

LICENSING SUB COMMITTEE

Tuesday, 20 January 2015 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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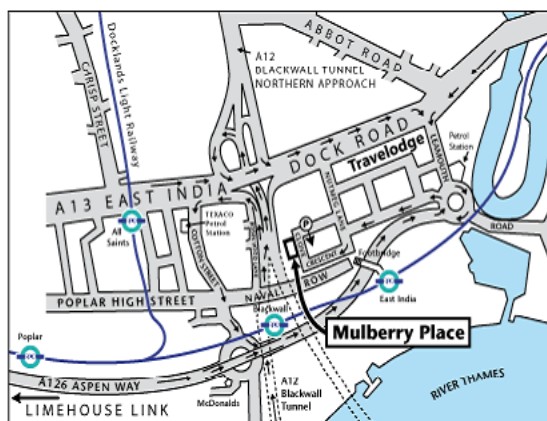
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APOLOGIES FOR ABSENCE

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.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 30)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 16th December 2014.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4.1 Application for a New Premises Licence for Sonos Studios, 7-9 Old Nichol Street, London E2 7HR	31 - 116	Weavers
5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT		

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

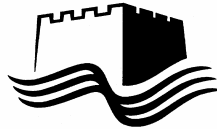
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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 be 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 license)	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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.00 P.M. ON TUESDAY, 16 DECEMBER 2014

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Khaled Uddin Ahmed
Councillor Mohammed Mufti Miah

Other Councillors Present:

None

Officers Present:

Philip Devonald	- (Interim Head of Legal Operations, Law, Probity and Governance)
Kathy Driver	- (Principal Licensing Officer)
Andrew Heron	- (Licensing Officer, Licensing Department)
Simmi Yesmin	- (Senior Committee Officer, Democratic Services)

Applicants In Attendance:

Mike Nickson	- Item 4.1
Joseph Debono	- Item 4.1
Steven Tyler	- Item 4.1
Charles Chatterjee	- Item 4.3
Imran Ahmed	- Item 4.3
Bidhan Goshwani	- Item 4.3
Johirul Islam	- Item 4.4
Jubel Miah	- Item 4.4

Objectors In Attendance:

PC Alan Cruickshank	- Metropolitan Police
Matthew Piper	- Item 4.1
David Gadd	- Item 4.1
Jon Shapiro	- Item 4.1
Anthony Edwards	- Item 4.2
Daras Maih	- Item 4.2

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no apologies for absence.

2. RULES OF PROCEDURE

There were no declarations of disclosable pecuniary interest.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committees held on 23rd September, 21st October, 4th November (2pm & 4pm) and 18th November 2014 were agreed as a correct record.

4. ITEMS FOR CONSIDERATION**4.1 Application for a New Premises Licence for The Loove, 82A Commercial Street, London, E1 6LY**

It was reported to the Sub Committee that the statutory notice for the application had not been in place for the relevant period. Following submissions from the Applicant's solicitor/representative, Members agreed for the consultation process for this application to restart due to this administrative error and discrepancies with the consultation end date in order to ensure fairness to both sides and compliance with legal requirements.

Licensing Officer's to restart the consultation process for an application for a new premises licence for The Loove, 82a Commercial Street, London E1 6LY.

4.2 Application to Review the Premises Licence for Café Bangla - 128 Brick Lane, London, E1 6RL

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Café Bangla, 128 Lane, London E1 6RL. It was noted that the review had been triggered by the Licensing Authority and supported by the Metropolitan Police.

At the request of the Chair, Mr Kathy Driver, Principal Licensing Officer explained that on the evening of 20th July 2014 PC O'Rourke visited the premise investigating a breach of a licensing condition, the use of touts

offering inducements. Mr Daras Miah, Premises Licence Holder failed to operate the CCTV cameras.

It was noted that the Licensing Team then wrote to Mr Daras Miah on 3rd September 2014 requesting Mr Miah to apply for a minor variation to add a condition employing the wording of the best practice CCTV conditions produced by the Metropolitan Police. Unfortunately Mr Miah did not respond therefore a review was triggered along side this there was also history of crime and disorder and touting in relation to the premises.

Ms Driver referred Members to the witness statements and warning letters contained in the agenda and concluded that the Licensing Authority were seeking to amend the licence and add the CCTV conditions.

Members then heard from PC Alan Cruickshank, Metropolitan Police, he explained that touting was endemic and often leading to violence, crime and disorder and anti-social behaviour and that the use of CCTV cameras inside and outside the premises was an important tool in promoting the licensing objectives. He then referred to the police representation on pages 232-248 of the agenda which detailed all reported and recorded incidents, which clearly indicated that Mr Miah was failing to promote the licensing objectives.

He concluded that there was sufficient evidence to warrant a suspension of the premises licence in order to sort out management practice and put in place a robust operating system.

Members then heard from Mr Anthony Edwards, Legal Representative on behalf of the Premise Licence Holder, Mr Miah. He explained that they had no objection in adding the CCTV camera conditions in order to assist with prevention of crime and disorder and public nuisance, however did accept that they needed help making it easier to download images.

It was also noted from the Police statement that on two occasions Mr Miah was seen to be helping control a situation and offering to assist. Mr Edwards explained that the summer of 2013 was a bad time for Mr Miah he went away to Bangladesh between October 2013 – January 2014, when some of these incidents had occurred.

Mr Edwards explained that the culture and atmosphere of Brick Lane was different to others and that a meet and greet policy needed to be in place and that it needed cooperation from the Council to implement such a policy. It was also disputed the fact that Mr Shah Kamali worked for Café Bangla as there was no evidence.

In conclusion Mr Edwards stated that conditions should be imposed and there should be no suspension of the premises licence as there have been no complaints from the public. He questioned why the police had not brought their own review as the Licensing Authority only wanted conditions to be imposed. He also stated that a suspension would mean a 'bring your own policy' would be in affect and therefore alcohol would not be regulated. He

stated that Mr Miah had a better understanding of the licensing objectives and that it would be disproportionate to suspend the licence.

In response to questions the following was noted;

- That Mr Miah disputed the fact that he showed aggression towards Police Officers.
- That Mr Miah needed training to operate the CCTV system.
- That there should be a meet and greet policy in place.
- That those premises that didn't have licences, Touting bye laws would apply and Licensing Authority were also looking at closure powers.
- That Mr Miah questioned the fact that a Police Officer in their witness statement had stated that Mr Miah was present during an incident when this could not have been possible as he was on curfew and therefore at home at that particular time.
- It was noted that Mr Miah was known to PC O'Rourke and he believed to have identified him correctly from CCTV footage.
- That due to all these incidents, Mr Miah was going to put the premises up for sale.
- That there had been no complaints from the public.
- That Mr Miah had been previously arrested in relation to violence.
- That although Mr Miah was out of the country for a period it was still his responsibility to manage the premise and arrange for adequate cover.

Members retired to consider their decision at 3.20pm and reconvened at 3.25pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from all interested parties.

Members reached a decision and the decision was unanimous. Whilst making the decision Members had regard to section 51 of the Licensing Act 2003 and paragraph 11 of the statutory guidance relating to reviews. The Chair stated that in light of the evidence provided and breaches of the premise licence conditions in relation to touting which is in itself was a criminal offence, Members felt that it was appropriate and proportionate to suspend the premises licence for the maximum period of 3 months.

The Chair stated that it was the Sub Committee's view that there were clear problems of crime and disorder and therefore felt it was necessary and proportionate to suspend the licence and add CCTV conditions in order to reorganise and improve the management of the premises. The Chair also suggested that the Premises Licence Holder work closely with the Police and Licensing Services to help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Review of the Premises Licence for, Café Bangla, 128 Brick Lane, London E1 6RL be **GRANTED** with a suspension of the licence.

