

Appendix 1

(Mailinda)
62 Mellish Street
London
E14 8NS

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 6th July 2012



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

26849

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Mailinda)
62 Mellish street

Post town

London

Post code

E14 8NS

Telephone number

0207 987 0277

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday to Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday 12:00 hours to 23:00 hours

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

On and off sales

Part 2

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

Mr Xinran Zhao

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Not applicable

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

Mr Xinran Zhao

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

Issuing Authority: Darford

Personal Licence Number: DH/PER/1450/2018

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price

- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. A CCTV camera system is to be installed.
3. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police officer or an officer of any other responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

4. At all times the premises is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present them immediately on request by a Police officer or other responsible authority.
5. Use of Challenge 25 trading initiative and acceptance of accredited proof of age cards bearing the PASS logo, an EU photocard, full photocard driving licence or a passport bearing the photograph and date of birth of bearer.
6. Delivery sales will also require proof of age identification at the point of delivery and alcohol shall only be delivered to a residential or business address where the customer is clearly a resident inside the building. No alcohol will be delivered to a person in a public place.
7. Alcohol will only be sold to and consumed by persons ancillary to a meal being consumed at a table.
8. Alcohol will only be supplied with a takeaway food order and will not be served or supplied to a customer waiting for a meal to be prepared.
9. A refusals book must be kept on the premises and must record date, time and circumstances surrounding an attempted purchase by an under age customer and to be provided upon request to either a Police officer or an officer of any other responsible Authority.

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

Not applicable

Annex 4 - Plans

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

10th May2012/3540Mailinda.dgn



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

26849

Premises details

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

(Mailinda)
62 Mellish Street

Post town

London

Post code

E14 8NS

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:
Monday to Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday 12:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Xinran Zhao
[REDACTED]
Dartford
DA1 2XF

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

On and off sales

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

Not applicable

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

Mr Xinran Zhao

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

No restrictions

Appendix 2

SOLICITORS
COMMISSIONERS FOR OATHS

Your Ref:

Our Ref:

Date:

DS/f/Zhou/8116

18 June 2018

Premises Licensing Section

Tower Hamlets Council

Town Hall

Mulberry Place

5 Clove Crescent

London E14 2PG

Dear Sirs,

RE: Application for a New Premises Licence No: 16096 –

Property: Mailinda, 62 Mellish Street, London E14 8NS

We act on behalf of Xin Ran Zhou who is applying for a new Premises Licence for the above property.

The premises are currently licensed as "Mailinda" under Premises Licence No: 16096. Our client has lodged an Application for Transfer of that Licence and we understand this is in the queue waiting to be dealt with. The application was sent into your office at the end March.

The proposed alterations to the premises are such that it is necessary to apply for a new Premises Licence as they involve use of the premises at First Floor level for a number of rooms for karaoke.

In addition, the current Licence terminates as at 23:00hrs, and the current application is that premises may continue to be used until 24:00hrs.

We therefore attach Notice of Application to which are attached the steps that our client would propose to take to ensure that all Licensing requirements are met. In addition, we are attaching draft Licensing Conditions which our client will be prepared to comply with and they would comply with any other Conditions required by the Court or other Licensing Authorities.

The application will be advertised in due course in the local newspaper and a copy will be sent to you.

We therefore attach:-

1) Application Form.

2) A Plan of premises.

Partners: David Sparrow M.A. Oxon

Therese Trieu

Email: [REDACTED]

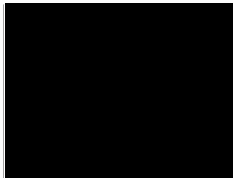
3) Draft Licence Conditions.

4) Passport of the Applicant.

5) A cheque in the sum of ~~£355~~ 190

We would be grateful if you could please acknowledge receipt.

Yours sincerely



SPARROW & TRIEU
Solicitors

Encs

**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 **XIAN RAN ZHAO**

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description "MAILINDA" 62 MELLISH STREET LONDON E14 8NS			
Post town	LONDON	Postcode	E14 8NS

Telephone number at premises (if any)	[REDACTED]
Non-domestic rateable value of premises	£13,000

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 checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname ZHAO			First names XINRAN		
Date of birth			I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes		
Nationality CHINESE					
Current residential address if different from premises address		<div style="background-color: black; width: 150px; height: 1.2em; margin-bottom: 2px;"></div> DARTFORD KENT DA1 2XF			
Post town	DARTFORD			Postcode	DA1 2XF
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current residential 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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)
THE PREMISES CONSIST OF A CHINESE RESTAURANT AT GROUND FLOOR LEVEL
IN A PURPOSE BUILT SHOP UNIT WHICH IS SEPARATE AND APART FROM
ADJOINING BUILDINGS.

THE FIRST FLOOR OF THE PREMISES HAS BEEN ALTERED TO ALLOW THE
CONSTRUCTION OF 4 PURPOSE BUILT ROOMS FOR KARAOKE.

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

NOT APPLICABLE

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

☒

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



In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish			Both	<input type="checkbox"/>
Mon	N/A		<u>Please give further details here</u> (please read guidance note 4)			
Tue						
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)			
Thur						
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) INDOORS ONLY	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	24.00	Please give further details here (please read guidance note 4) THERE ARE FOUR KARAOKE ROOMS ON THE FIRST FLOOR OF THE PREMISES. THESE ARE EQUIPPED WITH TV SCREENS, SPEAKERS AND MICROPHONES. THE SCREENS SHOW LYRICS THAT THE CUSTOMERS CAN SING ALONG TO.		
Tue	23.00	24.00			
Wed	23.00	24.00	State any seasonal variations for the exhibition of films (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL NEW YEARS DAY		
Thur	23.00	24.00			
Fri	23.00	24.00	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23.00	24.00			
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	N/A		
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	N/A		<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors <input checked="" type="checkbox"/>
			INDOORS ONLY	Outdoors <input type="checkbox"/>
Day	Start	Finish		
Mon	23.00	24.00	<u>Please give further details here</u> (please read guidance note 4) THERE ARE FOUR PURPOSE BUILT KARAOKE ROOMS ON THE 1 st FLOOR OF THE PREMISES. THESE ARE EQUIPPED WITH TV SCREENS, SPEAKERS AND MICROPHONES. THE SCREENS SHOW LYRICS THAT THE CUSTOMERS SING ALONG TO.	
Tue	23.00	24.00		
Wed	23.00	24.00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY	
Thur	23.00	24.00		
Fri	23.00	24.00	<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 6)	
Sat	23.00	24.00		
Sun				

