# **Appendix 1**



This form should be completed and forwarded to:

London Borough of Tower Hamlets, Licensing Service, John Onslow House, 1 Ewart Place, London E3 5EQ

Application for the review of a premises licence or club premises certificate 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 Corinne Holland acting as the Licensing Authority apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

### Part 1 – Premises or club premises details

description	nises, or it none, ordnance survey map reference or
(The Queens Head) 8 Flamborough Street	
Post town	Post code (if known)
London	E14 7LS
Name of premises licence holder or club holding club premises certificate (if know	1
Number of premises licence or club premises certificate (if known)	27053

# Part 2 - Applicant details Please tick □yes I am 1) an interested party (please complete (A) or (B) below) a) a person living in the vicinity of the premises b) a body representing persons living in the vicinity of the premises c) a person involved in business in the vicinity of the premises d) a body representing persons involved in business in the vicinity of the premises 2) a responsible authority (please complete (C) below) 3) a member of the club to which this application relates (please complete (A) below) (A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable) Miss Ms Other title (for example, Rev) First names Surname Please tick yes I am 18 years old or over **Current postal** address if different from premises address **Post Town Postcode** Daytime contact telephone number E-mail address

(optional)

(B) DETAILS OF OTHER APPLICANT	
· ·	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)	
(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT	
Name and address	
Corinne Holland Licensing Authority John Onslow House 1 Ewart Place London E3 5EQ	
Telephone number (if any) 0207 364 5008	
E-mail (optional) licensing@towerhamlets.gov.uk	
1 (1)	

# This application to review relates to the following licensing objective(s) Please tick one or more boxes 1) the prevention of crime and disorder x 2) public safety 3) the prevention of public nuisance x 4) the protection of children from harm

### Please state the ground(s) for review (please read guidance note1)

On 1<sup>st</sup> October 2018 the Licensing Authority received an application to transfer the Premises Licence for the Queens Head, 8 Flamborough Street to a company called H Company 6 Limited, 22 Grenville Street, St Hellier, Jersey, JE4 8PX.

On the 22<sup>nd</sup> October 2018 the Licensing Authority received an application to transfer the Designated Premises Supervisor to Valentina Thomas, Personal Licence number 13225 issued by Islington Council.

Shortly afterwards the Licensing Authority started receiving noise complaints from local residents regarding the loud music and karaoke as well as the patrons causing a disturbance. See the complaints below:

Date of Complaint	Nature of complaint	Reference number
06/11/18	Resident 1 complaining pub recently re-opened under new ownership. Playing loud live music & karaoke. Re-opened doors (previously blocked up) onto Flamborough St which are being left wide open whilst loud music being played.	C/93087
06/11/18	Resident 2 stating Karaoke causing an issue and the windows and doors are being left open.	C/93076
06/11/18	Resident 3 Schedule of complaints received from a resident 27/11/18 – 04/11/18	C/93097
11/11/18	Resident 4 complaint that since pub reopened there has been loud music, karaoke and noisy customers. Concerned that a late licence has been applied for until 2.00am. New management have no regard for the residents.	C/93161
12/11/18	Resident 3 complaining that Saturday 10 <sup>th</sup> November had been a bad night with live music and noise with shouting and screaming. Updated schedule of complaints sent in	C/93097 –placed on original complaint
12/11/18	Resident 2. Complaint there has been loud music and karaoke and an increase of noise from customers. Unacceptable in a	C/93206

	residential area.	
16/11/18	Resident 5 Complaint re loud music until late at night causing major disturbance and problems to residents	C/93229
19/11/18	Resident 3 upset their weekends are being repeatedly disrupted with lack of sleep. Now becoming a health issue due to lack of sleep every weekend. Updated schedule sent in.	C/93097 – placed on original complaint
26/11/18	Resident 3 registering further complaints for 25 <sup>th</sup> November. Updated schedule of complaints sent in covering up to 25 <sup>th</sup> November 2018 ( <b>see Attachment 1</b> - parts redacted which would identify resident)	C/93327

On 6<sup>th</sup> November 2018 a letter was sent to both the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS) informing them of the complaints received regarding the music and karaoke and customers outside causing a disturbance to local residents. These letters pointed out the times allowed for each licensable activity and the conditions on the Premises Licence. See **Attachment 2** for a copy of these letters.

As a result of the number of complaints being received two licensing enforcement officers from the Licensing Authority visited the premises on Friday 16<sup>th</sup> November 2018 at 23:17 hours on the pretence of being customers. They witnessed karaoke taking place but stated it finished shortly after their arrival. The officer noted that the doors and windows were closed. At 23:36 hours one of the officers got up and went out into the beer garden. There were twelve customers in the side beer garden at this time.

### **Condition 5 on the Premises Licence states:**

The beer garden is not to be used by customers after 22 00 hrs.

Therefore this is a condition breach of the Premises Licence.

On the Saturday 17<sup>th</sup> November 2018 at 01:27 hours a licensing enforcement officer drove past the premises and noted that the pub appeared to be closed but there were about twelve customers standing outside.

On Sunday 16<sup>th</sup> December 2018 at 00:15 hours a licensing enforcement officer visited the premises and noted that the premises was closed and was able to see that no-one was inside.

### Police visits:

On Saturday 15<sup>th</sup> December 2018 at 01:10 hours PC Mark Perry, the police licensing officer, attended the premises. The pub appeared closed but PC Perry could hear customers inside so entered the pub. He states that there were about 10 customers and 3 staff inside. The customers appeared to have fairly full drinks. Mr Thomas Jeffries who was in charge at the time was asked why he was still open when he should be closed. Mr Jeffries stated he wasn't selling and they were just waiting for their cabs. PC Perry asked to see the CCTV but this was refused by Mr Jeffries suggesting a court order would be needed. PC Perry asked to see the log book, which Mr Jeffries did not have. PC Perry completed a Section 19 Closure Notice under the Criminal Justice and Police Act 2001. Mr Jeffries' attitude towards the police was hostile and rude. He appears to show no regard for any authority. This is not the attitude of responsible management who are expected to work with the licensing authorities to promote the licensing objectives. See **Attachment 3** for PC Perry's statement and copy of the Section 19 Closure Notice regarding this visit.

On Saturday 22<sup>nd</sup> December 2018 at 00:55 hours Pc Mark Perry again visited the premises. The pub looked closed but on closer inspection customers could be seen drinking inside the premises. The door was locked. PC Perry knocked on the door and after several minutes Mr Jeffries came to the door. There were approximately 15-20 customers inside some of which had full pint glasses of beer. When Mr Jeffries was asked why the pub was open beyond his hours he became aggressive towards the police stating it was a staff event. PC Perry queried that there were so many staff, Mr Jeffries then said it was a family event and a private function. On speaking to the customers there appeared to be no such function and they were regular customers. On being asked for the CCTV Mr Jeffries stated it did not work. Mr Jeffries became angry and upset. The DPS, Ms Valentina Thomas told Mr Jeffries to calm down and then offered PC Perry a drink. When PC Perry refused she said 'Have a fucking drink, it will help you fucking relax for fucks sake'. See **Attachment 4** for PC Perry's statement regarding this visit

Both Mr Jeffries and Ms Thomas were uncooperative and had an aggressive attitude towards the police during this licensing visit.

This is another example of the manager and DPS lacking a proper and responsible attitude towards their responsibility. They appear to have a total disregard for the law.

On 28<sup>th</sup> December 2018 at 22:45 hours police attended the pub as part of late night levy police patrols and spoke to Mr Jeffries. He was unable to produce a complaints log book when requested. Apparently Mr Jeffries stated that he had never had one and did not know he needed one but would get one in the future if needed.

### **Condition 4 on the Premises Licence states:**

A log book to be maintained on the premises recording any complaints made against the premises or its customers. This is to be available for inspection by

Council officers or the Metropolitan Police.

Therefore this condition has been breached on both the 15<sup>th</sup> and the 28<sup>th</sup> December 2018, despite the premise being issued a Section 19 Closure Notice on the 15<sup>th</sup> December for this very reason. No effort to implement a log book during this 13 day period between these two police visits despite the management having full knowledge of the requirement to have one. This is another example of the lax attitude the management have towards their responsibilities under the Licensing Act 2003.

On the 14<sup>th</sup> June 2018 the Licensing Authority received a Notification of Interest (NOI) received from Poppleston Allen Solicitors on behalf of a company called Max Barney Limited,

On Monday 26<sup>th</sup> November 2018 Kathy Driver, the Principal Licensing Officer, emailed Poppleston Allen solicitors pointing out the numerous complaints received against the premises and requesting details of the Directors for the Premises Licence Holder (H Company 6 Limited). On Friday 7<sup>th</sup> December 2018 a further email was sent to the solicitors as no response had been received. A response was received by the Licensing Authority on 11<sup>th</sup> December 2018 stating the premises Licence Holders had been informed and were trying to resolve the issues. No details of the Directors for the company were in the email. See **Attachment 5** for this email exchange.

On Thursday 27<sup>th</sup> December 2018 an email was received by the Licensing Authority from Poppleston Allen solicitors stating that due to the noise complaints and condition breaches the tenant and DPS were written to by Soloman Taylor & Shaw solicitors (acting for H Company 6 Limited) stating they are in breach of their lease and will be removed from the premises if the breaches are not rectified. A notice of breach of covenant pursuant to Section 146 of the Law of Property Act 1925 has been served on the tenant Mr Thomas Jeffries.

The Licensing Authority feel that the Premises Licence needs to be reviewed due to the new tenants lack of considerations for local residents and blatant disregard for the law in the management of the premises.

The Licensing Authority feel that following should be implemented:

- 1. The Designated Premises Supervisor should be removed as they have a lack of control and no respect for upholding the licensing objectives.
- 2. The hours for the premises should be reduced to:

### The sale of alcohol

Monday to Sunday 11:00 to 23:00 hours with closing time of 30 minutes later

### The Provision of Late Night Refreshments

To be removed as is not required before 23:00 hours.

### **Provision of Regulated Entertainment**

The provision of Regulated entertainment to be removed from the Premises Licence.

3. Remove Non-Standard timings (Special Events) and Condition 6 from the Premises Licence. These can be covered by the way of Temporary Event Notices (TENS).

### Conditions to be added on the Premises Licence

- 1. No live and/or recorded music to take place at the premises at any time (this will include Karaoke).
- 2. Any new noise conditions imposed on the Premises Licence Section 177A will not apply (this will ensure noise conditions are in force at all times licensable activities are conducted (see section 16.55 of the Home Office guidance)
- 3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 5. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 6. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.
- 7. Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 8. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals. A written record of this training is to be kept and produced to police and Authorised Officers upon request.

The proposed changes and addition of conditions will hopefully rectify the issues caused by this premise under the current Premises Licence Holder and Designated Premises Supervisor.

Please provide as much information as possible to support the application (r	 nlease read
Please provide as much information as possible to support the application (p guidance note 2)	JICASC ICAG
See Attachment 1-5	

Have you made an application for review relating to this premises before					Plea	se ti	ck ?	yes
If yes please state the date of that application								
	Day		Мо	nth	Ye	ar		
	2	2	0	1	2	0	1	9

If you have made representations before relating to this premises please state what they were and when you made them				
'A				

I have sent copies of this form and enclosure premises licence holder or club holding the c						
I understand that if I do not comply with the above requirements my application will be rejected						
ON THE STANDARD SCALE UNDE	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					
Part 3 – Signatures (please read guidar	nce note 3)					
Signature of applicant or applicant's solic guidance note 4). If signing on behalf of the	itor or other duly authorised agent (please read e applicant please state in what capacity.					
Contact name (where not previously give with this application (please read guidance	en) and address for correspondence associated e note 5)					
Licensing Section John Onslow House 1 Ewart Place						
Post town	Post code					
London	E3 5EQ					
Telephone number (if any) 0207 364 5008						
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) licensing@towerhamlets.gov.uk						

### **Notes for Guidance**

- 1 The ground(s) for review must be based on one of the licensing objectives.
- 2 Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
- 3 The application form must be signed.
- 4 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 5 This is the address which we shall use to correspond with you about this application.

# **Attachment 1**

Day & Date	Type of Noise	Started & Stopped	Effects
Saturday 27 October	Loud Music taking place and the songs that I could hear in my Bedroom were Oh Mandy Heartbreaker The Sixties This noise that sounded like a Karaoke was taking place. The pub has quite a few speakers near the doors.	Started Around 9 Stopped around 1.00am	This prevented me, my husband and sons sleeping  My husband gets up for work just after 5.00am on a Saturday and Sunday morning.  I called out the out of Hours noise control team and the time they arrived the music quieted down.  A while after they left the music started up again.
Friday 02 November	Loud music heard in the bedroom Songs included Young hearts run free Dancing in September Baby give it up Loud conversation could also be heard outside the pub in the street	Started 9.20 Stopped around 12.20	Prevented my whole family from sleeping as all of this was causing disturbance.  As previously mentioned my husband gets up at 5.00am on a Saturday and 6am on a Sunday  I ended up with a bad headache due to lack of sleep and felt as though I lost the whole of Saturday due to tiredness.
Saturday 03 November	Loud music heard again in the bedroom from a Singer that was present in the pub that evening singing Mr Bojangles	Started 9.30 Stopped well after 12.00	Prevented all my family that sleep in the back of the house from sleeping.  My older son had problems sleeping as well.

	Loud conversations taking place in the street that I could hear in my bedroom/ laughing and talking		
Sunday 04 November	Loud music included the Song New York New York  Loud conversations taking place outside the pub in the street	Started 8.40 Stopped Before 10.00	In bed by 8.45 as getting up for work at 5.00am and could not sleep. Whole family can hear this.  I now feel this is becoming a health issue and will be consulting my GP.  My whole weekend has been ruined as I feel tired all the time and suffered a headache all weekend.
Monday 05 November			Now struggling in work on Monday morning due to a headache caused by lack of sleep
Thursday 08 November	Conversation outside the pub in street	Started around 10.00 Stopped After 10.30	Could hear talking and prevented sleep

Friday 09 November	Loud music being played associated to live entertainment. Heard in the bedroom the following songs: Build me up My Girl I can't give you anything but my love	Started around 8.45 Stopped After 12.15	People can be heard in the street talking outside the pub. Not able to sleep.  Called out the noise team for the 2 <sup>nd</sup> time in 2 weeks ref is 26785
Saturday 10 November	Can hear the live entertainment singer again in the bedroom Singing a song called <b>Drift Away</b> Due to heavy rain on Saturday night the customers were inside the noise was very loud with shouting, screaming and it sounded like we were at a football match this was around 12.02am	Started from 10.30 onwards Cannot give an end time but late	Unable to get to sleep and this kept my whole family up and my husband had to get up at 6 and we struggled to get to sleep
Friday 16 November	Can hear the live entertainment singing in the bedroom	Start 9.40 Stopped Late	Can hear talking in the street preventing sleep  11.00 very loud conversations taking place in the street outside the pub

Saturday 17 November	The live entertainment can be heard in the bedroom. Songs we could hear was Baby Love You keep me hanging on	Start 9.36 Stopped Late	As advised on numerous occasions my husband gets up at 5.am  Talking and loud conversations outside the pub in the Street prevented sleep. My husband get up early to start early  Feeling tired in work today due to lack of sleep the weekend
Friday 23 November	Complaint registered against <b>26866</b> Song included You got the love	Start 9.43 11.20 in the street causing a disturbance Stopped Late	Live entertainment can be heard again in the bedroom. Very loud conversations can be heard preventing sleep for my family. Yelling shouting and singing was heard.
Saturday 24 November	No issue for once		For once since this pub has been taken over by this owner we had a nights sleep. The first in weeks
Sunday 25 November	Logged a complaint against <b>268888</b> Song included My Cherie amour	Start 9.30	Conversations and laughing can be heard preventing sleep

# **Attachment 2**





# Place Directorate Public Realm

### **Environmental Health & Trading Standards**

Head Of Service David Tolley

Licensing Section John Onslow House 1 Ewart Place London E3 5EQ

Tel 020 7364 5008 Fax 020 7364 0863 Enquiries to Damian Doherty

Email Damian.Doherty@towerhamlets.gov.uk

H Company 6 Limited 22 Grenville Street St Helier JE4 8PX

Our ref: App:C/093076

### Dear Sir/Madam/Whom it may concern,

Licensing Act 2003, Sections 136

Premises: Queens Head, 8 Flamborough Street, London E14 7LS

This Licensing Authority has received complaints that your premises are allowing live music and karaoke after 23:00. Doors and windows are also being left open after 22:00. Customers outside causing disturbance to local residents contrary to your licensed times and conditions which I remind you of:

### The times the licence authorises the carrying out of licensable activities

### Supply of Alcohol

Monday to Sunday 11 00 hrs to midnight

### Late Night Refreshment

Monday to Sunday until midnight

### Regulated Entertainment

Monday to Sunday 11 00 hrs to midnight

### Non Standard Timings (Special Events):

15 occasions including bank holidays, hours are extended for sale of alcohol until midnight and Regulated Entertainment until 01:00 hours.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

### Annex 2 - Conditions consistent with the operating Schedule

1. No drinks taken from the premises except bona fide off-sales

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

- 2. All doors and windows to be kept closed after 22 00 hrs
- Appropriate signage to be displayed at all exits informing patrons that drinking is not permitted outside the front of the premises, and asking patrons to leave quietly and respect the neighbourhood
- 4. A log book to be maintained on the premises recording any complaints made against the premises or its customers. This is to be available for inspection by Council officers or the Metropolitan Police
- 5. The beer garden is not to be used by customers after 22 00 hrs
- 6. Special events are to *be* notified to the Metropolitan Police at least 7 days beforehand, in writing and the Police have an absolute veto.