Suspension

Three month's suspension, with effect from the date of the meeting. (the commencement date for suspension, to be detailed, in the decision notification letter)

Conditions

1. CCTV camera system shall be installed at the premises. One camera be placed outside the entrance and one on entry to the premise
2. The CCTV system shall incorporate a recording facility and recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.
3. CCTV to be maintained in good working order.

4.3 Application for a New Premises Licence for Khushbu - 74 Whitechapel High Street, London, E1 7QX

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for

Khushbu, 74 Whitechapel High Street, London E1 7QX. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair Mr Charles Chatterjee, Counsel for the Applicant stated that there may have been a misunderstanding as they were only applying for the provision of late night refreshments and not for the sale of alcohol.

He stated that there would be no negative cumulative impact in the area and this was a mere assumption made by the Police and there was no evidence to confirm this assumption. He explained that this premises was not in a residential area and there had been no representations from local residents. He further explained that there had been no incidents reported to the Police and CCTV cameras were installed and functional.

Mr Chatterjee stated that the applicant wanted late night refreshment hours for customers to enjoy soft drinks and quality food. He stated that there would be no takeaways, and no alcohol.

Members then heard from PC Alan Cruickshank, he agreed that there were no complaints from residents or police but this was because there was currently no licence. He stated that a Saturation Policy/ Cumulative Impact Policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of anti-social behaviour calls and the potential for disorder. It was also noted that one more late night opening venue would only compound the problems in the area as a 4am licence was extremely excessive.

PC Cruickshank concluded that the applicant was aware of the cumulative impact zone, however had noting in his application to promote the licensing objectives. PC Cruickshank stated that he was objecting to the late hours applied for and suggested that a midnight closing time on Friday and Saturday would be more appropriate.

In response to questions the following was noted;

- That the hours applied for were to mirror the previous premises licence.
- That there had been no complaints over the 7/8 years the premises had a licence.
- That the previous licence was till 5am.
- That the premise was approximately 100 meters from Brick Lane.
- That the applicant was happy to employ door staff to alleviate concerns.
- That the premises had CCTV cameras installed.
- That granting a licence till 4am would set a precedent for other premises in the area.
- That there had been no incidents of crime and disorder associated with the premises.

Members retired to consider their decision at 4.00pm and reconvened at 4.05pm.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had carefully listened to the Applicant's representative and PC Alan Cruickshank and decided to grant the application with a reduction in hours and CCTV conditions. Members believed that reduced hours and conditions imposed would alleviate the concerns raised by the Metropolitan Police and help promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Khushbu, 74 Whitechapel High Street, London E1 7QX be **GRANTED** with conditions.

The Provision for Late Night Refreshments

- Friday and Saturday, 23.00 hours to 02.00 hours (the following day)

Hours premises are open to the public:

- Sunday to Thursday, from 11.00 hours to 23.00 hours
- Friday and Saturday from 11.00 hours to 02.00 hours (the following day)

Conditions

1. CCTV camera system is to be installed.
2. The CCTV system shall incorporate a recording facility and recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for

any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.

(one camera be placed outside the entrance and one on entry to the premise)

3. No takeaway orders during the late night refreshment hours.

4.4 Application for a New Premises Licence for Royal PFC - 178a Whitechapel Road, London, E1 1BJ

At the request of the Chair, Mr Andrew Heron, Licensing Officer, introduced the report which detailed the application for a new premises licence for Royal PFC, 178a Whitechapel Road, London E1 1BJ. It was noted that an objection had been made by the Metropolitan Police.

At the request of the Chair, Mr Johirul Islam, Applicant, explained that he had taken over the business 3 months ago, he explained that there was a previous premises licence for late night refreshments. He continued to explain that the premise was situated right outside the Royal London Hospital and close proximity to transport links. It was also noted that there was a bar/pub next to the premises which had late opening hours.

Mr Islam explained that it was hospital staff and patients that had requested him to stay open till late. Mr Islam explained that there was no previous history of public nuisance or crime and disorder linked to the premises, that it was a well lit area and there were other late night venues in and around the area. He concluded that later opening hours would help him maintain his business.

Members also heard from Mr Jubel Miah who said that he had 4 years of experience working at the premises itself and had experience of dealing with intoxicated people. He said that the majority of the customers were hospital staff and patients and later hours would allow them the flexibility of staying open late to help provide a service and not breach any conditions.

Members then heard from PC Alan Cruickshank, he explained that the hours applied for were excessive and the Applicant should consider a 1am closing time, that there were low level anti-social behaviour from people leaving the bar/pub close by and a later opening hour would increase the demand of police officers, litter and noise in the area.

In response to questions the following was noted;

- That the Applicant had accepted the conditions proposed by the Police.
- That the main customers of the premises would be hospital staff and patients.

- The opening hours of other premises in close proximity were also noted.

The Chair asked both parties if they were happy with the following hours for the provision of late night refreshments; Sunday to Thursday till 00:30 hours and Friday and Saturday from 01:30 hours. These hours were the same hours as a similar business in the area which was of close proximity. Both parties confirmed they were happy to agree to the late night refreshments hours as mentioned.

The Licensing Objectives

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

Consideration

Each application must be considered on its own merits and after careful consideration the Chair stated that the Sub Committee had decided to grant the application with a reduction in hours and conditions proposed by the Police. The reduction in hours was in line with other similar premises in the area and agreed by the Applicants and the Police. The imposing of the conditions would also address the concerns raised in relation to the licensing objectives of "the prevention of public nuisance" and 'the prevention of crime and disorder'.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Royal PFC, 178a Whitechapel Road, London E1 7BJ be **GRANTED in part with conditions**.

The Provision for Late Night Refreshments

- Sunday to Thursday from 23:00 hours to 00:30 hours (the following day)
- Friday and Saturday, 23.00 hours to 01.30 hours (the following day)

Hours premises are open to the public:

- Sunday to Thursday, from 11.00 hours to 00.30 hours
- Friday and Saturday from 11.00 hours to 01.30 hours (the following day)

Conditions

1. CCTV camera system covering both internal and external to the premises is to be installed.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times when the premise is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present them on request by a police officer or other responsible authority.
4. That an incident report book be kept and record all incidents of crime and disorder associated with the premises.
5. Signs to be prominently displayed both inside and outside asking customers to respect local residents and to be quiet when leaving the premises.

5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT

There was no other business.

The meeting ended at 4.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	20 January 2015	Unclassified	LSC 63/145	

Report of : David Tolley Head of Consumer and Business Relations	Title: Licensing Act 2003 Application for Premises Licence for Sonos Studios, 7-9 Old Nichol Street, London E2 7HR
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: **Sonos UK Limited**
Name and **Sonos Studio**
Address of Premises: **7-9 Old Nichol Street**
London E2 7HR

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

Objectors: **Local Residents**
Local Residents Group

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for Sonos Studios, 7-9 Old Nichol Street, London E2 7HR.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The hours that have been applied for are as follows:-

The Provision of Regulated Entertainment consisting of Plays, Films, Live Music, Recorded Music, Performance of dance and anything of similar nature

Monday to Sunday from 10:00 hours to 18:30 hours

Non-Standard timings:

- (a) In relation to live performance events they may take place between the hours of 18.30 and 22.00 where the regulated entertainment shall have ceased by no later than 21.30. There shall be a maximum of 200 guests attending and there shall only be 24 such events taking place in a calendar year (with no more than 2 in any calendar month) and the main feature of the event will comprise of a live music performance;
- (b) In relation to Film events these may take place between the hours of 18.30 and 22.00 where the regulated entertainment shall have ceased by 21.30. There shall be a maximum of 100 guests attending such an event and the main feature of the event shall be the screening of a film;
- (c) In relation to Listening Events these events may take place between 18.30 and 22.00 where the regulated entertainment shall have ceased by no later than 21.30. There shall be a maximum of 100 guests attending and the main feature of the event will be the music played before an audience; and
- (d) In relation to Dinner Events these events may take place between the hours of 18.30 and 22.00. There shall be a maximum of 50 guests attending and a key feature of the event will be a sit down meal.