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="checked" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) THERE ARE FOUR PURPOSE BUILT KARAOKE ROOMS ON THE 1 st FLOOR OF THE PREMISES. THESE ARE EQUIPPED WITH TV SCREENS, SPEALERS AND MICROPHONES. THE SCREENS SHOW LYRICS THAT THE CUSTOMERS CAN SING ALONG TO. RECORDED MUSIC WILL BE LIMITED TO SUCH USE		
Mon	23.00	24.00			
Tue	23.00	24.00			
Wed	23.00	24.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY		
Thur	23.00	24.00			
Fri	23.00	24.00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23.00	24.00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	N/A		Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing KARAOKE WILL BE AVAILALE TO CUSTOMERS IN THE FOUR ROOMS ON THE FIRST FLOOR EQUIPPED FOR THAT PURPOSE		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	23.00	24.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	23.00	24.00	<u>Please give further details here</u> (please read guidance note 4) PLEASE SEE DESCRIPTIONS AT B,E and F BEFORE		
Wed	23.00	24.00			
Thur	23.00	24.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY		
Fri	23.00	24.00			
Sat	23.00	24.00	<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23.00	24.00			
Tue	23.00	24.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23.00	24.00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Thur	23.00	24.00			
Fri	23.00	24.00			
Sat	23.00	24.00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) FROM THE START OF TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY			
Mon	12.00	24.00				
Tue	12.00	24.00				
Wed	12.00	24.00				
Thur	12.00	24.00				
Fri	12.00	24.00				
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)			
Sat	12.00	24.00				
Sun	12.00	23.00				

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name	
XINRAN ZHAO	
Date of birth	
Address	
Postcode	
Personal licence number (if known)	
DH/PER/1450/2018	
Issuing licensing authority (if known)	
DARTFORD	

□□□□

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 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) FROM THE START OF TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Mon	12.00	24.00	
Tue	12.00	24.00	
Wed	12.00	24.00	
Thur	12.00	24.00	
Fri	12.00	24.00	
Sat	12.00	24.00	
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 and e) (please read guidance note 10)

PLEASE SEE ATTACHED

b) The prevention of crime and disorder

PLEASE SEE ATTACHED

c) Public safety

PLEASE SEE ATTACHED

d) The prevention of public nuisance

PLEASE SEE ATTACHED

e) The protection of children from harm

M - Describe the step you intend to take to promote the full licensing objectives

A) General – all four licensing objectives

The Applicant will ensure full compliance with all general licensing requirements, and existing Health & Safety and Fire Safety requirements.

The Applicant refers to the specific steps which are set out below at items B, C, D & E in relation to the general licensing objectives.

B) The prevention of crime and disorder

1) In the event that crime or serious disorder is, or appears to have been, committed on the premises, the manager will immediately ensure that:-

a) The Police, and where appropriate, the London Ambulance Service, are called immediately.

b) As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspect pending the arrival of the police.

c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.

d) Any and all appropriate measures, are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

2) An incident log shall be kept at the premises and made available on request to the police or an authorised officer, which will record

a) Any and all allegations of crime or disorder reported at the venue;

b) Any and all complaints received by any party;

c) Any fault in the CCTV system;

d) Any visit by a relevant authority or emergency service;

e) Any ejections of patrons;

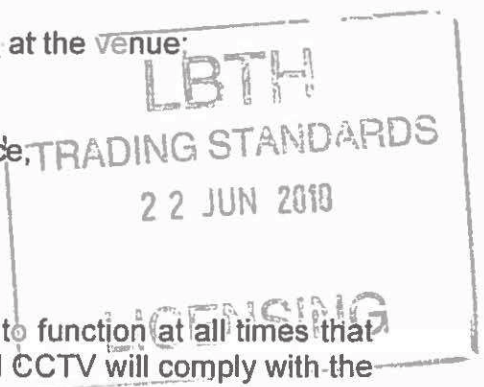
f) Any and/or seizures of drugs or offensive weapons;

g) Any refusal of the sale of alcohol.

3) CCTV shall be installed, operated and maintained, to function at all times that the premises is open for licensable activities. The said CCTV will comply with the following criteria :-

a) The Licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct;

b) A Record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;



- c) The police will be informed if the system will not be operating for longer than 1 day of business for any reason;
- d) One camera will show a close up of the entrance to the premises to capture a clear, full length in each of anyone entering;
- e) The system will provide full coverage of the interior of the premises both on the ground floor and the first floor premises including each of the rooms to be utilised for purposes of karaoke. They will also provide coverage of any exterior part of the premises accessible to the public;
- f) The system will record in real time and recordings will be date and time stamped
- g) At all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow the police or any authorised council officer to view footage on request;
- h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or any other authorised officers on request (subject to the Data Protection Act 1998) within 24 hours of any requests.

C) Public Safety

The Applicant repeats the steps set out at B above, and D and E below.

D) The Prevention of Public Nuisance

1) Alcohol shall not be sold or supplied on the premises otherwise than persons who are taking a table meal there and for consumption by such person as an ancillary to his / her meal.

2) No vertical drinking

3) Refuse such as bottles shall be placed in receptacles outside the premises at times that will minimise the disturbance to nearby properties.

4) The exhibition of films and the provision of facilities for making music by way of karaoke shall be limited to the first floor rooms only.

5) A sound limiting device, which shall be located in a separate and remote lockable cabinet from the volume control, must be fitted to the musical application system to be set at a level, determined by and to the satisfaction of an authorised officer of the Environmental Health Services Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the Noise Limiter shall then be secured to the satisfaction of the officer from the Environmental Health Services. The keys securing the noise limiter cabinet shall be held by the Applicant only and shall not be accessed by any other person. The Limiter shall not be altered without the prior agreement of the Environmental Health Service.

PLEASE SEE ATTACHED

Checklist:

Please tick to indicate agreement

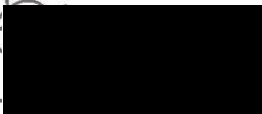
- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐
[Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.



Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	 DAVID SPARROW
Date	18/06/2018
Capacity	APPLICANT'S SOLICITOR

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	SOLICITOR FOR APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

MR SPARROW
SPARROW AND TRIEU SOLICITORS
76 SHAFTESBURY
LONDON

Post town	LONDON	Postcode	W1D 6ND
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

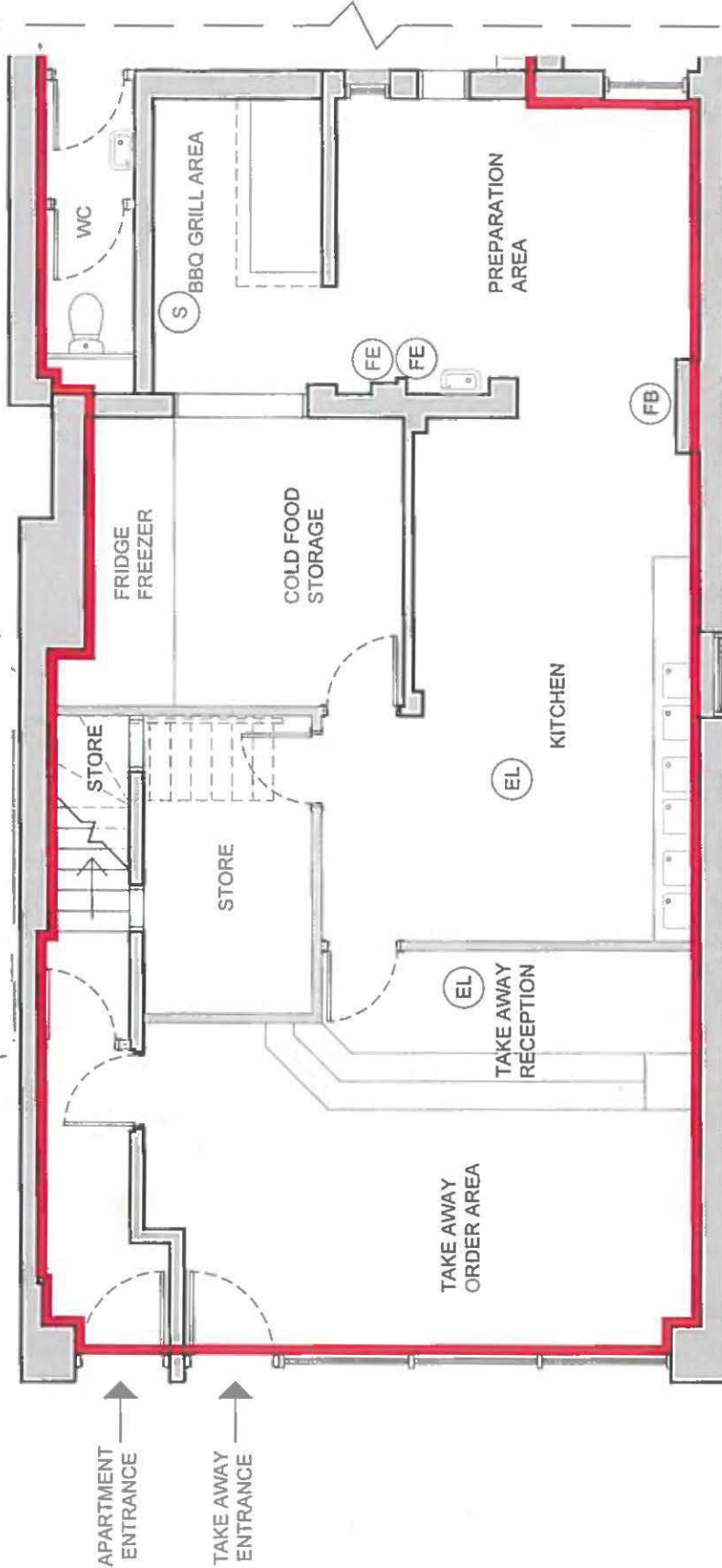
Appendix 3

LICENSING

22 JUN 2018

TRADING STANDARDS

LBTH



LEGEND

- Survey Area
- Smoke Detector
- Emergency Light
- Fire Extinguisher
- Fire Blanket



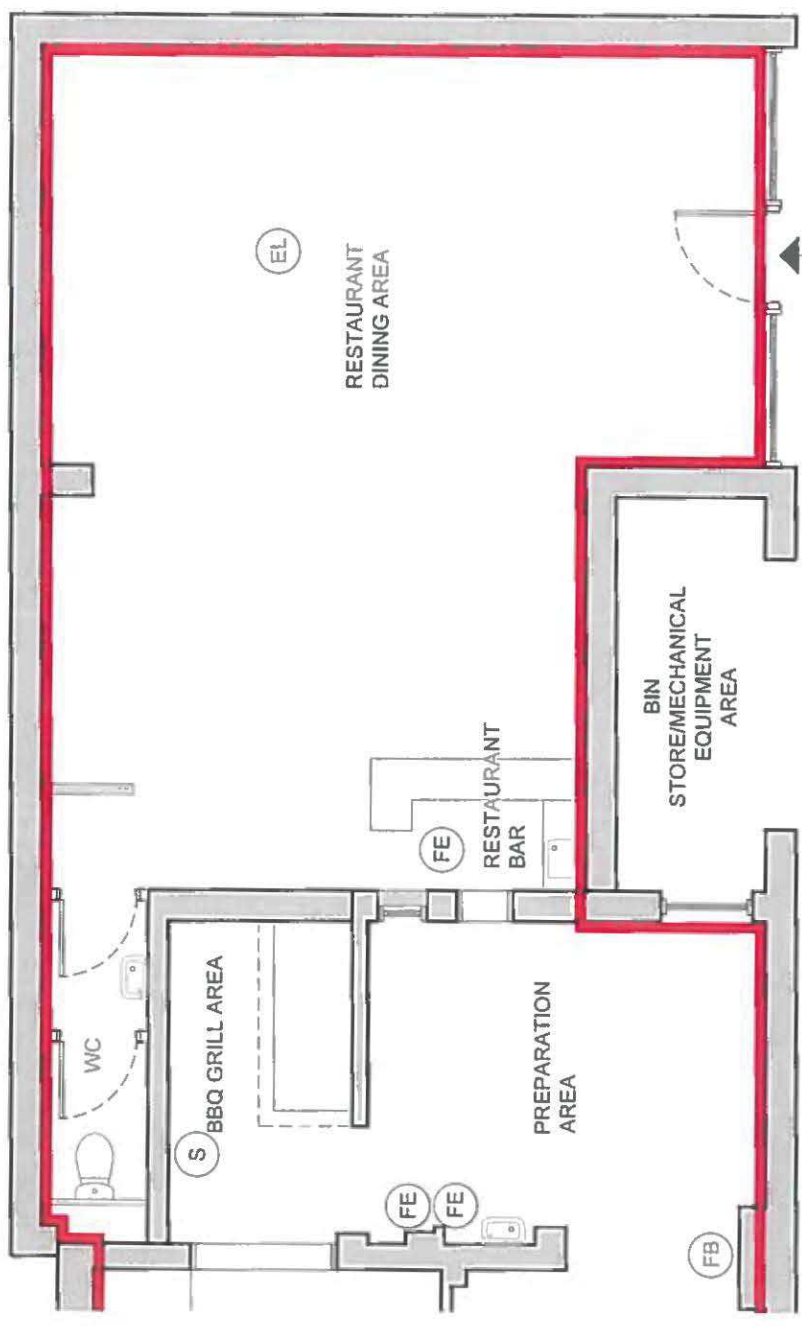
REV	DATE	DESCRIPTION	BY
<p>62 MELLISH STREET</p>			
<p>LICENCE APPLICATION</p>			
<p>62 MELLISH STREET ISLE OF DOGS, LONDON E14 6NS</p>			
<p>Measured Survey</p>			
<p>Existing Ground Floor Plan - 1 of 2</p>			
JAN 2018	1:50	A3	A
001	001	001	A
BG	BG	PLANNING	

