

# EXTRAORDINARY LICENSING SUB COMMITTEE

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Thursday, 15 May 2014 at 2.00 p.m.

Committee Room C1, 1st Floor, 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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Website: <http://www.towerhamlets.gov.uk/committee>

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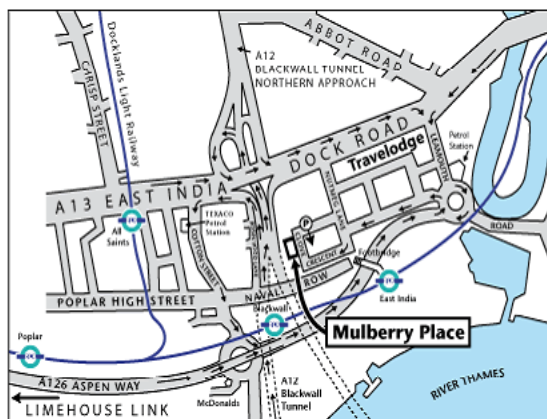
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## **APOLOGIES FOR ABSENCE**

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.

	<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
<b>3. ITEMS FOR CONSIDERATION</b>		
<b>3 .1 Application for Time Limited Premises Licence for Lovebox 2014</b>	<b>21 - 86</b>	<b>Bow East; Bow West</b>
<b>3 .2 Application for a New Premises Licence for Peloton and Co, 4 Market Street, London, E1 6DT</b>	<b>87 - 144</b>	<b>Spitalfields &amp; Banglatown</b>

# 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

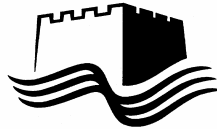
(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

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 licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for grant of personal licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

<b>Application Type</b>	<b>Period of Time within which Hearing to be Held (after reps have closed)</b>	<b>Notice Period of Hearing</b>	<b>Notice Sent To</b>	<b>Attendee Reply Form Back In</b>
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](http://www.towerhamlets.gov.uk/committee) - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

**(5) What can be circulated?**

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

**(6) How will the applications be considered?**

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

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

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

**(8) Queries on reports.**

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

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

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

## **LICENSING SUB COMMITTEE HEARING PROCEDURE**

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

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

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

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

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# Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	15 May 2014	<b>Unclassified</b>	LSC 78/134	

Report of: <b>David Tolley - Head of Consumer &amp; Business Regulations</b>	Title: <b>Licensing Act 2003 - Application for Time Limited Premises Licence for Lovebox 2014</b>
Originating Officer: <b>Andrew Heron Licensing Officer</b>	Wards affected: <b>Bow West &amp; Bow East</b>

## 1.0 Summary

Applicant: **Lovebox Festivals Ltd.**  
Name and **Lovebox**  
Address of Premises: **Victoria Park**  
**London E3**

For **18<sup>th</sup> July 2014 to 30<sup>th</sup> September 2017**

Licence sought: **Licensing Act 2003**  
**Time Limited Premises Licence**

- **Sale of alcohol**
- **Provision of regulated entertainment**

Objectors: **Councillor Joshua Peck (Bow West Ward)**

## 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

Andrew Heron  
020 7364 2665

### 3.0 **Background**

- 3.1 This is an application for a premises licence which is time limited for 18<sup>th</sup> July 2014 to 30<sup>th</sup> September 2017 for a capacity of 39,999.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 Due to large size of the Event Management Plan, this will be available on request. Members will be forwarded the Plan electronically for their information in deciding whether conditions are appropriate to be added. See point **6.2**.
- 3.4 The application is for regulated entertainment and the sale of alcohol.
- 3.5 The hours that have been applied for are as follows:-  
**Plays, Films, Indoor Sporting Events, Boxing or Wrestling Entertainment, Live Music, Recorded Music, Performances of Dance and anything of a similar description to the above**  
Sunday to Monday from 12:00hrs (midday) to 22:30hrs  
Friday to Saturday from 12:00hrs (midday) to 23:00hrs
- The sale of alcohol:**  
Sunday to Monday from 12:00hrs (midday) to 22:30hrs  
Friday to Saturday from 12:00hrs (midday) to 23:00hrs
- Hours premises is open to the public:**  
Victoria Park is a public park and is open from dawn and usually closes at dusk. For the licensed area:  
Sunday to Monday from 12:00hrs (midday) to 23:00hrs  
Friday to Saturday from 12:00hrs (midday) to 23:30hrs
- 3.6 Plans showing the park, event site and layout are attached in **Appendix 2**.

### 4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 8<sup>th</sup> December 2010.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in October 2012.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, 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 a relevant representation has been made by Councillor Joshua Peck - **See Appendix 4**.
- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards
  - Child Protection
  - Local PCT

5.10 Additional conditions have been agreed by the applicant and should be noted by members when considering the Operating Schedule. These are as follows:

**5.11 Additional Conditions agreed/offered by applicant (see Appendix 5):**

1. To ensure that the license conditions relating to the use of white noise reversing alarms are fully complied with throughout the tenancy at Victoria Park.
2. To investigate any further improvements to the sound system design that may reduce the impact on the residents' property.
3. A representative of Environmental Protection to visit the property during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
4. To offer the opportunity to visit the site during the live period to show the licensees management controls and experience of the event.
5. Contact numbers to be given of the applicants and officers.

**5.12 Conditions agreed with Police (see Appendix 6):**

6. a) An Operating Schedule and Security Plan have to be sent to Police 3 months prior to the event.  
  
b) The Operating Schedule and Security Plan has to be agreed by Police by 1 month prior to the event. If in the event there is no agreement an ESAG meeting will be called.
7. The event managers and organizers will comply with any reasonable request made by the Police event command team during the course of the event.

**5.13 Conditions agreed with the Licensing Authority (see Appendix 7):**

8. No alcohol shall be taken off the licensed area;
9. Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge

21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers;

10. The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.
  11. MDS operators must carry a clear indication that a Challenge 21 protocol is in operation.
  12. A Challenge 21 Policy shall be implemented, so that before being served alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. This will include, for example;
    - a. A photo car driving licence
    - b. A passport
    - c. A proof of age card bearing the PASS hologram.
- 5.14 In addition the application was required to be advertised in a local newspaper and by a blue poster. The consultation period was extended following lack of notices on the major gates relative to the site area. 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
- 5.15 The objection from Cllr Peck cover allegations of
- Crime & Disorder
  - Public Nuisance
  - Crowds and disruption
  - Anti-social behaviour from patrons leaving the premises
  - Acting as a magnet attracting the young who then engage in anti-social behaviour
  - Drug taking
  - Noise while the premise is in use
  - Disturbance from patrons leaving the premises on foot
  - Disturbance from patrons leaving the premises by car and other traffic issues
  - Close proximity to residential properties
  - Noise leakage from the premises
- 5.16 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6

**Comments**

**Licensing Officer**

6.14 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. 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.

6.15 In addition to the documentation contained in the report, the application contains additional documentation providing the detail of the Event Management Plan/Noise Management Plan/Acoustic Report/Security Plan/Risk Assessment /Crown Safety Plan. Members are asked to consider all the associated documentation which accompanies the application and incorporate any conditions which are relevant, proportionate and enforceable that are necessary to address the licensing objectives.

6.16 Guidance issued under section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

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

hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
- ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.

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

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

6.19 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.

6.20 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)

6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 In **Appendices 8-13** 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

give advice at the hearing.

The Council’s legal officer will

8.0

### **Finance Comments**

8.1

implications in this report.

There are no financial

9.0

## **Appendices**

- |                    |  |
|--------------------|--|
| <b>Appendix 1</b>  | Copy of the Licence Application  |
| <b>Appendix 2</b>  | Plans of the site  |
| <b>Appendix 3</b>  | Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations                              |
| <b>Appendix 4</b>  | Representation of Cllr Joshua Peck   |
| <b>Appendix 5</b>  | Confirmation email of additional conditions  |
| <b>Appendix 6</b>  | Confirmation email of additional conditions – Police   |
| <b>Appendix 7</b>  | Confirmation email of additional conditions – Licensing Authority  |
| <b>Appendix 8</b>  | Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises                          |
| <b>Appendix 9</b>  | Licensing Officer comments on Acting as a Magnet Attracting the Young who then engage in Anti-Social Behaviour |
| <b>Appendix 10</b> | Licensing Officer comments on Drug Taking  |
| <b>Appendix 11</b> | Licensing Officer comments on Noise while the Premise is in Use  |
| <b>Appendix 12</b> | Licensing Officer comments on Access and Egress Problems   |
| <b>Appendix 13</b> | Licensing Officer comments on Noise Leakage from the Premises  |



# Appendix 1



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

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

On-Line payments can be made at:

[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

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

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We *(Insert name(s) of applicant)* Lovebox Festivals Limited

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
Victoria Park	
Post town London	Post code E9 5HT

Telephone number at premises (if any) N/A

Non-domestic rateable value of premises £NIL

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

Please tick as appropriate

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**SECOND INDIVIDUAL APPLICANT** (if applicable)

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

**Surname**

**First names**

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

**Post Town**

**Postcode**

**Daytime contact telephone number**

**E-mail address (optional)**

**B) OTHER APPLICANTS**

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

Name Lovebox Festivals Limited (for the attention of Julian Butterfield)
Address 59-65 Worship Street, London, EC2A 2DU.
Registered number (where applicable) 06676172
Description of applicant (for example partnership, company, unincorporated association etc) Company
ber, if any [REDACTED]
[REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
1	8	07 2014

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

Day	Month	Year
30	09	2017

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

39,999
--------

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

The premises is an area of Victoria Park, which will temporarily house the Lovebox festival.

The event site constructed will consist of;

- a. An outdoor arena within a fenced perimeter.
- b. Multiple performance areas including outdoor stages, marquees and other structures.
- c. Supporting infrastructure, attractions and services including bars, catering outlets, toilets, medical, security and waste management provisions appropriate for the scale of the event.

