stake or prize limits. Such betting machines merely automate the process that can be conducted in person and therefore do not require regulation as a gaming machine.
- 19.17** However, where a machine is made available to take bets on virtual races (that is, images generated by computer to resemble races or other events) that machine is a gaming

machine and does count towards the maximum permitted number of gaming machines, and must meet the relevant category limitations for the premises.

19.18 Section 181 contains an express power for licensing authorities to restrict the number of

betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, should take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of employees to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

Primary Gambling Activity

- 19.19** It is not permissible for an operator to offer gaming machines on a premises which is licensed for betting but not to offer sufficient facilities for betting. A betting operating licence authorises its holder to ‘provide facilities for betting’ (section 65(2)(c) of the Act). Likewise, a betting premises licence authorises premises to be used for ‘the provision of facilities for betting...’ (section 150(1)(e) of the Act). The ability to make up to four gaming machines, within categories B2 – D, available is an additional authorisation conferred upon the holder of a betting premises licence (section 172(8) of the Act); it is not a free standing right to make gaming machines available for use. It follows that unless a betting premises operator offers sufficient facilities for betting it should not be making gaming machines available on the premises in question.
- 19.20** In the Commission’s view it is also important, in relation to the licensing objective of protecting vulnerable persons from being harmed or exploited by gambling, that customers should be offered a balanced mix of betting and gaming machines in licensed betting premises. Thus, whilst the Commission recognises that betting premises are permitted to offer gaming machines, including B2 gaming machines, the Commission considers that betting should be the primary element of the gambling facilities being offered to customers in such premises. Betting may be provided by way of betting terminals or over a counter (face to face).
- 19.21** Accordingly, an operating licence condition provides that gaming machines may be made available for use in licensed betting premises only at times when there are also sufficient facilities for betting available. In this respect, such facilities must include information that enables customers to access details of events on which bets can be made, make such bets, learn of the outcome and collect any winnings.
- 19.22** The Licence Conditions and Codes of Practice (LCCP) sets out the full requirements on operators in licence condition 16 and code of practice provision 8.
- 19.23** Should a licensing authority receive an application to vary a premises licence for betting in order to extend the opening hours, the authority should satisfy itself that the reason for the application is in line with the requirements on primary gambling activity. Therefore, the applicant should be able to demonstrate that the extension of the opening hours is not designed solely to benefit from the machine entitlement and activity which is an ancillary to the primary activity of the premises, namely betting..

Appendix 11

London Borough of Tower Hamlets Gambling Policy

Definition of vulnerable person (5.6)

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis. Should a practical definition prove possible in future then this policy statement will be updated with it, by way of a revision.

Appendix 12

London Borough of Tower Hamlets Gambling Policy

12 Betting Premises

12.1 Betting Machines - This licensing authority will have regard to the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

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Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	21 October 2014	Unclassified	LSC 38/145	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for a time limited premises licence for Victoria Park, Bow, E3
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Bow East

1.0 Summary

Applicant: **Winterville Events Ltd**
Name and Address of Premises: **Victoria Park
London E3**

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

Objectors: **Local Councillors
Local residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Kathy Driver

020 7364 5171

3.0 **Background**

- 3.1 This is an application for a time limited premises licence for Victoria Park, Bow, E3
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The application is for a period commencing 2nd December 2014 to 1st January 2015 with exception of 25th and 26th December 2014.
- 3.4 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales only)

Sunday to Thursday from 10:00 hrs to 22:30 hrs

Friday and Saturday from 10:00 hrs to 23:00 hrs

The Provision of Regulated Entertainment:

Plays, Films, Indoor Sporting events, Live Music, Recorded Music, Performance of dance and similar

Sunday to Thursday from 10:00 hrs to 22:30 hrs

Friday and Saturday from 10:00 hrs to 23:00 hrs

Hours premises is open to the public:

Sunday to Thursday from 10:00 hrs to 22:30 hrs

Friday and Saturday from 10:00 hrs to 23:00 hrs

- 3.5 A map showing the site of the planned area 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 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 2014.
- 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 following:
Local Councillors See **Appendices 4-6**
Local Residents See **Appendix 7** for list and **Appendices 8 - 24** for representations
- 5.9 Environmental Health have agreed conditions relating to noise, these are attached in **Appendix 25**.
- 5.10 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

5.11 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

5.12 The objections cover allegations of

- Anti-social behaviour on the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Disturbance from patrons leaving the premises by car
- Close proximity to residential properties
- Noise leakage from the premises

5.13 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.

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

5.15 In addition to the documentation contained in the report, the application contains additional documentation providing the detail of the Event Management Plan/ Crime Prevention Plan. Members are asked to consider all the associated documentation which accompanies the application and incorporate any conditions which are relevant, proportionate and enforceable from those documents that are necessary to address the licensing objectives. These documents will be made available at the hearing.

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. Any conditions imposed must be appropriate for the promotion of the licensing objectives, must be precise and enforceable and clear in what they intend to achieve, they must not duplicate other legislation and tailored to the type of application made. (1.16)
- ∇ 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 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 sell 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 26-32** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 **Legal Comments**

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

8.0 **Finance Comments**

- 8.1 There are no financial implications in this report.

9.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 4	Representations of Cllr Blake
Appendix 5	Representations of Cllr Whitelock-Gibbs & Cllr Islam
Appendix 6	Representations of Cllr Peck
Appendix 7	List of resident objections
Appendix 8-24	Representations of Local Residents
Appendix 25	Conditions agreed with Environmental Health
Appendix 26	Licensing Officer comments on anti social behaviour on the premises
Appendix 27	Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
Appendix 28	Licensing Officer comments on Noise while the Premise is in Use
Appendix 29	Licensing Officer comments on Access and Egress Problems
Appendix 30	Licensing Officer comments on Noxious smells or Light Pollution
Appendix 31	Licensing Officer comments on Noise Leakage from the Premises
Appendix 32	Licensing Policy Relating to Hours of Trading

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Appendix 1



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

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

On-Line payments can be made at: .

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I/We (Insert name(s) of applicant) WINTERVILLE EVENTS LTD

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 Victoria Park Grove Road Bow (Please see accompanying site plan)	
Post town London	Post code E3 5TB

Telephone number at premises (if any)	None
--	------

Non-domestic rateable value of premises	£ N.a
--	-------

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name	WINTERVILLE EVENTS LTD
Address	FLAT B 12 QUEENSTON ROAD SOUTH LAMBETH LONDON, SW8 3RX
Registered number (where applicable)	9162630
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any:	[REDACTED]
E-mail (optional) C/O	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
0 2	1 2	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
0 1	0 1	2 0 1 5

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

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

- The premises is located within Victoria Park in an area locally known as the Lido Field. Please see attached site plan.
- The area is predominantly greenfield with some hard standing paths and some trees / shrubs within the boundary
- Within the premises will be a number of temporary structures where licensable activities will take place within and around.
- Please see attached site plan for location and boundary
- The boundary of the premises will be secured with a secure steel-shield fence
- Access to the premises will be via Gates 1 (production, crew, performers only) and Gate 2 for public during operational hours. Gates 3, 4 and 5 will serve as emergency exit gates only.
- All gates will be manned by security personnel whenever in use / unlocked.

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

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	22.30	<p>Please give further details here (please red guidance note 3) THE ORGANISERS WILL OFFER PERFORMANCES OF PLAYS IN ONE OR MORE VENUES WITHIN THE SITE.</p> <p>State any seasonal variations for performing plays (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED: NO LICENSABLE ACTIVITES WILL TAKE PLACE.</p>	Both	X
Tue	10.00	22.30			
Wed	10.00	22.30			
Thur	10.00	22.30			
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	22.30			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	22.30	<p>Please give further details here (please red guidance note 3) THE ORGANISERS WILL GIVE EXHIBITIONS OF FILMS IN ONE OR MORE VENUES WITHIN THE SITE.</p> <p>State any seasonal variations for exhibition of films (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED: NO LICENSABLE ACTIVITES WILL TAKE PLACE.</p>	Both	X
Tue	10.00	22.30			
Wed	10.00	22.30			
Thur	10.00	22.30			
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	22.30			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<p>Please give further details here (please read guidance note 3) THE ORGANISERS WILL PROVIDE SPORTING EVENTS IN ONE OR MORE VENUES WITHIN THE SITE.</p> <p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>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)</p> <p>ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED. NO LICENSABLE ACTIVITIES WILL TAKE PLACE.</p>
Day	Start	Finish	
Mon	10.00	22.30	