Drawn from the drawings
 This drawing is to be used in conjunction with all relevant planning and
 building regulations and all other relevant legislation.
 All dimensions are in metres unless otherwise stated.
 The drawing is the property of the author and is not to be reproduced
 without written permission.
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LBTH TRADING STANDARDS 22 JUN 2018 LICENSING

LEGEND

- Survey Area
 - Smoke Detector (S)
 - Emergency Light (EL)
 - Fire Extinguisher (FE)
 - Fire Blanket (FB)
- 0 0.5 1 1.5 2 2.5
1:50 Scale Bar - Metres



REV	DATE	DESCRIPTION	BY	CHKD
1	25/1/2018	First Issue		

62 MELLISH STREET	
LICENCE APPLICATION	
62 MELLISH STREET ISLE OF DOGS, LONDON E14 8NS	
Measured Survey	
Existing Ground Floor Plan - 2 of 2	
JAN 2018	1:500 A3
001	002
01	02
03	04
05	06
07	08
09	10
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99	100

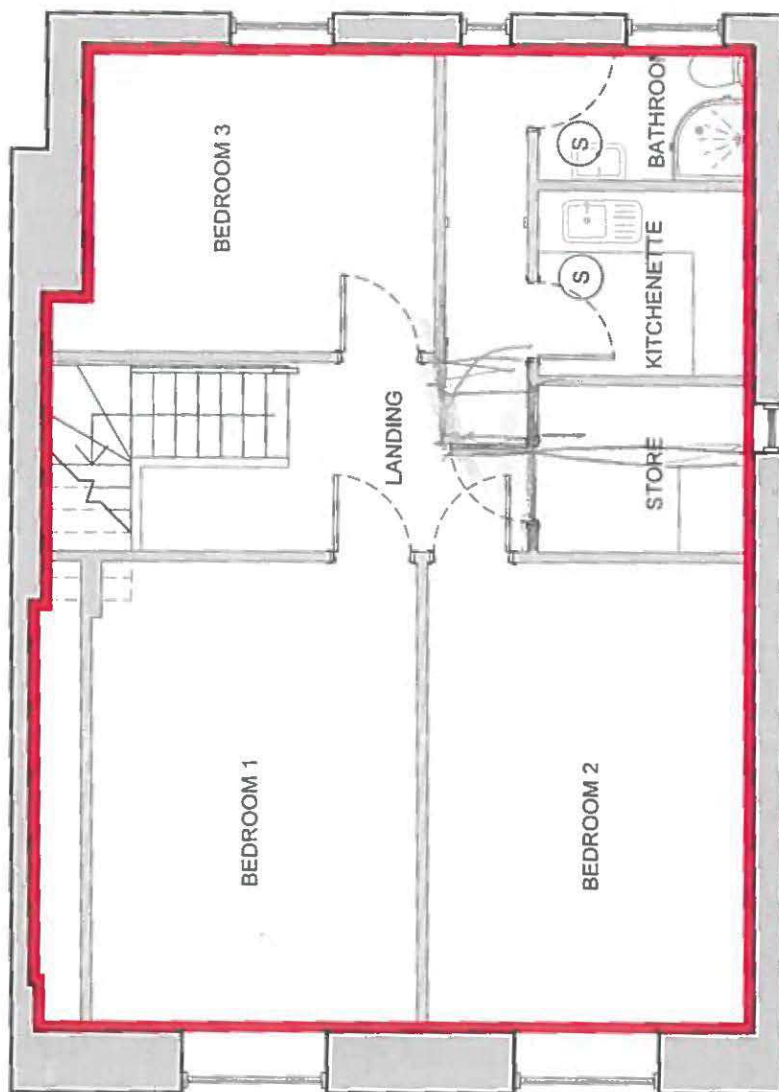
Do not scale from this drawing.
This drawing is to be used in conjunction with all other drawings.
All dimensions are to be taken as indicated on this drawing.
All dimensions are to be taken as indicated on this drawing.
All dimensions are to be taken as indicated on this drawing.
All dimensions are to be taken as indicated on this drawing.

LBTH

TRADING STANDARDS

22 JUN 2018

LICENSING



LEGEND

Survey Area

S

Smoke Detector

EL

Emergency Light

FE

Fire Extinguisher

FB

Fire Blanket



1:50 Scale Bar - Meters



REV	DATE	DESCRIPTION	INITIALS
1	22 JUN 2018	First Floor Plan	

62 MELLISH STREET

LICENCE APPLICATION

62 MELLISH STREET
ISLE OF DOGS LONDON
E14 8NS

Measured Survey

Existing First Floor Plan

JAN 2018 1:5000 A3

001

003

A

BG BC PLANNING

Appendix 4





Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

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 6

Kathy Driver

From: [REDACTED]
Sent: 05 July 2018 13:46
To: Licensing
Subject: 62 Mellish Street E14 8ns Mr Xin Ran Zhou Application for music license

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning

I oppose the granting of this licence as this is a mainly residential area, and this restaurant is situated next to a Sheltered Housing Accommodation. The houses and flats in this area are far back off the main road, and this restaurant is nestled in amongst these low level flats and houses.