A site plan is included with this application, with a heavy red line indicating the extent of the area to be licensed.

This application is for a time limited licence for the Lovebox festival. The application is for three consecutive days each year for a period of four years from 2014 to 2017 inclusive.

The 2014 event will be staged on 18–20 July, the dates for subsequent years will be agreed with the London Borough of Tower Hamlets (LBTH); Parks, Arts & Events and Licensing services and the Responsible Authorities and once agreed will be publicised at least six months in advance of the event date.

The organisers propose that the following conditions be adopted as part of the Premises Licence;

1. Licence to be used for a maximum of three event days per calendar year.
2. Event days must be consecutive and include a Saturday.
3. Mondays may only be event days on a Bank holiday.
4. Events days may only take place in period 1<sup>st</sup> May–30<sup>th</sup> September each year.
5. Event dates to be agreed by the Licensing Authority and responsible authorities and once agreed publicised at least six months prior to the event.

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

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

**Provision of regulated entertainment**

Please tick all that apply

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

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

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

**In all cases complete boxes K, L and M**

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	12:00	22:30	<b>Please give further details here</b> (please read guidance note 3)  The organisers may stage performances of plays as supplementary entertainment in one or more of the venues within the site.		
Tue					
Wed			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)  N/A		
Thur					
Fri	12:00	23:00	<b>Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	12:00	23:00			
Sun	12:00	22:30	N/A		

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors	
				Outdoors	
				Both	✓
Day	Start	Finish			
Mon	12:00	22:30	<b>Please give further details here</b> (please read guidance note 3)  The organisers may stage exhibitions of films as supplementary entertainment in one or more of the venues within the site.		
Tue					
Wed			<b>State any seasonal variations for exhibition of films</b> (please read guidance note 4)  N/A		
Thur					
Fri	12:00	23:00	<b>Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat	12:00	23:00			
Sun	12:00	22:30	N/A		



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<p><b>Please give further details here</b> (please read guidance note 3)</p> <p>The organisers may stage indoor sporting events as supplementary entertainment in one or more of the venues within the site.</p> <p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)</p> <p>N/A</p> <p><b>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</b> (please read guidance note 5)</p> <p>N/A</p>
Day	Start	Finish	
Mon	12:00	22:30	
Tue			
Wed			
Thur			
Fri	12:00	23:00	
Sat	12:00	23:00	
Sun	12:00	22:30	

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<p><b>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)</p>	Indoors	
Day	Start	Finish		Outdoors	
				Both	<input checked="" type="checkbox"/>
Mon	12:00	22:30	<p><b>Please give further details here</b> (please read guidance note 3)</p> <p>The organisers may stage boxing or wrestling entertainment as supplementary entertainment in one or more of the venues within the site.</p>		
Tue			<p><b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)</p> <p>N/A</p>		
Wed					
Thur					
Fri	12:00	23:00	<p><b>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</b> (please read guidance note 5)</p> <p>N/A</p>		
Sat	12:00	23:00			
Sun	12:00	22:30			

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y ]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	✓
Mon	12:00	22:30	<b>Please give further details here</b> (please read guidance)	Live music will take place throughout the event duration at varying times, in a variety of performance areas by a range of artistes.	
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)	N/A	
Thur					
Fri	12:00	23:00	<b>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</b> (please read guidance note 5)	N/A	
Sat	12:00	23:00			
Sun	12:00	22:30			

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<b>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y ]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	✓
Mon	12:00	22:30	<b>Please give further details here</b> (please read guidance note 3)	Recorded music will take place throughout the event duration at varying times, in a variety of performance areas by a range of artistes. Recorded music will be played as both an interlude between live music, and as a performance in its own right.	
Tue					
Wed			<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)	N/A	
Thur					
Fri	12:00	23:00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5)	N/A	
Sat	12:00	23:00			
Sun	12:00	22:30			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	12:00	22:30	<b>Please give further details here</b> (please read guidance note 2)  The organisers may stage performances of dance as supplementary entertainment in one or more of the venues within the site.	Both	✓
Tue					
Wed				<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)  N/A	
Thur					
Fri	12:00	23:00		<b>Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list</b> (please read guidance note 5) 5)  N/A	
Sat	12:00	23:00			
Sun	12:00	22:30			

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment you will be Providing</b>	
Day	Start	Finish		
Mon	12:00	22:30	Visual and performance arts.  <b>Please give further details here</b> (please read guidance note 3)  Visual and performance arts, circus skills, street theatre, comedy and poetry. A variety of ancillary entertainment which falls within the foregoing categories may be provided at various points within the event.	
Tue				
Wed				<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)  N/A
Thur				
Fri	12:00	23:00		<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  N/A
Sat	12:00	23:00		
Sun	12:00	22:30		

I

<b>Late night refreshment</b> <b>Standard days and timings</b> (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y ]</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 4)	Both		
Tue						
Wed				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur						
Fri			<b>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</b> (please read guidance note 5)			
Sat						
Sun						

J

<b>Supply of alcohol</b> <b>Standard days and timings</b> (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y ]</b> (please read guidance note 7)	On the premises	✓	
Day	Start	Finish		Off the premises		
Mon	12:00	22:30	<b>Please give further details here</b> (please read guidance note 4)  Alcohol will be served onsite, managed by a bar management team under conditions agreed with LBTH and MPS Licensing officers.	Both		
Tue						
Wed				<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)  N/A		
Thur						
Fri	12:00	23:00	<b>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</b> (please read guidance note 5)  N/A			
Sat	12:00	23:00				
Sun	12:00	22:30				

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

**Name**

Mr M Bowles

**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)**

N/A

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)  N/A
Day	Start	Finish	<b>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</b> (please read guidance note 5)
Mon	12:00	23:00	
Tue			
Wed			
Thur			
Fri	12:00	23:30	
Sat	12:00	23:30	
Sun	12:00	23:00	

## **M**

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

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

As part of the planning process for Lovebox 2014, the organisers have met regularly with the responsible authorities and other stakeholders to discuss proposals for the event and to respond to requests or concerns from those stakeholders. These meetings have taken place since the debrief meeting in September 2013 and are ongoing.

These meetings lead to the production and revision of an Event Safety Management Plan (ESMP), which reflects the organisers plans, the requirements of the various Responsible Authorities and the measures taken to address concerns raised by the wider stakeholder community.

The organisers also receive feedback directly from other interested parties including Victoria Park Friends Group and individual businesses and residents as well as via the LBTH Arts & Events Team, and work hard to respond to criticisms or concerns and amend the contents of the ESMP (and the operation of the event) to deal with issues arising from the event. The organisers are therefore happy to meet with anyone who may wish to make representations about the event.

The draft ESMP has already been prepared and supplied to the Licensing Authority as background information. The ESMP contains confidential and sensitive information and is not suitable for general public circulation.

In order to ensure that this process continues throughout the lifetime of a four year premises licence, the applicants propose that the following be adopted as conditions of the premises licence;

6. Full and detailed consultation will be undertaken by the Premises Licence holder with each of the responsible authorities. This consultation will take place through Event Planning Group or multi-agency meetings in the lead up to the event and during the event itself.

7. An ESMP containing detail appropriate to each year's Event will be produced and implemented in consultation with and with the agreement of the Responsible Authorities through multi-agency or Event Planning Group meetings.

8. The first draft of the ESMP, including a detailed plan of the site, will be submitted to the Licensing Authority, the Responsible Authorities and other members of the Event Planning Group for consideration at least three months prior to the event.

9. For each event the Premises Licence holder will produce a final ESMP (including the plan of the site) which must be agreed by the Licensing Authority prior to the event taking place.

10. A debrief meeting will be undertaken after each event to include all Responsible Authorities and other relevant agencies involved in the event.

## **b) The prevention of crime and disorder**

In addition to the Event Planning Group meetings described in a) above, the event organisers, MPS and the event security providers meet regularly to discuss the Policing and Stewarding arrangements for the event, to review proposals and collaborate on the production of a Multi-Agency Crime Reduction Plan, these meetings have taken place since late 2013, in relation the 2014 event.

Additional to the MPS and event security management teams, the organisers employ Crime Reduction Managers, who have responsibility for ensuring the implementation by all parties of their elements of the Crime Reduction Plan. In order to continue the work done in 2013 on reducing crime, additional appointments have been made in 2014, namely the posts of Crime & Anti Social Behaviour Reduction Director, and Anti Social Behaviour Reduction Manager.

In practical terms this means;

Deployment of agreed numbers of overt and covert Police officers, security staff and civil enforcement officers both inside and outside the event arena with both general and specific anti crime responsibilities.

Use of event and pre-event communications strategy to provide anti-crime messages.

Exercising the right to refuse entry to any unauthorised/disorderly person, by means of screening on the entry points to the event.

Implementation of various operations to disrupt the misuse of drugs amongst those proposing to attend the event, and to support the Event Organisers continuing “zero tolerance to drugs” policy.

Deployment of agreed numbers of Police officers, security staff and civil enforcement officers along key egress routes to reduce the potential for disorder and anti-social behaviour.

In conjunction with MPS and other relevant stakeholders, each year the licence holder will produce;

Crowd Management, Security & Stewarding Plan  
Alcohol Management Plan  
Egress Plan  
Crime Reduction Plan.