There has also been an allegation that there are plans to open until 2am. The non standard timings allow you extend your hours 15 times per annum until 1am. You need to contact the Police with at least 7 days notice in order to invoke this.

The Noise team did attend a local residential premise at 23:17 on 2<sup>nd</sup> November 2018 and did not witness a statutory nuisance and complainant stated live music had stopped 10 minutes prior to their visit. Allegations also state that doors and windows were open after 22:00 hours.

The complainants have been given advice on triggering a review of the licence.

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation.

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to the attention of the premises holder and the

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Designated Premises Supervisor, and invite you to make any comments you consider appropriate.

Yours sincerely

Damian Doherty
Enforcement Officer – Licensing and Safety Team
Environmental Health and Trading Standards

cc: Valentina Thomas 8 Flamborough Street, London E14 7LS; <u>HT-licensingOffice@met.police.uk</u>





# Place Directorate Public Realm

### **Environmental Health & Trading Standards**

Head Of Service David Tolley

Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Tel 020 7364 5008
Fax 020 7364 0863
Enquiries to Damian Doherty
Email Damian.Doherty@towerhamlets.gov.uk

Valentina Thomas Queens Head Pub 8 Flamborough Street, London E14 7LS

Our ref: App:C/093076

Dear Sir/Madam,

### Licensing Act 2003, Sections 136

Premises: Queens Head, 8 Flamborough Street, London E14 7LS

This Licensing Authority has received complaints that your premises are allowing live music and karaoke after 23:00. Doors and windows are also being left open after 22:00. Customers outside causing disturbance to local residents contrary to your licensed times and conditions which I remind you of:

### The times the licence authorises the carrying out of licensable activities

### **Supply of Alcohol**

Monday to Sunday 11 00 hrs to midnight

### **Late Night Refreshment**

Monday to Sunday until midnight

### Regulated Entertainment

Monday to Sunday 11 00 hrs to midnight

### Non Standard Timings (Special Events):

15 occasions including bank holidays, hours are extended for sale of alcohol until midnight and Regulated Entertainment until 01:00 hours.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

### Annex 2 - Conditions consistent with the operating Schedule

1. No drinks taken from the premises except bona fide off-sales

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

- 2. All doors and windows to be kept closed after 22 00 hrs
- Appropriate signage to be displayed at all exits informing patrons that drinking is not permitted outside the front of the premises, and asking patrons to leave quietly and respect the neighbourhood
- 4. A log book to be maintained on the premises recording any complaints made against the premises or its customers. This is to be available for inspection by Council officers or the Metropolitan Police
- 5. The beer garden is not to be used by customers after 22 00 hrs
- 6. Special events are to be notified to the Metropolitan Police at least 7 days beforehand, in writing and the Police have an absolute veto.

There has also been an allegation that there are plans to open until 2am. The non standard timings allow you extend your hours 15 times per annum until 1am. You need to contact the Police with at least 7 days notice in order to invoke this.

The Noise team did attend a local residential premise at 23:17 on 2<sup>nd</sup> November 2018 and did not witness a statutory nuisance and complainant stated live music had stopped 10 minutes prior to their visit. Allegations also state that doors and windows were open after 22:00 hours.

The complainants have been given advice on triggering a review of the licence.

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A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to the attention of the premises holder and the

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Designated Premises Supervisor, and invite you to make any comments you consider appropriate.

Yours sincerely



Damian Doherty
Enforcement Officer – Licensing and Safety Team
Environmental Health and Trading Standards

cc: Valentina Thomas 8 Flamborough Street, London E14 7LS; HT-licensingOffice@met.police.uk

# **Attachment 3**

CJ Act		NESS STATEME 5A(3)(a) and 5B; Criminal Pr		s 2005, Rule 27.	
Statement of	Pc Mark Perry 1748CE	URN: [			
Age if under 18	Over 18 (if or	ver 18 insert 'over 18') Occupation	on: <b>Lic</b> e	ensing Officer I	P205619
make it knowing th		each signed by me) is true to ce, I shall be liable to prosect true.			anything in it
	ence is visually recorded	(supply witness details o			144444111111111111111111111111111111111
				l Cross Bolies	Ctation This
statement refers	to a licensing visits I	icensing Officer attached conducted to the Queer when I found the pub ope	ns Head P	ub, Flamboro	ugh Street on
Flamborough Str	reet. On two previous se using its beer garden a residents that the pub	18 I conducted a lice parate visits to the pub the fter its permitted times.  was opening past its its its in the parate visits its in the parate in the parate its in the parate in the par	both I, and Tower Ha	Tower Hamlet mlets Council	ts Council had had also had
		e pub appeared to be clo i put down. I entered the			
		tomers I could see had o			

I was approached by Mr Thomas Geffreys who was running the pub. I said to him "You should be closed, your license is until midnight"

Mr Geffreys said "I'm not selling, their just waiting for cabs"

I said "Don't lie to me, you were supposed to close over an hour ago, these people have not been nursing drinks for that long, and it doesn't take an hour for cabs to arrive"

		13	Tur (C	
Signature:	**	:	Signature witnessed by:	

2006/07(1): MG H(T)

Continuation of Statement of

John Martinez

Mr Geffreys replied "I don't give a fuck what you believe"

I warned Mr Geffries not to swear at me. He then said "You fucking".

I advised him not to finish that sentence, and he did not. He then said, "You must have been bullied as a child".

I then started to fill out a Sec 19 Closure Notice, which I exhibit as MJP/1. As I was filling this out Mr Geffreys continued to say that he had not been selling alcohol. I asked him then to let me look at the CCTV as this would prove if alcohol had been sold.

Mr Geffreys replied "Your not seeing my CCTV without a court order".

I told him that this would be noted in my statement. I also asked to see the premises log book, which is a condition of his license. Mr Geffreys said he did not have a log book. I added this to the list of breaches of the license.

I completed the form and handed it along with the written guidance to Mr Geffries. I then explained to him how the Sec 19 Closure Notice worked. He made no comment.

It is clear to me from the number of breaches of the license in such a short period of time and the hostile attitude of Mr Geffreys that neither he nor the management of the pub have the slightest regard for the obligations under the Licensing Act, or the Police. Their actions support the residents allegations that the premises has regularly been opening past their hours.



Signature: Signature witnessed by:

2003(1)

## **CLOSURE NOTICE - SECTION 19 CRIMINAL JUSTICE AND POLICE ACT 2001**

Date of the Closure Notice: \\\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \\ \
Authority issuing Notice: Metropolitan Police Service
Name and rank of person making the notice: Re Mark Perry 1760 (E
Signature: PC Mark Pery 1748 (E
Name (if applicable) and address of the affected premises:
Alleged unauthorised use of the premises (section 19 (6)(a))
The officer serving this notice is satisfied that the above premises are being, or within the last 24 hours have been, used for the unauthorised sale of alcohol for consumption on, or in the vicinity of the premises. The specific details of the alleged use are:
Open part their harr, no Log Book
Grounds upon which the person serving the Notice was satisfied of the existence of such unauthorised use:
10 (where in premine druky whold, glasur of least half sill
No lug book on piem xi
Steps that may be taken to end the alleged unauthorised use of the premises, or to prevent it from re-occurring (section 19 (6) (c))
Clex premise on time, have los book.
Third party consideration (section 19.4) Are there any other persons occupying the premises who need to be informed of this notice?
Yes/No (details)
If yes they must be issued with a copy of this form
Effect of section 20, Application for closure order.  A failure to take remedial action to prevent further or continued unauthorised use may lead to an application being made to a Magistrates court for a closure order under section 21 Criminal Justice and Police Act 2001.
The Person (if applicable) on whom the closure notice has been served:  Name  **Description**
Signature
Date 15/h/2002

# **Attachment 4**

### WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN		

Statement of: Constable Mark Perry

Age if under 18: Over 18 Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature: /

Date: 03 Jan 2019

This statement refers to a licensing visit to the Queens Head on Flamborough Street as part of Late Night Levy Patrols, on the 22nd December 2018, where Police officers found the premises open past its hours, and the management are also believed to of served alcohol to customers past their hours.

As part of the late night Levy Patrols I and PS Stuart Bull, PC Paul Martin and PC Bethany Ward attended the Queens Head at around 00:55. The blinds were closed, and the front doors were closed and locked from the inside in an attempt to make the premises look closed from the outside. I looked inside the premises past the blinds and saw customers inside the premises drinking.

I knocked loudly on the door and shouted that Police were here and needed to get into the premises, it took several minutes repeated knocking and calling to be let in by Mr Geffries. On entering the pub I saw between 15 to 20 customers, all of whom had drinks. Some of the drinks had clearly just been served as they were filled up to the brim. There were a couple of pint glasses full of beer that had obviously just been served on the bar.

I asked Mr Geffries why his pub was open past its hours? Mr Geffries became aggressive and stood as close to me as he could in an attempt to intimidate me. I asked him again why his pub was open past its hours. He replied that the pub was not open, then, that this was a staff event. I replied that it was surprising that a small pub like this had so many staff. Mr Geffries then said it was private function and it was a family event. Upon speaking to customers it became clear that there was no function and that this was just a bunch of customers who had stayed drinking in the bar after it had supposed to of closed.

I asked Mr geffries to show me the CCTV so I could see when the last service of alcohol was, Mr Geffries replied that the CCTV was not working. I told Mr Geffries that I did not believe him that this was a private function, and that it was disappointing that he was open past his hours two weeks running. Mr Geffries then became incredibly angry and upset and repeatedly called me a "Worm". I ignored him and then spoke to the DPS Ms Valentina Thomas, she told Mr Geffries to calm down, and asked me if I wanted a drink. I replied that I did not drink on duty. Ms Thomas then said "Have a fucking drink, it will help you fucking relax for fucks sake". I told Ms Thomas that I did not want a drink. She then said, "Havent you got some real criminals to catch?"

At this point it became clear that both Ms Thomas and Mr Geffries were not going to be co-operative, and their aggressive attitude to Police was starting to affect the customers who were becoming more vocal. I informed Mr geffries that this would probably result in the premises license being reviewed. He replied that his solicitor would make mincemeat of me.

We left the premises shortly after 01:00 and continued our patrols.

Signature:



Signature Witnessed by:

Page 1 of 2 eStatement no: CE-1000032-2019

RESTRICTED	(when	comp	lete)
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MG11C

Continuation of Statement of: Constable Mark Perry

Witness Signature:

Signature Witnessed by:

Page 2 of 2 eStatement no CE-1000032-2019

# **Attachment 5**

### **Corinne Holland**

From: Kathy Driver

**Sent:** 26 November 2018 13:25

To: Craig Barwell

**Subject:** Queens Head, 8 Flamborough Street

Following your clients transfer application in regards to the above premise, submitted on 1<sup>st</sup> October 2018 . I would like to request details of the directors and a UK address of which we can communicate.

Since the transfer we have had numerous complaints of its activity, causing noise disturbance to local residents and lack of management of the outside area. Environmental Health are considering triggering a review of licence. This Licensing Authority has witnessed breach of condition and should a review be triggered we are likely to add into the review process. Despite a recent visit by Environmental Health and Police, the situation has not changed and we are receiving complaints every weekend.

We would therefore like to communicate with the associated Directors in order to warn of the breach of conditions and communicate the problems to them and if necessary notify them of the review should one be triggered.

I would be grateful for a speedy response as we would like to action the above in order to start communications with the licence holders.

Regards,

Kathy Driver Principal Licensing Officer

Licensing Team John Onslow House 1 Ewart Place London E3 5EQ

### Please note:

Meetings with Licensing Officers are by prearranged appointment only.

Tel: 020 7364 5171 Fax: 020 7364 0863 Hotline: 0207 364 5008

General email:licensing@towerhamlets.gov.uk

See our regular licensing news pages at www.towerhamlets.gov.uk/licensing



#### **Corinne Holland**

From: Kathy Driver

**Sent:** 07 December 2018 11:57

To: Craig Barwell (

**Subject:** FW: Queens Head, 8 Flamborough Street **Attachments:** Queens Head, 8 Flamborough Street

I would be grateful for a response to my email sent to you on 26<sup>th</sup> November 2018, attached.

We are still continuing to receive complaints and now have breaches of licence and therefore we want to communicate with the Directors as a matter of urgency. Despite sending a letter to their registered address, we have had no response.

Regards,

Kathy Driver Principal Licensing Officer

Licensing Team John Onslow House 1 Ewart Place London E3 5EQ

#### Please note:

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Tel: 020 7364 5171 Fax: 020 7364 0863 Hotline: 0207 364 5008

General email:licensing@towerhamlets.gov.uk

See our regular licensing news pages at www.towerhamlets.gov.uk/licensing



#### **Corinne Holland**

From: Craig Barwell <

**Sent:** 11 December 2018 12:26

To: Kathy Driver

**Subject:** RE: Queens Head, 8 Flamborough Street

Hi Kathy,

Sorry for the delay on getting back to you.

We have informed the Premises Licence Holder, H Company, and they have been trying to resolve these issues.

H Company are the landlords of the property and have contacted the Tenant to find out about the breaches of the licence and how this can be rectified.

I will be sending you a full report of what's taken place once I have an update from H Company.

Many thanks Craig

Craig Barwell | Paralegal

### **Poppleston Allen**

E:



### The only firm rated for Licensing & Gambling



**From:** Kathy Driver [mailto:Kathy.Driver@towerhamlets.gov.uk]

**Sent:** 07 December 2018 11:57

To: Craig Barwell

Subject: FW: Queens Head, 8 Flamborough Street

I would be grateful for a response to my email sent to you on 26<sup>th</sup> November 2018, attached.

We are still continuing to receive complaints and now have breaches of licence and therefore we want to communicate with the Directors as a matter of urgency. Despite sending a letter to their registered address, we have had no response.