In relation to Events then within a calendar year there shall be no more than 48 Events of the type set out in b and c above in total and no more than 24 of the Event type set out in d above.

Hours premises is open to the public:

Monday to Sunday from 10:00 hours to 18:30 hours

Non Standard Timings:

As above

All entertainment is to take place indoors

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

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 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 October 2014.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
Local Residents - **See Appendix 4** for list
See Appendices 5-15 for representations
- 5.9 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
- 5.10 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
- 5.11 The objections cover allegations of
- Anti social behaviour from patrons leaving 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
 - Lack of adequate car parking facilities
 - Close proximity to residential properties
 - Noise leakage from the premises

- 5.12 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.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.

- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
 - ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
 - ❖ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ❖ Routine conditions about drink promotions are not permitted but can be imposed in 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 16-21** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Legal Comments

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

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

Appendix 1 A copy of the application

Appendix 2 Maps of the area

Appendix 3 Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations

Appendix 4 List of representations

Appendix 5-15 Representations of Local residents

Appendix 16 Licensing Officer comments on ASB from patrons leaving the premises

Appendix 17 Licensing Officer comments on Noise while the premises is in use

Appendix 18 Licensing Officer comments on access and egress problems

Appendix 19 Licensing Officer comments on Noise leakage

Appendix 20 Licensing Officer comments on Planning

Appendix 21 Licensing Policy on hours of trading

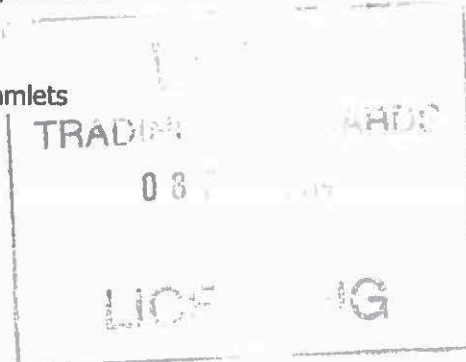
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Appendix 1

Date: 5 December 2014
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The Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 1BY



BY COURIER

Dear Sirs

Sonos Studio, 7-9 Old Nichol Street/ 17-19 Club Row, London E2 7HB

We act on behalf of Sonos UK Limited ("Sonos") and are instructed to apply for a new premises licence in respect of the above premises. Sonos is the UK entity of the respected US technology company, which is the leading manufacturer of wireless domestic hi-fi systems.

Our client wishes to operate above premises as a Sonos Studio. It has already secured the necessary planning consent and this licence application follows on from that consent and is consistent with it.

The premises will operate as a creative studio, gallery, exhibition and occasional events space with ancillary office, retail and café facilities. In essence, the studio will be used to promote the Sonos brand and associated cultural initiatives. As part of that, it will also be a facility for local people to meet and work. The operation of the studio will entail elements which fall under a range of regulated entertainment activities (music, films, dance and plays). These will be in the context of carefully planned and controlled exhibitions, talks or events. Whilst much of this may arguably be exempt under the 2003 Act, there will be some activities that will not be and to the extent the position is at all grey then the activities are included in the application out of an abundance of caution.

We are aware that the premises fall within a cumulative impact area and to that end the application has been carefully considered and thought out. In addition, the police and licensing team have been consulted with at length. Thus, having thought this through in the context of the application the standard hours are very conservative. Where there may be events held on a non-standard basis then these are limited in number throughout the year and again the latest time any regulated entertainment would take place would be 9.30pm, well before the start of the night time economy. We have also included detailed proposed conditions which deal with the responsible way in which the premises will be managed and operated (following on from the consultations which have taken place) and also are designed having regard to the location of the premises. In recognition of the planning consent granted and also the cumulative impact policy, the hours of operation even for events have been carefully thought through and a conscious decision made not to include the ability to sell alcohol. There has also been consultation with some stakeholders in the area and reassurance provided that the licence application will be consistent with the planning consent, which we believe it is.

Our client has employed the services of a reputable acoustic consultant who has confirmed that the building (subject to the extensive planned additional works to be carried out) will be suitable for the proposed uses. In addition, a highly respected local security company has been engaged to provide any required security for evening events. It is also putting in place arrangements with a local taxi company too. Our client will also employ suitably experienced staff at the venue. There are also a

To: **Error! No text of specified style in document.**
Date: 5 December 2014
Page: 2

range of policies and procedures that will be in place to ensure that the premises promote the licensing objectives at all time. As such, notwithstanding its location we would hope that the application will not be controversial and thus the policy either does not bite on the application or it is one which can satisfy the terms of the policy.

Accordingly we enclose:

1. Notice of Application;
2. Layout drawing of the proposed premises with licensable activities being provided on the ground and first floor in the public areas; and
3. Application fee.

We confirm that we have made arrangements for the application to be advertised in both the local newspaper and also at the premises.

Should you have any queries, please do not hesitate to contact Jeremy Bark of these offices on 020 3400 1122.

Kindly acknowledge safe receipt.

Yours faithfully



Berwin Leighton Paisner

CC: Metropolitan Police Service, Tower Hamlets Division, Licensing Unit, Toby Club, Vawdrey Close, London E1 4UA
Fire Safety Regulation, NE 2 Area, London Fire Brigade, 169 Union Street, London, SE1 0LL
Health and Safety. London Borough of Tower Hamlets, 6th Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
Local Weights and Measures Authority, Trading Standards, London Borough of Tower Hamlets, 6th Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
Planning Department, London Borough of Tower Hamlets, 6th Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
Environmental Protection, London Borough of Tower Hamlets, 6th Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
Child Protection, CPRS Unit, 2nd Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
Dr Somen Banerjee, Interim Director of Public Health Tower Hamlets, 4th floor, 5 Clove Crescent, London E14 2BG

jnn\38997541.1



3[Insert name and address of relevant licensing authority and its reference number (optional).]

**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 Sonos UK Limited

(Insert name(s) of applicant)

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

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Sonos Studio 7 – 9 Old Nichol Street			
Post town		London	Postcode
			E2 7HR
Telephone number at premises (if any)		tbc	
Non-domestic rateable value of premises		£35,500	

LBTH
LICENSING STANDARDS
08 DEC 2014

LICENSING

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

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

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

Please tick yes

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

Name Sonos UK Limited
Address Highdown House 11 Highdown Road Leamington CV31 1XT
Registered number (where applicable) 06173852
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any) n/a
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

31	01	2015					
3	1	0	1	2	0	1	5

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

DD	MM	YYYY			

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

The premises are a creative studio, gallery, exhibition and events space with ancillary office, retail and café facilities. A range of regulated entertainment relating to this and in keeping with the use of the premises is proposed. The premises will operate ordinarily so as to be open to the public on any day between 10am and 6.30pm but in addition will also host a number of carefully controlled and limited events on a less frequent basis.