Tue	10.00	22.30	

Wed	10.00	22.30	

Thur	10.00	22.30	

Fri	10.00	23.00	

Sat	10.00	23.00	

Sun	10.00	22.30	

D

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

Tue					

Wed					

Thur					

Fri					

Sat					

Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	22.30	<p>Please give further details here (please read guidance note 3) THE ORGANISERS WILL PROVIDE PERFORMANCES OF LIVE AMPLIFIED MUSIC IN ONE OR MORE VENUES WITHIN THE SITE.</p> <p>State any seasonal variations for the performance of live music (please read guidance note 4)</p> <p>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)</p> <p>ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED. NO LICENSABLE ACTIVITIES WILL TAKE PLACE.</p>	Both	X
Tue	10.00	22.30			
Wed	10.00	22.30			
Thur	10.00	22.30			
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	22.30			

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 [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	10.00	22.30	<p>Please give further details here (please read guidance note 3) THE ORGANISERS WILL PROVIDE PERFORMANCES OF RECORDED MUSIC IN ONE OR MORE VENUES WITHIN THE SITE.</p> <p>State any seasonal variations for playing recorded music (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED. NO LICENSABLE ACTIVITIES WILL TAKE PLACE.</p>	Both	X
Tue	10.00	22.30			
Wed	10.00	22.30			
Thur	10.00	22.30			
Fri	10.00	23.00			
Sat	10.00	23.00			
Sun	10.00	22.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
Day	Start	Finish			
Mon	10.00	22.30	Please give further details here (please read guidance note 3) THE ORGANISERS WILL PROVIDE PERFORMANCES OF DANCE IN ONE OR MORE VENUES WITHIN THE SITE.		
Tue	10.00	22.30			
Wed	10.00	22.30	State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur	10.00	22.30			
Fri	10.00	23.00	Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)		
Sat	10.00	23.00	ON 25 TH & 26 TH DECEMBER THE EVENT WILL BE CLOSED NO LICENSABLE ACTIVITES WILL TAKE PLACE		
Sun	10.00	22.30			

H

Anything of a similar description to that falling within (e), (f) or (g)			Please give a description of the type of entertainment you will be Providing THE ORGANISERS WILL OFFER ENTERTAINMENT INCLUDING: CHILDRENS ENTERTAINMENT, STORY TELLING, MAGIC SHOWS, DIAPLAYS OF ART OR CREATIVE EXPRESSION, BOOK READING, TALKS & DEBATES AND TRADITIONAL GAMES
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	
Mon	10.00	22.30	Please give further details here (please read guidance note 3)
Tue	10.00	22.30	
Wed	10.00	22.30	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur	10.00	22.30	
Fri	10.00	23.00	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat	10.00	23.00	
Sun	10.00	22.30	ON 25 TH & 26 TH DECEMBER THE EVENT WILL BE CLOSED NO LICENSABLE ACTIVITES WILL TAKE PLACE.

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 [Y] (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon			Please give further details here (please read guidance note 2)	Both
Tue				
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur				
Fri				
Sat				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)
Sun				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	10.00	22.30	Please give further details here (please read guidance note 7) SUPPLY OF ALCOHOL WILL BE PROVIDED AT A NUMBER OF LOCATIONS WITHIN THE SITE. EACH BAR AREA WILL BE APPROPRIATELY STAFFED AND MANAGED BY A COMPETENT PERSON WHO WILL ENSURE CURRENT LEGISLATION AND BEST PRACTICE IS UPHELD.	<input checked="" type="checkbox"/>
Tue	10.00	22.30		
Wed	10.00	22.30		State any seasonal variations for the supply of alcohol (please read guidance note 4)
Thur	10.00	22.30		
Fri	10.00	23.00		
Sat	10.00	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)
Sun	10.00	22.30		

ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED. NO LICENSABLE ACTIVITIES WILL TAKE PLACE.

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

Name

Darren Guerin

Address



Personal Licence number(if known)

TBC

Issuing licensing authority (if known)



K

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

N/a - no proposed adult entertainment that would foreseeably give rise to concern in respect of children

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	22.30	
	-----	-----	
Tue	10.00	22.30	
	-----	-----	
Wed	10.00	22.30	
	-----	-----	
Thur	10.00	22.30	
	-----	-----	
Fri	10.00	23.00	
	-----	-----	
Sat	10.00	23.00	
	-----	-----	
Sun	10.00	22.30	
	-----	-----	

Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please ON 25TH & 26TH DECEMBER THE EVENT WILL BE CLOSED TO THE PUBLIC.

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)

The organisers have engaged with the responsible authorities throughout the planning phase of this event and ensured that the over-arching operational plans conform with best practise for live events as stipulated in the Even Safety Guide ('purple guide') and beyond.

The organisers are intending that the audience will enjoy a safe and secure environment in which to enjoy the event content. Consideration has been given to the impact of the event on the immediate locale and community, policies have been actioned to minimise disturbance or harm.

The Event Management Plan (EMP) has been developed by an experienced and professional team and prior consultation with all relevant authorities has been undertaken prior to submission of this application. The credentials of the organisers include delivering safe and secure events in Victoria Park and throughout the borough of Tower Hamlets.

b) The prevention of crime and disorder

The organisers have, and will continue to, attend where necessary the borough's Safety Advisory Group (SAG) meetings and will incorporate any of the group's recommendations into the Event Management Plan (EMP).

The appointed security and stewarding contractor will develop and action a Crowd Management Plan (CMP) which, as well as detailing numbers of SIA qualified staff and stewards and their relevant roles, will include emergency plans and procedures. This plan will fully integrate with the EMP.

Levels of security deployment will be pre-agreed and all activities within the licensed area will be appropriately stewarded.

All relevant staff will be trained to recognise drunkenness and refuse service or entry to customers who have consumed excessive amounts of alcohol. They will be trained to diffuse difficult situations.

All SIA personnel and stewards will be vigilant and identify suspicious behaviour and take appropriate action to assist in the prevention of theft and robbery and the prevention of crime and disorder within or in the immediate locale of the premises.

Consultation with the Metropolitan Police (MET) has taken place prior to the submission of this application and the organisers intend to continue and promote a positive working relationship.

c) Public safety

Compliance with all relevant statutory guidance and industry best practise has been followed as a framework for all of the event plans, including the 'health and safety at work' Act 1974, RIDDOR 1995, COSHH regs 2002, Managing Crowds safely 1996, HSG 195 'The Event Safety Guide' and Technical Standards for places of entertainment.

The control of all event activity within the premise is informed by the above, with specific reference to the capacity of the venue and the cultural content of the event.

All phases of event planning have been applied to ensure the safety of the general public, contractors and artists and to minimise hazards and to prevent accidents.

In addition to a thorough consultation process with the responsible authorities, proof of competency will be demonstrated via event risk assessments and in insurance policies.

The management of access and egress to the venue will be tailored to a maximum capacity of 4,999 at any one time. There will be thorough communication of emergency procedures and issues relating to health, safety and welfare of people within the venue.

Contingency plans have been drawn up for emergency evacuation of the premises, specific

details of which can be found in the Crowd Management Plan (CMP), and are also reflected in the Event Management Plan.

A full medical provision will be implemented through consultation with responsible authorities and referenced by the Purple Guide scoring guidance. This will form an integral element of the Event Management Plan (EMP).

All relevant health and safety documentation including specific risk assessments, method statements and insurance policies will be provided by all event contractors and will be responsible for ensuring safe systems of work.

All temporary structures and those that are governed by building control legislation will have full structural calculations.

The sanitation provision will be above and beyond the recommended levels suggested in the Purple Guide. No glass will be permitted on site. Anyone appearing to be under the age of 25 must provide proof of age to acquire or consume alcohol on the premises.

Further details of the above arrangements are included in the EMP and appendices supporting this application.

d) The prevention of public nuisance

Full engagement with the relevant authorities and the local community will minimise any forms of public nuisance.

LBTH Environmental Protection have been consulted on the design of the site and the range of noise sources. A Noise Management Plan (NMP) is being developed, and includes monitoring at agreed locations and systems to take action if required.

There will be pre-agreed noise curfews for all operations in and around the venue. Full details on times and dates will be included in the NMP.

There will be a comprehensive waste management plan that will maintain the standard of cleanliness and fabric of the locale, and a restitution bond will be provided to LBTH to further ensure compliance.

There will be a response deployment of event security & stewards to manage the ingress and egress of attendees on the approach to the premises, as well as at the entrance and exit of the premises itself. Additional signage and lighting will be utilised. Attendees of the event will not be permitted to take alcohol beyond the perimeter of the site.

e) The protection of children from harm

The organisers accept and take full responsibility for their legal and moral duties with regards to the protection of children from harm, and are fully committed to creating a safe and legal event.

The organisers are committed to the responsible and legal sale of alcohol, and do not tolerate the provision of alcohol to minors.