Regards,



Licensing Team John Onslow House 1 Ewart Place London E3 5EQ

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General email:licensing@towerhamlets.gov.uk

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\*

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

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# **Appendix 2**

(Queens Head) 8 Flamborough Street Stepney London E14 7LS

#### Licensable Activities authorised by the licence

Retail sale of alcohol Provision of Late Night Refreshment The provision of regulated entertainment consisting of: Film,(video entertainment on TV screens and amusement machines) indoor sporting events, recorded music and the performance of dance are permitted (or anything of a similar description)

#### See the attached licence for the licence conditions



Signed by

David Tolley
Head of Environmental Health & Trading Standards

Date: 29<sup>th</sup> September 2005

Minor Variation 24/11/17



#### Part A - Format of premises licence

Premises licence number 27053

### Part 1 - Premises details

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

(Queens Head)

8 Flamborough Street

Stepney

Post townPost codeLondonE14 7LS

Telephone number

Whore	tha	licanca	ie time	limited	tha	datas
VVIIHI		1111	15 111116			UAIES

Not applicable

#### Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment consisting of:

Film,(video entertainment on TV screens and amusement machines) indoor sporting events, recorded music and the performance of dance are permitted (or anything of a similar description)

The provision of late night refreshment

#### The times the licence authorises the carrying out of licensable activities Supply of Alcohol

Monday to Sunday 11 00 hrs to midnight

#### **Late Night Refreshment**

Monday to Sunday until midnight

#### **Regulated Entertainment**

Monday to Sunday 11 00 hrs to midnight

#### **Non Standard Timings (Special Events):**

15 occasions including bank holidays, hours are extended for sale of alcohol until midnight and Regulated Entertainment until 01:00 hours.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

#### The opening hours of the premises

From 11 00 hrs until 30 minutes after the end of the last time for a regulated activity

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Where the licence authorises supp	lies of alcoho	ol 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

H Company 6 Limited 22 Grenville Street St Helier JE4 8PX

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

121063

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

Valentina Thomas 8 Flamborough Street London E14 7LS

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

Personal licence number: 13225

issuing authority: London Borough of Islington Council

#### **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—
    - 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
  - 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;
  - 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

#### **For Cinemas**

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:

If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction Otherwise the recommendation of the film classification body.

Children means persons aged under 18 and

"film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

#### Annex 2 - Conditions consistent with the operating Schedule

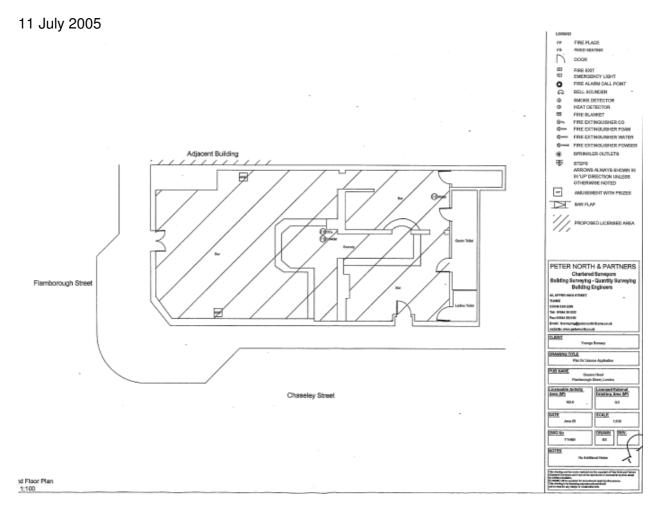
1. No drinks taken from the premises except bona fide off-sales

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

- 2. All doors and windows to be kept closed after 22 00 hrs
- 3. Appropriate signage to be displayed at all exits informing patrons that drinking is not permitted outside the front of the premises, and asking patrons to leave quietly and respect the neighbourhood
- 4. A log book to be maintained on the premises recording any complaints made against the premises or its customers. This is to be available for inspection by Council officers or the Metropolitan Police
- 5. The beer garden is not to be used by customers after 22 00 hrs
- 6. Special events are to notified to the Metropolitan Police at least 7 days beforehand, in writing and the Police have an absolute veto.

#### **Annex 4 - Plans**

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





Part B - Premises licence summary	

#### Premises licence number

27053

#### **Premises details**

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

(Queens Head) 8 Flamborough Street Stepney

Post town	Post code
London	E14 7LS

Telephone number

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment consisting of:

Film,(video entertainment on TV screens and amusement machines) indoor sporting events, recorded music and the performance of dance are permitted (or anything of a similar description)

The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

#### **Supply of Alcohol**

Monday to Sunday 11 00 hrs to midnight

#### **Late Night Refreshment**

Monday to Sunday until midnight

#### **Regulated Entertainment**

Monday to Sunday 11 00 hrs to midnight

#### **Non Standard Timings:**

15 occasions including bank holidays, hours are extended for sale of alcohol until midnight and Regulated Entertainment until 01:00 hours. Special events are to be notified to the Metropolitan Police at least 7 days beforehand, in writing and the Police have an absolute veto.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

From 11 00 hrs to half an hour after the last regulated activity is permitted.

Name, (registered) address of holder of premises licence

H Company 6 Limited 22 Grenville Street St Helier JE4 8PX

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)

121063

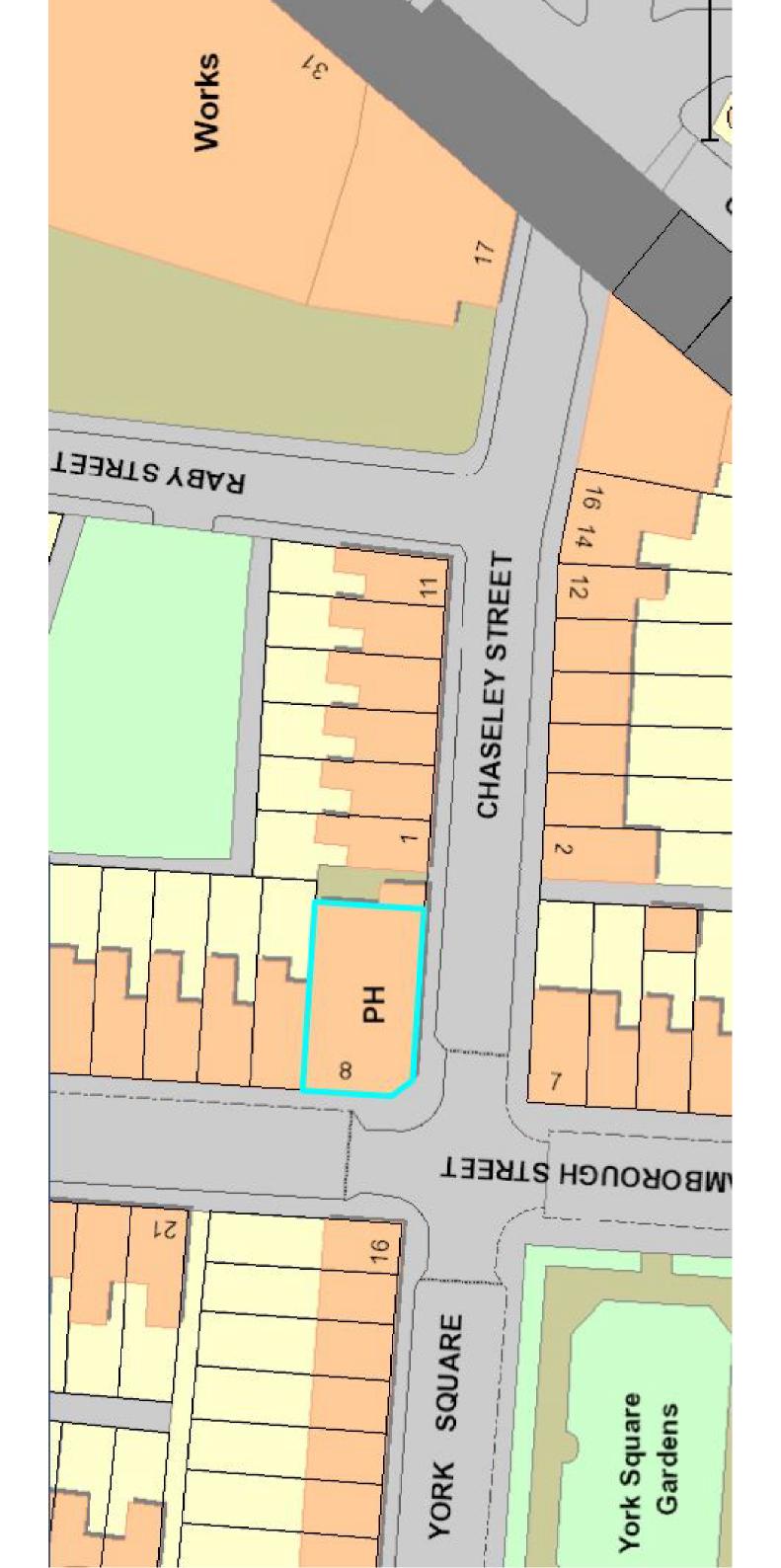
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

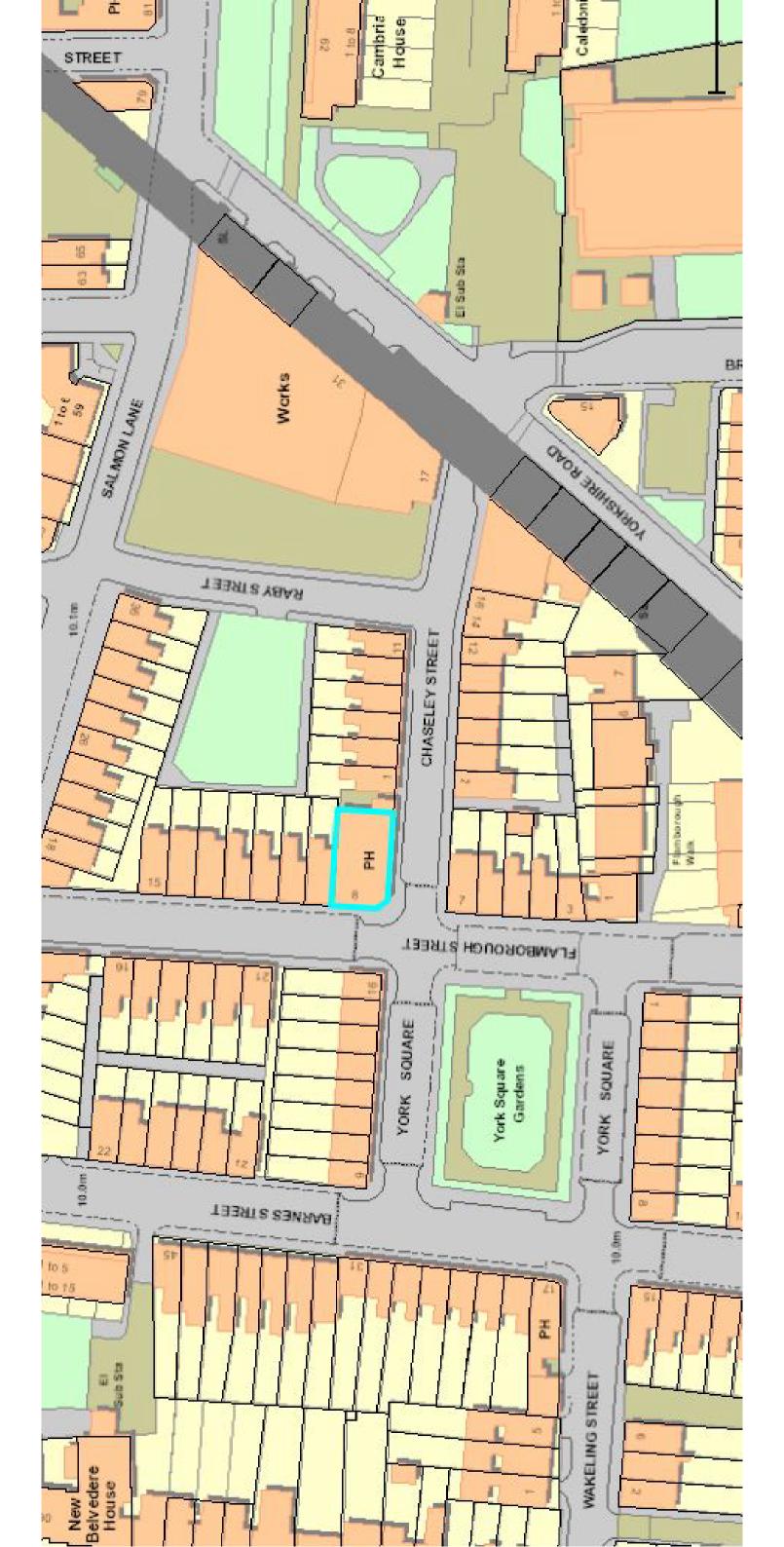
Valentina Thomas

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

No

# **Appendix 3**





# **Appendix 4**

#### **Kathy Driver**

From: Nicola Cadzow

**Sent:** 14 February 2019 10:24 **To:** Licensing; Corinne Holland

Cc: MARK.J.Perry 'Thomas.Ratican

Subject: MAU 113898 - REVIEW OF LICENSE for The Queens Head Public House, 8

Flamborough Street, London

Attachments: Queens Head - Map1.docx; Queens Head - street view.docx; Untitled

Follow Up Flag: Follow up Flag Status: Completed

#### Dear Licensing,

I am a Noise Officer within Environmental Protection and as a responsible authority under the Licensing Act 2003 it is my responsibility to give due regard to the licence review initiated by the licensing team with respect to The Queens Head Public House, 8 Flamborough Street, London and to consider the impact of the licensing objectives, in particularly the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

Our records indicate that from the 27<sup>th</sup> October 2018 to the 15<sup>th</sup> December 2018 there were a total of fifteen noise complaints received regarding the Queens Head Public House, 8 Flamborough Street.

Of the fifteen noise complaints there were seven proactive visits. Also an additional visit was made to speak to the Designated Premises Supervisor (DPS) during daytime hours with Police Licensing and I.

#### **SUMMARY**

- (1) There have been seven visits following noise complaints regarding The Queens Head Public House, 8 Flamborough Street, London
  - (i) Five visits no music heard. No statutory noise nuisance witnessed
  - (ii) One visit music had stopped prior to arrival
  - (iii) One visit low level karaoke and bass music witness but officers recorded that this was not a statutory noise nuisance.
- (2) Three Warning letters were sent to the Queens Head
- (3) Five calls to the Out of Hours Noise Service complainant's did not want a visit/requested call was just logged
- (4) One call to the noise service regarding human voices and this was recorded as not a statutory noise issue.
- (5) Daytime visit was made to the premise to discuss noise complaints regarding the premise and noise mitigation measures.

There is evidence to support a public nuisance as follows:-

(1) The Queen's Head is in an area surrounded by residential premises (see map and street view images attached).

- (2) See Residents Witness Statements, diary sheets (see attached).
- (3) Prior to change of Designated Premises Supervisor and Licensee in October 2019, there has been no record of a noise complaint since June 2013. I am aware the current Designated Premise Supervisor of the Queens Head previously ran a premises on Bethnal Green Road, which noise complaints were also received, in particularly from karaoke events.

Based on the supporting evidence from local residents, and the effects the regulated entertainment is having upon them, in particularly live music and karaoke events, I would support the removal of regulated entertainment from the licence.

#### **CONCLUSION**

I support the review of the licensing authority "live and/or recorded music to take place at the premises at any time to include no karaoke and that any new noise conditions imposed on the Premises Licence Section 177A will not apply, and thus will ensure noise conditions are in force at all times when licensable activities are being undertaken".