### **c) Public safety**

- i. Employment of an Event Safety Officer to oversee build, event and de-rig.
- ii. Safeguarding of water supplies.
- iii. Assessment of Contractors and their safety documentation prior to arrival on site.
- iv. The undertaking of site and task specific risk assessments.
- v. Sign off policy for temporary installations by contractors.
- vi. Checks relating to integrity of temporary structures by independent Structural Engineers.
- vii. Protection of audience and staff from noise (see ‘Noise’ chapter in ESMP for controls).
- viii. Installation of a front of stage barrier to assist in crowd management.
- ix. Adherence to food hygiene standards and catering safety arrangements.
- x. Safe installation and operation of generators and temporary power supplies by competent persons.
- xi. Implementation of site speed limits, traffic management plan for site deliveries and collections through the park, escort of vehicle through the park to ensure compliance with speed limits.
- xii. Illuminated signage above exit routes.
- xiii. In conjunction with LBTH Health & Safety and other relevant stakeholders, each year the licence holder will produce;

Risk Assessment  
Fire Risk Assessment  
Schedule of Temporary Structures  
Questionnaire and Inspection schedule for Food Traders  
Rules for Site contractors



#### **d) The prevention of public nuisance**

The reduction of the potential for public nuisance is one of the main priorities of the event organisers, and much of our planning work is focused on these issues.

In addition to the Event Planning Group meetings described in a) and b) above, the Organisers meet regularly with the LBTH Environmental Protection team, the appointed sound system providers and the independent noise control consultants to consider proposals for noise management in relation to the event. In relation to this application, these meetings have been ongoing since late 2013.

These meetings have resulted in the production of a Noise Management Plan (NMP) by the independent noise control consultants which has been approved by the LBTH Arts & Events and Environmental Protection teams for use in ensuring that noise levels at the event remain with the agreed local and national guidelines for this type of event in this type of location.

These meetings have also resulted in the production of a site plan layout which has approved by the LBTH Arts & Events and Environmental Protection teams to ensure that sound systems and generators at the event are located in the most advantageous positions to ensure that noise from the event remains within the agreed limits.

Whilst it should be noted that the 2013 event did not exceed any of the agreed noise levels, the LBTH team raised concerns about an increased number of complaints, and so the work done by all parties in producing the 2014 NMP and site layout plan specifically addresses the reasons for the increase in complaints, and includes measures to reduce the potential for a re-occurrence.

The organisers have worked over many years to minimise the potential for anti-social behaviour particularly during the egress phase, and continue to develop the egress plan in conjunction with the Responsible Authorities and increase the resources (security, Police and Civil Enforcement) available during this phase of the event.

In order to ensure that this licensing objective remains a priority throughout the lifetime of a four year premises licence, the applicants propose that the following be adopted as conditions of the premises licence;

11. The Premises Licence holder will set up a publicised meeting each year with local residents prior to the relevant Event to discuss plans for the Event and receive residents' representations.
12. The Premises Licence holder will set up a publicised meeting each year with local residents after the relevant event to receive residents' representations.
13. The Premises Licence holder will employ a competent noise control consultant to produce a Noise Management Plan prior to each year's Event for the approval of the Licensing Authority and a Noise Control Report following each Event.
14. The Premises Licence holder will produce an Egress Plan prior to each year's Event for the approval of the Licensing Authority.

#### **e) The protection of children from harm**

- i. Age restrictions on attendance at event, with no entry for unaccompanied under 18 year olds.
- ii. Arrangements for 'lost and 'found' children operated by the event security and welfare teams under the auspices of the Event Control office, with provision for MPS involvement depending on the circumstances.
- iii. Disclosure & Barring Service checked personnel to be present at information and welfare point (which is also the Lost Children point).
- iv. Proof of age alcohol purchase policy in place. MPS and LBTH Licensing endorsed "Challenge 21" regime in operation.

- v. Monitoring of alcohol outlets by security staff and bars management team, briefing to bar staff.

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

**Part 4 – Signatures** (please read guidance note 10)

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

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

Signature 

Date 27<sup>th</sup> March 2014



Capacity  
Event Safety Manager/Designated Premises Supervisor

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

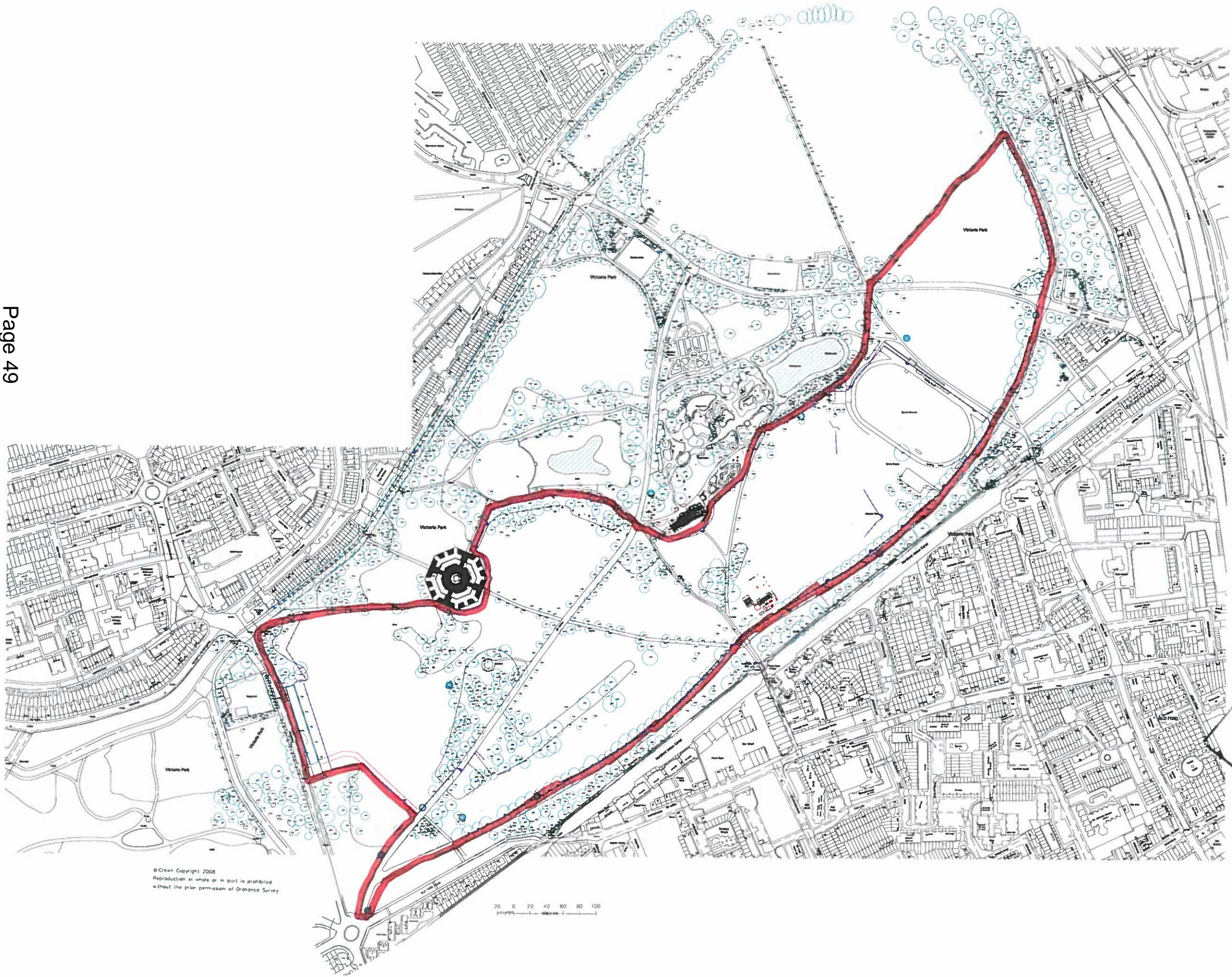
Signature  
.....

Date  
.....  
.....

Capacity

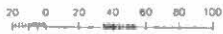
<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13) Mick Bowles Event Safety Management Ltd 2c Trinity Street	
<b>Post town</b> London	<b>Post code</b> SE1 1DB
<b>Telephone number (if any)</b> 	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b> 	

# Appendix 2



— EXTENT  
OF  
PREMISES

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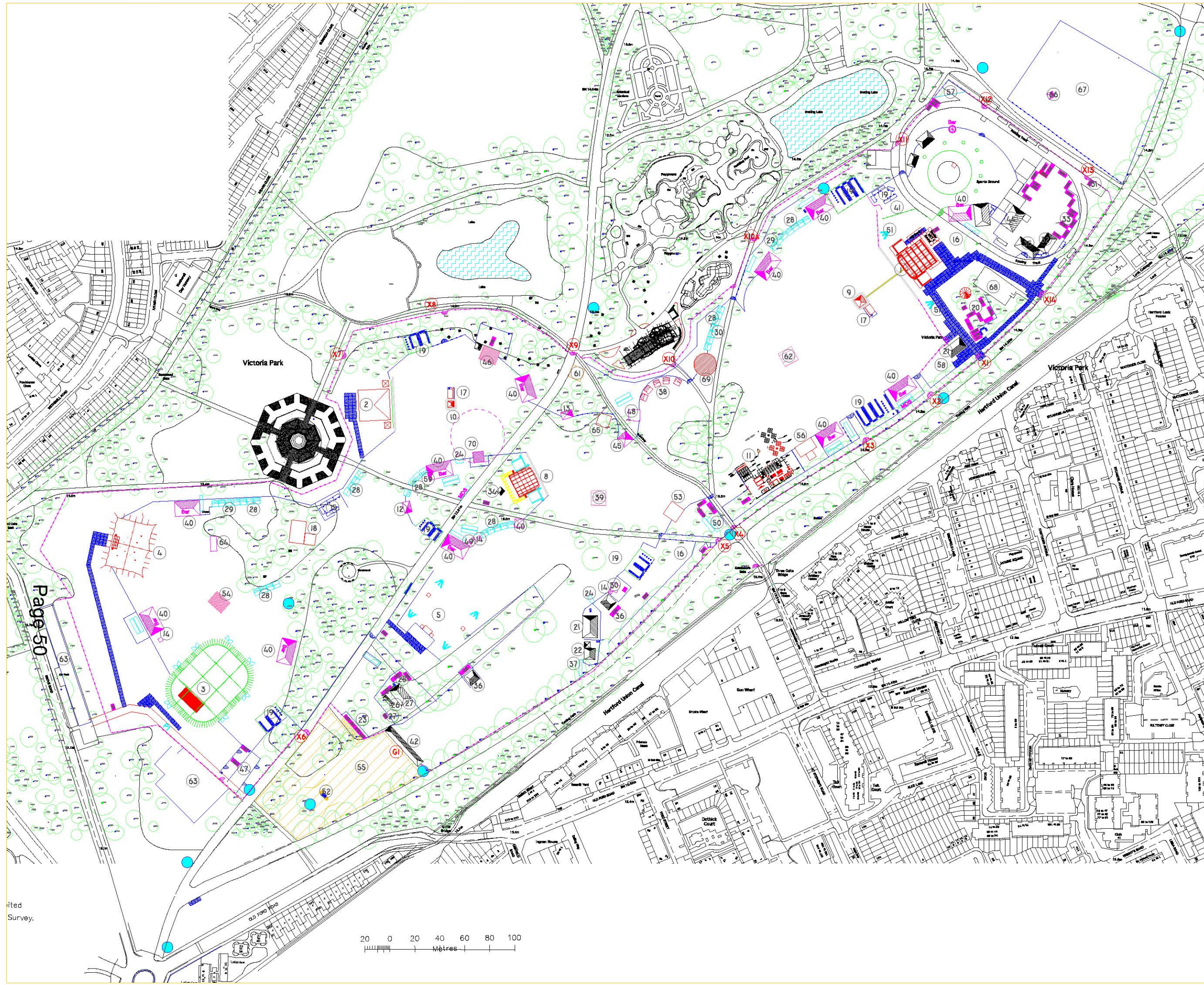
31 MAR 2014  
LIC SING