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

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

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

Provision of regulated entertainment

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	10.00	18.30	Please give further details here (please read guidance note 3)		
Tue	10.00	18.30			
Wed	10.00	18.30			
Thur	10.00	18.30	State any seasonal variations for performing plays (please read guidance note 4)		
Fri	10.00	18.30			
Sat	10.00	18.30			
Sun	10.00	18.30	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	18.30			
Tue	10.00	18.30	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed	10.00	18.30			
Thur	10.00	18.30	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		
Fri	10.00	18.30			
Sat	10.00	18.30			
Sun	10.00	18.30			

C

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

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	Please give further details here (please read guidance note 3)					
Mon	10.00	18.30						
Tue	10.00	18.30						
Wed	10.00	18.30				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	18.30						
Fri	10.00	18.30	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) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings					
Sat	10.00	18.30						
Sun	10.00	18.30						

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 (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	18.30			
Tue	10.00	18.30			
Wed	10.00	18.30			
			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	10.00	18.30			
			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		
Fri	10.00	18.30			
Sat	10.00	18.30			
Sun	10.00	18.30			

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon	10.00	18.30			
Tue	10.00	18.30			
Wed	10.00	18.30			
Thur	10.00	18.30			
Fri	10.00	18.30			
Sat	10.00	18.30			
Sun	10.00	18.30			
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	18.30		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	18.30	Please give further details here (please read guidance note 3)		
Wed	10.00	18.30	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	18.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		
Fri	10.00	18.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		
Sat	10.00	18.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		
Sun	10.00	18.30	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings		

I

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

J

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

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

Name	
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			<u>State any seasonal variations</u> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	18.30	
Tue	10.00	18.30	
Wed	10.00	18.30	
Thur	10.00	18.30	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5) Please see condition 4 in the list of proposed conditions which sets out the non-standard timings</p>
Fri	10.00	18.30	
Sat	10.00	18.30	
Sun	10.00	18.30	

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

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

See list of proposed conditions

b) The prevention of crime and disorder

See list of proposed conditions

c) Public safety

See list of proposed conditions

d) The prevention of public nuisance

See list of proposed conditions

e) The protection of children from harm

See list of proposed conditions

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	5/12/2014.
Capacity	Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Jeremy Bark Berwin Leighton Paisner Adelaide House London Bridge			
Post town	London	Postcode	EC4R 9HA
Telephone number (if any)	020 3400 212		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) Jeremy.Bark@blplaw.com			

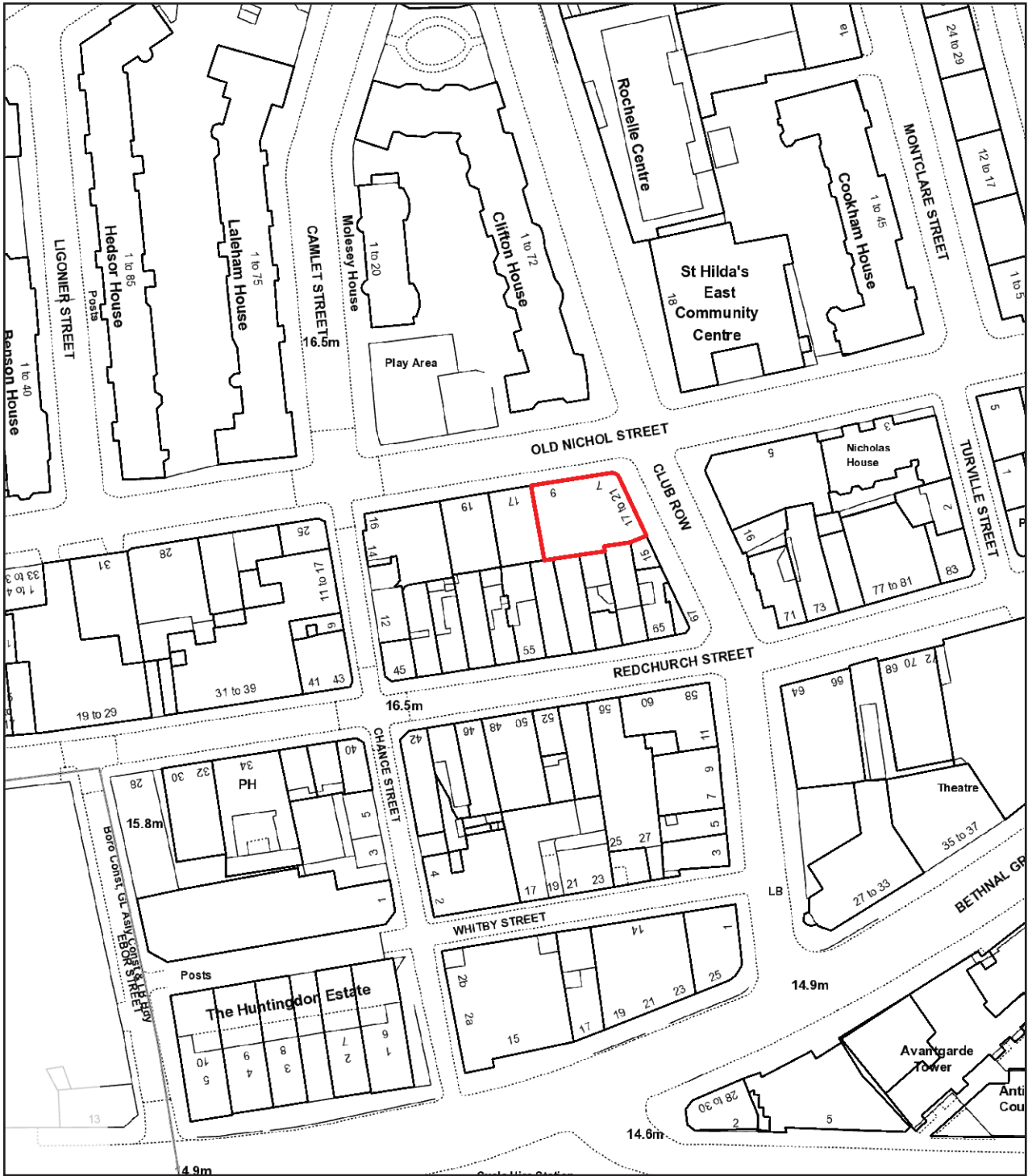
Sonos Studio, 7-9 Old Nichol Street, London E2 – Proposed Conditions

1. A CCTV system shall be installed at the premises covering the areas of the premises including main exit/entrance to the premises, the areas where licensable activities takes place and the holding area. Recordings of the CCTV shall be made and kept for a period of 31 days and made available to the police and licensing authority upon reasonable request. Normally a person shall be present on the premises who is able to play back recordings should the police or licensing authority have an urgent need to review the same.
2. The total capacity of the venue shall be 200 (excluding staff).
3. The venue shall implement a site management plan and adhere to the same. Such plan shall specifically deal with any events to be held at the premises.
4. The non-standard timings in respect of opening times and hours for and terms upon which regulated entertainment may take place shall be as follows:-
 - a. In relation to live performance events they may take place between the hours of 18.30 and 22.00 where the regulated entertainment shall have ceased by no later than 21.30. There shall be a maximum of 200 guests attending and there shall only be 24 such events taking place in a calendar year (with no more than 2 in any calendar month) and the main feature of the event will comprise of a live music performance;
 - b. In relation to Film events these may take place between the hours of 18.30 and 22.00 where the regulated entertainment shall have ceased by 21.30. There shall be a maximum of 100 guests attending such an event and the main feature of the event shall be the screening of a film;
 - c. In relation to Listening Events these events may take place between 18.30 and 22.00 where the regulated entertainment shall have ceased by no later than 21.30. There shall be a maximum of 100 guests attending and the main feature of the event will be the music played before an audience; and
 - d. In relation to Dinner Events these events may take place between the hours of 18.30 and 22.00. There shall be a maximum of 50 guests attending and a key feature of the event will be a sit down meal.

In relation to Events then within a calendar year there shall be no more than 48 Events of the type set out in b and c above in total and no more than 24 of the Event type set out in d above.
5. In relation to any Event held on a non standard timing basis, as set out in condition 4 above the the general public at large shall not be invited to them and only pre-invited guests shall be admitted to such events.
6. The premises licence holder shall assess the need for SIA security in relation any Event held on a non-standard basis and shall ensure that such security as may be required is employed for a given event. For a live performance event then there shall be a minimum of [6] SIA security operatives employed.