I would recommend to the Committee to consider the number of complaints received from local residents, and whether they may wish to impose additional noise conditions on the Queens Head in order to ensure that the licensing objectives for the prevention of public nuisance are met. Please see conditions for consideration below:-

- (1) Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics or Association of Noise Consultants so as to ensure that no noise nuisance is caused to local residents or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to any existing sound system(s) should be effected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device.
- (2) No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
- (3) Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- (4) Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

#### **SUPPORTING INFORMATION**

<u>From 27<sup>th</sup> October 2018 until 15<sup>th</sup> December 2018 there have been 15 noise complaints, from 6 residents, and a visit with the DPS as follows:</u>

- (1) 15<sup>th</sup> December 2018 @ 20:35 Complainant called Out of Hours Noise Service and reported loud karaoke. Officers called complainant at 21:06 and agreed a visit. Officers arrived at complainant's property @ 21:17 and stayed for twenty minutes, but no noise witnessed. Process fully explained to complainant and advise to call back the service if the noise recurs. No statutory noise nuisance witnessed.
- (2) 7<sup>th</sup> December 2018 @ 20:51 Complainant called the Out of Hours Noise Service and reported intermittent karaoke. Officers called complainant @ 21:15 and visit agreed. Officers arrived at 21:44 and reported low level karaoke & base music & singing lyrics witnessed from complainant bedroom. Officers recorded that

- this was not statutory noise nuisance. Officers records that this may more human activities & ASB then a statutory noise nuisance. No statutory noise nuisance witnessed.
- (3) 2<sup>nd</sup> December 2018 @ 20:08 Complainant called the Out of Hours Noise Service and reported loud music and karaoke ongoing since 19:00. Officers called complainant at 20:30 but noise had stopped.
- (4) 30<sup>th</sup> November 2018 @ 20:55 Complainant called the Out of Hours Noise Service to report karaoke. Officers called complainant @ 21:07 and arranged to visit. Officers arrived on site @21:51 and called the complainant again, and they were informed that all had gone quiet.
- (5) 30<sup>th</sup> November 2018 @ 22:17 Complainant called the Out of Hours Noise Service stating karaoke had been ongoing since 20:45 and is continuing. Records indicate that complainant was afraid of repercussion from the pub so had only been logging calls only. Officers were recalled and agreed a visit @ 22:25. No noise nuisance witnessed in the complainant's premise @ 22:42. No statutory noise nuisance witnessed.
- (6) 25<sup>th</sup> November 2018 @ 20:15 Complainant called the Out of Hours Noise Service to report loud live music and karaoke. According to our records the complainant says their ASB officer is building up a report and has asked that calls are logged, therefore visit was not undertaken.
- (7) 23<sup>rd</sup> November 2018 @ 21:49 Complainant called the Out of Hours Noise Service to report loud amplified music from Queens Head. Officers called the complainant at 23:23 but noise had stopped. Warning letter sent to the premises
- (8) 23<sup>rd</sup> November 2018 @ 21:25 Complainant called the Out of Hours Noise Service to report loud amplified music and disruption from Queens Head. Complainant requested call to be logged.
- (9) 16<sup>th</sup> November 2018 @ 23:34 Complainant called and reported loud human voices when it was explained we only deal with matters that are statutory noise nuisance. Call logged.
- (10) 16<sup>th</sup> November 2018 @ 21:53 Complainant called to report loud amplified music and disruptions coming from the Queens Head. Officers explained noise procedures but complainant was not comfortable officers visiting, just wanted call logged.
- (11) 14<sup>th</sup> November 2018, visit arranged with PC Perry and I to meet with Designated Premises Supervisor (Valentina) at the Queens Head to discuss noise complaints received and noise mitigation measures. Visited and discussed with Valentina (DPS) the single glazed windows on both sides of the pub, which she said they were looking to add Perspex sheeting to act as additional glazing. Discussed lack of sound insulation to the premises and the live music and DJs in the premises. We emphasised to DPS the value of a sound limiter which would be need to be set by an acoustician and the limiter would have to be locked so it could not be tampered with by staff employed there.
- (12) 12<sup>th</sup> November 2018 @ 16:00 complainant called and reported loud music being played at The Queens Head until 02:00 on Fridays and Saturdays. Warning letter was sent out to the premises.
- (13) 9<sup>th</sup> November 2018 @ 21:16 Complainant called the Out of Hours Noise Service to report loud amplified music. Officers visited complainant @ 22:29 and in their living room with the television on normal volume no noise was witnessed, although officers recorded that the music was loud at street level.
- (14) 6<sup>th</sup> November 2018 @ 12:07 copy email received by noise team originally sent to licensing, and in response support services team sent out a warning letter to The Queens Head.
- (15) 2<sup>nd</sup> November 2018 @ 23:12 Complainant called the Out of Hours Noise Service and reported loud amplified music. Officers called complainant @ 23:42 who advised that music had gone down. Music had stopped prior to arrival of officers

(16) 27<sup>th</sup> October 2018 @ 23:15 Complainant reported loud amplified music, ongoing for two hours. Officers visited complainant @ 22:31 but no music was witnessed. Complainant was advised to call back if music recurs.

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

### **Surrounding area around the Queens Head Public House**



### Queens Head Public House and surround area – street view



WITNESS STATEMENT CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1
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Noise Nuisance Diary Sheet - App reference number 285692

Enviror	mental Health
Address where noise originates:	Name and address of complainant:
The Queen Head	
& Flamborough St	
ToPlar 15.14.7.14	
	I confirm the vents:

Date	Tumo of Bloke		T =	
Date	Type of Noise	Time Started	Time Finished	Effect of Noise
		2rai ren	Lilligued	(e.g., prevented sleep, interfered with conversation, reading or TV)
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	Koranke	6º6	9.%	Boody Duisano
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#### **Kathy Driver**

From: Nicola Cadzow
Sent: 21 March 2019 12:29

**To:** Kathy Driver; Corinne Holland

Cc: 'Thomas.Ratican

**Subject:** MAU 113898 - REVIEW OF LICENSE for The Queens Head Public House, 8

Flamborough Street, London - Supplimentary Agenda

#### Dear Licensing,

Further to my representation on the 14<sup>th</sup> February 2019, please take this as supplementary information regarding The Queens Head Public House, 8 Flamborough Street, London, as follows:-

- (1) On the 19<sup>th</sup> February 2019 we received diary sheets relating to events at the Queens Head Public House from complainant (*see residents representation*). Email was sent in response to advise complainant to call the Out of Hours noise service when affected by noise nuisance, and allow officers to witness the noise nuisance from their premises.
- (2) On the 22<sup>nd</sup> February 2019 @ 22:19 complainant reports to the Out of Hours Noise service loud music coming from Queens Head PH. Our records show that the complaint also states that there is a crowd of people outside the pub making a lot of shouting noise. Complainant wants call to be logged.
- (3) On the 23<sup>rd</sup> February 2019 @ 23:24 complainant reports loud amplified music and human noises coming from the Queens head pub, which they advise has been going on for a few hours. Complainant asks for discretion when attending as complainant is afraid of repercussions from the pub. Procedure Explained to Complainant and it was agreed officers to visit and witness the noise for further action. Officers called complainant @ 01.27 and they were informed that the noise stopped. Complainant was advised if reoccurs to call back.
- (4) On 27<sup>th</sup> February 2019 at 12pm a pre-arranged joint visit was agreed and was attended by PC Mark Perry, PC Thomas Ratican, Tom Lewis Licensing Manager and I to meet with Mr Jeffries (Tenant) and Valentina Thomas (DPS) with their legal representative Mr Kenneth MacLeay. Discussion included noise mitigation measures, and works that had been undertaken to the premises which included double glazing and a lobby on both doors to the premises. I requested at the time of our visit that a copy of the job specifications/acoustic specification for the additional glazing installed in the premises, which has yet to be received. As shown to me on the visit by Mr Jeffries, the additional windows that have been installed can be easily be slid open, and therefore it was requested that locks are put on the windows. I have yet to receive a copy of the report regards the acoustic specification of the windows and confirmation that locks have been placed on them.

#### 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

# **Appendix 5**



Our Ref: 006/47116/Jeffries/405 Your Ref:

19 February 2019

London Borough of Tower Hamlets Licensing Section, John Onslow House, 1 Ewart Place London E3 5EQ Hodders Law

**DX57651 HARLESDEN** 



SRA No: 00554857

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The term "partner", if used, denotes a Director of Hodders Law

Limited or an employee or consultant with equivalent standing.

www.hodders.co.uk

By email:

Corinne.holland@towerhamlets.gov.uk kathy.driver@towerhamlets.gov.uk licensing@towerhamlets.gov.uk

**Dear Sirs** 

RE: The Queen's Head, 8 Flamborough Street, London E14 7LS Licence Review

We act for the lessee of the Queens Head Public House, Mr Thomas Jeffries, who would wish to make representations in relation to the review.

Mr Jeffries' lease began in October of 2018, we understand that it was intended that the premises licence would be transferred into Mr Jeffries' name upon grant of the lease, however that appears to have been overlooked. Steps are now being taken to deal with the transfer.

We understand that in November there may have been occasional issues regarding the noise from music being played in the venue being heard outside. This was prior to substantial renovation works undertaken by Mr Jeffries which included sound insulation secondary glazing. As a result we understand that there have been no further issues. Mr Jeffries has spoken to and contacted the neighbours in the vicinity by letter apologising for any initial disturbance, informing them of the works carried out and giving them an opportunity to view the works undertaken. The feedback that he has received has been positive. There was an open invitation to all neighbours on Sunday, 17 February to which the Council and Police were also invited.

TRADING STANDARDS 2 1 FEB 2019

LICENSING

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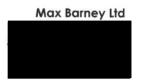


We note that the Police have raised issues regarding compliance with the licence terms. We understand that there may have been some initial misunderstanding between Mr Jeffries, the DPS and the Police, however we have recently attended the Public House when we spent some time going through the provisions of the licence. We can confirm that if the Police were to visit today they would find a fully operational CCTV system, the licence displayed over the bar, notices clearly stating that no one is allowed access to the beer garden/yard after 9.45pm and an incident/log book behind the bar.



# **Appendix 6**





#### 19th February 2019

Dear Kathy,

I refer to our interest in this matter and the letter emailed on 18th February 2019, which we asked to stand as a formal representation.

I understand that you would like more information on the licensing objectives and why we are putting in a representation.

As the managing agent of the premises and having registered an interest under s178 Max Barney Ltd clearly have a financial interest in any proceedings which may affect the premises and its premises licence. To that end, our comments clearly are not vexatious or frivolous. Nevertheless, they of course have to be relevant and whilst we (at this stage) cannot comment directly on the facts and allegations raised in the review papers, they are able to give evidence as to the following:

- Under the current lease that the premises licence holder has with H Company 6 Ltd, he is required not to
  jeopardise the premises licence. This affords my client, as Leaseholder, additional rights and powers which,
  whilst not strictly relevant to the licensing objectives, nevertheless may assist the Licensing Committee in
  formulating any decision/conditions.
- 2. We have served a S146 notice in order to remove Mr Jeffries from the premises however this is not a quick fix solution and could take several months. In the mean time we have entered into talks with Mr Jeffries for him to "get his house in order".
- 3. Mr Jeffries in response to the above has informed us that they are soundproofing the premises and will have a noise limiter installed in order to stop the disturbance to the neighbours.
- 4. We have reminded Mr Jeffries of the licensing objectives and that having a "lock in" after hours is a breach of the Crime and Disorder objective and that this is a breach of his lease evoking the S146 notice. We are using this as leverage in order for him to respect the conditions of the licence and the neighbours.
- 5. As the managing agent to Mr Jeffries we are doing everything in our power for him to amend the situation and we have been told he would like to invite the residents, Police and Environmental Health Officers to discuss this further.

In respect of all the above points, I respectfully submit that this company would be able to give meaningful evidence, before the Licensing Committee in due course, which is directly relevant to the promotion of the Licensing Objectives – namely the Prevention of Crime and Disorder and the Prevention of Public Nuisance.

Lastly, the revised Statutory Guidance issued on April 2018 states as follows:

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".

In short, my client is making a representation in order to assist the decision making process and to be involved in the same. I trust you will accept this amplification as sufficient for the purposes of us having made a formal representation and no doubt, once we have had an opportunity to look into the matter further, we may have more detailed comments to make.

Yours faithfully,

Paul Willner

Director

### **Kathy Driver**

From: Catherine Dixon

**Sent:** 18 February 2019 11:38

To: Licensing

**Subject:** Queens Head Public House, 8 Flamborough Street, Renewal of Licence

**Attachments:** Queens Head Licence.pdf

To the Licensing Department, London Borough of Tower Hamlets.

Please see attached a letter that addresses the concerns me and my household members have over the operation of the Queens Head, 8 Flamborough Street.

The present operation of the pub is clearly in contravention of your licensing standards;

1. The prevention of crime and disorder

Public safety

The prevention of public nuisance

Kindly also note that the pub has only been open in the winter months. If matters continue as they are unchecked, we can foresee very much worse incidences of in the warmer months. It will also render my own garden unusable as there will be too much noise to stay outside. I dread to think how loud this will become when I can already hear the noise so clearly from inside my house at present.

Since writing the most part of this letter I received an invitation from the landlord Tommy to attend a meeting at the pub last weekend. I was not able to attend. This strikes me as too little too late.

He says he has spent a lot of money but it seems to be have been ill thought out, remedial action.

We rely on the London Borough of Tower Hamlets to 'protect the quality of life' for the nearby residents by ensuring that 'sensible controls that keep anti-social behaviour, and undesirable developments selling ... drink between 23:00 and 05:00' are minimised.

I look forward to hearing from you.

Catherine Dixon

#### **Strictly Private & Confidential**

Licensing Section
London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

Dear Sirs/Madams.

### Application for a Review of Premises Licence re Queens Head (QH), 8 Flamborough Street, E14 7LS (the "Application")

Kindly accept this letter and the email by which it was also sent as representations on the above Application.

I have lived with my partner and our two (now adult) children within 100 metres of the QH since July 2012. The QH has been open as a licensed public house nearly all of the time since then. We have frequented the pub on many occasions under several landlords/landladies. Until now we have had no cause to make any complaint or representation. Until October 2018 there have been no incidents inside or outside the premises of the serious nature that presently exist.

The present licensing arrangement is not satisfactory for several reasons, as follows:

1, Noise and nuisance disturbances - from inside the premises. There is very (too) loud 'live' music several nights a week. This consists of pub style singing and informal 'karaoke'. It seems to be mainly for the benefit of the QH management and customers who come in from other areas such as Bethnal Green and Mile End, to 'enjoy'. The music seems to be from a particular genre for this new clientele, rather than for a broader mix of customers such as the younger people who live and work in the area.

The live music is worsened by not only the unreasonably loud volume, but by the placing of the stage and speakers, which face the windows and the outside near Chasely Street. Previously, the stage faced into the pub and therefore the music waves travelled inwards into the pub and internal walls rather than outside through the glass. The double glazing and new foyers have made no difference to the outside noise.

I have to leave the pub when the music starts or shortly thereafter as it is so loud. The atmosphere is more like a club than local pub. I have heard different 'comperes'/singers' make comments about the music continuing until they 'get shutdown' or until 'someone complains'. These comments are made about at about 8.30pm and demonstrate the lack of real consideration of management.

The police have been called on several occasions since the new landlord took over. This is a much more frequent occurrence than under the previous landlord and is a reflection on the way the pub is run.

2, Noise and nuisance disturbance from outside the premises. There continues to be very raucous noises and behaviours from the clientele of the QH. This continues into the early hours of the weekend. Police with sirens have been called on several occasions. This wakes me and the rest of the household.

All of this makes for very unpleasant evenings, nights and tiredness in the morning. Each of us in my household has suffered due to the noise. It make it difficult to watch television or listen own music as the noise from the pub (both music and people's shouting/screeching) is louder. There is a persistent voice and vibration in the house until the music stops. Sleep is difficult to achieve and maintain as at any point, particularly at weekends, there can be bursts of music and pub noise through the doors.

The QH, built in the 19th century was not intended for loud music of any kind, through speakers - no amount of double glazing will prevent this. It is the volume that needs to be kept down and the direction of the speakers changed. The wooden floors should also be changed as these do not provide sufficient acoustic absorbency. Carpeted floors would reduce the noise by up to 30 decibels.