Challenge 25 will be resolutely enforced by the bar operator in relation to all sales of alcohol, primarily via photographic proof of age where necessary. The utmost vigilance will be in evidence for instances where alcohol is purchased by adults for supply to children, this criminal activity will be considered as grounds for ejection at the very least. Any planned and unplanned licensing inspections will be supported and facilitated by the event organisers. Further details can be found in the bar management plan (BMP) to be developed in course.

Security staff will be briefed on the age restrictions for accessing the event and those managing the public entrance will actively enforce the policy.

In the event that any unescorted group or individual are unable to prove that they are over 12 years of age they will not be permitted to enter the site. At this point, an assessment of their welfare requirements will be made by a senior supervisor or manager.

Security staff inside the event will be tasked with monitoring for children who may have been separated from their parents.

A child welfare centred plan for searches and / or ejection of minors has been developed and can be found in the EMP.

A full lost child procedure can be found in the EMP and CMP.

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

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises



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

Page 14 of 16

M:\Licensing\Word97\Online Applications\Web Materials\Licensing Act 2003 web\12_09_2013\860 - premises-licence-form.doc

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

[Redacted Signature]

Date

3/09/14

Capacity

Event Director

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

Signature

Date

Capacity

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

Darren Guerin

[Redacted Address]

Post town London

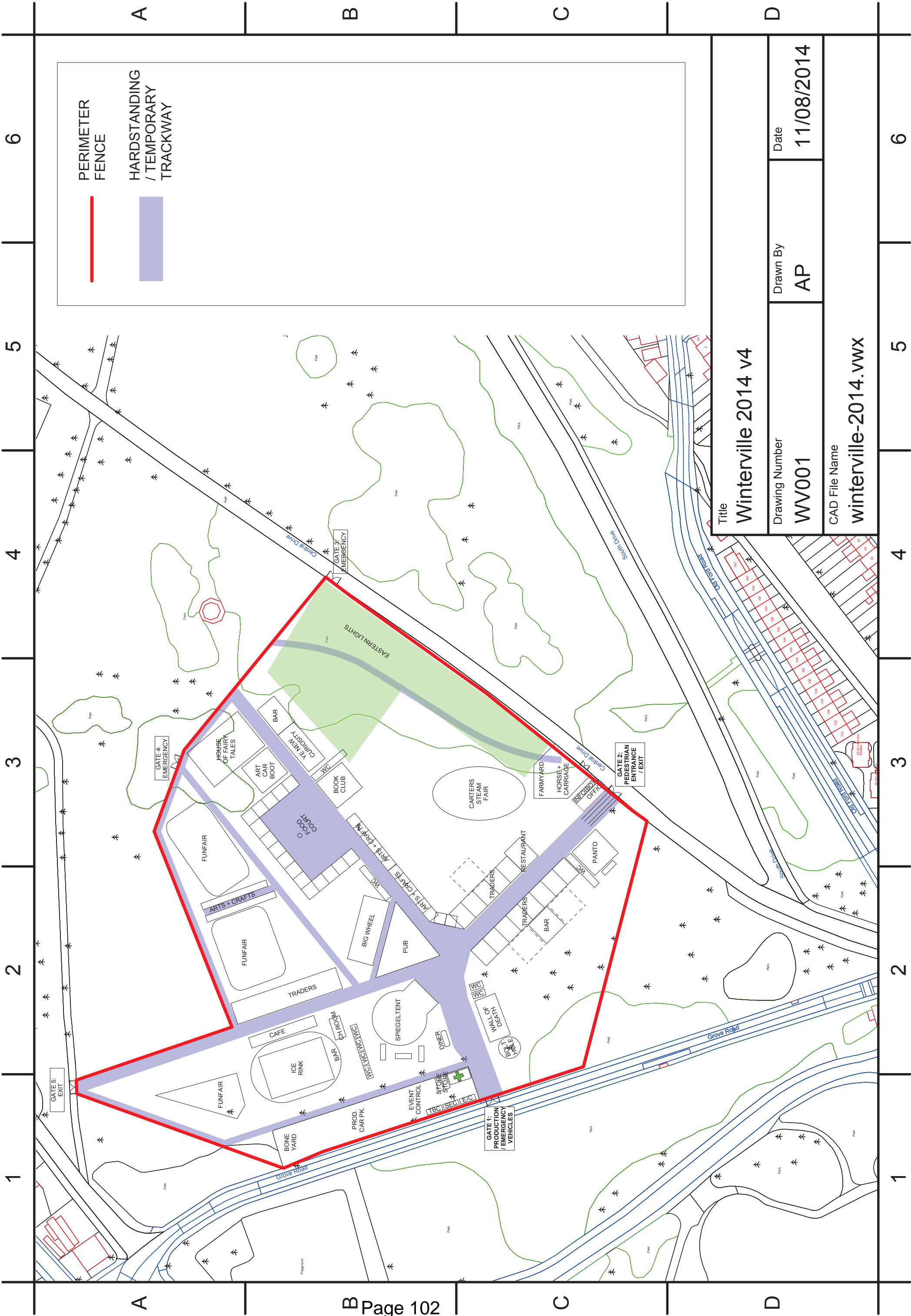
Post code [Redacted]

Telephone number (if any) [Redacted]

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

[Redacted Email Address]

Appendix 2



Title		Date	
Winterville 2014 v4		11/08/2014	
Drawing Number		Drawn By	
WV001		AP	
CAD File Name			
winterville-2014.vwx			

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

Kathy Driver

From: Rachel Blake
Sent: 01 October 2014 08:54
To: Licensing
Subject: Objection: Winterville Events Ltd - 2 Dec 2014 - 1 Jan 2015 - Victoria Park

To Whom it may concern

I am writing to formally object to the licensing application from Winterville Events Ltd for Victoria Park from 2 Dec 2014 – 1 Jan 2015 as I do not believe that it meets the licensing objectives for Tower Hamlets. For clarity, this is NOT an in principle objection to the event itself.

1. **Prevention of Crime and Disorder:** The application is for provision of Alcohol from 10am until 22:30 Sunday – Thursday and 10am – 23:00 Friday and Saturday. This gives the opportunity and implies 12 hour drinking leading to anti-social behaviour. The application includes New Year's Eve. This is an unacceptable risk, visitors may have spent the whole day at the event and choose to stay in the park overnight to celebrate, creating a dangerous environment for visitors. Evidence which the council already holds from Lovebox shows that events ending at this time with long periods of alcohol sales lead to public urination and littering.
2. **Public Safety:** The event is anticipating 5000 visitors, if the alcohol sales and closing time co-incides, egress from the park becomes crowded and dangerous for this number of visitors. This number of visitors also crowds access to the park for park visitors creating a public safety hazard for those to who want to enjoy the park.
3. **Nuisance:** Access to the event is currently being promoted from Bethnal Green and Mile End Stations which means that visitors will access from Old Ford Road and Grove Road creating noise for residents, particularly late at night, if the night alcohol sales and regulated entertainment go ahead. The website also promotes club nights in the Spiegel Tent on Fridays and Saturdays. I assume these would create a loud music in order to be successful club nights. This noise will carry from a tent to local residents creating nuisance and disturbance at night time. The website is also advertising a 'hire' option implying that space will be rented out to 3rd parties, creating less control for the promoters and leading to nuisance.

Observations: I understand that the organisers have contacted local residents' groups to discuss the plans and are keen to engage in partnerships with local schools. This is all positive and welcome. However, I believe that the application for sale of alcohol 10.00 – 23.00 is inconsistent with the presentation of the event as a 'family friendly' event. The website for the event also includes music and club nights most of the weekends, again inconsistent with the presentation as a family friendly event and part of the local community. This inconsistency is a concern and does not build confidence in the approach of the promoters.

If the committee is minded to grant the license, I recommend that they consider the following conditions:

No third party hires.

The license must end on 30 December 2014

On site alcohol sales restricted to 5-9pm.

Provision of regulated entertainment ends at 9pm

Access is promoted from a wider range of public transport notes – eg 277 bus, Hackney Central, Hackney Wick, Homerton Station

Councillor Rachel Blake
Labour Councillor for Bow East Ward

Appendix 5

Dear Licensing Sub Committee

As Councillors for Bethnal Green ward, we are writing to formally object to the licensing application from Winterville Events Ltd for Victoria Park from 2 Dec 2014-1 Jan 2015.

Whilst in principle we do not object to this kind of free event operating in the park, we are very concerned that the application as it stands will not meet the licensing objectives of preventing public nuisance, promoting public safety and preventing crime and disorder.

We have been contacted by a number of residents living in the areas surrounding the park in E2 who are deeply concerned about the impact of this proposed event on the local community, in particular the length of time and late hours the event is seeking to operate for, given its size and nature of the planned events (which are already being advertised).