There is seldom any parking available for even the local residents in this part of the island, therefore any visitors to the restaurant will not be able to park without taking up valuable local parking spaces needed for working residents which may be some distance from the restaurant, resulting in late night disturbance in nearby streets and roads.

Jan Boswell
[REDACTED]

Appendix 7

Kathy Driver

From: Grace CANAVAN <[REDACTED]>
Sent: 09 July 2018 18:36
To: Licensing

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir or madam,

I would again like to give my objection to MaiLinda being given the license which they have applied for. Myself and my family live opposite the restaurant [REDACTED]. I also have elderly relatives that live in John Tucker House next to the restaurant. The late night noise of cars and people coming to and from the restaurant is already a nuisance. This is why myself and my family object to them having the opportunity to make more noise and disturb us even more. I hope this time you take our objection as a valid reason against MaiLinda being giving this license.

Grace Canavan of [REDACTED]

Appendix 8

Kathy Driver

From: Kim Carr [REDACTED]
Sent: 05 July 2018 11:48
To: Licensing
Subject: Re: LICENSING 62 MELLISH STREET LONDON E14

Follow Up Flag: Follow up
Flag Status: Completed

Kim Carr.
[REDACTED]
[REDACTED]
[REDACTED]
E14 8NJ

The reason for me asking you to reject the license is down to noise nuisance.

When people are leaving the restaurant late at night now, there is a large amount of noise and shouting.

Music and Karaoke is only going to exasperate the noise level.

If there is a one off party in that area, the noise carries.
The restaurant are looking at doing this 7 days a week.
How are people meant to sleep to go to work the following day.

This will effect the residential old peoples home next door.

I hope you take this into account

On 5 July 2018 at 10:44, Licensing <Licensing@towerhamlets.gov.uk> wrote:

> Kim
>
> You will need to expand on your representation as detailed below (I've
> highlighted the objective you are complaining under) and include your
> full address. Can you describe in detail the Noise issues anticipated?
>
> Regards
>
> Licensing
>
> Representation
>
> Please note that representations must be in writing and that anonymous
> correspondence will not be taken into consideration. In order to make
> a representation to a premises licence application, you must be one of
> the
> following:
>
> Responsible authority (i.e. Police, Environmental Protection, Trading
> Standards etc) Other persons (i.e any individual, body or business
> entitled to make representations).
>

> In order for us to consider your representation, you must make it
> clear how granting this application will have an impact and is
> "relevant" to one or more of the following licensing objectives:
>
> the prevention of crime and disorder
> the prevention of public nuisance
> public safety
> the protection of children from harm.
>
> Please note that we require your full address in order to consider
> your representation and it will become a public document. Also, copies
> of all representations will be supplied in full to the applicant.
>
> Vexatious/frivolous representations
>
> Please note that we cannot accept vexatious or frivolous representations.
>
> Vexatious circumstances may arise because of disputes between rival
> businesses and frivolous representations would be essentially
> categorised by a lack of seriousness.
>
> Also, we cannot accept representations on moral grounds or the lack of
> 'need' for the premises.
>
>
>
>
>
> From: [REDACTED] On Behalf Of
> Claire Place & Tiller Road Residents & Tenants Association
> Sent: 05 July 2018 10:26
> To: Licensing
> Subject: LICENSING 62 MELLISH STREET LONDON E14
>
>
>
> Dear Sirs,
>
>
>
> I write to you as Chair of our residents Association to show my
> concern with the above applyinh for a music licence.
>
>
>
> Firstly it is next door to an Old Peoples Home.
>
> There is flats and houses all around them.
>
>
>
> Being on the Docklands, noise echos and travels.
>
> This would not be fair to residents.
>
>
>
> Thanking you
>
>
>

> --
>
> Kim Carr
>
> Chair Person
>
> [REDACTED]
> [REDACTED]
>
>
> *****
> ***** Working Together for a Better Tower Hamlets Web site :
> <http://www.towerhamlets.gov.uk>
>
> London Borough of Tower Hamlets E-Mail Disclaimer.
>
> This communication and any attachments are intended for the addressee
> only and may be confidential. It may contain privileged and
> confidential information and if you are not the intended recipient,
> you must not copy, distribute or take any action in reliance on it. If
> you have received this E-Mail in error please notify us as soon as
> possible and delete this E-Mail and any attachments. This message has
> been checked for viruses, however we cannot guarantee that this
> message or any attachment is virus free or has not been intercepted or
> amended. The information contained in this E-Mail may be subject to
> public disclosure under the Freedom of Information Act 2000. Unless
> the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot
> be guaranteed.
>
> If your request relates to a Freedom of Information enquiry, please
> resend this to foi@towerhamlets.gov.uk
> *****
> *****
>
> Please consider your environmental responsibility: Before printing
> this e-mail or any other document , ask yourself whether you need a hard copy.

Appendix 9

Kathy Driver

From: MAUREEN CLAYTON [REDACTED]
Sent: 05 July 2018 10:45
To: Licensing
Subject: 62 Mellish St London E14 8NS

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

I have seen in the window of Mailinda Chinese takeaway/restaurant that Mr Xin Ran Zhou has applied for an alcohol and music licence.

I object in the strongest possible terms and ask that you reject this application, the premises of 62 Mellish st are situated in a very dense residential area and directly next door to John Tucker House which is a residential care home for the elderly.

I don't believe that Mr Xin Ran Zhou would be able to enforce the necessary controls for an alcohol licence and that the premises would attract a very unsavoury element to this area, the live Music and recorded music late at night would be intolerable to the residents living close especially in this hot weather when people have to keep their windows open.

I thank you for you attention.