CLIENT	LOVEBOX FESTIVALS LTD
EVENT	LOVEBOX FESTIVAL 2014
DATE	18TH - 19TH JULY 2014
VENUE	VICTORIA PARK, E9 7DE
DWG No:	LBI4 - VI-4
DWG DATE	22-1-14
DRAWN BY	J.BADCOCK / S.MCALLY /
SCALE	DO NOT SCALE

- STEELSHIELD FENCING
- STEELSHIELD ON SIDE
- HOARDING
- HERAS FENCING
- CROWD CONTROL BARRIER
- FIRE LANE
- 'DRESSED' FENCING/BARRIER
- TOWER LIGHT
- TRADER / MARKETS
- CABIN AND NUMBER
- OBSERVATION TOWER
- MARQUEE
- EMERGENCY EXIT GATE
- TRACK WAY
- STAGE BARRIER
- TOILET TRAILER

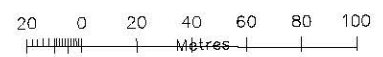
### KEY TO NUMBERS

- 1 Main Stage
- 2 Stage 2
- 3 Stage 3 - Big Top (45m x 45m)
- 4 Red Bull Music Academy Stage
- 5 Distrikt
- 6 TBC
- 7 Ticket Web New Bands Stage
- 8 Kittens stage
- 9 FOH Mixer (Main Stage)
- 10 FOH Mixer (Stage 2)
- 11 Aperol
- 12 Cocktail Bar
- 13 Cider Bar
- 14 JTI Retail Unit
- 15 VIPee's - Luxury Toilets
- 16 Bone Yard
- 17 Viewing Platform
- 18 Roller Disco
- 19 Toilets
- 20 Production Village
- 21 Medical Marquee
- 22 Info & Welfare
- 23 Box Office
- 24 ATMs
- 25 Event Control
- 26 Police Control
- 27 Police Search
- 28 Food Stall
- 29 Non-Food Stall
- 30 Merchandise Stall
- 31 Artist Check-in
- 32 Artist Catering
- 33 Dressing Rooms
- 34 Artist Marquees
- 35 Crew Catering
- 36 Press Area
- 37 Cloakroom
- 38 Food Cook Offs
- 39 Swing Chairs (Fair Ground)
- 40 Bar
- 41 VIP Area
- 42 Main Entrance
- 43 (Main Stage Delays)
- 44 Artist Gifting
- 45 Cuervo Margarita Bar
- 46 Yahoo
- 47 Street Stuff and Showsec Staff Area
- 48 Meantime Brewery Bar
- 49 Diageo Can Bar
- 50 Bars Offices & Bone Yard
- 51 Main Stage Fills
- 52 Drugs Amnesty Bin
- 53 Jose Cuervo Bar
- 54 Helter Skelter (Fair Ground)
- 55 Merch Sales Area
- 56 Rita's
- 57 Plumbers Bone Yard
- 58 Power Bone Yard
- 59 MAMA Bars staff Catering / Trader
- 60 Cocktail Bar
- 61 Phone Mast
- 62 Little Big Wheel (Fair Ground)
- 63 Production Car Park
- 64 Air stream Bar
- 65 Bubledogs
- 66 Smashbox VIP Activation
- 67 Artist / Showday Car Park
- 68 Serious Stages Boneyard
- 69 Dance Off Arena
- 70 Sure
- 71 TBC



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ited Survey.



# Appendix 3

### Section 182 Advice by the Home Office

Updated October 2012

#### 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

## Andrew Heron

---

**From:** Alex Lisowski on behalf of Licensing  
**Sent:** 30 April 2014 14:23  
**To:** Andrew Heron  
**Subject:** FW: OBJECTION: Lovebox Application

---

**From:** Joshua Peck  
**Sent:** 30 April 2014 13:59  
**To:** Licensing  
**Subject:** OBJECTION: Lovebox Application

Dear sir

I wish to OBJECT to the currently advertised application for a licence for Lovebox Festivals Ltd to hold events in Victoria Park between 18 July 2014 and 30 September 2017.

I wish to object on the grounds that I believe that the licence, if granted, will not meet the following licensing objectives:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance.

### PREVENTION OF CRIME AND DISORDER

The Metropolitan police's published crime figures show that there is a dramatic increase in crime and disorder in the month that Lovebox happens each year.

As the table below shows, in 2012 overall crime in June, when Lovebox took place that year, was 64% higher than either May or July. In 2013, when Lovebox took place in July, overall crime was 44% higher that month than in June and 60% higher than in August. There is no explanation for this one off substantial increases in crime in those months, compared to the immediately preceding and following months, than that the increase is attributable to Lovebox.

	ASB	Burglary	Robbery	Vehicle	Violent	Other Total	Total
Sep 2013	60	8	1	8	24	27	151
Aug 2013	110	14	6	14	28	97	286
<b>Jul 2013</b>	<b>128</b>	<b>9</b>	<b>20</b>	<b>9</b>	<b>37</b>	<b>229</b>	<b>518</b>
Jun 2013	89	6	10	14	24	42	203
May 2013	51	17	4	10	24	153	283
Apr 2013	54	10	10	5	28	46	153
Mar 2013	54	14	9	11	15	54	157

	ASB	Burglary	Robbery	Vehicle	Violent	Other Total	Total
Feb 2013	56	12	9	9	22	36	144
Jan 2013	45	12	10	10	28	48	153
Dec 2012	38	10	13	10	21	49	141
Nov 2012	55	18	18	8	29	78	206
Oct 2012	73	14	11	16	38	62	214
Sep 2012	88	13	10	15	21	57	204
Aug 2012	118	20	15	14	21	89	277
Jul 2012	106	16	8	12	32	86	260
<b>Jun 2012</b>	<b>86</b>	<b>8</b>	<b>29</b>	<b>14</b>	<b>33</b>	<b>549</b>	<b>719</b>
May 2012	99	14	18	12	27	86	256
Apr 2012	86	18	13	14	22	76	229
Mar 2012	80	15	8	16	29	68	216
Feb 2012	78	18	12	6	17	62	193
Jan 2012	54	14	5	8	15	61	157
Dec 2011	46	10	14	8	13	51	142
Nov 2011	86	12	9	15	13	50	185
Oct 2011	92	11	8	11	17	62	201
Sep 2011	79	16	8	12	14	53	182

Figures taken from [www.ukcrimestats.com](http://www.ukcrimestats.com), which receives the data from Police.uk

It might be argued that a large part of this increase is due to effective searching of participants on entry and resulting arrests due to drugs. However, even if you discount crime described as 'other' in those categories - although it's not clear why you would discount such a high level of recorded crime directly attributable to an event - both robbery and violent crime are both markedly up. In June 2012 robbery was up 38% and 72% compared to the preceding and following months and in July 2013 it was up 50% and 70% respectively. Likewise violent crime was up 22% and 3% respectively in 2012 and 35% and 24% in 2013.

Clearly for the past two years, serious crime has increased locally by a very significant percentage when Lovebox has taken place.

The fact that the increase in crime got worse between 2012 and 2013 shows that the promoter has no effective strategy for dealing with this.

On this basis, I OBJECT to the application for Lovebox on the grounds of the prevention of crime and disorder.

## PUBLIC SAFETY

I have had a number of complaints from residents of Grove Road who believe that there is a serious public safety risk at the intersection with Grove Road and Roman Road. When large numbers of people leave Victoria Park, a very large number of them head down Grove Road towards Mile End station. They are held at Roman Road whilst traffic passes and residents who live at this intersection say that they have seen situations where serious crushes have started to develop. I have personally seen this and believe that the crowd management of these events is insufficient to cope with 30,000 people leaving Victoria Park in one go.

This is a complaint that I have passed to the Council on a number of occasions over the years but nothing seems to have been done to improve the situation.

Unless the capacity of the event was reduced I therefore OBJECT to the application for Lovebox on the grounds of public safety.