- 3, Drug Use inside the premises. This has been seen by members of my household.
- 4, Drug Acquisition inside the premises. I have heard clients on the way into the pub talking about being high and intending to acquire drugs on the premises.
- 5, Drug acquisition outside the premises. I have seen several deliveries from pizza scooters and passing over of cash, without any sign of any pizza, only small packets. I have also seen members of the Veterans Association who drink there go outside the pub buy drugs and then at some point consume them on the premises. This was never tolerated by the previous landlord/landlady and is not tolerated by Mr John Fell at the Old Ship nearby, as far as I have witnessed.
- 7, Illegal Lock-Ins These are frequent.
- 8, Smoking on the premises this is a frequent occurrence during the lock-ins mentioned in point 7.
- 9, Sale of illegal goods a woman, regularly sells, DVDs, CDs, cigarettes and tobacco of dubious origin. The licensee does nothing to stop this.
- 10, Illegal broadcasting of SKY Sports, BT Sports and other networks. This was never done by previous landlords/landladies. I have reported this to SKY. This is a regular criminal occurrence.

The licensee has put in double glazing and lobbies. These do not prevent the problem as customers spill out onto the streets anyway.

- 11, Illegal drinking off the premises. Despite the signs to the contrary, customers regularly take glasses outside the pub and drink illegally off the premises.
- 12, The QH was made an asset of community value by the local residents who wished to see the charm and character preserved. It was not the intention to allow the pub to become a 'club-like' venue, which Tower Hamlets Licensing must have been aware from Tommy's previous premises. There is limited local transport from the areas that customers come from which increases traffic congestion and further noise.
- 13, False Advertising Signs on the window indicate that pool, private function room, quiz night, Happy hour, sport are available. None of this is true:

Pool - there is no pool table, nor any intention to provide one.

Private Function Rooms - There are available areas but these are by no means private rooms; other customers need access to get to the toilets.

QUIZ NIGHT - There is no desire or intention from QH managers to start, promote and start this, despite much encouragement from more local customers. Managers apparently recently conceded that some customers could hold their own quiz if they wanted, without management 'involvement'.

HAPPY HOUR - There is no happy Hour. There used to be special pricing on double spirits; this was cancelled by the management. This has prevented some of the regular clients from frequenting the pub.

SPORT - The only sport shown on TV is through **illegally** broadcast channels, other than BBC/ITV. It is offered but seems to be considered an inconvenience to the managers . The screens are placed where there is not a good view. A larger screen has been put up and never used.

On first arrival we were told by the management (Tina) that there would be food within a few months and they were keen to have a quiz night. There seems to be no intention to start this. Therefore I would not trust any future promises of the management or licence holders to be met.

- 14, Permanent Rentals of rooms above the pub. I question how the income from the rent for the rooms is accounted.
- 15, Criminal behaviours through money laundering and tax evasion. I would question how enough income is generated to sustain the enterprise. There is no means of electronic payment. This limits the clientele in type and diversity. It is the 21st century and means for card payments would be expected in any decent premises. There is a large retinue of staff and works being undertaken, that I wonder how they are paid for, other than by staying open for longer than allowed, untaxed and/or illegal activities. Item 9 is another cause for concern on this subject,

Not only do the actions disturb the residents they also attract more drug dealers and people who are already drunk into what is a residential area for what is a late night 'party' scene. York Square should not become an environment that tolerates the above behaviours, many of which are illegal.

16. Quality of Beer - the real ales are kept too cold. There is no real interest in having a publike establishment, it is made to be like a club. A pub should be able to offer a variety of well-kept ales.

I am fully supportive of a pub remaining at the address. This should be a licenced premises that better meets the 21st century needs of the local residents who acted to save the pub as an asset of community value. The community in question is that of the York Square neighbourhood, who would like food to be served and to be able to pay on cards.

Please call me below should you wish to discuss any matters raised. I look forward to hearing from you in relation to the above in due course.

Yours faithfully,

Catheri	ne Dixon	

#### The Queens Head Pub 8 Flamborough Street E14 7LS Licence Review

#### **Elaine and John Fanning**

Please see above attachment that logs the times and dates of noise nuisance associated to this pub.

Since this Manager arrived back in October the weeks that followed have been a nightmare.

I live opposite the pub in the same street on the other side of the road.

Every Friday, Saturday and Sunday evening when I am in the bedroom relaxing and watching TV I can hear the customers outside the pub and music from inside the pub above the TV. I can hear all their conversations and very loud laughter as I am in my bedroom. This is preventing sleep for myself and my husband.

As I have stated in previous emails and registered complaints associated to references (CC 26702, 26785 and /New Complaints 26866 and is 26888) that I have sent to you in the past my husband works weekends and gets up at 4.30am on a Saturday and 5.30am on a Sunday morning. During the week our alarm goes off 4.30am. By 8.45pm on a Monday to Saturday night we are both in bed. We find it very difficult to sleep with the noise that is generated outside and inside this pub.

At times I have called out the out of hours noise team. Each time the team have arrived at my home we have always been advised this is not a statutory noise nuisance and we cannot take any action even though I can hear the noise in my house / bedroom.

The team have left and advised us to call back again.

We do worry about calling out this team as we live in the same street as the pub and worry about the uniformed officers entering my property. These officers can be seen and identified by customers outside the pub.

There are several elderly women living in some of the houses on their own. They are too scared to call out this team as they are in fear of the uniformed officers being seen entering their premises late at night by customers outside the pub.

I do not want to even go home on a Friday night as I am always anxious of what is going to happen on the weekends. With the noise this pub is generating I do not enjoy my weekends anymore as I am too tired from lack of sleep to enjoy them.

On the 30 November 2018 I went to my GP as I felt run down from lack of sleep and I am struggling in work at the beginning of the week. She did advise me I was suffering with stress caused by this pub and this is now a health issue.

To get sleep I take tablets every Friday, Saturday and Sunday to help me go off to sleep so I can get some rest as I am conscious of being too tired in work and do not want to end up

on a **poor Performance Plan from tiredness caused by this pub**. I am struggling in work with headaches due to lack of sleep over the weekend and I am very tired in work on Mondays and Tuesdays caused by lack of sleep. As I have stated in my previous emails I have started a new job last September and I am still learning the role. I work from a laptop that has 3 large monitors connected to it as I monitor networks and this requires me to be able to fully concentrate.

Still feeling anxious and run down, I went to see my GP On Saturday 09th February. I spoke to her about the sleeping difficulties and asked if it was ok for me to continue taking the tablets I was taking every weekend if I needed to. My Doctor then advised me to stop taking the ones I was taking as they will not work when I really need to take them. At this stage she prescribed sleeping tablets to take if I needed to. This is now monitored by the GP and under review.

Before Christmas I made a Statement to the Police. PC Mark Perry from the Licencing Police team came to my house and took 3 statements from myself and my 2 neighbours.

One of my elderly neighbours that lives at number on her own is right next door to the pub. On Sunday the 20 January I helped this elderly neighbour take in her shopping. As I was helping her the Manager from the pub appeared and asked her if she heard the noise coming from the pub. The old lady stated NO she does not hear it. But this old lady is completely deaf and can only hear when face to face.

He said to me that he has spent over £10,000 on sound proof windows. I told him very politely that I can hear the music in the pub and noise in the street and he advised me No you cannot hear any noise as I patrol outside and I make sure everyone is quiet. He seemed agitated that I said this but I was speaking the truth. I also told him that I could hear Happy Birthday being sung out loud on the Saturday evening (19 January) in the pub. He said I could NOT hear it and wanted to know times of it being sung and heard in my bedroom. I also went on to say I can hear cabs drivers tooting he advised me the firm that he uses does not toot. This owner approached me and this is the first time I have come face to face with him.

I cannot understand why he wants to know about the noise now and take an interest in what a neighbour thinks when he has had no interest over the last few months that he has been at this pub.

Outside this elderly lady's Lounge window ( on Friday the 21<sup>st</sup> December a small group of customers from the pub were standing outside her front room window and having very loud conversations that I could hear in the bedroom. This was late and it prevented sleep.

Living here over 30 years there has never been an issue with this pub. Never knew it was there. All the previous owners respected the community. All owners were a very big part of the community.

Me and my husband John were going into the pub regularly. Most weekends we were in there watching the Sky Sports and England games as well. We have gone in there with all the previous owners but will not go into this pub now. We had a great world cup in there last summer and a whole community came together. Christmas and New Year over the years were very good nights and really enjoyable.

As you are aware I did go with my neighbour to see Mayor John Biggs on Thursday 10 January at the town hall as I am at the point where I have had enough and cannot take this mental abuse and noise nuisance any more. This is unfair on myself my family my neighbours and my work colleagues that see me every day and see how tired I am.

I did ask if he could do a review of the licence and completely revoke the Music and live Entertainment licence. Also revoke the extra licensing where a late night extension can be put in place so many times a year. We both went onto tell him how much we have suffered since this Manager arrived at this pub and we could both hear music and loud conversations outside the pub in our homes. The flashing disco lights have not been easy to put up with either.

We both also went on to advise Mayor Biggs that the residents in this area have suffered enough over recent months and what this Manager is doing is not suitable for a residential area. At the end of the day as previously mentioned there are elderly people living on their own as well. Some of these residents have not had the confidence to speak up over recent months.

Regards

Elaine and John Fanning

### **Kathy Driver**

From: 19 February 2019 10:49 Sent: To: Licensing Cc: **Subject:** FW: Licencing Review / The Queens Head Pub **Attachments:** Queens Head Pub Licencing Review.docx; Sleeping tablets prescribed 9 February; Queens Head Pub Noise Tracker.docx; Line Managers Scheduled Review Meeting February 19.docx **Follow Up Flag:** Follow up Flag Status: Completed Hi Licencing Team Please see additional attachment /letter from my BT Line manager. This overrides what was submitted on the 12 February @ 06.59. Regards and thanks Elaine and John Fanning From: **Sent:** 12 February 2019 06:59 To: Licensing < Licensing@towerhamlets.gov.uk > Subject: Licencing Review / The Queens Head Pub Hi Licencing Team Please see Noise Tracker information, Licencing Review documentation and an additional photo above that is associated with the Queens Head pub. number is for the tower hamlets Licencing team only. My mobile number is ■

Elaine and John Fanning

Day & Date	Type of Noise	Started & Stopped	Effects
Saturday 27 October	Loud Music taking place and the songs that I could hear in my Bedroom were  Oh Mandy Heartbreaker The Sixties This noise that sounded like a Karaoke was taking place. The pub has quite a few speakers near the doors.	Started Around 9 Stopped around 1.00am	This prevented me, my husband and 3 sons sleeping  My husband gets up for work just after 5.00am on a Saturday and Sunday morning.  I called out the out of Hours noise control team and the time they arrived the music quieted down.  A while after they left the music started up again.
Friday 02 November	Loud music heard in the bedroom Songs included Young hearts run free Dancing in September Baby give it up Loud conversation could also be heard outside the pub in the street	Started 9.20 Stopped around 12.20	Prevented my whole family from sleeping as all of this was causing disturbance.  As previously mentioned my husband gets up at 5.00am on a Saturday and 6am on a Sunday as he works for Asda.  I ended up with a bad headache due to lack of sleep and felt as though I lost the whole of Saturday due to tiredness.
Saturday 03 November	Loud music heard again in the bedroom from a Singer that was present in the pub that evening singing Mr Bojangles  Loud conversations taking place in the street that I could hear in my bedroom/ laughing and talking	Started 9.30 Stopped well after 12.00	Prevented all my family (2 young twin sons) that sleep in the back of the house from sleeping.  My older son had problems sleeping as well.
Sunday 04 November	Loud music included the Song New York New York Loud conversations	Started 8.40 Stopped Before 10.00	In bed by 8.45 as getting up for work at 5.00am and could not sleep. Whole family can hear this.  I now feel this is becoming a health

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	taking place outside the pub in the street		issue and will be consulting my GP.  My whole weekend has been ruined as I feel tired all the time and suffered a headache all weekend.
Monday 05 November			Now struggling in work on Monday morning due to a headache caused by lack of sleep
Thursday 08 November	Conversation outside the pub in street	Started around 10.00 Stopped After 10.30	Could hear talking and prevented sleep
Friday 09 November	Loud music being played associated to live entertainment. Heard in the bedroom the following songs:  Build me up  My Girl I can't give you anything but my love	Started around 8.45 Stopped After 12.15	People can be heard in the street talking outside the pub. Not able to sleep.  Called out the noise team for the 2 <sup>nd</sup> time in 2 weeks ref is 26785
Saturday 10 November	Can hear the live entertainment singer again in the bedroom Singing a song called <b>Drift Away</b> Due to heavy rain on Saturday night the customers were inside the noise was very loud with shouting, screaming and it sounded like we	Started from 10.30 onwards Cannot give an end time but late	Unable to get to sleep and this kept my whole family up and my husband had to get up at 6 and we struggled to get to sleep

	were at a football match this was around 12.02am		
Friday 16 November	Can hear the live entertainment singing in the bedroom	Start 9.40 Stopped Late	Can hear talking in the street preventing sleep  11.00 very loud conversations taking place in the street outside the pub  As advised on numerous occasions my husband gets up at 5.am
Saturday 17 November	The live entertainment can be heard in the bedroom. Songs we could hear was Baby Love You keep me hanging on	Start 9.36 Stopped Late	Talking and loud conversations outside the pub in the Street prevented sleep. My husband get up early to start early  Feeling tired in work today due to lack of sleep the weekend
Friday 23 November	Complaint registered against <b>26866</b> Song included You got the love	Start 9.43 11.20 in the street causing a disturbance Stopped Late	Live entertainment can be heard again in the bedroom. Very loud conversations can be heard preventing sleep for my family. Yelling shouting and singing was heard.
Saturday 24 November	No issue for once		For once since this pub has been taken over by this owner we had a night's sleep. The first in weeks

Sunday 25 November	Logged a complaint against <b>268888</b> Song included My Cherie amour	Start 9.30	Conversations and laughing can be heard preventing sleep
Friday 30 November	Loud music via the live entertainment can be heard songs included You lost that loving feeling	Started 8.40 Stopped Late	Loud conversations could be heard in the street into the bedroom
Saturday 01 December	For once not issues to report		A quiet night
Sunday 02 December	Live entertainment can be heard in the bedroom	Started 10.00 Stopped After 11.00	Loud conversations can be heard in the street
Friday 7 December	Loud music from the karokie Songs included Can't give you anything but my life Deliah	Started 9.30 Stopped Very late	Loud conversations in the street preventing sleep all evening  Spoken to by the tower hamlets noise control team that my neighbour called out and when the noise team left site the music went a lot louder. Noise team spoke to the landlord and customers outside the pub.  Made no difference
Saturday 08 December	No music heard	All evening	Loud conversations outside in the street can be heard in the bedroom
Sunday 09	Loud music from the	Started	Loud music and conversations in

December	live entertainment can be heard in the bedroom songs included dancing in September	8.40 Not too sure when it ended	the street prevented sleep
Friday 14 December	Loud music from the live entertainment can be heard in the bedroom	Started 10.30 Stopped Late	Loud music and conversations in the street prevented sleep
Saturday 15 December	Loud music from the live entertainment can be heard in the bedroom	Started 9.30 Stopped late	Loud music and conversations in the street prevented sleep
Sunday 16 December	No issue		Nothing to report
Friday 21 December	Loud music can be heard one song included your love is lifting me higher	Started 8.40 Stopped Late	Very loud conversations can be heard in the street. Very anxious now as struggling to go to sleep. Can hear loud laughter in the bedroom from outside the pub. Double Glazing windows have been fitted today.  Can still hear music.  A small group of people were standing outside the lounge window of an old lady that lives on her own at number Could hear loud conversations from these 4 people in the bedroom.  My neighbour that lives at davised me on the Saturday morning that the police visited the pub after 1.00am.