7. The premises licence holder will implement a dispersal policy to ensure that any person attending an Event on a non-standard timing basis can leave the area quickly and quietly.
8. The premises licence holder shall ensure that it has arrangements in place with a local taxi firm so that there is a dedicated service available to any guests attending an Event.
9. The premises licence holder shall ensure that no nuisance from licensable activities is caused to neighbouring properties and where amplified music is played at a Live Performance Event then the noise limiting equipment installed at the premises shall be used on the amplification system used.
10. The premises licence holder has a no smoking policy in relation to any Event held on a non-standard timing basis to smoke. Where a person wishes to smoke they will be requested not to and if they chose to leave the venue to smoke then they shall not be readmitted to the premises.
11. The venue will ensure that it places suitable notices at the exits to the premises requesting those attending the premises to leave the area quietly and respectfully.
12. The premises will make available to those attending the premises in an appropriate form information relating to public transport locations in the immediate area.

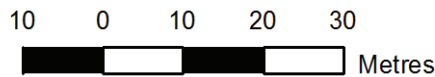
Appendix 2



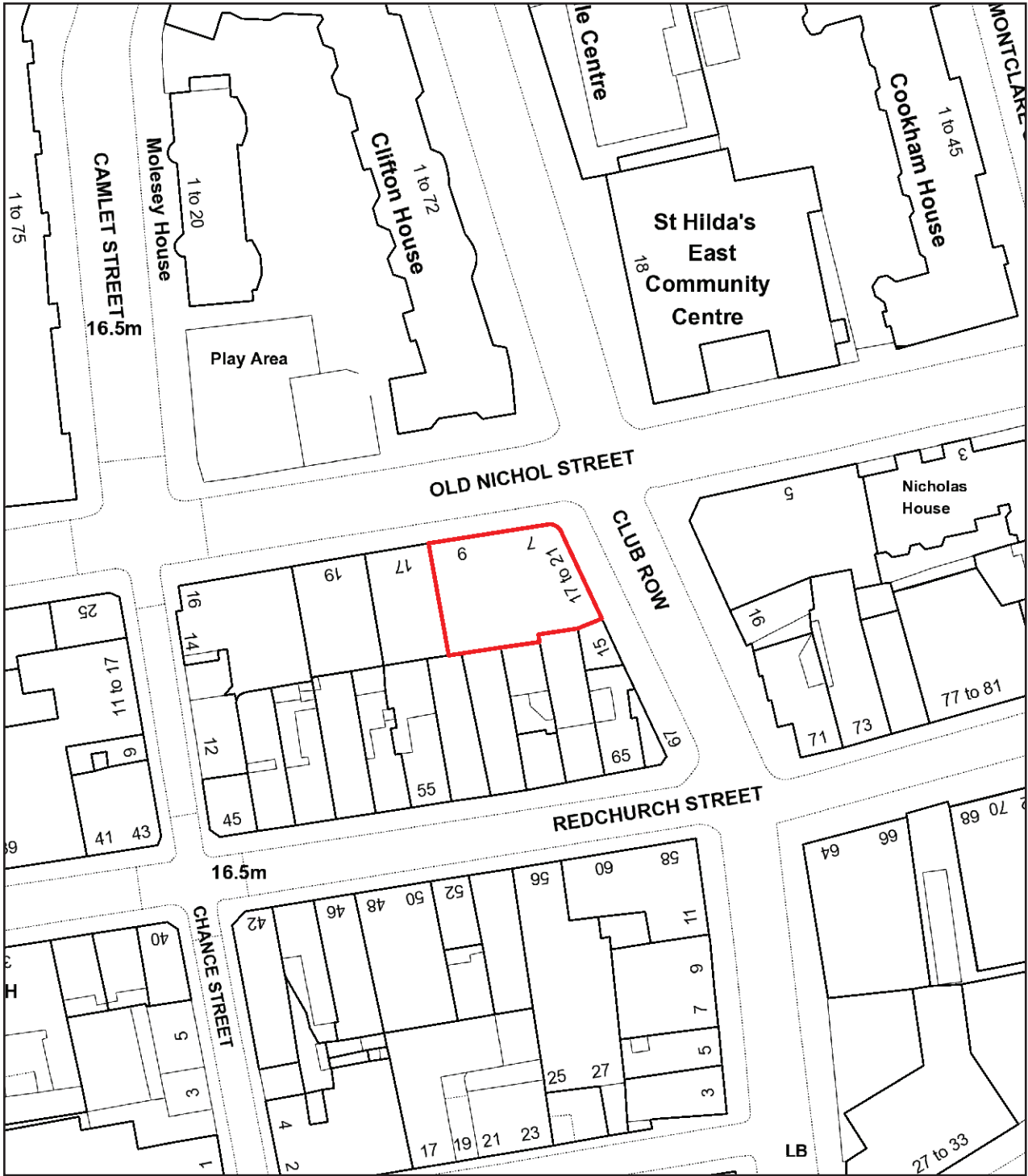
7-9 Old Nichol Street



Scale 1:1153



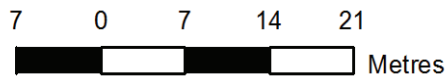
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7-9 Old Nichol Street



Scale 1:769



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Appendix 3

Section 182 Advice by the Home Office

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

Name	Appendix
Katherine Carew	5
Adam Dant	6
Peter J Davidson	7
Jennifer James	8
Brendon Pinch	9
Hannah Thompson	10
Brad Lachore	11
Charles Carter-Lewis	12
Heather Thomas	13
Jonathan Kent	14
Robin Fellgett	15

Appendix 5

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 22 December 2014 10:15
To: Mohshin Ali
Subject: FW: LICENCE APPLICATION AT 7 - 9 OLD NICHOL STREET, E2

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 21 December 2014 11:11
To: Licensing
Subject: LICENCE APPLICATION AT 7 - 9 OLD NICHOL STREET, E2

OBJECTION TO LICENCE APPLICATION FOR SONOS AT 7 - 9 OLD NICHOL STREET, E2

We live in a residential unit directly opposite this site and object in the strongest terms to this application on the grounds of public nuisance. We have already so many problems of public disorder and noise in our area and now we have this to contend with. It is the last straw. The Licensing authority seems to be deaf to local residents concerns and their rights to remain with the ability to live in a peaceful way. There is no way this activity will not cause us immense suffering with noise, parking issues, coming and going, shouting, screaming, and the usual problems we know so well, but now promising to be multiplied twenty-fold. This company got permission for change of use by stealth without transparency of their real intent, nor consultation with neighbours who are going to be impacted.

There will have to be some redress for our loss of amenity, the cost to us of being forced out of our homes because of the noise and disturbance, our neighbourhood - which is supposed to be a Conservation Area - and which has slowly been eroded by these permissions making it an impossible place to live. This has been our home for over 20 years and through lack of protection by the council, we now find ourselves in the middle of a party zone. It is extremely stressful, and bad for our health.

Katherine Carew
[REDACTED]
[REDACTED]

[REDACTED]

Appendix 6

Mohshin Ali

From: [REDACTED]
Sent: 24 December 2014 00:08
To: Licensing; Mohshin Ali
Subject: Fwd: Future - Karate Chop (Complex Sonos Studios Event)

Dear Sir or Madam ,

I am attaching a link to a video clip of a Sonos event similar to those refereed to in the licensing application for the Sonos premises at 17/22 Club Row.

Please can you include this video as a public document as part of my representation in respect of this licensing application re - nature and volume of proposed events, volume and noise of invited crowd etc , objections to potential noise and nuisance (do you need a specific list of such ? This would be v easily outlined / provided) .

I forwarded this video to PC Cruickshank and others when the Sonos planning application was submitted . Since that time I think that the clip has been edited to remove the cry of 'let's make some f-ing noise' which previously appeared at the start of the clip .

Please can you let me know if videos of the general activities proposed by your applicants (as they are conducted in other similar venues run by the applicants , as seen in these videos) are useful in the process of assessing the suitability of an operation which intends to host such well attended (up to 200 people!) late night events , when assessed through the licensing application for this particular venue of 17/22 Club Row.