Kind Regards,

Maureen Clayton
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

Complaint details

Received on 17/07/2018

Source Received directly

Receipt method Email

Contact involvement Contact is the complainant

Reference

Subject Contact us enquiry regarding Complaints

Complaint details

Details:

Title

First name(s)

Last name

Phone number

Email

Mrs

Susan

Hickin

[REDACTED]

Are you a Tower Hamlets resident?: Yes

postcode lookup:

Postcode

Select your address

[REDACTED]

[REDACTED]

Type of query: Complaints

Comment or question: I am trying to contact licensing regarding the application for live and recorded entertainment at 62 Mellish Street, E14 8NS. Although our address is not immediately next to this address there are many residential properties including sheltered accommodation very close to this address. The times seem to be very unreasonable as the request is for Monday to Saturday 23:00 to 24:00 for recorded and live music. The opening hours for the premises are stated as being Monday to Saturday 12:00 to 24:00 and Sunday 12:00 to 23:00. All a bit too much for a residential area.

Complaint details

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>
London Borough of Tower Hamlets E-Mail Disclaimer.
This communication and any attachments are
intended for the addressee only and may be
confidential. It may contain privileged and confidential
information and if you are not the intended recipient,
you must not copy, distribute or take any action in
reliance on it. If you have received this E-Mail in error
please notify us as soon as possible and delete this E-
Mail and any attachments. This message has been
checked for viruses, however we cannot guarantee
that this message or any attachment is virus free or
has not been intercepted or amended. The
information contained in this E-Mail may be subject to
public disclosure under the Freedom of Information
Act 2000. Unless the information is legally exempt
from disclosure, the Confidentiality of this E-Mail and
your reply cannot be guaranteed.
If your request relates to a Freedom of Information
enquiry, please resend this to
foi@towerhamlets.gov.uk

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

Classification

Root cause

Has the issue been resolved?

No

Action requested

Contact

Title

Mrs

Forename 1

Susan

Surname

Hickin

Address

Contact

Town

County

Postcode

Preferred contact method

Email

Email address



Phone

Mobile

Organisation

Category

Resident

Date of birth

Property type

Ownership

Documents attached

[Email \(original message\) from corporate.complaints@towerhamlets.gov.uk received on 17/07/2018](#)

[Email from corporate.complaints@towerhamlets.gov.uk received on 17/07/2018](#)

About this transaction

Customer reference



Status

Submitted on 17/07/2018 14:22

Contact method

Email

Entered by



Request reference



Appendix 11

Kathy Driver

From: Vincent Fajilagmago on behalf of Licensing
Sent: 16 July 2018 12:39
To: Kathy Driver
Subject: FW: Contact us enquiry regarding Planning

fyi

From: Planning & Building LBTH
Sent: 16 July 2018 10:56
To: Licensing
Subject: FW: Contact us enquiry regarding Planning

Dear licensing team

Please see objection below

Kind regards

Manpreet Soor
020 7364 5009
Directorate Management Systems
Place Directorate
London Borough of Tower Hamlets

From: Gerard McMahon [REDACTED]
Sent: 14 July 2018 11:01
To: Planning & Building LBTH
Cc: Planning Enforcement; PlanningPolicy
Subject: Contact us enquiry regarding Planning

Details:

Title	First name(s)	Last name	Phone number	Email
Mr	Gerard	McMahon		[REDACTED]

Are you a Tower Hamlets resident?: Yes

postcode lookup:

Postcode	Select your address
[REDACTED]	[REDACTED]

Type of query: Planning

Comment or question: Dear Sir/Madam,

I am writing in connection with the application for a Premises Licence for live music and karaoke at 62 Mellish Street.

The premises in question are situated in the heart of a residential area.

If permission is granted, the noise generated would be a severe noise nuisance to local residents.

The impact would be felt firstly by the site's immediate neighbours :

1 The premises is situated next door to John Tucker House which is a retirement home.

2 62 Mellish Street backs onto a four-storey block of flats in Janet Street.

3 The premises are situated on a corner site, therefore houses and flats in Mellish Street and Alpha Grove directly opposite the premises would be impacted by late night noise.

In addition :

4 There are many houses and flats close by in Janet Street, Alpha Grove and Mellish Street whose residents' quality of life would be severely affected by the noise such use of 62 Mellish Street would generate.

5 The proposed change of use at 62 Mellish Street has the potential to exacerbate even further the current parking problems in the area.

In the light of the above issues I wish to formally object to the requested Premises Licence application.

Yours faithfully

Gerard McMahon

Appendix 12

Kathy Driver

From: David Stackable [REDACTED]
Sent: 05 July 2018 18:09
To: Licensing
Subject: Dear sir or Madam

Follow Up Flag: Follow up
Flag Status: Completed

I live at [REDACTED] What is Shelter Housing .
We are suffering with the smell coming from 62 mellish street and the delivery driver and staff sitting outside the shop up to 11pm at night.
with the application for a late drink's licence and keroke music it will cause more suffering and ill health to all in the shelter housing at john tucker house and other local residents . Please do not grant them this licence.

Best Regards
Mr David Stackable

Kathy Driver

From: catherine stackable [REDACTED]
Sent: 05 July 2018 15:20
To: Licensing
Cc: david
Subject: Premises licence

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir or madam

I'm writing on behalf of my father who lives in John Tucker House. He has been suffering like other residents with the late noise and smell coming from 62 mellish st. They cannot have there windows open at certain times due to this. The new application which they are applying for will cause more suffering and ill health to him and the other residents.

Please do not grant them this.

Regards

Catherine Stackable on behalf of David Stackable

Sent from my Samsung Galaxy smartphone.

Kathy Driver

From: STACKABLE, Mary [REDACTED]
Sent: 05 July 2018 15:23
To: Licensing
Subject: objection

Follow Up Flag: Follow up
Flag Status: Completed

Dear Team

I want my objection noted to the application of 62 Mellish Street London E14 8NS.

This property is located in a residential area and my dad lives right next to it. He lives in [REDACTED] next door and he is constantly being woken by the noise there and the smell and now they want a license for this. I think this will be a bad decision on Tower hamlets part if they let this thru.

Kind regards

Mary Newman-Stackable
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

This message may contain confidential information. If you are not the intended recipient please inform the sender that you have received the message in error before deleting it. Please do not disclose, copy or distribute information in this e-mail or take any action in relation to its contents. To do so is strictly prohibited and may be unlawful. Thank you for your co-operation.

NHSmial is the secure email and directory service available for all NHS staff in England and Scotland. NHSmial is approved for exchanging patient data and other sensitive information with NHSmial and other accredited email services.