## PREVENTION OF PUBLIC NUISANCE

Each year during Lovebox I have a very large number of complaints from residents around Victoria Park who are disturbed by the noise of the event itself, as well as by the behaviour of the very large crowds as they arrive and particularly leave the event. For example:

- A 92 year-old housebound resident on the top of Wilmer House finds the incessant thud of the base extremely disturbing, causing her to wear earplugs for the whole duration of the festival. Despite repeated calls to the noise team, the noise continues at a level which makes it unpleasant for her to be in her home whilst the festival is on. She is unable to leave however and has to endure it every year. The noise continues until late into the night, compounding the problem.
- Residents of Old Ford Road and Grove Road tell me that they leave London every year whilst Lovebox is on because the noise and anti-social behaviour makes the weekend unbearable.
- Residents of Lakeview Estate report having people urinating, drug-dealing, and having sex on their estate – the low rise units on the estate have open stairwells and front door lobbies and these are used every year during Lovebox as toilets and worse. Despite repeated requests for adequate stewarding, the Council only provides one steward on the main entrance, allowing festival-goers to enter the estate on the Grove Road entrance.
- Residents of Old Ford Road have people sat on their front-steps, drinking and talking until late in the night after events. There is no effective sweep by stewards either during or after the event to make sure that people are moved on.
- Residents of Grove Road report having their gardens filled with empty cans and bottles, as well as people urinating over their fences.
- Bunsen House, which fronts onto Grove Road but whose entrance is on Bunsen Street, has its car park and garden used as a toilet, for drug-dealing and ticket touting and for sex. Despite repeated requests to the Council, the entrance to this street and block is rarely adequately stewarded.
- Residents of Arbery Road and Antill Road complained repeatedly to the Council about people using their streets as a toilet as they left the event. In response, last year the Council put a mobile urinal on Antill Road. This was present every day and night during the festival, which meant people were urinating in full public view of houses and flats containing many families and older people. These mobile urinals may be appropriate in a busy town centre on a Saturday night, or within a festival, but they are entirely inappropriate for a residential street.
- Residents of Lichfield Road, Alloway Road and Aberavon Road report having their front gardens used for rubbish dumping and urination, and having people gathered on their front steps drinking and congregating after events have finished. Despite crash barriers across the southern end of Aberavon Road along Mile End Road to prevent people heading backwards as they move towards Mile End, none of these streets are effectively shut off further up and are therefore used as cut-throughs for hundreds of people. Despite having reported this to the Council, stewarding is patchy, with only some streets being stewarded at some times.

Unless the events finish at 10pm – thus reducing the duration of noise nuisance suffered by local people - lower sound levels are instigated and the promoter agrees to pay for two stewards on each road and estate access point between Mile End and Bethnal Green stations and the Park, these problems will persist and I therefore OBJECT on the grounds of public nuisance.

I would also like to reiterate my objection on all three grounds on the basis that this application is not for one year but for four years. This is clearly intended to reduce the ability of residents to object to the application in future years and therefore reduces the ability of residents, local councillors and indeed the Licencing Committee to adequately review annual performance of the promoter and issue a licence with appropriate conditions. This reduction in accountability and the ability to review performance annually significantly reduces the Council's ability to ensure the prevention of crime and disorder, public safety and the prevention of public disorder. I therefore wish to OBJECT to the licence on all three of these grounds based on this licence being for four years.

I would be happy to expand on any of these issues for the Committee.

Yours

Cllr Joshua Peck  
Bow West

# Appendix 5

## Andrew Heron

---

**From:** Mick Bowles <[REDACTED]>  
**Sent:** 25 April 2014 16:07  
**To:** Andrew Heron  
**Subject:** Re: Potential Resident Conditions

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Andrew,

Just a quick note to confirm that your proposal to add the conditions below to the licence is accepted.

Thanks for your help.

Regards,

Mick

---

**From:** Andrew Heron <[REDACTED]>  
**Date:** Friday, 25 April 2014 15:01  
**To:** Mick Bowles <[REDACTED]>  
**Subject:** Potential Resident Conditions

Dear Mick,

We were in consultation with a resident in regards to the Field Day application, whom is considering now putting a representation for Lovebox (though we still have none at this time).

At the Committee Hearing, the resident spoke and the following conditions were agreed to be added to the licence, which was then granted and the resident was appeased greatly by it.

We're wondering if you might consider adding the same/similar conditions (or a selection of them), so that I can advise the resident that this has already been agreed and head him off at the pass.

### Conditions agreed with Local Resident

- To ensure that the license conditions relating to the use of white noise reversing alarms are fully complied with throughout the tenancy at Victoria Park.
- To investigate any further improvements to the sound system design that may reduce the impact on the residents property.
- A representative of Environmental Protection to visit the property during the event live period to take noise measurements and qualitatively assess the impact of event noise on the property, and for all parties to use this information to drive further improvements in the management of the event.
- To offer the opportunity to visit the site during the live period to show the licensees management controls and experience of the event.
- Contact numbers to be given of the applicants and officers.



I look forward to hearing from you.

Regards,

Andrew Heron  
Licensing Officer

Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place (TC)  
6<sup>th</sup> Floor Mulberry Place  
5 Clove Crescent  
London, E14 2BG  
Tel: 020 7364 2665  
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[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

# Appendix 6

## Andrew Heron

---

**From:** [REDACTED]  
**Sent:** 24 April 2014 10:47  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Lovebox Festival

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing,

Please see the following conditions agreed with the Lovebox Festival organisers, please can the conditions be attached to the license.

Regards

Pc Mark Perry  
Licensing Officer  
Tower Hamlets Borough  
Limehouse Police Station  
27 West India Dock Road  
0207 275 4950

---

**From:** Mick Bowles [REDACTED]  
**Sent:** 24 April 2014 10:20  
**To:** Perry MARK J - HT  
**Cc:** Julian Butterfield (LoveBox)  
**Subject:** Re: Lovebox Festival

Dear Mark,

Thanks for the update, those conditions are accepted.

Please let me know if you need any more information.

Thanks for your help.

Regards,

Mick

---

**From:** [REDACTED]  
**Date:** Thursday, 24 April 2014 09:49  
**To:** Mick Bowles [REDACTED]  
**Subject:** RE: Lovebox Festival

Hi Mick,

[Please see the amended conditions we would like attached to the Lovebox license.](#)

Apologies for the confusion, there was a misunderstanding in the conditions required by us.

I have spoken to Katie Nash in our Events Team and the conditions requested are as follows:

- 1 a) That a Operating Schedule and Security Plan have to be sent to Police 3 months prior to the event.
- 1 b) That the Operating Schedule and Security Plan has to be agreed by Police by 1 month prior to the event. If in the event there is no agreement an ESAG meeting will be called.
- 2) That the event managers and organizers will comply with any reasonable request made by the Police event command team during the course of the event.

If you could have a look at these conditions and let me know and I can inform Tower Hamlets Council Licensing that we have reached agreement and the conditions can be added to the license.

Regards

Pc Mark Perry  
Licensing Officer  
Tower Hamlets Borough  
Limehouse Police Station  
27 West India Dock Road  
0207 275 4950

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# Appendix 7

## Andrew Heron

---

**From:** Mick Bowles [REDACTED]  
**Sent:** 24 April 2014 15:48  
**To:** Mohshin Ali  
**Cc:** [REDACTED]; Pam McCrea; Andrew Heron  
**Subject:** Re: Lovebox Festivals Limited, Victoria Park, London E9 5HT

Dear Mohshin,

Thanks for your email. We can confirm our agreement to your proposed conditions as detailed below.

Thanks for your help.

Regards,

Mick

---

**From:** Mohshin Ali <[REDACTED]>  
**Date:** Thursday, 24 April 2014 12:37  
**To:** Mick Bowles [REDACTED]  
**Cc:** [REDACTED]; Pam McCrea [REDACTED]; Andrew Heron <[REDACTED]>  
**Subject:** Lovebox Festivals Limited, Victoria Park, London E9 5HT

Dear Mick,

Licensing Act 2003  
Time limited premises licence application: Lovebox Festivals Limited,  
Victoria Park (as per plan), London E9 5HT  
Dates: 18/07/2014 to 30/09/2017

I write to you regarding the above application. In order to satisfy the licensing objectives, the Licensing Authority would like you to consider the following conditions:

- 1. No alcohol shall be taken off the licensed area.**
- 2. Any mobile dispensing servers (MDS) will be accompanied by persons not involved directly in serving alcohol. These other persons ('shepherds') will be responsible, jointly with the sellers and security personnel, for ensuring that mobile units comply with the Challenge 21 policy used on site, including preventing proxy sales; and for the prevention of sales to intoxicated customers.**
- 3. The licensee must ensure that all staff involved in MDS operations are fully aware of and understand the requirements of the Licensing Act 2003 and all related conditions applicable to the event.**
- 4. MDS operators must carry a clear indication that a Challenge 21 protocol is in operation.**
- 5. A Challenge 21 Policy shall be implemented, so that before being served**

**alcohol, identification bearing their photograph, date of birth, and a holographic mark is checked. This will include, for example;**

**a. A photo car driving licence**

**b. A passport**

**c. A proof of age card bearing the PASS hologram.**

If you agree to the above conditions, the Licensing Authority will not be making a representation.

I look forward to hearing from you.

Regards

***Mohshin Ali - Senior Licensing Officer***

✉ London Borough of Tower Hamlets. Licensing . Mulberry Place. 5 Clove Crescent. London E14 2BG

Tel☎: 020 7364 5498 | Fax☎: 020 7364 0863 | Email✉: [REDACTED]

# Appendix 8



### Anti-Social Behaviour from Patrons Leaving the Premises

#### General Advice

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

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

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

#### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

## Other Legislation

### Crime and Disorder Act 1998

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

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

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

# Appendix 9

### **Acting as a Magnet Attracting the Young who then engage in Anti-Social Behaviour**

#### General Advice

Members will need to consider whether any of the problems alleged to be associated with young people are the responsibility of the premises. Are they encouraging gangs in any way? If not, there may not be any proportionate conditions that can be applied? Are these patrons of the premises?