Hours of operation, sale of alcohol and regulated entertainment

We note the application is for provision of alcohol from 10:00 until 22:30 Sunday-Thursday and 10:00-23:00 Friday and Saturday. We support residents' concerns that operating until this late hour every night of the week for a month is excessive. We are concerned that the length of time applied for could lead to both public nuisance and crime and disorder. Enabling up to 12 hours of drinking is likely to lead to antisocial behaviour. The festival operating until 11pm every night is unreasonable and will lead to late night disturbance – from loud music, noisy crowds and possible rowdy behaviour that often stems from drinking.

Evidence which the council already holds from similar, short-term events such as Lovebox shows that events ending at this time with long periods of alcohol sales lead to public urination and littering, as well as significant noise disturbance as crowds leave the events down the many residential streets in E2 and E3. Victoria Park is in a dense residential area and Lovebox is frustrating enough for residents over just one weekend – it is unacceptable to permit these late hours of operation and sale of alcohol every night as it would cause significant public nuisance and potentially antisocial or criminal behaviour. Residents have also urged us to raise concerns that allowing the event to operate every day for a whole month is excessive, especially if the late hours applied for are granted every night.

We understand that the organisers have contacted local residents' groups to discuss the plans and are keen to engage in partnerships with local schools. This is all positive and welcome. However, we believe that the application for sale of alcohol until 23:30 and 23:00 is inconsistent with the presentation of the event as a 'family friendly' event. The website for the event also includes music and club nights most of the weekends, again inconsistent with the presentation as a family friendly event and part of the local community. This inconsistency is a concern and we believe it would undermine the licensing objectives to allow club nights to operate in the park every weekend for a whole month. We have repeatedly argued for a more balanced approach to commercial events with the needs of the local community, in particular not holding events on simultaneous weekends – indeed, Full Council has amended the Open Spaces Strategy to this effect. We therefore call for a more balanced approach to the Winterville event, reducing how many days the event can operate for as well as the late hours permitted for sale of alcohol and regulated entertainment.

Access and egress

We understand the event is anticipating 5000 visitors, so egress from the park is likely to become crowded and dangerous for this number of visitors, especially if sale of alcohol and operating hours coincide, which would undermine the public safety licensing objective. It would also cause public nuisance, as access to the event is currently being promoted from Bethnal Green and Mile End Stations which means that visitors will access from Old Ford Road, Roman Road and Grove Road creating noise for residents in the surrounding streets, particularly late at night. From experience of Lovebox and other commercial events in recent years, residents living in our ward, particularly on Old Ford Road, Cyprus Street and Sewardstone Road, suffer significant noise disturbance and antisocial behaviour such as public urination and damage to cars, as crowds leave events and spill into these residential streets to get back to public transport routes.

If the committee is minded to grant the license, we would urge the following conditions to be considered:

- Reducing the length of time the event is able to run, as one month of daily events is too long
- Reducing the time alcohol can be served until – for example to 9pm on weeknights and 10pm on weekends
- Reducing the time for provision of regulated entertainment – also to 9pm on weeknights and 10pm on weekends
- Access is promoted from a wider range of public transport notes – eg 277 bus, Hackney Central, Hackney Wick, Homerton Station

Thank you for taking our objection into consideration.

Cllr Amy Whitelock Gibbs & Cllr Sirajul Islam

Bethnal Green ward

Appendix 6

Kathy Driver

From: Joshua Peck
Sent: 02 October 2014 17:31
To: Licensing
Subject: Winterville Events Ltd - 2 Dec 2014 - 1 Jan 2015 - Victoria Park

I am writing to OBJECT to the licensing application from Winterville Events Ltd for Victoria Park from 2 Dec 2014 – 1 Jan 2015 as I do not believe that it meet the following licensing objective:

Prevention of Public Nuisance: the length of the licensing period combined with the length of hours requested and the activities proposed (which include club nights) mean that there is a high probability of public nuisance to those living around the park and on access routes to the park.

If the committee is minded to grant the license, I recommend that they consider the following conditions:

No third party hires.

On site alcohol sales restricted to 5-9pm.

Provision of regulated entertainment ends at 9pm

Access is promoted from a wider range of public transport notes – eg 277 bus, Hackney Central, Hackney Wick, Homerton Station

Cllr Joshua Peck

Appendix 7

Resident Representations

Firstname	Surname	Appendix
Simon	Andrews	8
Soraya	Aslam	9
Lizzie	Atkins	10
Giovanni	Brighi	11
Lewis	Church	12
Lindsey	Gray	13
Janice	Hardy	14
Deborah	Khan	15
Jenifer	Konko	16
Martha	Meyerwitz	17
Peter	Milewski	18
Jane	O'Sullivan	19
Jocelyn	Peacock	20
Ian	Peters	21
Dr Chris	Sage	22
Ian	Sharp	23
Tabitha	Stapely	24
R	Wisdom	25

Appendix 8

Kathy Driver

From: [REDACTED]
Sent: 30 September 2014 17:56
To: Licensing
Subject: Winterville

Follow Up Flag: Follow up
Flag Status: Completed

Hi

Hello

We wish to object most vehemently to the above on the following grounds:

1. No consultation with residents with live locally who will be directly affected by noise etc.
2. The event is far too long
2. This free event will attract crowds of people who do not go home after events have closed, are often drunk and intimidating
3. The fair will ruin the grass and obstruct use of the park for one month
4. Events in the park have very high levels of noise and light pollution. This will affect a large areas and imoact a peaceful community
5. There is too close to dense residential area for one month. Olympic Park is far more appropriate
6. the impact on parking, policing, refuse collection and transport already over capacity will be intolerable. there is very high levels of local cars, this affects children and is incredibly dangerous. Simply monitor the park on a pleasant weekend to see the high volume of visitors and how dangerous the situation is for pedestrians.
7. Local trade will be affected

We are contacting our local MP as a matter of urgency. Tower Hamlets have a disproportionate amount of events in the park which cause extreme disruption and chaos to local life and to the park. Local policing is stretched and the immediate impact is very damaging. To do something for a month will be awful.

I would like to know the criteria for agreement - who is monitoring who runs these events etc

Please can you acknowledge receipt of this email and let me know the correct email for the Licence committee

Thank you

[REDACTED]

Appendix 9

Kathy Driver

From: [REDACTED]
Sent: 30 September 2014 13:19
To: Licensing
Subject: opposition to Winterville

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

I strongly oppose the month long Winterville planned for Victoria Park.

1. The prevention of crime and disorder - this event will attract a large number of visitors which will swamp the park. There is a risk that some of these people will get drunk and start committing crimes on local residents/businesses. The crime rate always goes up here after a major festival, such as Love Box/Field Day.
2. Public safety - Large crowds make it difficult for park users to use the park safely.
3. The prevention of nuisance - A month long event is way too long. Why not a weekend? I use the park on a daily basis. I don't want to see my park destroyed and local residents including elders and children unable to walk on the grass and use the park as it was meant to be used and not just as a cash cow for Tower Hamlets council.
4. The protection of children from harm - How are children going to be safe with such large crowds? What measures have you put in place to cope with the increased amount of traffic, people and potential incidents.
5. Traffic and parking - Parking and congestion is already a nightmare around here. I don't want swathes of motorists parking in front of my house whilst they attend this event.
6. Local businesses - why put local businesses (who make this area attractive) at risk from unnecessary competitors.

Regards,

Soraya Aslam
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

--Forwarded Message Attachment--

From: [REDACTED]

To: Licensing@towerhamlets.gov.uk

Subject: Winterville - OBJECTIONS

Date: Tue, 30 Sep 2014 17:21:24 +0000

I would like to raise my objections to the proposed month-long Winterville festival in Victoria Park.

I believe the festival, at one month long, will cause serious disruption to the area - noise, light pollution, crowds (and related drunkenness at night) during the event (Lovebox is a horrendous event for those of us living by the park and that is just for 2 days), not to mention the erection and dismantling of the site. Such events make it hard to get around at night, it is unpleasant and sometimes dangerous (drunkenness, drugs, increased crime in an already challenging area)

The size of the event puts a large part of the park out of action for residents and its impact on the fabric of the park will no doubt be significant - churning up and killing grass etc. Just remember what happens to the park over Lovebox or Field Day if the summer is a bit wet - imagine that multiplied over four weeks in the winter....

I understand that such events bring money into the borough but I believe an event on this scale and for this length of time will have a seriously negative effect on both the park and the local residents/area. Surely somewhere less residential such as the Olympic Park would be a more appropriate location?