Saturday 22 December	No issues		Nothing to Report
Sunday 23 December	Music can be heard in the bedroom from the live entertainment	Started 9.30	Loud conversations can be heard in the street preventing sleep
Friday 28 December		Start 9.30 Stopped late	Loud conversations can be heard in the street preventing sleep
Saturday 29 December	Music can be heard in the bedroom from the live entertainment	Start 900 Stopped Late	Loud conversations can be heard in the street. Could hear loud conversation above the TV in the bedroom coming from outside the pub.
Sunday 30 December		Start 9.30 Stopped late	Loud conversations heard outside the pub. Laughter can be heard in bedroom preventing sleep.
Friday 04 January		Start 9.30 Stopped late	Loud conversations can be heard in the street. Could hear loud conversation above the TV in the bedroom coming from outside the pub.
Saturday 05 January	No Issues		

Sunday 06 January		Start 9.30 Stopped Late	Loud conversations and heard outside the pub preventing sleep
Friday 11 January		Start 9.30 Stopped late	Loud conversations and heard outside the pub preventing sleep
Saturday 12 January		Start 9.30 Stopped late	Very loud conversations music and disco lights running. Loud music can be heard in the bedroom preventing sleep. Loud conversations can be heard in the street.
Friday 18 January		Start 9.30 Stopped late	Loud conversations in the street. Loud music heard in the bedroom preventing sleep.
Saturday 19 January		Start 10.00 Stopped late	Very loud music preventing sleep. Loud music can be hard and Happy Birthday was being sung that I could hear in the bedroom. Cabs tooting can be heard as well
Sunday 19 January	No issues		
Friday 25 January	Start 8.00 Stopped Late		Loud conversations can be heard outside. Could hear in the bedroom above the TV. Raised the volume on the TV.
			At 10.23 music can be heard in the bedroom. Loud talking can be heard preventing sleep.

Saturday 26 January	Started 10.30 Stopped well after12.00	Extremely loud conversations can be heard from outside the pub in the bedroom. Music can be heard as well. Preventing sleep. This was a bad night.
Sunday 27 January	Started 8.00 Stopped late	Loud conversations and loud laughter can from outside the pub preventing sleep.
Friday 01 February	Started 8.15	Loud conversation can be heard in the street outside the pub and can be heard above the TV.  At 10.30 Loud music can be heard in the bedroom preventing sleep.  At 11.15 Loud conversations and music can still be heard.
Saturday 02 February	Started 8.10 Stopped late	Loud conversations heard outside the pub.  11.00 Grown women with high Pitched Screaming and shouting can be hear outside the pub in the street and well heard in the bedroom.
Sunday 03 February	Started 7.50	Loud conversations and very loud laughter can be heard outside the pub. Again heard above the TV in the bedroom.  Motor bike running for a long time outside the pub by the Managers relations.

Friday 08 February	Started 8.00	Loud conversations heard above the TV in the bedroom  10.30 Loud conversations and very loud laughter heard in the bedroom preventing sleep.
Saturday 09 February	10.45	Could hear music as trying to sleep. Not as loud as normal.
Sunday 10 February	Started 9.40 Stopped well after 10.00	Loud conversations heard in the bedroom from customers outside the pub preventing sleep.
Friday 15 February	Started 8.00 Stopped Late	Loud conversations heard in the bedroom from the customers outside the pub. Heard above the TV in bedroom.  9.30 – Late Loud conversations can still be hard now preventing sleep.
Saturday 16 February	Started 8.00 Stopped very late	A bad night with extremely loud conversations very loud laughter and screaming women can be heard in the bedroom. Out of control tonight and struggling to hear the TV in the bedroom.  9.55 The singer / Karaoke can be heard in the bedroom.  After 12.00 can still heard customer in the street.  Prevented Sleep totally.
Sunday 17	No issues Tonight	

February		

### **Scheduled Review Meeting Feb 19**

We discussed Elaine's performance since last review session.

Elaine is a hard worker who tries to do a good Job.

Her progress however is being slowed by personal circumstances.

Elaine has a noise issue where she lives; this has been going on for a while.

This is affecting her sleep.

Often at work at the end of the day she appears tired, she also sometimes has trouble concentrating as not getting enough sleep.

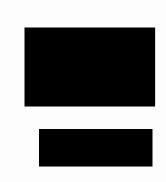
She is also run down, so susceptible to colds.

I will continual to support Elaine, part of this support is to produce this report showing how the noise issue is affecting her professional life.

**Cliff Harris** 

**BT NCCL Manager** 





14<sup>th</sup> February 2019

**Dear Sirs** 

### Review of Premises Licence Queens Head Pub, 8 Flamborough Street E14 7LS

I am writing in reference to the review of the licence for the above

I live at pub, just opposite the pub, and the main door to the pub, and most of the pub's bars and windows front onto Chaseley Street opposite my living area and bedroom

I would like to preface my comments by saying that I was originally one of the local residents who supported the campaign to have the pub designated as n Asset of Community Value, so I would very much like to see the pub succeed and continue to be a local asset. However I think the landlord has to behave more responsibly than has been the case to date.

Since the new landlord took over the premises and opened for business last October, experience has been bad. For the first few months the disturbance was very great – (I have listed my experiences on this in the attached summary. More recently however, whilst the review has been in progress, for the last month there have been hardly any problems. My worry is that once the review is completed, if the landlord retains his music licence on the same terms, he will go back to behaving as before, and there will be problems again, so I would like to see stricter conditions imposed on the operation of the music licence, and the management of the pub.

The problems experienced, in summary:

- 1) The noise from the live music and karaoke have been very disruptive and disturbing, and often continue until early mornings on various days including Fridays and Saturdays. The noise has prevented me sleeping, and during my recovery form my cancer operations in October, made me very tired indeed, and inhibited my recovery, and ability to work. My home is also my work address. I know that the landlord has said that he ha installed expensive double-glazing. I am not sure when this went in, and it is true that when the pub doors are closed, the noise is not such a problem. However the doors are often open, as smoker and visitors go in and out, and when the happens the noise is b=still bad. Also I think that in the summer, the doors are likely to be open much more
- 2) A large proportion of the clientele are smokers, and as a result many groups come outside to the street at all stages of the evening to smoke and drink.

These groups are often extremely noisy and rowdy, and the shouting and laughing is a nuisance. I have also often found glasses and bottles on my street windowsill. In the summer this is likely to be a much more significant problem, as I think there will be chairs and tables taken outside, ad lots more people on the street

I am not sure what the landlord can do about this, but some action is needed.

He has told me that he would like these smokers to be allowed to gather in his private (open air) area at the back of the pub, but I don't see this as a solution, as this area is also very close to my windows, and the noise is likely to be just as bad

- 3) The pub has often been open very late and there have been drinkers there in some cases well after midnight, and occasionally until 2am. When people leave after 11pm, they often stand on the street shouting and slamming car doors, waiting for minicabs etc, and this is also very disturbing/
- 4) I have seen the police come to the pub late in the evening on three occasions. I think that there has been a problem with drug dealing here. The police have attended in a group, and with a large van. I have no idea what the reasons were, but whatever it is is not good for the area. We already have a problem with dealing on the streets from cars in this area, and don't want any further problems arising form activity at the pub

None of these things happened when the previous landlord was in tenancy. I have lived here for 7 years, and it has never been a problem with the pub before, so something can presumably be done by the landlord to control these issues, as has been done in the past

Whilst I wish the pub every success, I would like to see the current music licence revoked. I don't think it is appropriate for the current use to continue. Karaoke and regular live music does not seem an appropriate use on a very quiet residential street, and it is drawing in a clientele I from a long way away, rather than acting as a local pub.

Yours sincerely



Cynthia Grant

Summary of incidents noted:

Please note - I didn't realise that it would be necessary to keep a record, so have not always noted down during Oct, and Nov, when the disturbances have happened, so the record below is not actually everything that has happened

2018:

27 October - karaoke until 1am in the morning - very noisy and annoying - all songs clearly able to be heard in m living room

2 November - karaoke until 1am in the morning - very noisy and annoying stopped me sleeping

3 November - karaoke very loud - went on until 12.30am

4 November - karaoke until 10.30pm

9th November - pub open until w am - drinkers inside until that time, and then lots of noise on the street whilst they gradually came out and dispersed

10th November - QH customers very noisy on street until after midnight. I have to get up early for work the next day and this was a problem

23 November - Ran LBTH noise control to report disturbance from music and noisy customers at approx 2am

7 December - pub noise - karaoke and outside drinkers -until 1am

21 December QH very noisy until after 1am

Police van and several officers attending pub at about midnight

28 December - Police came to pub at about 11.30pm 2019:

12 January - music and noise until midnight

18 January - Music and noise until late

19 January - extremely loud music and noise inside and outside pub until 1.30

27 January - group of 7 men outside pub screaming and shouting - around midnight

2 Feb People still noisily coming and going from pub at 12.50 am. Car doors slamming, minicabs outside waiting parking all along street

Since this date - with review in progress, noise has been limited, and no l=major disturbance

Maria Graydon

30 January 2019

Sir/Madam

Ref -Queens Head Public House, 8 Flamborough Street E14 7LS

**Review of Premises Licence** 

Since the pub has changed hands we have had to put up with loud music till late listen to people trying to sing who can't and some sort of karaoke.

Watch people exhibiting themselves with dancing.

There have been people outside shouting so inebriated they don't care who hears.

On occasions some very violent rows in the street

Should you be lucky enough to get to sleep you are woken as they leave the premises to go home with extremely loud talking and laughter as they pass down the street to go home. This at 12-30am - 1 am in the morning.

I have to keep my windows shut because of the noise they make front and back; even then I can hear it.

You can hear the noise in Barnes Street some weekends.

The first 2/3 weeks during works they carried out inside the atemise's till well after midnight, they didn't even do residents the coursesy of

DATTOS till ING

informing us, they just made the noise and that was it, which gave one an indication of what was to come.

I have no idea who the manager is or what he looks like, as no attempt has been made on their part to engage with local residents.

Those that use the premises are not from here.

It really is unfair to expect residents to put up with this type of behaviour.

As for approaching them to complain, really? Why would any resident run the risk?

There is loud noise there is rows in the streets and you can hear the jocularity up the other end of my street.

I have given a modest account I feel of the events.

I would ask you seriously consider the impact this is having on local residents in your review of these premises.

This is a residential area is it fair to have to put up with this inconsiderate behaviour from these premises which will only in my view worsen.

Yours Sincerely



Maria Graydon (Ms)

### **Kathy Driver** From: Diana Warren Sent: 07 February 2019 18:59 Licensing To: Queens Head, 8 Flamborough Street, London E14 7LS **Subject: Follow Up Flag:** Follow up Flag Status: Completed Diana Grover, Owner of Dear Sir/Madam, Re. Queen's Head, 8 Flamborough Street, London, E14 7LS - Review of Premises Licence I am writing to submit my comments for the Queen's Head public house licence review. , opposite the Queen's Head since 1999. I have owned the house at public house has always been an asset to York Square as it has been somewhere for locals to congregate and has been part of the community and an asset to the community. I have never had problems with the pub and there has never been loud music and it has never caused any disturbance. I have known all the landlords and it has been very friendly. The public house has recently been sold and is now causing a problem to local inhabitants. There is loud music going on until late at night and this causes major disturbance and problems. My tenants at have complained to me about the noise and said they have responsible jobs and the noise prevents them from sleeping. There is loud music, karaoke, anti-social behaviour, shouting, drunkenness, rowdy behaviour which affects their lives. My house is grade 2 listed and has not got double glazing. There is also the noise of cars and taxis taking people to and from the public house. I let my property out and this is my business and livelihood. The first thing I am asked is, is the pub quiet at night and up to now it has been. This will cause me major problems when I re-let the property in August as tenants like a quiet neighbourhood and work long hours and need a good nights sleep.

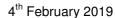
The address of my property is

request that the noise be stopped.

York Square is a quiet, beautiful conservation area with a strong sense of community and I

My phone number is

Yours faithfully, Diana Grover



Dear Sir/Madam,

#### Re: Queen's Head, 8 Flamborough Street, London, E14 7LS - Review of Premises Licence

I am writing to submit my comments for the Queen's Head public house licence review.

The new manager has no consideration whatsoever for his neighbours, why does he think we want to listen to his music? We have a lovely community and he's come along and upset most of the residents.

We don't get proper sleep Friday, Saturday or Sunday because he seems to think we want to listen to his music. We also get to hear screeching and shouting outside the pub from the customers. This sometimes goes on until the early hours.

I like to play music, but I wouldn't dream of putting it on so the neighbours can hear it.

We also get cars beeping very late at night when come to pick people up from the pub.

I now have to go to bed with my windows and internal doors shut and earplugs in. The earplugs are very uncomfortable, but the only way I stand a chance of sleeping. I don't see why I should have to do this because of lack of consideration by the people running the pub.

I've lived here for forty three years and I have never had any issue at all with the pub, previous owners were always considerate and friendly and wanted to be part of the community. This man has never even introduced himself.

I think it's really unfair that we have to suffer because the new pub management couldn't care less about residents.

I don't want a nightclub on my doorstep and I would like to see their music licence removed, their hours reduced and customers not disturbing the neighbourhood.

Yours faithfully

Sandra Hanshaw



Dear Sir/Madam,

#### Re: Queen's Head, 8 Flamborough Street, London, E14 7LS - Review of Premises Licence

I am writing to submit my comments for the Queen's Head public house licence review.

I have lived in Flamborough Street for almost thirteen years. The area has always been quiet, until the change of management at the pub. Now it's very noisy on the street, with cars and minicabs tooting and with engines running as late as 1:30am at the weekends.

There have been a couple of fights outside to my knowledge since the change of ownership, and I believe that the police have been called on several occasions because of this. In thirteen years (prior to the incidents since the new ownership) I am only aware of a couple of fights happening in all that time.

We (the residents) do not want this in our street. We want to be able to relax in our own homes.

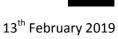
My grandchildren stay at my house once a fortnight from Friday to Sunday, and I don't want them to be disturbed by all the rowdiness from the pub through the evening and into the early hours of the morning.

In my view the new ownership and management have shown absolutely no consideration to residents.

I would ask that all music is stopped, closing is at a reasonable hour and that customers are controlled.

Yours faithfully

Mandy Loveday



Dear Sir/Madam,

#### Re: Queen's Head, 8 Flamborough Street, London, E14 7LS - Review of Premises Licence

I am writing to submit my comments for the Queen's Head public house licence review.

I have lived in Flamborough Street for five years. Before the change of ownership last year, the pub had always been an asset to the community. There were very occasional live music events, but the publicans were always very respectful of the fact that they operated their business in a residential area. I never heard any of my neighbours complain about the pub, in fact, I would say that the majority of residents were pleased to still have two pubs facing on to York Square. This is borne out by the Queen's Head being registered as an asset of community value in 2016.

There was a campaign to raise the money to buy the lease for the pub in 2016 (the freehold being owned by Tower Hamlets) and many residents made financial pledges to do this, me included. There is an article in Spitalfields Life about this http://spitalfieldslife.com/2016/03/28/save-the-queens-head-in-limehouse/. In the end, the lease for the pub was bought by a company operating several other East End pubs. Young's brewery still had tenancy of the pub until September 2018, so there was no change in management. I understand that the lease was sold again in 2018 before the Young's tenancy expired.

The pub launched under the new ownership on Friday October 26<sup>th</sup> 2018. There was loud music on the Friday, Saturday and Sunday nights of the opening weekend. From the opening to the present date the pub has continued to operate in the same way. It has turned into a disco from Friday to Sunday nights, with loud music/karaoke, flashing lights, dancing and rowdy customers. It sometimes appears to be open well beyond licensing hours, with customers spilling onto the street after 1am. The new owners seem to be trying to turn a traditional East End pub into a club, despite its location. Operating this type of venue on a busy non-residential road might possibly be seen as being more acceptable, but the Queen's Head is completely surrounded by houses. Because this is a conservation area most of the houses (and the pub) are Grade II listed, so nearly all of them have single glazing.