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. However, hours may be an important issue.

#### Licensing Policy

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

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

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

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

#### Cumulative Impact

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

#### Police Powers

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

#### Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

#### 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.

##### Anti-Social Behaviour Act 2003

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

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

# Appendix 10

### Drug Taking

#### General Advice

Members need to consider the evidence about the exact nature of the alleged problems. Is it being suggested that the premises are encouraging or turning a blind eye in relation to the problem? Are there proportionate measures that can be expected to address the matter, if Members determine there is a problem?

In particular, should CCTV be extended to cover all of the premises open to the public? Should a minimum number of registered door supervisors be maintained whenever the premises is open? How are drugs that are confiscated being disposed of? What checks are being made in less public areas such as toilets?

The applicant should be instituting measures advised by the Police

If Members believe this is a problem they should certainly insist that minors are not admitted to the premises.

If Members believe that there is a substantial problem of drug abuse and it cannot be proportionately address by licensing conditions they should refuse the application.

Members should also bear in mind other Police powers.

#### Licensing Policy

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

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

- Methods of management communication
- Use of registered Door Supervisors
- CCTV
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Signage
- Seating plans

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

**Guidance Issued under Section 182 of the Licensing Act 2003**

***The government recommends the model pool of conditions adopted by the licensing policy in relation to club safety (Annex E), and the multi-agency approach to “safer clubbing.”***

Other Legislation

Anti-Social Behaviour Order Act 2003

This gives the Police the power to close premises where there is the supply of class A drugs and serious nuisance or disorder.

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.



# Appendix 11

### Noise while the Premise is in Use

#### General Advice

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

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

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

#### Licensing Policy

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

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

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

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

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

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

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

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 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 (2.33).

Licence conditions should not duplicate other legislation (1.19)

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

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

### Other Legislation

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

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

# Appendix 12

### 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 8.1 of the Licensing Policy**).

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

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

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

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

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

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

#### Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

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

# Appendix 13

### 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 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

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

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

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



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

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down for up to 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 (13.20).

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

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

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

### Other Legislation

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

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# Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	15 May 2014	<b>Unrestricted</b>	LSC 79/134	

Report of <b>David Tolley</b> <b>Head of Consumer and Business Regulation Services</b>  Originating Officer: <b>Alexander Lisowski</b> <b>Licensing Officer</b>	Title <b>Licensing Act 2003</b> <b>Application for a new premises licence for Peloton and Co, 4 Market Street, London, E1 6DT.</b>  Ward affected <b>Spitalfields and Banglatown</b>
--	--

## 1.0 Summary

Applicant:	<b>Bicycle Retail Ltd T/A Peloton and Co</b>
Name and	<b>Peloton and Co</b>
Address of Premises:	<b>4 Market Street, London, E1 6DT</b>
Licence sought:	<b>Licensing Act 2003 Application for a new premises licence to allow:</b> <ul style="list-style-type: none"><li>• <b>The On-Sale of Alcohol</b></li><li>• <b>Regulated Entertainment</b></li></ul>
Objectors:	<b>The Metropolitan Police</b>

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Alexander Lisowski  
020 7364 7446

### 3.0 **Background**

3.1 This is an application for a new premises at Peloton and Co. 4 Market Street, London, E1 6DT. The licence will cover the on-sale of alcohol and recorded music.

The venue is a bicycle shop which sells bicycles and related accessories. The application for the premises licence is allow a café to operate at the venue as well.

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

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

The hours applied for are:

#### **The On-Sale of Alcohol**

- Monday to Friday, 12.00noon to 17.00pm
- Saturday and Sunday, 11.00am to 17.00pm

#### **The Provision of Recorded Music**

- Monday to Friday, 08.30 to 17.30pm
- Saturday and Sunday, 11.00am to 17.00pm

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

### 4.0 **Policy and Government Advice**

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> 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](http://www.homeoffice.gov.uk). It was last revised in June 2013.

4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 5.0 **Representations**

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

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

5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

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

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

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

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

- Metropolitan Police

**See Appendix 4.**

5.8 All of the responsible authorities have been consulted about this application. They are as follows:

The Licensing Authority  
The Metropolitan Police  
The LFEPA (the London Fire and Emergency Planning Authority  
Planning  
Health and Safety  
Noise (Environmental Health)

5.9 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

5.10 The objections cover allegations of

- Crime and public disorder
- Public nuisance

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

## 6.0 Licensing Officer Comments

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

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is "provided for licensing authorities carrying out their functions." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality(1.7).
- ∇ Also "so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so." When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.

- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
  - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
  - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
  - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
  - ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
  - ∇ Routine conditions about drink promotions are not permitted but can be imposed in an appropriate circumstances (10.38). The Office of Fair Trading’s Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)

- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 6-10** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 7.0 Exemptions

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

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.



## 10.0 Appendices

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

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# Appendix 1



120 (Kms)  
74146

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

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.  
 On-Line payments can be made at: [http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)  
 Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We (Insert name(s) of applicant) **Bicycle Retail Ltd T/A Peloton and Co**

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**

Peloton and Co 4 Market Street spitalfields	
Post town London	Post code E1 6DT

Telephone number at premises (if any)



Non-domestic rateable value of premises

£  
34,250

**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) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

Please tick as appropriate

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal  
address if different  
from premises  
address

Post Town

Postcode

Daytime contact telephone number

E-mail address  
(optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal  
address if different  
from premises  
address

Post Town

Postcode

Daytime contact telephone number

E-mail address  
(optional)

**B) OTHER APPLICANTS**

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

Name	Bicycle Retail Ltd T/A Peloton And Co
Address	4 Market Street,London E16DT
Registered number (where applicable)	08135643
Description of applicant (for example partnership, company, unincorporated association etc)	Ltd Company
Telephone number, if any	[REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day		Month		Year			
0	1	0	2	2	0	1	4

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

N/a

Day		Month		Year			

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

N/A
-----

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

We have a straight forward box shaped new retail unit within a pedestrianised area of Spitalfields market.

We have set this unit as a cycle cafe where we sell teas coffee cakes as well as Cycles and clothing accessories .

We hope to serve alcohol within this environment on a fairly low key basis where beers and wines will be offered but not the promotion of spirits.

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

**Provision of regulated entertainment**

Please tick all that apply

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

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

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



**In all cases complete boxes K, L and M**



**A**

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

**B**

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

**C**

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

**D**

Boxing or wrestling entertainment 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		
Day	Start	Finish		Outdoors		
Mon			Both		<p><u>Please give further details here</u> (please read guidance note 3)</p>	
Tue						
Wed						<p><u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)</p>
Thur						
Fri					<p><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>	
Sat						
Sun						

**E**

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

**F**

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon	8.30 -	5.30	We will only be playing back ground music for our customers of which we have a ppl licence		
Tue	8.30	5.30			
Wed	8.30	5.30	<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur	8.30	5.30			
Fri	8.30	5.30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11.00	5.00			
Sun	11.00	5.00			

**G**

<b>Performances of dance</b> Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	
			Indoors	
			Outdoors	
			Both	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 2)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing	
<b>Day</b>	<b>Start</b>	<b>Finish</b>	Please give further details here (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</u>	indoors	yes
Day	Start	Finish		Outdoors	
Mon	7.00	9.00	<p><u>Please give further details here</u> (please read guidance we may on occsaional have private evenings but only to individuals who have vip style invitation . We may only have 5 to 10 of these a year and will be on the hours listed on Monday schedual but could be held on other allocated days of the week</p> <p><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)</p> <p><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)</p>	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

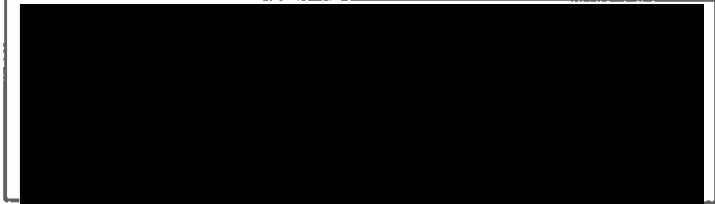
<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<u>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</u>	On the premises	yes
Day	Start	Finish		Off the premises	
Mon	12.00	5.00	<p><u>Please give further details here</u> (please read guidance</p> <p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>	Both	
Tue	12.00	5.00			
Wed	12.00	5.00			
Thur	12.00	5.00			
Fri	12.00	5.00			
Sat	11.00	5			
Sun	11.00	5.00			

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

Name

Leigh richards

Address



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)

N/A as we are not having any adult specific entertainment and any children would be accompanied by a parent or gardian.

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	8.30	5.30	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	8.30	5.30	
Wed	8.30	5.30	
Thur	8.30	5.30	
Fri	8.30	5.30	
Sat	11.00	5.00	
Sun	11.00	5.00	

## **M**

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

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

We will ensure to promote all four licensing objectives through the steps we have outlined below for each licensing objective's that we intend to take. Furthermore these steps will be monitored and reviewed regularly to ensure the effectiveness of the steps and where needed we will implement appropriate changes for improvement.

**b) The prevention of crime and disorder**

Plastic containers and toughened glass;

CCTV;

Open containers not to be taken from the premises;

Restrictions on drinking areas;

Safe capacity limits;

Proof of age schemes (No proof, no sale, no entry);

Book recording all incidents at premises;

No irresponsible promotions that may lead to the excessive consumption of alcohol;

A specified time between last sales and the close of the premises;

Supply of free soft drink, water, coffee or food at the end of the evening.

Having adequate staff to cover area at all times at who have experience of working in such an environment.



**c) Public safety**

To make sure we adhere to safe capacity limits at all times

safety checks to be carried out before the admission of the general public

To keep maintaining the health and safety and fire safety regulation that we already adhere to.

**d) The prevention of public nuisance**

Hours of operation;  
Prominent, clear and legible notices are to be displayed on all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;

No bright lights outside the premises;

Music will be at a level as not to be heard outside of the building.