Kind regards

Lizzie Atkins
[REDACTED]

Appendix 11

Kathy Driver

From: Giovanni Brighi [REDACTED]
Sent: 02 October 2014 12:58
To: Licensing
Cc: Jimi Lee
Subject: Winterville Event Licencing application (Your Ref: TSS/LIC/078233)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Madam/Sir,

In relation to the licensing application for Winterville Event taking place in December 2014, we would like to object to the late supply of alcohol (22.30 everyday, except for Friday and Saturday at 23.00), and request a reduction of the licensing supply of alcohol to 22.00 everyday of the week.

Our objection to the late supply of alcohol is based on the Prevention of Public Nuisance and the Prevention of Crime and Disorder.

We live in [REDACTED] Grove Road, and, as Crown Gate is the main exit at which stewards direct the public leaving festivals, most of the people leaving the festivals usually walk by our front door.

In the past few years we have experienced a lot of noise and disturbances at the end of summer festivals, when people are directed by stewards from Crown Gate to Mile End/Roman Road. We also noticed that noise disturbances and general misbehaviour increase considerably whenever the festival has late supply of alcohol granted.

In the case a few summer festival, usually lasting one or two days at the weekend, we were happy to put up with the noise disturbances and misbehaviour as they lasted only a few nights and allowed Victoria Park to be enjoyed by the public at large.

What really concern us is that Winterville will last a whole month (this is the first time a public festival on such a scale will take place for such a long time in Victoria Park).

This potentially will be very disruptive for our life. Beside having to put up with noise and misbehaviour generally, our main concern is that we have two small children that go to primary school and generally they find it very difficult to go to bed whenever there is a crowd leaving a festival at Victoria Park.

Whereas it is acceptable for us to have kids not sleeping properly for a couple of days on summer week-end, the prospect of having noise and potential drunken behaviour for a whole month until late (10.30/11.00) for a whole winter month is certainly not acceptable.

Limiting the provision of alcohol to 22.00 everyday of the week, will greatly help in reducing the potential for public nuisance and disorderly behaviour for all the residents living close to the park, and in particular those with small children.

Furthermore, as the festival is supposed to be a "winter style family event", limiting the provision of alcohol hours will not affect the target audience of the festival, that is to say families with children, as most of them will not care about the closing time of alcohol provision.

One last consideration is that, as the number of festival taking place in Victoria Park are increasing every year, we are also worried about not setting an unwanted precedent where in the future also the summer festivals can become longer with maximum alcohol license hours.

Best Regards,
Ji Mi Lee and Giovanni Brighi

Appendix 12

Kathy Driver

From: Lewis Church [REDACTED]
Sent: 30 September 2014 14:06
To: Licensing
Subject: Winterville

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

I would like to raise my concerns regarding the licensing application for the Winterville event in Victoria Park. As a long term resident of the Lakeview building (on the park by the Grove road roundabout), I believe that Victoria Park is wholly unsuitable for an event of this magnitude, which is proposed to last for more than a month.

Although the summer festivals (Lovebox, Field Day, etc) are often inconvenient, they are limited to a weekend and there are measures in place to quickly tidy up and limit the disruption to residents. Unlike these short events, Winterville's month-long stay would completely disrupt the normal lives of residents and be a serious nuisance to those of us who live by the park. I, like many of my neighbours, work from home, and believe that my ability to do so would be compromised by amplified music, crowds and noise from fairground rides and attractions. The light pollution from similar events in the past has also been considerable. The proposed curfew of 11pm is also extremely late when considering that the event would take place within the working week as well as at weekends. Many of my neighbours have small children who would no doubt be affected by this as well.

Victoria Park is an extremely valued resource by the local community and it is used very regularly, even in the winter. The imposition of a long term Christmas village would severely disrupt the ability of local people to enjoy the quiet and natural beauty of the park (which contributed to the park's Green Flag status). I am also concerned that the park would be permanently damaged by the construction of Winterville.

As a Christmas event I'm sure that there would be drinking on site, which suggests that public drunkenness would be an issue, along with an associated rise in crime and disorder. This is still an issue with Lovebox and the summer festivals, despite the massively improved policing and security efforts in the last few years. Such measures would be almost impossible (and massively expensive) to maintain across more than a month, I am sure.

I urge you to consider these points in your evaluation of the licensing application.

Best,

Lewis Church
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 13

Kathy Driver

From: Lindsey Gibbs [REDACTED]
Sent: 30 September 2014 22:25
To: Licensing
Subject: Winterville@Victoria Park

To whom it may concern,

I would like to state my objections to the proposal for 'Winterville' in Victoria Park. I live very close to the park and enjoy its benefits. I also see the effect of these large events. An event that lasts for a whole month and runs through into late hours is going to cause massive disruption to local residents. The noise, extra traffic and people will be a nuisance, especially people leaving the event late at night. It will also severely restrict our use of the park. With so many extra people and possibly alcohol it will surely pose a risk to our children and restrict their use of the park. Young people walking home from school will also be at risk.

This is not just a few days of disruption, but a whole month, which is not be reasonable. There is a winter wonderland in Hyde park which is very easily accessed from large parts of London. Why is there a need for more? Not to mention the damage that will be done to the park, which will take much more than a month to repair and recover.

Kind Regards

Lindsey Gray

Appendix 14

Kathy Driver

From: Janice Hardy [REDACTED]
Sent: 29 September 2014 15:13
To: Licensing
Subject: proposed winter event in Victoria park

Good afternoon

I am writing to express my concerns at the proposed event.
My concerns are as follows:

The event is too long and will have too much of an impact on the park and residents who use it.
I am worried about the crowds and disturbance to the area. Plus the environmental impact of such event on the park be it litter, toilets, noise and light pollution to the residents.

I think the event would be better suited to a purpose built environment such as Queen Elizabeth.

Please let me know the outcome of the proposal.

Janice Hardy
[REDACTED]
[REDACTED]

Appendix 15

Kathy Driver

From: deborah khar [REDACTED]
Sent: 30 September 2014 17:53
To: Licensing
Subject: Fwd: Objections to Winterville Fair

Follow Up Flag: Follow up
Flag Status: Completed

Hello

We wish to object most vehemently to the above on the following grounds:

1. No consultation with residents with live locally who will be directly affected by noise etc. The event is far too long
2. This free event will attract crowds of people who do not go home after events have closed, are often drunk and intimidating
3. The fair will ruin the grass and obstruct use of the park for one month
4. Events in the park have very high levels of noise and light pollution. This will affect a large areas and imoact a peaceful community
5. There is too close to dense residential area for one month. Olympic Park is far more appropriate
6. the impact on parking, policing, refuse collection and transport already over capacity will be intolerable. there is very high levels of local cars, this affects children and is incredibly dangerous. Simply monitor the park on a pleasant weekend to see the high volume of visitors and how dangerous the situation is for pedestrians.
7. Local trade will be affected

We are contacting out local MP as a matter of urgency. Tower Hamlets have a disproportionate amount of events in the park which cause extreme disruption and chaos to local life and to the park. Local policing is stretched and the immediate impact is very damaging. To do something for a month will be awful.

I would like to know the criteria for agreement - who is monitoring who runs these events etc

Please can you acknowledge receipt of this email and let me know the correct email for the Licence committee

Thank you

--

Deb Khan

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 16

Kathy Driver

From: jeniferkonko [REDACTED]
Sent: 01 October 2014 12:21
To: Licensing
Subject: winterville events ltd
Attachments: Sublime logo.eps

Hello

We wish to object most

vehemently to the application for a licence for Winterville in Victoria Park on the following grounds:

1. No consultation with residents whatsoever with live locally who will be directly affected by noise etc. The event is far too long with very long hours
2. This free event will attract crowds of people who do not go home after events have closed, are often drunk and very intimidating
3. The fair will ruin the grass and obstruct use of the park for one month
4. Events in the park have very high levels of noise and light pollution. This will affect a large areas and impact a peaceful community
5. There is too close to dense residential area for one month. Olympic Park is far more appropriate
6. the impact on parking, policing, refuse collection and transport already over capacity will be intolerable. there is very high levels of local cars, this affects children and is incredibly dangerous. Simply monitor the park on a pleasant weekend to see the high volume of visitors and how dangerous the situation is for pedestrians.
7. Local trade will be affected

We are contacting out local MP as a matter of urgency. Tower Hamlets have a disproportionate amount of events in the park which cause extreme disruption and chaos to local life and to the park. Local policing is stretched and the immediate impact is very damaging. To do something for a month will be awful.

I would like to know the criteria for

agreement - who is monitoring who runs these events etc

Please can you acknowledge receipt of this email and let me know the correct email for the Licence committee

Thank you

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Appendix 17

Kathy Driver

From: Martha Meyerowitz [REDACTED]
Sent: 01 October 2014 21:24
To: Licensing
Cc: Chris Sage
Subject: Objections re: Winterville Licensing

Follow Up Flag: Follow up
Flag Status: Completed

To Whom It May Concern

We have today learned of the Winterville event planned for the entire month of December. As residents of Victoria Park, ([REDACTED]) we are extremely concerned at the potential impact on our home and wish to lodge these concerns with you as you consider licensing applications.