Many thanks

Yours Sincerely

Adam Dant.

Subject: Future - Karate Chop (Complex Sonos Studios Event)

Check out this video on YouTube:

<http://youtu.be/8XoJ7xDR-zs>

[REDACTED]

Appendix 7

Mohshin Ali

From: [REDACTED]
Sent: 29 December 2014 13:59
To: Licensing
Cc: Mohshin Ali
Subject: Sonos Studio 7-9 Old Nichol Street/17-19 Club Row E2 7HB

Follow Up Flag: Follow up
Flag Status: Flagged

Your Ref: TSS/LIC/ 081394

Dear Mr Lisowski, Kathy Driver, Mr Mohshin

I would like to file to a strong objection to granting a license or a number temporary late licences for late night event to Sonos Studios 17 -19 Club Row E2 7HB

This area north of Redchurch Street is a mainly residential area. There a a few offices and small retail outlets keeping 9.00am to 6.00pm business hours. My bedroom is 15 meters from the entrance to these premises. The Boundary Estate which has residents with young children is the same distance to the north of the building. Looking at the Sonos website clearly indicates the type of events they intend to host. I attach a link to a clip to illustrate this clearly. Even with the best sound proofing the bass beat from these sophisticated sounds systems will be polluting and disturbing this quiet crossroad.

<http://youtu.be/8XoJ7xDR-zs>

Parking

There is a existing shortage of parking spaces for residents in the area at the moment. Where do you propose the visitors to the premises will park. This huge increase in demand will compound a already existing problem.

Noise of the Patrons

The noise of the queuing and exiting patron who use these premises will undoubtedly cause a huge disturbance to sleeping residents and young children who need to have undisturbed sleep pattens to maintain high performances at school. I am sorry to say that no amount of 'Polite Notices' asking inebriated patrons to respect the local resident will quell this problem.

With the granting of the planning permission and now the proposed granting of a licence special late licences it is clear to me that Tower Hamlets Council are determine to destroy the tranquility for the residents of this area.

Yours Sincerely

Peter J Davison
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 8

Mohshin Ali

From: Jennifer James [REDACTED]
Sent: 30 December 2014 10:54
To: Licensing
Subject: Sonos application - Club Row and Old Nichol Street

To whom it may concern,

I am writing as a concerned neighbour to oppose the above licensing application.

The site in question is in the middle of a residential area, adjacent to the Boundary Estate and to many other residential buildings. It is wholly inappropriate for this site to have up to 200 guests leaving as late as 2300, up to 24 times a year. There is already a very large issue with crime and disorder, not to mention public nuisance in this immediate area. The Victorian streets are not wide enough for the extra car and foot traffic to service this new establishment. More important, the associated noise, litter, detritus and other anti-social by-products would cause further harm to a neighbourhood already blighted by such nuisances. We residents cannot cope with a further deterioration in our living standards.

For these above reasons, we'd like to oppose the licensing application.

thank you.
Jennifer

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 9

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 02 January 2015 15:54
To: Mohshin Ali
Subject: FW: Objection: Sonos licence application - 7-9 Old Nichol Street E2 7HR
Attachments: Updated Conditions (38930162)_pdf.pdf; Sonos Application (38896278)_pdf.pdf; BW-SONOSLDN-A201.pdf; Licence Letter to LBTH_Sonos_39015461.pdf

From: Brendon Pinch [REDACTED]
Sent: 02 January 2015 15:51
To: Licensing
Subject: Objection: Sonos licence application - 7-9 Old Nichol Street E2 7HR

I object to the grant of the licence sought by the applicant, Sonos.

The applicant recently applied and received permission to operate as a retail business or gallery with ancillary cafe facilities.

It now seems the applicant in fact intends to operate as a live entertainment venue, not as a retail operation.

Old Nichol Street is a quiet, residential street with no licensed premises. 7-9 Old Nichol Street lies directly opposite residential accommodation which features bedroom windows at ground and upper levels. The proposed licence to allow regular (at least once a fortnight, if not more frequent) late night entertainment will cause considerable public nuisance to neighbouring residents and harm to those children who find themselves unable to sleep as the crowds of up to 200 guests leave the premises having attended a live music or other performance, presumably having been served alcohol while present.

The area surrounding Old Nichol Street is already beset by elevated levels of crime and disorder caused by the night-time economy. The addition of 200 further participants in this night-time economy will only exacerbate these problems and so contribute to an increase in crime and disorder.

Should Sonos have wanted to operate as a bar/concert hall/live music venue, it should have applied for planning permission and zoning to do so. It has not and it should not now be allowed to circumvent the planning regulations which govern the local area through being granted a licence on the terms currently sought.

Kind regards

Brendon Pinch
[REDACTED]
[REDACTED]

Appendix 10

Kathy Driver

From: Andrew Heron on behalf of Licensing
Sent: 05 January 2015 11:02
To: Mohshin Ali
Subject: FW: Sonos licence application,

From: Hannah Thompson [REDACTED]
Sent: 03 January 2015 22:56
To: Licensing
Subject: Sonos licence application,

To whom it may concern;

I am writing to object to the proposed Sonos licence application, on the corner of Club Row and Old Nichol Street.

As a resident whose bedroom window looks directly over the corner of Club Row and Old Nichol Street (my house is on the corner of Redchurch Street and Club Row), this application would severely impede my quality of life for the following reasons:

- 1) Crime and disorder - I believe that allowing this venue to have a licence until 11pm twice a month would contribute to the huge amount of disruption and disorder that we already face as residents of this part of Shoreditch due to the enormous amount of bars in this small area. We regularly see / hear piles of vomit, broken glass etc on the street, and have had ground floor windows smashed three times in the last four years and one drunken intruder who climbed the walls of the property, reaching outside our window around 3am. These four incidents were all as a direct result of alcohol consumption and late liquor licences.
- 2) Prevention of public nuisance - myself and my partner regularly sleep with earplugs due to the noise from revellers traipsing down Redchurch Street at extremely late hours. We are regularly (at least once a week) woken in the middle of the night by singing, arguments and screams. Allowing another liquor licence in this tight space would certainly contribute to this.

I urge you to decline this application. If you require any more information from me, please get in touch.

Kind regards,

Hannah Thompson
[REDACTED]

Appendix 11

Kathy Driver

From: Brad Lochore [REDACTED]
Sent: 05 January 2015 18:14
To: Licensing
Subject: Sonos Studio: 7-9 Old Nichol Street and 17-19 Club Row
Attachments: Sonos objection.pdf; E2 7HR Parking Petit.PDF

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

I would like to add my objections to the Licence Application above.

All the main points are outlined in details in the objections below, each to which I unreservedly agree.

I have lived and worked on the same side of Old Nichol St for the past 20 years and in the recent years we have been subject to a shocking and overwhelming invasion of night time 'economy' levellers flooding into our streets and severely disrupting our lives. Old Nichol St is predominantly a dense residential neighbourhood with the few small businesses operating at quietly during normal working hours from the ground floor units on the south side of the street.

The ongoing nuisances all arise from the businesses in the area that have received the many licences from your department which seem to be issued without any regard to the impact that this has on the many hundreds of families that live here. You can see enclosed a petition (below 'E2 7HR Parking') that was recently handed to the Council Parking department to demand that resident parking bays hours be increased until late in the evening and also that many of the single lines be replaced with double yellow lines on order to address the dramatic increase in nighttime traffic specifically in our street. This petition was raised BEFORE this application from Sonos was received at the Council. It is with a sense of disbelief that your department might now sanction any further increase in people coming and going after 6.30 in the evening. I would be keen to understand any argument that your department could make to justify yet another approval to more nighttime activity let alone the enormous scaling up of the problems we will experience if you approve this application!