Book for recording nuisance complaints

Telephone with direct cab line;

A specified time between last sales and the closure of the premises;

Supply of free soft drink, water, coffee or food at the end of the evening.

**e) The protection of children from harm**

where alcohol is sold, requirements for the production of proof of age cards or other age identification before sales are made to individuals under 18 years;

limitations on the hours when children may be present;

limitations on the presence of children under certain ages when particular specified activities are taking place;

age limitations (below 18);

limitations or exclusions when certain activities are taking place;

requirements for accompanying adult.

Any under 18s would have to be accompanied by an adult at all times.

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

**CHECKLIST:**

**Please tick to indicate agreement**

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

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

**Part 4 – Signatures** (please read guidance note 10)

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

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

Signature

[Redacted signature]

Date 13.1.14

Capacity General Manager of Bicycle Retail Ltd

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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

[Handwritten signature]

Date

Capacity

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

Paul Jenkins

[Redacted address]

Post town

[Redacted town]

Post code

[Redacted code]

Telephone number (if any)

[Redacted number]

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

[Redacted email address]



LICENSING ACT 2003

FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

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

**Consent of individual to being specified as premises supervisor**

Leigh richards  
 I .....  
 [full name of prospective premises supervisor]

of... [REDACTED] .....  
 .....  
 [home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for .....Premises License  
 .....[type of application]

by .....Leigh Richards.....[name of applicant]

relating to a premises licence .....[number of existing licence, if any]  
 for Bicycle Retail Ltd 4 Market street,London E16DT

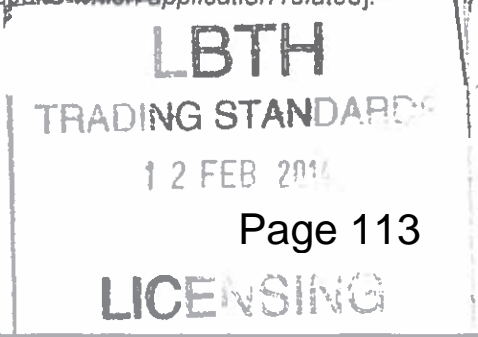
.....  
 [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made

by Leigh Richards[name of applicant]

concerning the supply of alcohol at Peloton and co,4 Market street London E16DT

.....  
 [name and address of premises to which application relates]



I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number ..... [REDACTED]  
.....  
{insert personal licence number, if any}

Personal licence issuing authority ..... [REDACTED] .....  
{insert name and address and telephone number of personal licence issuing authority, if any}

..... [REDACTED] ..... signed

..... Leigh Richards ..... name (please print)

..... 13.1.14 ..... dated

**LONDON BOROUGH OF TOWER HAMLETS  
LICENSING ACT 2003**

**NOTICE OF APPLICATION FOR A PREMISES LICENCE**

Notice is given that Bicycle Retail Ltd T/A Peloton And Co has applied to London Borough of Tower Hamlets Licensing Authority for a Premises Licence under the Licensing Act 2003

<b>Premises</b>	<i>4 Market Street, Spitalfields, London, E16DT</i>
<b>The licensable activities and timings are:</b>	<p><i>For The Sale Of Alcohol On The Premises.</i></p> <p><i>During The Hours Of,</i></p> <p><i>Monday -Friday 12-6.00</i></p> <p><i>Saturday-Sunday 12-5.00</i></p>

Anyone who wishes to make representations regarding this application must give notice in writing to: **The Licensing Section, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London E14 2BG**

Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: 020 7364 5008

**Representations must be received no later than 11.4.14 \_**

The Application Record and Register may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.

LONDON BOROUGH OF TOWER HAMLETS

235756

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

C

Date 17/11/2014

Received of M Bicycle Retail Ltd  
the sum of Three Hundred & Fifty pounds  
and New Premises pence, in respect of  
Peloton & Co.

6 Market Street, London E1 6DT

Amount  
£ 315.00



for Director of Finance

F/67

LLOYDS BANK

Hatfield Branch  
Lloyds Bank plc, PO Box 1000 BX1 1LT

30-13-80

Date 13.1.13

www.lloydsbank.com 9508 07/13

Pay to the order of TOWER	HAMLETS	COUNCIL
Three Hundred +	RT 100	Pounds ONLY -
	AICP	

£ 315=

Lloyds Bank plc  
17 12 13

FOR BICYCLE RETAIL LIMITED



Cheque No.

Sort Code

Account No.

Trans. Code

⑈000497⑈ 30⑈ 1380⑈ 22978060⑈02





**Communities, Localities & Culture**  
Business and Consumer Regulation Service

Head of Service **David Tolley**

Licensing Section  
6<sup>th</sup> Floor  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Tel **020 7364 5008**  
Fax **020 7364 0863**  
Enquiries to **Licensing**  
Email **licensing@towerhamlets.gov.uk**

Peloton & Co  
4 Market Street  
London E1 6DT

13<sup>th</sup> February 2014

Your reference  
My reference TSS/LIC

Dear Sir/Madam,

**Licensing Act 2003**  
**New Premises**

Please find enclosed a copy of the plans sent to us with underpaid postage (5x£3 paid by us) received 12<sup>th</sup> February 2014. You have not indicated what type of application you are referring to. We do not have any record of any application for 4 Market Street E1 6DT.

If you could provide us with more information of what type of licence application made, when you applied and how much you paid we may be able to help more effectively.