The prevention of crime and disorder

We are concerned that a month long event which includes random but not methodical searches of those attending, the provision of alcohol and late closing times turns the park into a large pub/club with all the attendant possibility of crime and disorder, including thefts, violence and drug dealing/use. As well as the stress this would carry for us and other local residents, there is also a significant cost to the public in respect of policing.

The prevention of nuisance

Noise from the park during large events, in particular Lovebox and Field Day, have caused us extreme discomfort in our home. The noise and light pollution are exhausting. We don't have another home to go to during these times and we have had to recuperate from these events in the week that followed. While we appreciate that some events may take place in a city park, a month long event places too great a strain on local residents. Cities are vibrant places - they are also places in which people live and work and this requires rest and the ability to peacefully enjoy our homes.

We rely on evenings and weekends as times to rest and recharge from our working week. While it is possible to adapt our usual routine for one or two weekends each summer, the imposition of a busy, noisy event for an entire month is to our mind unreasonable.

The noise generated by large crowds until late at night is a stressful prospect but we are also concerned by the music events that feature as part of Winterville. The noise and light pollution from other festivals during the summer are, as previously mentioned, exhausting and bearable only because they take place for a limited amount of time each year.

We are also concerned at the impact the noise and light pollution will have on our family life. We have a newborn infant who will be just three months old at the time of the festival. His sleep and wellbeing are likely to be impacted on by 3pm-11pm opening hours. Again, if this event was due to run for a weekend it would be an inconvenience we could perhaps tolerate. The prospect of the entire month of December being given over to this event is distressing.

Finally, we would like to add that we would like to enjoy December as a festive month in our own way, as a peaceful family, at home. It is extremely upsetting to learn that our quality of life should be impacted upon in this sustained way for an entire month, late into the night, with only two days reprieve.

We would be extremely grateful if you could take our concerns into account when considering granting this licensing application. We appreciate that the council is under pressure to raise revenue from the park but we would ask that you take into account the reasonable concerns and basic needs of local residents.

With thanks

Mrs Martha Meyerowitz & Dr Chris Sage

Appendix 18

Kathy Driver

From: [REDACTED]
Sent: 30 September 2014 19:32
To: Licensing
Subject: Objection to Winterville Events Ltd Premises Licence Application

Dear Sir/Madam,

I want to express my strong objection to the Winterville Events Ltd Premises Licence Application. I am a resident at [REDACTED] [REDACTED] [REDACTED] and experienced on several occasions disorder, crime, noise and risks generated by events organised in Victoria Park.

My specific objections relate to:

1) The prevention of crime and disorder

The organisers are a recently formed company (August 2014) with no prior track record of organising large scale events. The steps described in the application to prevent crime and disorder are extremely vague and give serious reasons to doubt the organisers treat the safety and security seriously. The event is to take place in the hours of darkness, in possibly cold weather, in the park that has poor access for emergency vehicles and with the canal nearby. As the organiser wants to serve alcohol this creates several crime related dangers - patrons fighting in the dark corners of the park, patrons fighting or/and vandalising local infrastructure around the park, patrons getting access to the canal and possibly drowning.

The poor stewarding and lack of toilet provisions during Field Day and Lovebox events this year resulted in several cases of patrons urinating on the streets and, at the same time, exposing themselves in front of local residents including children. This was not managed well during the daylight hours and it is quite clear it would be even a bigger challenge in the hours of darkness.

2) Public safety

The park is not currently open for members of the public in the hours of darkness. This is a safety measure that has been in place for a very long time as the area of the park is very large and it is very difficult if not impossible to fully control it at night. The organisers made no attempt to address this issue in their application.

The two recent events this year in Victoria Park led to hundreds of pieces of broken glass lying around Grove Road for several days creating risks of cuts to local residents. There were also thousands of nitrous oxide canister both in the park area and around it. This issue does not seem to be addressed by the organisers.

3) The prevention of public nuisance

The proposed event is extremely ill thought out as it targets local residents with continuous noise pollution for such a long time. If the organiser engaged more actively with local residents they would know that a two or maximum three day event would be more suitable. Christmas is a family time and it should not be linked to nuisance, noise, patrons urinating on the streets, damage of local infrastructure.

I urge you to dismiss this licence application and protect local residents, local businesses and Victoria Park.

Regards,

Peter Milewski

Appendix 19

Kathy Driver

From: Jane O'Sullivan [REDACTED]
Sent: 01 October 2014 08:33
To: Licensing
Cc: Sirajul Islam
Subject: Winterville Victoria Park Objection

Dear Sir/Madam

I am writing as a resident of E2 and a regular user of Victoria Park.

I wish to object to the plans for a Winterville Festival on the grounds of crowd numbers causing a nuisance in the surrounding area, drunkenness in the park and around as there are plans for licensed 'pubs' etc. and the possible safety issues concerning crowds attending.

These kinds of events are problematic in the best of times, but in Winter with dark evenings and poor light I would have grave concerns on safety issues. To counter this I am assuming the organisers would have lights and other loudspeakers to herd visitors. These too will cause a nuisance and light pollution in the area.

If the council agree to license an event such as this, I really feel that a whole month is far too long.

I wish to object strongly to the LENGTH OF TIME of the Winterville event in Victoria Park on the grounds of safety, noise and light pollution and all kinds of crime and nuisance which may result in people worse for drink wandering around the park and area may cause. .

Yours faithfully
Jane O'Sullivan
[REDACTED]

Appendix 20

Kathy Driver

From: Jocelyn Peacock [REDACTED]
Sent: 29 September 2014 16:57
To: Licensing
Subject: Re: Proposed Winterville event

Hi,

Thank you for the fast response.

[REDACTED]

[REDACTED]
[REDACTED]

I object on three of the four grounds:

Prevention of Public Nuisance, Prevention of Crime and Disorder, and Public Safety: Having an event that is four weeks long, and open every day until 11pm would without doubt cause a public nuisance in breaching the peace. Having people constantly coming and going from the park, especially late at night, results in noise disturbances, litter - often including broken glass, if past events are anything to go by, since people bring their drinks into the park and have lots of fun smashing them either within the park grounds or in the surrounding residential areas causing public safety issues.

With late night events brings large numbers of people and with that comes anti-social behaviour including urinating in public places and being drunk and disorderly, and at that time of night every day would cause distress to residents in the area. Unless the organisers are planning on having heavy security patrols in the streets within a certain radius of the park every night, I do not see how this could be effectively mitigated so that residents and the area are minimally affected. Noise laws dictate that we have a right to peace and quiet between 11pm and 7am Monday - Saturday and 10pm/8am on Sundays. If there is an event running until 11pm every night for several weeks, where is our peace and quiet? Where are our rights in all of this? Why haven't any of the residents in the surrounding area been contacted about this?

I have noticed that the planning notifications for this event have all been strategically placed where no one is likely to notice them unless they are looking out for them, instead of in front of the foot paths, too. I run in the park every other day and did not know of this event until I read about it today. Please don't let them do this to us.

Sincerely,

Jocelyn Peacock

Public Safety: Safety includes protection

On 29 September 2014 15:35, Licensing <Licensing@towerhamlets.gov.uk> wrote:

Thank you for your email.

Kathy Driver

From: Jocelyn Peacock [REDACTED]
Sent: 29 September 2014 12:12
To: Licensing
Subject: Proposed Winterville event

Hi,

I am writing as I have just read - through an article on the Roman Road London website <http://romanroadlondon.com/> - that notice has been served regarding an almost month-long event that is planned to be held throughout December in Victoria Park.

As a resident living in close proximity of the park, I want to air my objections about this event. Every summer we are plagued by the weekend day-festivals which always promise to keep the noise to acceptable levels yet always seem to fail miserably. Then there are the crowds, the rubbish, and the fact that a large chunk of the park is cordoned off and rendered unusable for us. Why Victoria Park? Why not the olympic park which is purpose built for large scale events? Why keep taking away the small patch of greenery we have in E3 and letting large numbers of people ruin it?

I am worried about the impact on residents; an event of such length over the winter months is bound to cause noise disturbances and it's not like we don't get enough of those through the summer. I am also concerned about the park itself; the flora and fauna will undoubtedly suffer.

How will the surrounding residential areas be managed when there are people coming and going to and from the park up until 11pm every day? The impact will be devastating on mine and others' mental wellbeing.

Please, do not let this go ahead in the way it is currently proposed. 4 weeks is too long, 11pm is too late, and I have no faith that the organisers will take residents in the surrounding area in to full consideration, given the ludicrous proposal.