Personally, this has had a dramatic impact on my quality of life. I don't enjoy being at home on the evenings over the weekend because of the noise. If there's something I particularly want to watch on television and I think it will coincide with noise from the pub, then I have to record it. If I want to read a book in my sitting room or bedroom, I can't enjoy it because of the music from the pub. I have to wait for the pub to close so that I can use my bedroom. If I'm going to be away over the weekend, I'm relieved that I won't be subjected to noise from the pub. I think it is completely unreasonable that I am having to adjust my behaviour and plan what I do in my house based on the noise nuisance caused by the pub.

I first complained about the music/karaoke noise from the pub in November 2018 (reference 285518). Unfortunately, during the period that I was completing the diary for the Environmental Health Noise Team, there was no statutory noise nuisance identified by the team at the times when they visited, although I don't accept that no statutory nuisance has been caused, particularly if the noise and disturbance is viewed overall.

I did continue to call the out of hours noise service, but as the noise was intermittent and there was a time lapse between logging the call and having a visit, it was very difficult to get it witnessed.

On 7.12.2018 I called the out of hours noise service and when the officers arrived the music was loud. I could hear the music over my television (with solid wooden shutters closed) and could hear the music and lyrics very loudly in my bedroom. Despite this, in the officers' opinion, it wasn't classed as a statutory noise nuisance. The officers did visit the pub, but the music was not turned down. The reference for this visit is 26950.

I called the out of hours service once more on 15.12.2018, but the music/karaoke was quieter by the time they visited. The reference for this visit is 27013.

All the officers who visited were helpful, but the impression I got was that unless the noise was at a level where you couldn't even hold a conversation in your house because the music was so loud, it was not going to be classed as a statutory noise nuisance. I am no expert, but I consider that may set the standard too high, particularly if the noise is late at night and regularly repeated.

At this point I stopped calling the out of hours noise service.

Although I no longer call the out of hours noise service, the music/karaoke noise is still a major problem and has definitely not been resolved. I believe that in December there was some sort of secondary glazing installed at the pub, but this has made very little difference.

I have still been recording the noise nuisance in the anti-social behaviour diary that I am filling in every week. Please find a copy of this attached.

The vast majority of neighbours I have spoken to about the pub are very unhappy with how it is being run. Some have made noise complaints. Some are reluctant to make calls to the out of hours noise service because the visits are so obvious. Having read the licence review application and seeing that even the police have been subjected to an aggressive attitude, I think that concerns around this appear to be well founded.

My neighbours (some of whom have lived here for more than forty years) tell me that, before changes to the licensing act in 2013, no previous owners were able to get a music licence because it was thought unsuitable for this area.

The George Tavern on Commercial Road won their appeal to block the development of a block of flats next to their premises partly on the basis that it would threaten their music license because of complaints from residents. Surely this establishes the principle that regular music in a residential area is not acceptable?

The new owners must have been fully aware that they were purchasing a business in a quiet conservation area, so the onus should be on them to manage their business within those constraints.

I am concerned that the problems may become even worse, especially if they choose to have music/karaoke on Monday – Thursday (as their current licence allows them to do).

I would ask that no live or recorded music is allowed at the pub and that steps are taken to control the rowdiness that the pub has caused, if they are to retain their licence.

Yours faithfully

Amanda Luscombe



## Anti-social Behaviour and Hate Crime Incident Diary Sheet

Your name:	Amanda Luscombe	Your address:	
Your tel no:		Vour email address:	Case ref Number: 285976

Date, time and place of the incident	Details of incident, including who did it	Were there any witnesses? If so, who	Who else have you reported the incident to?	How did the incident affect you?
When and where did the incident occur?	What did you see or hear? Please include a name, address or a description of the perpetrator including hair and eye colour, distinctive clothing or body piercing or markings if possible. Did you hear any swear words?	Did anyone else see or hear the incident? Put their name(s) and address(es).	Have you informed organisations like the Police, Local Service Centre, and Environmental Health? Who did you speak to? Were you given a reference number?	How does the incident make you feel? Are you more affected due to age or ill health? How does it affect your household? i.e. children or sleeping problems
16.11.2018, 21:20 – after midnight Queen's Head, 8 Flamborough Street	Loud music / Karaoke with multi-colour disco lighting	Many other neighbours, some of whom have made complaints	Logged with the out of hours noise service	Very angry that the publican has so little consideration for residents.  Can't enjoy being in my house because I can hear the noise from the pub. It wouldn't be possible to sleep with the noise, fortunately I stay up very late.
17.11.2018, 1:00 – 1:35 outside Queen's Head	Crowd of approximately ten people outside the pub (I assume customers from the pub) talking loudly	As above.		As above.
18.11.2018, 20:10 – 21:30 approximately, Queen's Head Flamborough Street	Karaoke with multi-colour disco lighting. Not as loud as on previous occasions, but you would be able to hear it if reading.	As above.		Not as much as previous incidents because it wasn't as loud or as long.

23.11.2018, approximately 21:00 – approximately 22:00, Queen's Head	Live music. I can hear this in my sitting room, sometimes over my TV. If I go into my bedroom I can clearly hear the lyrics.	As above.	Logged with the out of hours noise service	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub. It wouldn't be possible to sleep with the noise, fortunately I stay up very late.
23.11.2018, approximately 22:15 – approximately 22:45, Queen's Head	Quieter music, but can hear music and customers shouting inside the pub from my bedroom.	As above.		As above.
23.11.2018, approximately 22:45 – approximately 1:05, Queen's Head	22:45 – just before midnight, loud music and singing which I could hear over my TV.  1:00 – 1:05 approximately, five customers outside pub talking loudly and singing	As above.		As above.
24.11.2018, 21:45 – approximately 23:30, Queen's Head	Karaoke with multi-colour disco lighting. I can hear this in my sitting room, sometimes over my TV.	As above.		As above.
25.11.2018, approximately 18:10 – 21:00, Queen's Head	Live music and karaoke with multi-colour disco lighting. When there is a live music set I can hear this very clearly over my TV. It's loud in my bedroom and I can clearly hear the songs. I didn't make a record of all the songs because I didn't want to listen all night, but they included My Cherie Amour, Lets Stay Together, My First, My Last, My Everything.	As above.	Logged with the out of hours noise service	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
30.11.2018, approximately 20:45 – approximately 1:45, Queen's Head	20:45 – approximately 21:30 - Karaoke with multi-colour disco lighting. Logged a call with the out of hours service, but was quieter when they arrived, so they didn't come in.  22:00 approximately – 10:55 approximately - Karaoke. Logged another call with the out of hours service, but it had gone quiet five minutes before they arrived.  23:30 approximately - didn't hear any more karaoke.  Could still hear music (but quieter) coming from the pub until approximately 1:45.  1:45 approximately - people still coming out of the pub. No attempt by them to be quiet.	As above.	Logged with the out of hours noise service, but unfortunately they didn't witness the noise.	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.  Really frustrating that because of the nature of karaoke, the noise is not constantly at the same volume, so it is difficult to get it witnessed.

2.12.2018, approximately 18:50 – approximately 21:00, Queen's Head	Karaoke / music with multi-colour disco lighting. Noise is variable, sometimes it can be heard over my TV, sometimes not.	As above	Logged with the out of hours noise service, but unfortunately they didn't witness the noise.	As above.
7.12.2018, approximately 20:30 – approximately 23:30, Queen's Head	Karaoke with multi-colour disco lighting. Could hear over my TV and could clearly hear lyrics in my bedroom.  Officers from out of hours service visited (reference 26950) and then went to the pub at approximately 22:30. There was no difference following their visit.  23:15 rowdy group on the pavement outside the pub, shouting and laughing.	As above	Logged with the out of hours service. They witnessed the noise. Reference 26950.	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
7.12.2018, approximately 23:30 – approximately 02:15, Queen's Head	Music and lights carried on, but music was quieter. There were people in the pub after 2am. Their licence is until midnight, so this is clearly a breach of the licence. A Tower Hamlets van drove past the pub at around 2:08, the blinds were closed, but lights were still on and there were still people in the pub, I don't know if they saw this.	As above		Very angry that the publican has so little consideration for residents. Very annoyed that the publican thinks he can blatantly ignore his licensing hours.
8.12.2018 20:40 approximately – 23:30 approximately, Queen's Head	Music with new high intensity coloured flashing lights. Can hear the music over my TV and in my bedroom. Flashing lights in my bedroom too.	As above		Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
14.12.2018 21:15 approximately – 23:30 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Noise is variable, sometimes it can be heard over my TV, sometimes not. Could clearly hear lyrics in my bedroom.	As above		Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
15.12.2018 00:25 approximately, Queen's Head	Pub turned out around this time. People outside talking loudly and shouting, taxis and cars coming to collect people.	As above		
15.12.2018 20:00 approximately – 11:30 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Noise is variable, sometimes it can be heard over my TV, sometimes not.	As above	Logged with the out of hours service. Slightly quieter when they visited. Reference 27013.	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
21.12.2018 20:30 approximately – 01:00 approximately, Queen's Head	20:30 approximately – 23:30 approximately - Karaoke / music with multi-colour disco lighting. Rowdy outside, can sometimes hear music over my TV and more clearly in my bedroom.	As above		As above

	According to one of my neighbours, some sort of double glazing has been fitted. If it has been, it hasn't made a massive difference to the noise levels.  01:00 approximately – Lights on in the pub, but no noise. Assume that they are still serving, despite their licence only being until midnight.			
22.12.2018 18:00 approximately – 22:00 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.	As above		As above
29.12.2018 21:00 approximately – 23:00 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.	As above		As above
31.12.2018 21:00 approximately – 01:35 approximately, Queen's Head	21:00 approximately – 00:00 approximately – Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  1.1.2019 00:01 approximately – 01:35 approximately – music got very loud to the point where I could hear the lyrics of whatever was being sung in my sitting room even with my solid wood shutters closed.  03:00 1.1.2019 lights still on at the pub, but no music.	As above	The out of hours service was not operating, so couldn't call.  I thought about phoning the Police 101 number, but thought that they would be extremely busy with more serious calls.	Particularly annoyed that they turned up the volume after midnight. They appear to have absolutely no consideration for any of the residents.
4.1.2019 21:00 approximately – 00:00 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.	As above		Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
5.1.2019 00:45 approximately, Queen's Head	Blinds were down, but multi-colour disco lighting still visible through the glass panels on the door, so I'm assuming that they were still serving.	As above		Very annoyed that they seem to be ignoring licensing hours.
11.1.2019 20:45 approximately – 23:30 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  Getting sick to death of having a disco opposite my house.	As above		Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.

12.1.2019 01:00, Queen's Head	Blinds drawn, but lights still on in the pub.	As above	Very annoyed that they seem to be ignoring licensing hours.
12.1.2019 21:00 approximately – 23:00 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  Getting sick to death of having a disco opposite my house.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.
13.1.2019 16:15 approximately – 19:30 approximately, Queen's Head	Very loud Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  At one point I could hear the thump, thump of the music in my kitchen (which is at the rear of my house) whilst washing up with water running.  Disco lights carried on for after 19:30, but I couldn't hear music.  Getting sick to death of having a disco opposite my house.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub
18.1.2019 22:15 approximately – 23:30 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  The worst of the music was from 22:15 – 22:55 with another loud burst just before 23:30.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub
19.1.2019 22:30 approximately – 23:10 approximately, Queen's Head	I didn't get home until 22:30, so don't know what time the music started.  Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub

20.1.2019 16:20 approximately – 19:00 approximately, Queen's Head	Very loud Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  At some points I could hear the music at the rear of my house.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub
25.1.2019 21:05 approximately – 23:35 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can hear music in my sitting room when TV not on and more clearly in my bedroom.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub
27.1.2019 18:00 approximately – 21:15 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub
1.2.2019 19:50 approximately – 23:35 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  Got louder around 21:00 and I could hear the lyrics of what was being sung in my sitting room with my solid wood shutters closed (Bob Marley – I Wanna Love You).  Got very loud after 23:00, I was in the bathroom at the back of my house and could hear the music in there.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub
2.2.2019 21:30 approximately – 23:45 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Can sometimes hear music over my TV and more clearly in my bedroom.  There was a lot of shouting/singing along around 23:00. Around 23:20 it was very rowdy in the street with customers shrieking and shouting.  I wanted to go to bed to read a book at around 23:00, but was unable to because of the noise.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.  I'm getting sick to death of having to adjust what I'm doing because of the noise from the pub.
3.2.2019 16:45 approximately – 23:00 approximately, Queen's Head	Noticed that the music had started whilst I was on the phone as I could hear it over my conversation.  Karaoke / music with multi-colour disco lighting. Can	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from

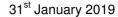
	sometimes hear music over my TV and more clearly in my bedroom.  I went out for an hour or so to get a break from the music.  The music got quieter after 19:15, but was still going on until 23:00.			the pub.  I'm getting sick to death of having to adjust what I'm doing because of the noise from the pub.
8.2.2019 21:15 approximately – 23:30 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Quieter than it has been, but could still hear the thump, thump of music, occasionally over the TV.	As above		Relieved that it wasn't as bad as last Friday.
9.2.2019 21:15 approximately – 23:35 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting. Quieter than it has been, but could still hear music.  23:05 – 23:35 Music/karaoke got louder, can sometimes hear music over my TV and more clearly in my bedroom.	As above		Annoyed that it got louder again after 23:05.
10.2.2019 18:30 approximately – 21:00 approximately, Queen's Head	Got home around 18:30. Karaoke / music with multicolour disco lighting. Quieter than it has been, but could still hear music.  19:00 approximately – 20:15 approximately, music/karaoke got louder, can sometimes hear music over my TV and more clearly in my bedroom.  Didn't hear any music/karaoke after 21:00 approximately, but multi-colour disco lights still on.	As above		Annoyed that it got louder again after 19:00.
17.2.2019 18:20 approximately – 19:00 approximately, Queen's Head	Got home at 18:00. Multi-colour disco lighting on but couldn't hear music/karaoke.  18:20 approximately – 19:00 approximately, could hear music/karaoke and shouting, sometimes over TV.	As above		Angry that the publican is still subjecting residents to the music/karaoke.
22.2.2019 22:00 approximately – 23:40 approximately, Queen's Head	Karaoke / music with multi-colour disco lighting, can sometimes hear music over my TV and more clearly in my bedroom.  23:00 Logged a call with the out of hours noise service.	As above.	Logged with the out of hours noise service	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub

23.2.2019 00:45 approximately, Queen's Head	Lights still on in the pub and customers outside.	As above	Very annoyed that they still seem to be ignoring licensing hours.
23.2.2019 20:40 approximately – 00:45 approximately, Queen's Head	20:40 approximately – after 23:00, Karaoke / music with multi-colour disco lighting, can sometimes hear music over my TV and more clearly in my bedroom. Because I'm sick of being disturbed by this I went into my spare bedroom and shut all internal doors.  00:00 One of the doors onto Flamborough Street was wide open  00:45 approximately, taxi picking up customers	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub. I think it's a bit much that I have to go into my spare room and shut all internal doors just to get some peace.  Very annoyed that they still seem to be ignoring licensing hours and licensing conditions.
24.2.2019 16:45 approximately 21:30 approximately, Queen's Head	16:45 approximately – 18:30 approximately, Karaoke / music with multi-colour disco lighting, can sometimes hear music over my TV and more clearly in my bedroom.  19:40 approximately – Karaoke / music got louder again for a few minutes and very rowdy outside the pub.  21:30 approximately – customers screeching and shouting in Chaseley Street. Went on for a while.	As above	Very angry that the publican has so little consideration for residents. Can't enjoy being in my house because I can hear the noise from the pub.