For more information and to find out how you can switch,
<https://portal.nhs.net/help/joiningnhsmial>

Application –
62 Mellish Street
London E14 8NS

Mr David stackable

06/07/18

Dear Kath Driver

I OBJECT to this application as I live right next door to this property and already kept awake from the noise and smell from property. This property is in a residential area and next to a warden controlled home for over 55's. I myself am 72 years old and I have older neighbours. We already struggle with the noise and smell and cars waiting outside for food deliveries and taking people home. They already leave late at night and have no consideration for the residents. I struggle as to have my windows opened because of this. The residents in the building suffer from all sorts of illness and then to add this with all the noises that will happen I think the planning team need to really consider the residents of John Tucker house.

I have some of the residents signatures attached to this letter.

- ① Donis Sadea
- ② Betty deHayer
- ③ Marika Gabin
- ④ Patricia HASMAN
- ⑤ RITA MASON
- ⑥ J. Brennan
- ⑦ R. WATSON

Adams -
[Signature]

Yours Sincerely

Mr David Stackable

Appendix 13

Kathy Driver

From: Lee Tanswell [REDACTED]
Sent: 08 July 2018 16:51
To: Licensing
Subject: 62 Mellish Street Isle of Dogs E14 8NS

Importance: High

Dear Sir/Madam

Re: Application for Music and Alcohol License - 62 Mellish Street

I understand the above property has made an application for a music and alcohol license.

I am concerned about 'Live Music' and recorded music going on until 24.00 hours. Alpha Grove, Mellish Street and Tiller Road are already noisy from the ASB of youths hanging around in cars playing loud music and doing their gas balloons at night.

The granting of this license will only continue to contribute to the problems in that area. Please also note the premises is located in a heavily densely populated residential area, so I ask you to please consider the neighbors in reviewing this application. They already put up with the smell of dirty old cooking oil fumes being dispensed from the chimneys of the premises, without the need for a music license to keep them awake at night.

In my opinion I feel this application should not be approved to proceed.

Thank you in advance.

Lee Tanswell
[REDACTED]
[REDACTED]

Appendix 14

Kathy Driver

From: Corinne Holland on behalf of Licensing
Sent: 16 July 2018 10:11
To: Kathy Driver
Subject: FW: Licensing Section - Licence Application 62 Mellish Street

From: Cllr Andrew Wood [REDACTED]
Sent: 14 July 2018 17:39
To: Licensing
Cc: [REDACTED]
Subject: Re: Licensing Section - Licence Application 62 Mellish Street

Dear Licensing,

I agree with the points made below by Mr McMahon and would add that we have some experience of large groups of people leaving a venue late at night nearby which can also create noise even if they are trying to be quiet

Also if the windows are closed to keep noise in that will require on a hot night air conditioning to compensate which may also generate noise.

I therefore also wish to formally object although I do not object in principle to a karaoke facility in the ward but in a suitably sound proofed location,

Andrew Wood

Councillor for Canary Wharf Ward, London Borough of Tower Hamlets

✉ Tower Hamlets Council Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

① [REDACTED]

■ [REDACTED]

[REDACTED]

On 14 Jul 2018, at 10:54, G.McMahon [REDACTED] wrote:

Dear Sir/Madam,

I am writing in connection with the application for a Premises Licence for live music and karaoke at 62 Mellish Street.

The premises in question are situated in the heart of a residential area.

If permission is granted, the noise generated would be a severe noise nuisance to local residents.

The impact would be felt firstly by the site's immediate neighbours :

- 1 The premises is situated next door to John Tucker House which is a retirement home.
- 2 62 Mellish Street backs onto a four-storey block of flats in Janet Street.
- 3 The premises are situated on a corner site, therefore houses and flats in Mellish Street and Alpha Grove directly opposite the premises would be impacted by late night noise.

In addition :

- 4 There are many houses and flats close by in Janet Street, Alpha Grove and Mellish Street whose residents' quality of life would be severely affected by the noise such use of 62 Mellish Street would generate.
- 5 The proposed change of use at 62 Mellish Street has the potential to exacerbate even further the current parking problems in the area.

In the light of the above issues I wish to formally object to the requested Premises Licence application.

Yours faithfully

Gerard McMahon

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 15

Draft Licence Conditions

Mailinda, 62 Mellish Street, London E14 8NS

Annex 1 – Mandatory Conditions

- 1) No supply of alcohol may be made under the Premises Licence –
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence;
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2) Every supply of alcohol under the Premises Licence must be made authorised by a person who holds a Personal Licence.
- 3) The responsible person shall take all reasonable steps to ensure the staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 4) In this paragraph an irresponsible promotion means anyone or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children :-
 - a) Games or other activities which required or encouraged or are designed to require or encourage, individuals to: -
 - i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or
 - ii) Drink as much alcohol as possible (whether within a time limit or otherwise).
 - b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotional discount available to an individual in respect of alcohol for consumption at a table meal, and defined in Section 159 of the Act).
 - c) Provision of free or discounted alcohol or any other theme as a price drink to encourage or award the purchase and consumption of alcohol over a period of 24 hours or less.
 - d) Provision of any free or discounted alcohol in relation to the viewing on the premises of a sporting event, or the provision is dependent on :-
 - i) The outcome of a race or competition or other event or process or
 - ii) The likelihood of anything clearing or not clearing.

LBTH
TRADING STANDARDS
22 JUN 2018
LICENSING

e) Selling or supply alcohol in association with promotional posters or flyers on, or in the vicinity of the premises which can reasonably be considered to condone, encourage or glamorised antisocial behaviour or to refer to the effect of drunkenness in any favour or manner.

f) The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (or other whom whether other person is unable to drink without assistance by reason of a disability).

g) The responsible person shall ensure that free tap water is available on request to customers where it is reasonably available.

5)

a) The Premises Licence Holder shall adopt a Challenge 25 policy to retail of alcohol standard through advice for Off Licences and promote it through the prominent display posters.

b) Age restricted product training shall cover the following steps:- the assessment of age, how and when to challenge the proof of age, acceptable proof of age and how to check it, and recording refusals.

c) The Licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff shall ask to see a credited proof of age i.e. proof of age card carrying the "pass" logo (and no others), a passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

d) The responsible person challenge to ensure that:-

a) when any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drink sold or supplied having been made up in advance already for sale or supply in a securely closed container) it is available to customers in the following measures:

i) beer or cider half pint.

ii) gin, rum, voka or whisky (25ml or 35ml).

iii) still wine in a glass 125ml.

b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistence with the operating schedule

1) No nudity or semi nudity are permitted.