Yours faithfully,

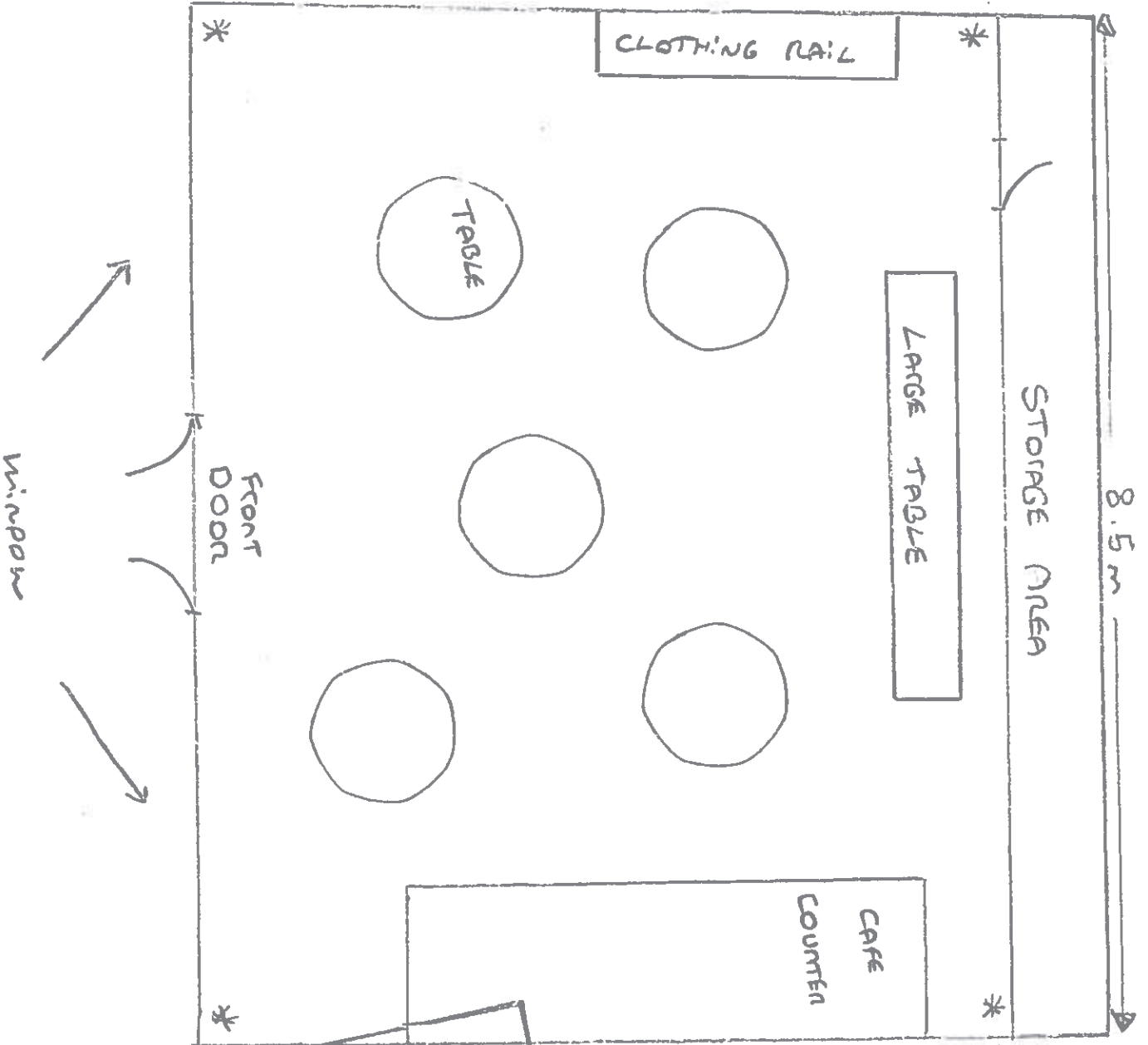


Kathy Driver  
Principal Licensing Officer

SCALE 1:50

8.5m

6.6m



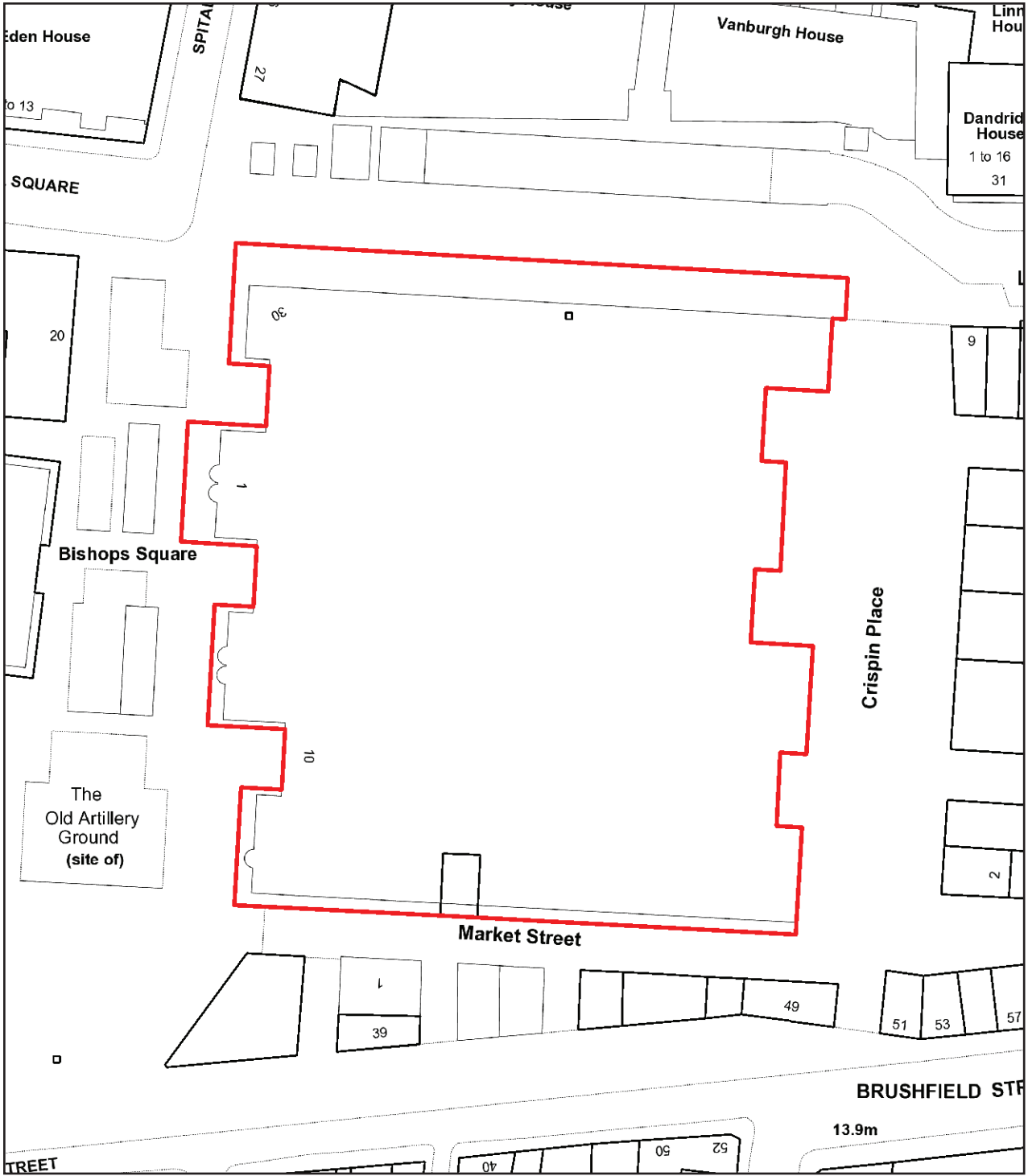
NOTES

- CUSTOMERS IN FRONT OF SHOP ONLY
- ALL TABLES + CHAIRS ARE MOVABLE.
- WE ARE MID-TERRACE
- AREA TO BE DEMARCATED BY \*
- NO KITCHEN ON SITE

**LBTH**  
 TRADING STANDARDS  
 12 FEB 2014  
**LICENSING**

TO SUPPORT APP  
 REGISTRATION + CD  
 4 MARKET ST  
 E1 6DT

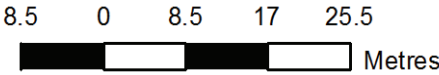
# Appendix 2



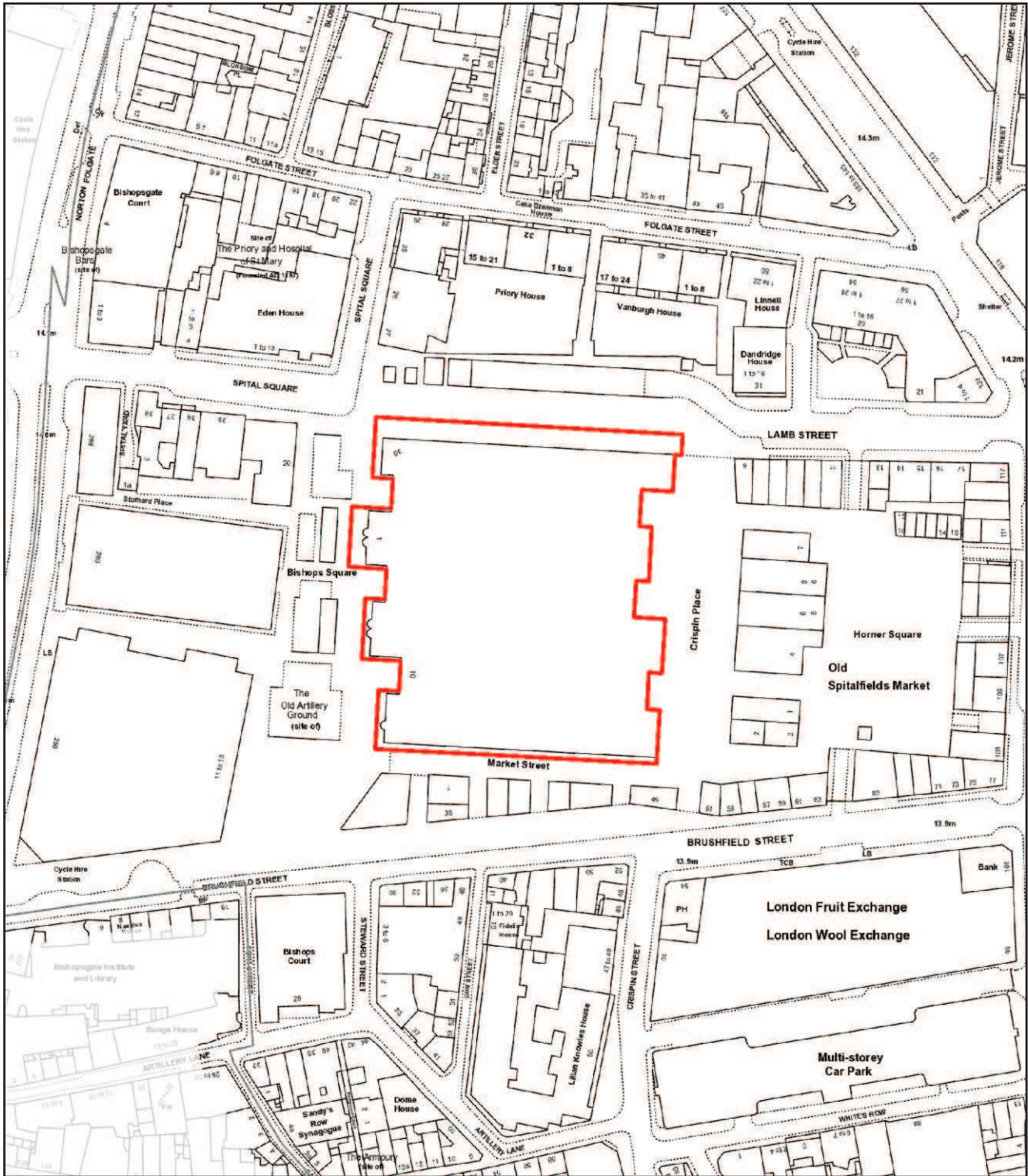
# 4 Market Street



Scale 1:957



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# 4 Market Street



Scale 1:1914

10 0 10 20 30



Metres



# Appendix 3

## Section 182 Advice by the Home Office

Updated October 2010

### Relevant, vexatious and frivolous representations

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

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



# Appendix 4

LBTH Licensing

Toby Club  
Vawdrey Close  
E1 4UA**HT - Tower Hamlets Borough**  
**HH - Limehouse Police Station**Licensing Office  
Limehouse Police Station  
27 West India Dock Road &  
5 Birchfield Street  
E14 8EZ

Telephone: 0207 275 4911

Facsimile:

Email:

Your ref:

Our ref:

3 March 2014

Dear Mr McCrohan

**Re: application for a premises licence**  
**Peloton and Co, 4 Market St, E1 6DT**

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

**The prevention of crime and disorder****The prevention of public nuisance**

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Commercial Street area, which includes Market Street. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; **unless the application**

ca. demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

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

Although the alcohol hours are within the framework hours, it is yet another premise that will have the ability to sell alcohol in the area which is already "saturated"

I therefore ask the committee to refuse this application as it falls within the CIZ. I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that they consider the following condition.

#### Install / maintain CCTV

##### 1. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 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,

(Can one camera be placed o/s the entrance and on entry)



# Appendix 5

### **Special Cumulative Impact Policy for the Brick Lane Area**

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

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

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

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

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

Figure One

**The Cumulative Impact Zone in the Brick Lane area**

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



Drawn By: WJ. CLC Strategy & Performance. September 2012

# Appendix 6



## Anti-Social Behaviour On The Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (S2.7-2.11).

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 7

## Anti-Social Behaviour From Patrons Leaving The Premises

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

### Cumulative Impact

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

### Other Legislation

#### Crime and Disorder Act 1998

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

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

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

# Appendix 8

## **Access and Egress problems**

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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



# Appendix 9

## **Planning**

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

# Appendix 10

## **Licensing Policy relating to hours of trading**

All applications have to be considered on their own merits.

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

Sunday to Thursday      06 00 hrs to 23 30 hrs

Friday and Saturday      06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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