Sincerely,

Jocelyn Peacock

Appendix 21

Kathy Driver

From: Ian Peters [REDACTED]
Sent: 17 September 2014 23:14
To: Licensing
Cc: Joshua Peck
Subject: Winterville - Victoria Park
Attachments: Winter Wonderland application.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Kathy

I write in response to your letter of 4th September. I wish to state on record my formal objection to the application.

There are a number of events held in Victoria Park over the course of the year, mainly in the summer months, which usually take place over the course of a weekend. The noise (i.e. loud music) from these events is just about tolerable as its usually for a short period of time. Even though sound level restrictions are in force, the events create a lot of noise which (unfortunately) travels particularly well into my property.

This Winterville event is proposed for the whole of December which will bring significant problems for the local residents; prolonged periods of loud noise, increase usage of local public transport, increased people in the neighbourhood (and therefore more noise/disturbance/increase in anti-social behaviour etc), destruction of the park land, litter and lack of availability of park facilities, the list could go on.

Due to the nature of my work, I am up very early in the mornings and hence early to bed in the evenings, therefore the increased number of people, noise from the event etc for a whole month will not be tolerated by myself or other residents in similar positions. During December, I will be in the midst of studying for some very important examinations which I expect to be able to study for in the peace of my own home. There are significant financial ramifications should I not pass.

In short, this event will dominate and impact on my time whilst in my property for a whole month. The hours of the event have to be seriously reconsidered and definitely reduced so that those effected are not pained with a month of inconvenience.

I assume that those putting on the event will not be residing in the area for the month of December!?

Whilst noise and additional people on the ground are of significant concern, I will also be unable to use large parts of the park during December. I'm a marathon runner and cyclist and use the park regularly for training as well as for walks. I will be unable to participate in my hobbies within the park during the proposed times/dates of the event. I'm not alone - at any time there must be hundreds of people undertaking similar activities in the park who would also be unable to use the green space my tax goes towards paying for.

I have copied in my local councillor who I'm sure has already his objection to this proposal.

Some of the points raised may have been addressed within the application on your website but I was unable to locate it. Please can you provide a full web link to this?

I look forward to hearing the outcome of this consultation.

Yours sincerely



Appendix 22

Kathy Driver

From: ian sharp [REDACTED]
Sent: 30 September 2014 08:02
To: Licensing
Subject: Winterville in Victoria Park

Follow Up Flag: Follow up
Flag Status: Completed

Dear Tower Hamlets Council,

As a resident of [REDACTED] I wish to raise an objection to the plans for a month long event called Winterville to be held in Victoria Park.

My main concerns are:

- 1) A month is too long a period for such an event, given the build and dismantle time, this is likely to impact us as residents for about 2 months;
- 2) Potential damage to the park - we love our park, it is used by locals, old and young alike, we do not want the fabric destroyed by a commercial event. It has only just been re-vamped, please don't let it be damaged.
- 3) The number of visitors to the area also gives me cause for concern, when Lovebox is held there is a constant stream of people going up and down our street and noise late into the night, I am deeply concerned that this event will lead to a month of such disturbances.

Finally, I ask you to reconsider your choice of venue for such a commercial event, why not use the Olympic Park which was designed for a large scale event lasting a month and would have negligible impact on Tower Hamlets residents.

regards
Ian Sharp
[REDACTED]

Appendix 23

Licensing Department
London Borough of Tower Hamlets

29 September 2014

Re Winterville

I am writing to object about the planned Winterville event.

I think it will damage the park

The length of time and crowds expected raise concerns about the impact on the fabric of the park, not just for this year but for future years too when it may grow in size.

Structures such as the ice rink and the roller disco would kill off the grass. Crowds could churn the park into muddy rivers. Dog walkers, children and park users could have a severely reduced area of the park to use. Travel to and from shops and services across the park could involve time consuming detours.

It's too ambitious for Vicky Park and should be sited in an area that has the necessary infrastructure such as QEOP.

Winterville will attract large crowds on a daily basis over an extended period of time and could grow to the size of Lovebox, which first started with 5,000 and now attracts 120,000 over the weekend.

How would we cope with the crowds? Will we have stewards and barriers lining our streets for the entire month of December? Will we be overwhelmed with festival-goers from all corners of London treating our residential streets like extensions of the party in the park? How will police cope with the increase in litter and anti-social behaviour associated with free-entry evening events in the festive 'party' season leading up to Christmas? Will we have numerous portable toilets fouling the park? Will there be extra vehicles on the park paths?

I also think the hours being proposed are unreasonable.

Running until 11pm with an alcohol licence every night of December will create noise pollution and anti-social behaviour on a nightly basis.

There is no integration with local shops and businesses.

With local markets and events flourishing in our corner of East London, from Victoria Park's Christmas Market to *Roman Road Winter Festival* and Wick Market's festive events that plan to include an ice rink, how much will this company profit from our pockets to the detriment of the local economy? With crowd control measures in place funnelling visitors from tube stations directly to the park and back, how many visitors will venture into local businesses? Will an

event of this size detract from the Christmas boost enjoyed by our village shops and local events?

This is not a suitable place for a large event such as Winterville.

Maybe it is not that there shouldn't be a big winter festival in East London. Maybe it's just not suitable for it to be hosted in Victoria Park, a relatively small oasis of much needed green space in a deeply residential space. Maybe an event of this length and magnitude is better suited to a site that is purpose-built for large events such as Queen Elizabeth Olympic Park.

Yours faithfully

Tabitha Stapely

Appendix 24

Kathy Driver

From: [REDACTED]
Sent: 01 October 2014 12:33
To: Kathy Driver
Subject: Re: Winterville

Dear Miss Driver,

I am afraid it appears to me that no matter what I write or how I write it, it is not going to change the fact that the event is going ahead anyway, since It's now being advertised in full force.

It's beyond me how someone can oppose to an event like this when:

a) As citizens living around Victoria Park we weren't even advised or warned that there were such plans. Distributing leaflets to all residents in the area to let them know as a common courtesy would have been nice.

And as it stands now, having known about this event through third parties, we don't really have time to make a case.

b) You don't accept any of the reasons for opposing the event. You ask me to make examples of how it will affect me when the event has not happened yet and I can only go by how previous events effected me and the people who live here.

I am aware that this is not going to be Lovebox, or Field Day or any of the other small event that keep being organised for short weekends. However, I attended Field Day this year as you cunningly sent free tickets to residents, and I left after a couple of hours disgusted by the state of the park covered in rubbish and people drunk from lunch time.

This is what the Londonist writes about Winterville:

"Features include a covered ice rink, a ferris wheel and a roller disco, as well as the chance to ride horse-drawn carriages around the park and see vintage motorcycles perform gravity-defying stunts on the Wall Of Death. Further entertainment will come in the form of a pop-up pantomime, a mini-nightclub and a tent hosting live music, comedy and cabaret."

So you mean to tell me that the motorcycles and the nightclub and live music will not be noisy? Also, you have not said how you are planning to make sure that the event does not exceed 5000 people...considering it is a free event.

Anyhow, as previously stated, I am not opposed to the event, provided it respects the park itself and the residents who want to use it whilst the event is taking place and again, even if I run the risk of repeating myself, during every singles event at Victoria Park it is impossible to enjoy the park in peace and quiet and in the very little space left as it is mostly boarded off.

I am opposed to the unreasonable opening hours due to the fact that that type of noise coming from the live music and other activities during the week is a nuisance which stops us enjoying our peace and quiet in our own homes (ie music and noise which makes floors and windows vibrate).

One thing is putting up with an event for a long weekend, another is to expect people to live next to all that it entails for a whole month until 11pm.

As it is clear that any complaint from now on will be utterly useless, I shall wait until the event is in full swing to get in touch with Environmental Health should noise become unbearable.

Regards,

R.Wisdom

Kathy Driver

From: [REDACTED]
Sent: 29 September 2014 12:34
To: Licensing
Subject: licensing for winterville

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I have only just recently learnt about the proposition of organising Winterville in Victoria Park.

Firstly I would like to start by saying I find your approach despicable as you have not even considered consulting citizens and people who live around Victoria Park whether they belong to Tower Hamlet or Hackney.

I for one, have been living opposite the park in Victoria Park Road for years and already find it really difficult to deal with the music late at night from yearly events like Lovebox etc.

Not only you are organising a 1 month long event, you are proposing unreasonable hours: 11 pm during a working week, and 11pm on a weekend is bad enough.

You have no idea what is like trying to sleep or even listening to the tv during events of this capacity. The bass makes the windows and floors tremble, this is despite the fact the people from the council are "supposedly" monitoring the level of sound with their gadgets.

As far as I am concerned there is no need to make the event run that late. It's not even family friendly. It will turn into an alcohol filled huge party for people and make it extra dangerous for whoever wants to have a peaceful time in the area.