I am pleading therefore that you do not approve any activities at this venue after 6.30 in the evening.

Yours sincerely,
Brad Lochore

Brad Lochore
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

The existing restriction, which currently ends at 7pm in the evening, is ineffective in preventing our area being used as a continuous evening and nighttime free car park and has resulted in a significant deterioration in the peace and quiet the residential community has enjoyed in these back streets for many decades.

We are therefore demand that the hours of residential restriction now be extended to at least 11pm in the evening every night of the week within the A5 Zone and that Double Yellow lines replace the existing single yellow lines where they currently exist along Old Nichol St including corners where it intersects with the other streets.

Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
BRAD LOCHORE	[Redacted]	[Redacted]
EDEN ENDFIELD	[Redacted]	[Redacted]
MOI BARSHIR	[Redacted]	[Redacted]
E. MENeses	41 Lake Ham House [Redacted]	[Redacted]
Jami Ahmed.	[Redacted]	[Redacted]
d. Gago	[Redacted]	[Redacted]

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

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Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
KAMRAN	[Redacted]	[Redacted]
Alta Miah	[Redacted]	[Redacted]
AKLUS ULLAH	[Redacted]	[Redacted]
SHAH MASHUR	[Redacted]	[Redacted]
MOHAMMED MORTAZIUR BAKSH	[Redacted]	[Redacted]
HASSAN MOHAMMED	[Redacted]	[Redacted]
M. MIAN	[Redacted]	[Redacted]
	Page 84	

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

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Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
Asker Miah	[Redacted]	[Redacted]
ANWAR MIAH	[Redacted]	[Redacted]
Mohamed	[Redacted]	[Redacted]
Muhammad Shahid	[Redacted] E2 7LD ST	[Redacted]
Mohammed Layek	[Redacted] E2 7LD	[Redacted]
Ahmed	[Redacted]	[Redacted]
MOHAMMED	[Redacted]	[Redacted]
Ben Yahia Patch	[Redacted]	[Redacted]

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

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Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
		[Redacted]
MD. NAZRUL ISLAM	[Redacted]	[Redacted]
Rashidat Ali	[Redacted]	[Redacted]
S.A. CHOUDHURY	[Redacted]	[Redacted]
MD. KASHIM	[Redacted]	[Redacted]
A. AHMED	[Redacted]	[Redacted]
Jamal ISLAM	[Redacted]	[Redacted]
	Page 86	

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

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Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
Mamnun Ahmed	[Redacted]	[Redacted]
Al Zarem	[Redacted]	[Redacted]
Abdul Malik	[Redacted]	[Redacted]
[Handwritten Signature]	[Redacted]	[Redacted]
A. N. MUMUKH	[Redacted]	[Redacted]
S. Uddin	[Redacted]	[Redacted]
M. Miah	[Redacted]	[Redacted]
Motosif Miah	[Redacted]	[Redacted]

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

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Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
A. DAH HANE	[REDACTED] 27LJ	[REDACTED]
Y. MANSOOR	[REDACTED]	[REDACTED]
S. MANSAF	[REDACTED]	[REDACTED]
M. RAHMAN	[REDACTED]	[REDACTED]
M.A. MUSAHID	[REDACTED]	[REDACTED]
L. R. Chocoolary	[REDACTED]	[REDACTED]
MALEDDIN	[REDACTED]	[REDACTED]
RUHEL MIAH	[REDACTED]	[REDACTED]

Our area, which includes the Boundary Estate and the adjacent streets down to Bethnal Green Rd, now suffers from the increasingly significant night time usage for parking due to the exponential growth of the 'night time economy' and has become the default parking area for Shoreditch, which now also includes the many bars, clubs and restaurants of both Tower Hamlets and Hackney. This has led to a severe increase in the level of noise and disturbance during every night of the week and as a result the many residents in this area are suffering a great deal of stress. It is imperative that these activities change to parking within the 'A5' parking Zone (sanctioned by the many planning and licensing consent granted by the Council despite the opposition of the local residents) is now dealt with.

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Name (print clearly)	Address + Postcode (print clearly)	Signature + Email Address
ABDUL HANNAN	[REDACTED]	[REDACTED]
KAMIL UDDIN	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
BASHIR AHMED	[REDACTED]	[REDACTED]
MISRANUL SYED	[REDACTED]	[REDACTED]
SHIRAJ ALI	[REDACTED]	[REDACTED]
M. R. JAGLU	[REDACTED]	[REDACTED]
ALI HUSSAIN	[REDACTED]	[REDACTED]

Appendix 12

Kathy Driver

From: Andrew Heron on behalf of Licensing
Sent: 05 January 2015 15:13
To: Mohshin Ali
Subject: FW: License application reference 81394

From: Charles Carter-Lewis [REDACTED]
Sent: 05 January 2015 14:56
To: Licensing
Subject: License application reference 81394

Dear Sirs,

Re: SONOS, 7-9 Old Nichol Street/17-19 Club Row, E2

I wish to object to the application by SONOS.

The proposed use of the events space will further increase the nuisance of noise and crowd control in the area. Since becoming a local property owner in July 2012 I have noticed a marked increase in both problems. I note the application includes for crowd control barriers on Club Row indicating the applicants concern that there might be unwelcome problems with controlling visitors to their premises.

It is not unusual for visitors to such event spaces to litter and urinate in adjacent streets and behave out of control from drinking. It will be impossible for SONOS to monitor or control such behaviour when visitors have left their premises, leaving local residents and other businesses to suffer the problems caused by the proposal.

The building was formerly used by a catering company and as such did not cause any significant nuisance to local residents. I note the events will be held inside and include amplified music. The nature of the structure of the building makes it very difficult to achieve any significant sound-proofing and there will inevitably be significant noise disturbance to neighbours.

I shall be grateful if you will give the above objections full consideration and either refuse the application in its present form or otherwise condition any approval in order to minimise and provide meaningful control of the range of nuisances that I have outlined.

Yours faithfully,

Charles Carter-Lewis
[REDACTED]

Appendix 13

Kathy Driver

From: h [REDACTED]
Sent: 05 January 2015 23:56
To: Licensing
Cc: [REDACTED]
Subject: Sonos licence application ref. JIB/35274.1 - Objection

Follow Up Flag: Follow up
Flag Status: Completed

To whom it my concern,

This email is regarding the following licence application:
Sonos UK Ltd
Sonos Studio, 7-9 Old Nichol Street
Application ref: JIB/35274.1

I am a resident of Old Nichol Street, having lived at [REDACTED] since I bought the property in March 2012. My living room and bedroom windows are conservatively within 100 yards of the proposed licenced premises.

I strongly object to the licence application in question. My reasons are:

1. Noise. This is a residential, mainly quiet, street. Many people's bedroom windows, including my own and local children living in the Boundary Estate opposite, look out onto Old Nichol Street. Even if the premises was soundproofed effectively (which I am sceptical about given that is a an old single-glazed building), I am most concerned about unwanted noise coming from people (I note that the plans include "crowd control" barriers - which does not sound like they are planning for the small, private events described in their letter) - from both crowds queuing to get in to the premises, or on departure. Vehicle noise is also of concern, as it sounds like there will be taxis waiting for customers outside (which also isn't practical as the street usually has cars parked both sides with only enough space for a single lane of traffic down the middle).

2. Anti-social behaviour. Despite the overall improvement of the area we still struggle with problems on this street. Particularly on the section of the street east of Club Row there is frequent drug dealing which the local police are aware of. I can't imagine that a new evening music venue will do anything to improve this situation. The main problem however is visitors to the area in the evenings. They park on this street particularly on Friday and Saturday nights when it is free to do so, and drink in their cars/sitting on people's doorsteps before going out to venues nearby. I have a ground and basement flat and frequently find empty bottles and cigarette butts thrown down into my front basement lightwell and left littering the street which I have to clear up. The worst problem is later in the evening when drunk men take the opportunity to urinate in my doorway on into my basement lightwell. I don't think that a new evening venue on the street will do anything but worsen this situation. I am aware that the Sonos Studio has not applied for a licence to sell alcohol, but this does not mean they will necessarily prevent their guests from bringing their own, or not apply for this licence at a later stage.