I declare that the above information is true to the best of my knowledge and belief.

Your signature: Amanda Luscombe Date: 26.2.2019

Please return to <u>@towerhamlets.gov.uk</u> or telephone 0207 364



Dear Sir/Madam,

#### Re: Queen's Head, 8 Flamborough Street, London, E14 7LS - Review of Premises Licence

I am writing to submit my comments for the Queen's Head public house licence review.

I have lived in Flamborough Street for more than twenty years. The area is quiet and residential and the previous managers of the pub respected their neighbours and never caused noise nuisance. The pub was very much a community one and my father's wake was held there, as were the wakes of many other local residents.

Since the pub has been under new management it has become a noise nuisance. It is like a nightclub at the weekends with loud music, disco lights and cars and taxis coming and going into the early hours. I have heard taxis beeping with their engines running as late as 2am. I've also heard loud arguments from customers as they walk down Flamborough Street and then return to the pub.

Although I can't hear the music in my sitting room, I can hear it if I am on the street or if I use the communal garden at the back of my house. This is not acceptable for a residential area.

To my knowledge he is not working with the community and expects residents to just put up with the noise and disruption.

The noise would be a problem in any residential area, but the houses here are all Grade II listed and have single glazing as a result.

As the manager, he has a responsibility to keep customers under control so that they don't disrupt residents. He has failed to do this from the start

I'm very shocked by his actions, especially as he is familiar with the area through family ties.

As a resident I would ask that all music is stopped, closing is at a reasonable hour and that there is control of customers.

Yours faithfully

Donna McLoughlin

19<sup>th</sup> February 2019

Dear Sir/Madam,

#### Re: Review of Premises Licence Queen's Head, 8 Flamborough Street, London, E14 7LS

I am writing with regards to the license review for the Queen's Head public house at 8 Flamborough Street. I have lived in Flamborough Street since 2014 and have enjoyed being part of the local community living in the residential area alongside our neighbours and the Queens Head and The Ship pub on the other side of York Square.

The Queens Head changed ownership in October 2018. Prior to this the pub was very much a pub for the local residents that occasionally played live music that was never too loud and played on special occasions such as weddings, funerals and the York Square Summer party. The previous landlords were always very conscious and aware of the residents and their need for quiet after hours. The pub was also registered as an asset of community value (ACV), partly for this reason.

On the opening weekend in October there was loud music playing on the Friday, Saturday and Sunday night. Since then the pub has continued to play music over the weekend hosting disco nights with loud music, karaoke and some noisy customers, particularly outside in the street when the pub has been open after licensing hours.

The character of the Queens Head has obviously changed and it is not the quiet little pub on the corner that is was. Flamborough Street is part of a grade 11 listed conservation area and the Queen's Head is surrounded by residential houses, all with single glazing, so noise is something that we are aware of and hear. Other residents are also unhappy about the noise levels as this has had a major impact on the quality of life that we had become accustomed to.

I would like the music license to be reviewed by taking into consideration the levels of noise that residents have had to endure. I would also ask that the needs of the residents, who have lived in peaceful harmony alongside each other in the past, with 2 pubs on each corner, will be able to have that quality of life restored in the future.

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Many thanks,

Jane Robinson

## 12. Summary reviews

- 12.1 Summary reviews can be undertaken when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). The summary review process, set out under sections 53A-53D of the 2003 Act, allows interim conditions to be quickly attached to a licence and a fast track licence review. The provisions were inserted by section 21 of the Violent Crime Reduction Act 2006 and amended by sections 136-137 of the Policing and Crime Act 2017, including the addition of section 53D.
- 12.2 The powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, or to premises operating under a club premises certificate. The powers are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives. The powers complement the general procedures in the 2003 Act for tackling crime and disorder associated with licensed premises and should be reserved for the most serious matters which cannot be adequately or otherwise redressed unless urgent action is taken. Separate powers in the Anti-social Behaviour, Crime and Policing Act 2014 provide for the instant closure of premises by the police in some circumstances (in essence, disorder or nuisance). The consequent review of premises licences by the licensing authority is provided for by section 167 of the Licensing At 2003.

### **Application for summary review**

- 12.3 Section 53A of the 2003 Act sets out who may apply for an expedited review and the circumstances in which it can be used. The application is made by, or on behalf of, the chief officer of police and must be made in the form which is set out in Schedule 8A to the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42).
- 12.4 The completed application must be accompanied by a certificate issued by a senior officer of the rank of superintendent or above. The certificate is a formal note which identifies the licensed premises and includes a signed statement by the senior officer that in his/her opinion the premises is associated with serious crime, serious disorder or both. This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is published on gov.uk.
- 12.5 The tests to determine the kinds of conduct that amount to serious crime are set out in section 81(2) and (3) of the Regulation of Investigatory Powers Act 2000. Those tests are that the conduct:
  - (a) constitutes an offence for which a person who is 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 years or more; or
  - (b) Involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- 12.6 There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be given its plain, ordinary meaning, as is the case under section 12 of the Public Order Act 1986 in which it is also

used.

- 12.7 In deciding whether to sign a certificate, the senior officer should consider the following (as applicable):
  - The track record of the licensed premises concerned and whether the police have
    previously had cause to give advice about serious criminal or disorderly conduct (or
    the likelihood of such conduct) attributable to activities taking place on the premises.
    It is not expected that this power will be used as a first response to a problem and
    summary reviews triggered by a single incident are likely to be the exception.
  - The nature of the likely crime and/or disorder is the potential incident sufficiently serious to warrant using this power?
  - Should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Part 4, Chapter 3 of the Anti-social Behaviour, Crime and Policing Act 2014, or section 38 of and Schedule 6 to the Immigration Act 2016, to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers (for example, modifying licence conditions following the use of a closure power)?
  - What added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?
- 12.8 It is recommended that these points are addressed in the chief officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not considered to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review. In appropriate circumstances the police might want to make representations to the licensing authority suggesting that they modify the conditions of the premises licence to require searches of customers for offensive weapons upon entry. Under the powers in sections 53A to 53D, this could be done on an interim basis pending a full hearing of the issues within the prescribed 28-day timeframe or for an appropriate period determined by the licensing authority.
- 12.9 Similarly, the power could, where appropriate, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paragraphs 12.15 and 12.16 below). However, it should always be borne in mind that the aim of the powers is to provide a selective tool, to be used proportionately.

### The licensing authority and interim steps pending the review

12.10 Within 48 hours of receipt of the chief officer's application, the licensing authority must give the premises licence holder and responsible authorities a notice of the review and should include a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps (place temporary conditions on the licence). When calculating the 48 hour period any non-working day can be disregarded<sup>11</sup>.

<sup>&</sup>lt;sup>11</sup> This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

<sup>94 |</sup> Revised Guidance issued under section 182 of the Licensing Act 2003

- 12.11 The licensing authority may want to consult the police about the steps that it thinks are necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. This does not, of course, mean that the licensing authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances.
- 12.12 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions are likely to be taken by a licensing subcommittee rather than the full committee. It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.
- 12.13 The interim steps that the licensing authority must consider taking are:
  - the modification of the conditions of the premises licence;
  - the exclusion of the sale of alcohol by retail from the scope of the licence;
  - the removal of the designated premises supervisor from the licence; and
  - the suspension of the licence.

Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.

- 12.14 If the licensing authority decides to take steps at the initial interim stage:
  - the decision takes effect immediately, or as soon after it as the licensing authority directs; but
  - the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The 2003 Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who may properly act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example, by email or fax) which is identical to, or not significantly different from, the version given by telephone.
- 12.15 The licensing authority, in deciding when its decision on interim steps should take effect, should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.
- 12.16 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to premises which

would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring.

### Making representations against the interim steps

- 12.17 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of such representations, the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of their receipt. When calculating the 48 hour period, any non-working day can be disregarded. Where the licensing authority has already held a hearing to consider representations against the interim steps, the holder of the licence may only make further representations if there has been a material change in circumstances.
- The licensing authority must give advance notice of the hearing to the premises licence 12.18 holder and the chief officer of police. Given that these measures are designed to deal with serious crime and/or serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) (which set out the usual processes governing the conduct of licensing authority hearings) do not apply in order to streamline the hearing process. One result of this is that the licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified process, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford the holder a maximum practicable opportunity to prepare for and attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.
- 12.19 At the hearing to consider representations against interim steps the licensing authority must:
  - consider whether the interim steps are appropriate for the promotion of the licensing objectives; and
  - determine whether to withdraw or modify the steps taken.
- 12.20 When considering the case the licensing authority must take into account:
  - the senior officer's certificate that accompanied the application;
  - · the chief officer's representations (if any); and
  - any representations made by the premises licence holder.

12.21 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

### The review of the premises licence under section 53C

- 12.22 The licensing authority must hold a full review of the premises licence and determine the review within 28 days after the day of receipt of the chief officer's application. There can be no adjournment of the hearing or delay in reaching a determination beyond the end of the 28 day period. This must take place even if the chief officer asks to withdraw his application or representations. At the review hearing, the licensing authority must consider what steps are appropriate for the promotion of the licensing objectives, consider any relevant representations, and review the interim steps already taken (if any).
- 12.23 In making its final determination the steps the licensing authority can take are:
  - the modification of the conditions of the premises licence;
  - the exclusion of a licensable activity from the scope of the licence;
  - the removal of the designated premises supervisor from the licence;
  - the suspension of the licence for a period not exceeding 3 months; and
  - the revocation of the licence.
- 12.24 Modification of the conditions of the premises licence can include the alteration or modification of existing conditions or addition of any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place.
- 12.25 The licensing authority must:
  - advertise the review inviting representations from any persons for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 (SI 2005/42) and, if applicable, on the licensing authority's website (see regulation 38(1)(b) of the above). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
  - advertise that any representations which the premises licence holder, responsible
    authority or any other person want the licensing authority to consider at the review
    hearing, should be submitted to the licensing authority within 10 working days of the
    advertisement of the review appearing.
  - give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority.
- 12.26 A party shall give to the licensing authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating
  - whether he intends to attend or be represented at the hearing;
  - whether he considers a hearing to be unnecessary.
  - whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

- 12.27 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). They apply to final hearings under the section 53A(2)(b) in a similar way to hearings following closure orders under section 167 of the 2003 Act (it should be emphasised that the truncated version of the hearings regulations described in paragraph 12.18 above applies to interim hearings only). The issues they address include who can make representations and what those representations can be about. It is therefore possible for responsible authorities or any other persons to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.
- 12.28 The licensing authority must notify its decision and the reasons for making it to:
  - the holder of the premises licence;
  - any person who made relevant representations; and
  - the chief officer of police who made the original application.

### Review of the interim steps under section 53D

- 12.29 The licensing authority's determination does not have effect until the end of the 21 day period given for appealing the decision, or until the disposal of any appeal that is lodged (see below information on right of appeal). To ensure that there are appropriate and proportionate safeguards in place at all times, the licensing authority is required to review any interim steps that it has taken that are in place on the date of the hearing and consider whether it is appropriate for the promotion of the licensing objectives for the steps to remain in place, or if they should be modified or withdrawn. The review of the interim steps should take place immediately after the determination under section 53C has been reached. In making its decision, the licensing authority must consider any relevant representations made.
- 12.30 In conducting the review of the interim steps the licensing authority has the power to take any of the steps that were available to it at the initial stage (see paragraph 12.13). Any interim steps taken at the review hearing apply until—
  - (a) the end of the period given for appealing against a decision made under section 53C (21 days),
  - (b) if the decision under section 53C is appealed against, the time the appeal is disposed of, or
  - (c) the end of a period determined by the relevant licensing authority (which may not be longer than the period of time for which such interim steps could apply under (a) or (b) above).

### Right of appeal against review of interim steps decision

12.31 The licence holder or the chief officer of police may appeal against the decision made by the licensing authority concerning its review of the interim steps to a magistrates' court. The appeal must be made within 21 days of the appellant being notified of the licensing authority's decision and must be heard by the magistrates' court within 28 days beginning with the day on which the appellant lodged the appeal.

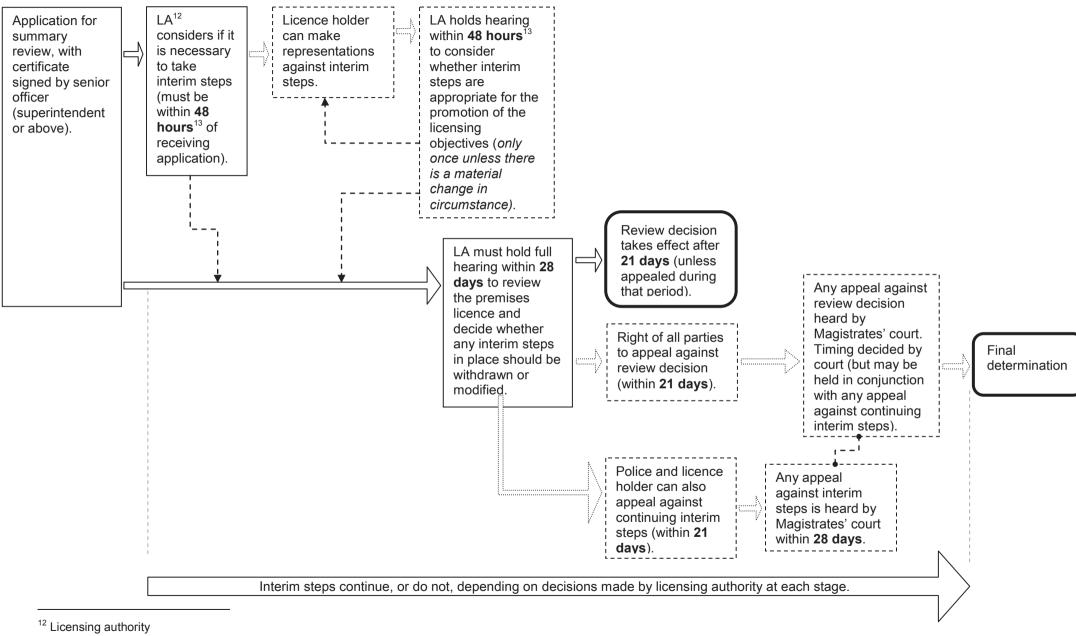
### Right of appeal against final review decision

- 12.32 An appeal against the final review decision may be made to a magistrates' court within 21 days of the appellant being notified of the licensing authority's determination on the review. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.
- 12.33 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the disposal of the appeal.
- 12.34 Where appeals are lodged both against the decision following the review of the interim steps and against the final determination, the courts may decide to consider the appeal against the final determination within the 28 day period, allowing the interim steps appeal to be disposed of at the same time.

### Flow diagram of the summary review process

12.35 The following flow diagram summarises the process.

#### Summary review flowchart



<sup>&</sup>lt;sup>13</sup> Only working days count

100 | Revised Guidance issued under section 182 of the Licensing Act 2003

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

#### Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to cooperate with the Security Industry Authority ("SIA") as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

#### Licensing Policy, updated November 2018

#### **Crime and Disorder**

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
- 7.8 **Responsible Drinking -** The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

- 7.9 **Criminal Activity** There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:
  - for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime:
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks:
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

- 7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be https://www.gov.uk/guidance/the-alcohol-wholesalerregistration-scheme-awrs.

#### Smuggled goods

- 7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-
  - The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-todoor sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
  - 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
    - i. Seller's name and address
    - ii. Seller's company details, if applicable
  - iii. Seller's VAT details, if applicable
  - iv. Vehicle registration detail, if applicable
  - 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
  - 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
  - 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

#### Olympic Park – Football Ground

- 7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:
  - 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
    - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
    - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

## Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

#### Updated April 2018

#### Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community. such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

#### **Prevention of Public Nuisance**

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.