Furthermore, public transport will be messed up as buses will not be able to go through this area after the end of the event, every single night.

You are being extremely inconsiderate towards us, especially after you decided to cancel the Bonfire Fireworks here in the park.

I don't know what your reasons are for cancelling an event that has gone on for years and has always been peaceful and great fun for every family, and now you have no issues in organising something which is double in capacity or more.

Even the time left to oppose to this lets me think that you had no intention of consulting us. I found out by chance through a friend.

Absolutely disgusting and let me tell you that if this goes ahead I won't think twice in calling every night to complain about the noise.

As far as I am concerned this is the worst idea I have heard in years.

Yours faithfully,

R. Wisdom

Kathy Driver

From: Andrew Heron on behalf of Licensing
Sent: 30 September 2014 09:24
To: Kathy Driver
Subject: FW: licensing for winterville

From: [REDACTED]
Sent: 29 September 2014 16:55
To: Licensing
Subject: Re: licensing for winterville

Dear Miss Driver,

Thank you for your reply.

I'm afraid I don't see how the noise that results from music, fairgrounds and people attending a public event in the park, whether big or small, and that allows consumption of alcohol can't be classed as public nuisance.

As far as I am concerned is our right to be able to spend our time in our houses in peace and quiet and as I said in my previous email, you have no idea what it is like having to put up with that kind of noise, especially during the week.

Also, every time something similar is organised in Victoria Park, more than half the park gets boarded off, leaving hardly any areas for the public to enjoy. The few times I dared having a walk during any of the events I left straight after as the noise is unbearable.

If Tower Hamlets intention is copying Winter Wonderland may I remind you that Winter Wonderland in Hyde Park is open until 10pm.

Why on earth does an event during the week need to be open until 11pm in an area that's not in close proximity to tourists attractions?

What kind of public are you targeting? Certainly not family with kids, as people normally work during the week and kids go to school.

It's not even the event in itself that annoys me, despite the fact it is clearly not well planned and you made it rather clear that you do not care what citizens think about it.

If it had decent opening times it would not be such a big problem, the worst part is the way you went about organising something without asking whoever lives in close proximity to the park what they thought about it.

Rest assured I will use that link you provided to take my complaint further.

Regards,

R. Wisdom

[REDACTED]

Appendix 25



To Winterville Events Ltd
C/O - Darren Guerin

c.c Kathy Driver – Principal Licensing Officer

From Paul Smith – Principal Scientific Officer

Extension 6939

Date 26th September 2014

Flare Ref 078233

Regarding Applications for a Premises Licence at Victoria Park for Winterville 2014, 2nd December to 1st January 2015 (excluding 25th December 2014).

Communities, Localities and Culture

Environmental Health, Environmental Protection
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Tel **020 7364 5008**
Fax **020 7364 6831**

Re: Application for a Premises Licence at Victoria Park for Winterville 2014, 1st January 2014 – 1st January 2015 (excluding 25th December 2015), Live & Recorded Music, Plays, Performances, Films, Sporting Events, Supply of Alcohol and anything other similar, 10:00 hrs – 22:30 hrs Sunday – Thursday and 10:00 hrs – 23:00 hrs Friday and Saturday.

A. Contextual Information

Description of premises Largest Open Park space in the Borough, which serves the whole community of Tower Hamlets & Hackney.

Description of location Located within a residential area and bounded by the Old Ford Road, Cadogen Terrace, Victoria Park Road and Grove Road with minor roads off them mainly leading to the Park.

Proximity of noise sensitive premises as described above residential premises surround the Park on the Hackney and Tower Hamlets side. Generally background noise levels are less on the Hackney Wetherell Road and Victoria Park Road side although Cadogen Terrace experiences significant noise from the A102M road.

Description of background noise Road traffic noise from Grove Road which splits the park in two and the Old Ford Road.

Existing noise sources in use at the premises None.

B. Complaint History, Investigation and Enforcement

Victoria Park has had many successful events across the years with few complaints and as such our department does not object to this event taking place. This is subject to following conditions being applied which have been agreed with the applicant for the Prevention of Public Nuisance.

C. Recommendation

The following Noise Limits and conditions listed below for the Prevention of Public Nuisance have been agreed and should be adhered to; this includes all noise from the event including any noise from rides or other attractions.

For the Prevention of Public Nuisance

1. The “Event Noise Level” (ENL) measured as a free field LAeq over any 15-minute period at any position on the boundary of the park or an agreed proxy location shall not exceed 65 dBA, or no more than 15 dB above the existing background noise level to a maximum of 70 dBA*, whichever is the higher.

Noise monitoring locations have been agreed as:-

- i) Wetherell Road (adjacent to the day Nursery within the park)
- ii) Waterside Close (within the park)
- iii) Empire Wharf (within the park)

Any other agreed position within the park, due to it being found that residents are being adversely affected by the event noise level.

2. Low frequency noise shall be controlled so as not to cause a nuisance.
3. A competent person shall be appointed by the licensee of the event. This means a person with the ability to monitor noise and with the authority to control sound levels to ensure compliance with these noise conditions.
4. The sound systems and other noise sources shall be positioned so as to minimise noise disturbance, in consultation with the Council’s Environmental Health Department.
5. Sound tests shall be carried out in conjunction with the Councils Environmental Health Department before the event. This will determine the maximum noise levels that can prevail at agreed proxy monitoring positions so as to ensure compliance with the noise limits defined in condition 1.
6. The Noise Consultant shall be able to demonstrate an up to date calibration certificate for all noise meters used according to the current British and International standards and shall be a minimum type 2 grade instruments.
7. Erection, dismantling and cleaning operations should only be undertaken during Council Policy working hours Mon. – Fri 8.00 a.m. – 6.00 p.m. and Saturday 8.00 a.m. – 1.00 p.m. unless otherwise agreed by prior consent. If work or operations are agreed outside of the above hours contact telephone number (not an answer phone) must be provided for the person in charge of these operations. (The local authority has agreed to extended working hours until 8 p.m. at night-time with the applicant for safety reasons across the week, works though should not take place before 9 a.m. on a Sunday.
8. White noise "Broadband" reversing alarms shall be used on any forklift truck or vehicle likely to affect any residential property.



9. Complaints shall be directed to our Officers immediately by telephone or via the Council's emergency gatehouse telephone number, not radio. The Council's complaints procedure for taking and logging complaints must be followed at all times.

10. The licensee shall comply with any reasonable instructions given by the licensing authority that seek to control noise nuisance.

* At particular location the background noise level measured as an LA(90),1-hour may be above 50 dB, where this is the case the LAeq is allowed to exceed LAeq 65 dB,15-minutes, up to a maximum of LAeq 70 dB,15-minutes. The LAeq noise limit is then the LA(90) + 15 dB. The background noise level must be agreed in advance of any noise limit above LAeq 65 dB being used and must be based on the arithmetic average of the last four hours of the event where the background noise level is likely to be at its lowest point.

Appendix 26

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 Section 6 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 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police and SIA is acknowledged (2.1-2.2).

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

customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.22-10.23).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 27

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 4.15 and 4.16 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 6.2 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 3 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 7 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 (13.14)

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 (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

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 but it is essential that conditions are focused on measures “within the direct control of the licence holder” (2.22/2.24).

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 28

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 10 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**).

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 10.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Public Nuisance. (**See 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
- 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 24hrs a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.19).

Licence conditions should not duplicate other legislation (1.16)

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

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

Other Legislation

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

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

Appendix 29

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.

Egress only is referred to-if necessary access can be added or substituted in.

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 10 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 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**)

The Council has adopted a set of framework hours (**See 15.8 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 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 30

Noxious smells or Light Pollution

General Advice

Members need to be satisfied that any problems cannot be adequately addressed by existing legislation. Conditions must relate proportionately to the licensable activity. Thus for example, a café that is emitting noxious smells does so whether or not it is permitted to open past 23:00hrs.

Any nuisance from bright lights needs to be balanced against potential crime and disorder benefits from bright lights. (2.23)

Other Legislation

The Environmental Protection Act 1990

Part 111 of the Act gives Environmental Health Officers the power to deal with statutory nuisances including smells

Planning legislation may restrict external lighting.

Appendix 31

Noise Leakage from the Premises

General Advice

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

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

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

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

Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 10.1-2)**, especially where a negative impact is likely on local residents or businesses **(See 15.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 15.5)**.

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

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

Police Powers

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

Licensing Act 2003

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

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

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

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

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

The Licensing Policy has adopted the recommended Pool of Conditions. The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.19). 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 (2.22), but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

Appendix 32

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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(see 15.8 of the licensing policy)

In considering the applicability of framework 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 15.8 of the licensing policy)

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

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

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