3. Saturation. There are already numerous cafes on neighbouring Redchurch Street. The local community centre is opposite the proposed premises on the northeast corner of Club Row/Old Nichol and Rich Mix arts centre less than a 5 minute walk away. Both offer dance, art, film and music to local residents already. I don't see what the proposed new event space will add to this area. It does not seem at all necessary.

Overall I would be happy for the Sonos shop to open on the street (on condition of proper and complete soundproofing), though only if it operates as an actual shop with regular daytime hours (e.g. to a maximum of 7pm). I am totally against having an evening music venue on a residential street in an already busy area.

Regards,

Heather Thomas

Appendix 14

Kathy Driver

From: Jonathan Kent [REDACTED]
Sent: 03 January 2015 14:05
To: Licensing
Cc: lisowski@towerhamlets.gov.uk
Subject: 7-9 Old Nichol St/17-19 Club Row

Dear Sir or Madam,

Re : 7 - 9 Old Nichol St

I wish to object as strongly as possible to the proposed granting of an extended licence (i.e. after 6.30 pm) for the above premises. I live at [REDACTED], across the street from the Sonos building.

This area - north of Redchurch St - is primarily a quiet residential area, with a few daytime businesses. The Sonos building is bounded on all four sides by flats or houses. The proposed extension to the licence would disturb the peace of this area with 72 "events" a year - more than once a week. With 200 hundred people descending on the area in the evening, this would create noise (both arriving and leaving, quite apart from the event itself), congestion (where would they park?) and disruption (queuing on the pavement to get in).

The application is a cynical ploy to extend the hours of the Sonos Studio by stealth, dressing it up as a series of invited events. It is completely out of character with the nature and culture of the area, and I would ask that you reject it.

Yours
JDP Kent

Appendix 15

Kathy Driver

From: Andrew Heron on behalf of Licensing
Sent: 05 January 2015 16:17
To: Mohshin Ali
Subject: FW: Sonos Studio: 7-9 Old Nichol Street and 17-19 Club Row
Attachments: Sonos objection.pdf

From: Robin Fellgett [REDACTED]
Sent: 05 January 2015 15:59
To: Licensing
Subject: Sonos Studio: 7-9 Old Nichol Street and 17-19 Club Row

Dear Sirs

Please find attached an objection to the licence application for these premises, on behalf of the Jago Action Group - the local residents and tenants association.

Please acknowledge receipt; and do not hesitate to get in touch if we can clarify anything.

Thank you.

Robin Fellgett
[REDACTED]
[REDACTED]

Robin Fellgett CB

The Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London E14 1BY

5 January 2015

Dear Sirs,

Sonos Studio: 7-9 Old Nichol Street/17-19 Club Row

Summary

On behalf of the Jago Action Group (JAG), I write to object to the license application submitted for these premises.

The premises are within the Brick Lane cumulative impact zone, which is designed to tackle, among other things, the cumulative effect of excessive noise from music venues and large groups of people congregating in the street. The onus is therefore on the applicants to demonstrate, if they can, that the operation of the premises will not add to the cumulative impact. The application fails to do so; particularly it:

- a. fails to present any evidence the building will be adequately soundproofed to prevent the public nuisance of excessive noise, including low frequency vibration;
- b. presents wholly inadequate measures to deal with the effect of encouraging dozens, indeed hundreds, of people to congregate on the street in the evening in a predominantly residential area.

Our objections therefore relate primarily to the statutory objective regarding public nuisance and to some extent also those relating to children and crime.

Detail.

JAG is the residents and tenants association representing those living on Old Nichol Street, Club Row and neighbouring streets. This is a predominantly

residential area, including a family homes close to the application premises on the two streets and in the Boundary Estate.

Those commercial premises that exist in the immediate vicinity engage in quiet activities. Sonos's business is wireless hifi, which inherently involves creating noise to demonstrate their wares. Our primary concern is the public nuisance associated with noise.

We welcome the fact that Sonos have not applied for an alcohol license. However, this does not preclude 'giving alcohol away' at events. We also welcome their engagement with community groups prior to the application, particularly their discussions with the St Hilda's Community Centre on the opposite corner of Old Nichol and Club Row. However, these have not allayed our concerns about noise etc.

The Sonos premises, like the homes of most people living nearby, were not built to modern standards of soundproofing, let alone the major enhancements that would be needed to fully soundproof a studio such as that envisaged by Sonos. Yet Sonos have not submitted with their licensing application any information about how they will deal with noise, including both low frequency vibration potentially affecting nearby premises and more general noise. We note that at their headquarters studio on Los Angeles their activities include music events such as:
<https://www.youtube.com/watch?v=a8e5jaZCCS0#t=145>.

In view of the public nuisance associated with excessive and invasive noise, including vibration, we therefore submit that they have failed to demonstrate the operation of the premises will not add to the cumulative impact as regards public nuisance. The potential impact on family homes nearby would also affect children.

Sonos's planning permission (PA/14/02602 of 13th November 2014) includes as conditions:

- Prior to the commencement of the relevant works, full design and fixing details of the acoustic baffle surround to be installed at roof level shall be submitted to and approved in writing by the Local Planning Authority;
- The Sui Generis use hereby permitted shall not commence until full details, including the technical specification, for all noise and vibration insulation and mitigation measures have been submitted to and approved in writing by the Local Planning Authority;
- Within three months of the commencement of the Sui Generis use hereby approved, a post-completion Environmental Noise Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Environmental Noise Assessment shall include details of noise surveys carried out at the nearest sensitive receptors to demonstrate that the requirements of BS8233:2014, and its associated World Health Organisation external noise level criteria are met, and to demonstrate that

NR25 at 63 Hz and 125 Hz within all adjoining, adjacent or nearby residential habitable rooms is met to control low frequency.

JAG is working with Tower Hamlets, as the planning authority, to consider whether the Sonos proposals – when they come forward – will be sufficient to allay our concerns about the impact on local residents and families.

Similar information is likely to be relevant to a licensing decision. We recognise that licensing and planning decisions are distinct and taken separately under different legislation. However, given the overlap in likely information requirements, we suggest the licence application be refused at this stage, with the opportunity for Sonos to re-apply once there has been an opportunity to consider the information they have to supply about the steps to be taken to prevent the public nuisance of noise.

JAG is prepared to reconsider its objection if we are satisfied about such steps. At the moment we are not and therefore strongly oppose the application.

A separate, but overlapping, area of concern is the proposal to hold evening events at the application premises. As we understand the proposals, they involve holding events nearly twice a week; monthly, roughly two events would be music with up to 200 people, about four would be music or film with up to 100 people and two would be dinners with up to 50 people.

This is far more than Sonos previously acknowledged. Their public line has previously been to the effect that evening events would be rare and limited. In our view, it is impossible to invite up to 200 people to an evening event, in an area which already suffers from crowds – often drunk and noisy - gathering in the streets, without causing a public nuisance and to some extent exacerbating the incidence of crime and anti-social behaviour from which the neighbourhood suffers.

Even if the premises themselves are adequately soundproofed, as discussed above, such crowds will come and go, go outside to smoke and attract others interested in seeing what is going on.

We therefore also oppose any licence that would permit evening events. Sonos should operate, like the other commercial premises in the immediate locality, during the daytime.

Yours faithfully,


ROBIN FELLGETT

Appendix 16

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 17

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 18

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 19

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 20

Planning

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

Appendix 21

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

Monday to Thursday	06:00hrs 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