2) In the event that crime or serious disorder is, or appears to have been, committed on the premises, the manager will immediately ensure that :-

a) The Police, and, where appropriate, the London Ambulance Service, are called immediately.

b) As far as is safe and reasonable practical, all measures will be taken to apprehend any identified suspect pending the arrival of the police.

c) As far as is safe and reasonable practical, all measures will be taken to preserve any identified crime scene pending the arrival of the police.

d) Any and/or appropriate measures, are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

3) An incident log shall be kept at the premises and made available on request to the police and authorised officer, which will record a) any and/or allegations of crime or disorder reported at the venue; b) any and/or complaints received by any party; c) any fault in the CCTV system; d) any visit by a relevant authority or emergency service; e) any and/or ejections of patients; f) any and/or seizures of drugs or offensive weapons; g) any refusal of the sale of alcohol.

4) CCTV shall be installed, operated and maintained, to function at all times that the premises is open for licence of all activities. The said CCTV will comply with the following criteria :- a) the Licensee will ensure that the system is checked every 2 weeks to ensure that the system is working properly and that the date and time are correct; b) a Record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request; c) the police will be informed if the system will not be operating for longer than 1 day of business for any reason; d) 1 camera will show a close up of the entrance to the premises, to capture a clear, full length in each of any one entering; e) the system will provide full coverage of the interior of the premises including the ground floor and the first floor premises of the rooms to be utilised for purposes of karaoke, and any exterior part of the premises accessible to the public; f) the system will record in real time and recordings will be date and time stand; g) at all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow the police or any authorised council officer to view the footage on request; h) recording will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or any other authorised officers on request (subject to the Data Protection Act 1998) and within 24 hours of such request.

5) Delivery or sales are also required proof of age identification at the point of delivery and alcohol shall only be delivered to a residential business address where the customer is clearly a resident inside the building. No alcohol will be delivered to a person in a public place.

6) Alcohol will only be sold to and consumed by persons ancillary to a meal being consumed at a table.

7) Alcohol will only be supplied with a takeaway food order and will not be served or supplied to a customer waiting for a meal to be prepared.

8) Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.

9) The sound insulation properties on the premises must be maintained and kept in good order.

10) Noise and/ or odour from any flue used for disposal of cooking smell serving the building shall not cause a nuisance to the occupant of any properties in the vicinity.

11) No vertical drainage

12) Refuse such as bottles shall be placed into receptacle outside the premises at times that will minimise disturbance to nearby properties.

13) Deliveries and collections at the premises will take place that will minimise disturbance to nearby properties.

Appendix 16

Kathy Driver

From: Nicola Cadzow
Sent: 05 September 2018 11:56
To: Kathy Driver
Subject: FW: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Hi Kathy,

Please see email trail below

Regards

Nicola

From: Jacob zhao [REDACTED]
Sent: 17 July 2018 14:16
To: Nicola Cadzow
Cc: MARK.J.Perry@met.police.uk
Subject: Re: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Nicola

I apologise for the late reply. I can confirm the points you've set out. And I would like to arrange an appointment with you for you review our sound limiters. When would be convenience for you to take the review?

Thank you. My direct mobile number [REDACTED]

Xinran Zhao

62 Mellish Street

On 17 Jul 2018, at 13:35, "MARK.J.Perry@met.police.uk" <MARK.J.Perry@met.police.uk> wrote:

Hi,

As discussed please see e-mail from Nicola Cadzow from Tower Hamlets Council regarding your application, if you could reply to her she would appreciate it.

Kind Regards

Mark

PC Mark Perry
Police Licensing Officer
Bethnal Green Police Station
12 Victoria Park Square
E2 9NZ
Tel: 0207 161 8793

From: Nicola Cadzow
Sent: 10 July 2018 08:31
To: [REDACTED]
Subject: FW: New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Mr Sparrow,

Further to my email of the 25th June 2018 (as below), please could you provide confirmation to the points 1 & 2.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place, London, E3 5EQ

From: Nicola Cadzow
Sent: 25 June 2018 11:28
To: [REDACTED]
Subject: New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Mr Sparrow,

I have been reviewing the license application for Mailinda 62 Mellish Street, London - ref M/109761.

Looking at the application you have applied for all licensable activities to finish at the same time as closing.

However, I would expect that all licensable activities finish 30 minutes prior to closing and therefore:-

- (1) Licensable Activities (Films, live music, recorded music, anything similar, Late night refreshment, supply of alcohol):-

Monday to Saturday until 23:30 hours, with premises closing 30 minutes later at 24:00 hours (closing time as per original application)

Sunday until 22:30 hours, with premises closing 30 minutes later at 23:00 hours (closing time as per original application)

- (2) As a condition on the license is to install a sound limiter, I wish to arrange to visit Mailinda to check that the music levels are set and the noise limiter is secured to our satisfaction.

I look forward to confirmation of the above points.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm – Environmental Health & trading Standards
London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place London E3 5EQ

Kathy Driver

From: Nicola Cadzow
Sent: 30 August 2018 09:29
To: [REDACTED] Driver
Cc: 'MARK.J.Perry@met.police.uk'; [REDACTED]
Subject: RE: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Sir, Madam,

Further to the visit to the premises on the 24th July 18, with Mark and myself, it was clear that the sound limiter had not been installed. Although it was pointed out to us that sound insulation had been installed.

A condition on the License application for Mailinda 62 Mellish Street, London (ref M/109761) was that a sound limiting device was to be fitted to the satisfaction of the Environmental Health team. I would like to rearrange a visit to ensure the sound limiter has been installed in the premises to our satisfaction and to set the limits, and ensure that the operational panel is securely locked to prevent the music noise limits being altered. Thus ensuring the licensing objective for the prevention of public nuisance is adhered to.

I look forward to hearing from you at your earliest convenience.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

From: Nicola Cadzow
Sent: 17 July 2018 15:11
To: [REDACTED]
Cc: MARK.J.Perry@met.police.uk
Subject: RE: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Xinran,

Great!

Look forward to seeing you at premises next Tuesday 24th July 2018.

Regards

Nicola

Appendix 17

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 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 key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

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

There is also guidance issued around public nuisance (2.15 – 2.21).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 18

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

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

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

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 (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 19

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 10.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 15.10)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 10.2 of the Licensing Policy)**.

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) 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 20

Planning

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

Appendix 21

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 15.8 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 applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 15.9 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