

# 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 Jack Hunter ..... *(Insert name of applicant)* **apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Tobacco Quay, Wapping Ln,	
Alternative address: 50 Porters Walk (according to license)	
<b>Post town</b> London	<b>Post code (if known)</b> E1W 2SF

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>	Jonathan Read
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<b>Number of premises licence or club premises certificate (if known)</b>	Not Known
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**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)**

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

**Surname**

Hunter

**First names**

Jack

Please tick yes

**I am 18 years old or over**

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

[Redacted]

**Post Town**

London

**Postcode**

[Redacted]

**Daytime contact telephone number**

[Redacted]

**E-mail address (optional)**

[Redacted]



**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

Please refer to Letter  
attached as part of this  
review application

**Please provide as much information as possible to support the application** (please read guidance note 2)

Please refer to Letter  
attached as part of this  
review application

Have you made an application for review relating to this premises before

**Please tick ? yes**

If yes please state the date of that application

Day	Month	Year

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

**Please tick    yes**

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I understand that if I do not comply with the above requirements my application will be rejected

**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 guidance note 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature   
 .....  
 Date     7/01/20  
 .....  
 Capacity  
 .....

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
	
<b>Post town</b> London	<b>Post code</b> 
<b>Telephone number (if any)</b> 	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> 	

## **Notes for Guidance**

- 1 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.

London Borough of Tower Hamlets  
John Oslow House  
1 Ewart Place  
London  
E3 5EQ

**SUBJECT:** Application for a Review of Premises Licence re SKYLIGHT BAR, **Tobacco Dock**  
(Tobacco Quay, Wapping Ln, London E1W 2SF) , [REDACTED]  
[REDACTED]

I am writing in reference to the license for the above premises, located within Tobacco Dock.

I live directly opposite the bar on the same level to where the bar sits within Tobacco Dock facilities (floors 9, 10 & 11). I purchased and moved into my apartment before these floors were used as a bar, and was not contacted when they made their decision to open Skylight bar.

I would like to preface my request for a review by saying that I was fully aware of Tobacco Dock and its use as an events venue before purchasing the property and therefore was willing to put up with a certain level of disturbance, as I still am today. However, since moving in, I have seen the premises open TWO bars without ANY consultation, both of which are based in locations that don't contain and restrict noise pollution.

Also, I am not looking to get the bar's license revoked or anything close to that, as I like to support local businesses, however as the venue is opposite residential apartments, I'm looking for them to restrict their use of music to places that are appropriately covered (floor 9).

The main issue with Skylight bar is that its located on a roof, meaning there is no way of containing the amount of noise that is created from its customers and the use of speakers, etc.

Over the last few years, the bar has become louder and louder, to the point where my entire summer is ruined by the noise of screaming, shouting customers, which is all emphasized by the noise of music. The worst days are Thursday evenings, Friday evenings and most of Sat / Sunday. The bar is not advertised as a relaxing place for quiet drinks, it actively advertises itself as a place for people to come and get drunk, be loud and party. As can be seen by the constant alcohol offers and DJ's pushing cheap alcohol via the PA system. On top of this, Skylight bar is turned into a bar / ice rink which now has similarly loud music on Saturday evenings.

I am putting this review in now, as I want to get it resolved before the summer of 2020 starts. The upcoming summer also includes the Euros (football) which like the last world cup will mean 500 people drinking in the sun and shouting during the football matches.

Below I have outlined the key issues that I and others on Discovery Walk are affected by.

1. **No consultation:** At no point were I and others on Discovery walk told about their decision to create a rooftop bar. As were NO other residents who like me are directly opposite the bar on the same level, who also have issues around privacy. (they can see into our apartments)
2. **Sound recordings:** The bar takes sound level recordings from ground level, however, the noise doesn't travel to the ground. The sound travels in a level direction, straight into mine and other flats who live on higher floors that are level with the bar. *(note doc showing view from apartment against ground level)*
3. **Music:** The use of loud music from live DJ's / speakers mean I have to listen to dance music on a regular basis throughout the summer. The music also encourages people to talk and shout louder as they compete with the level of music.
4. **Outdoor speakers:** Speakers located all around the venue, mean me and other residents are listening to the music of the bar whenever it is open. With some evenings the music being so loud I have to wear my headphones to drown out the music coming from Skylight.
5. **Customers:** During the peak months of the summer, a lot of customers get very 'merry' which results in everything from shouting, screaming, whistling and regular singing, (happy birthdays etc). This now continues throughout the winter months, but isnt as bad as the summer.
6. **Winter:** The bar is now open all year. It opens a different theme during the winter but this means the bar is now an all-year venue that causes noise pollution throughout the whole year.
7. **Health:** MY neighbour who is also highly affected by the bar suffers from some rather significant health problems, which the bar antagonize and affects. I would add that my health has been affected by the stress is has caused me.
8. **Consultation with Tobacco Dock:** Discussions over the last few years have been highly unsuccessful with the Tobacco Dock management. I made some suggestions and requests which were all ignored.
9. **Sleep:** - My sleep is constantly disturbed, as when trying to get an early night I can't, as the music doesn't allow me to.

10. **After hour staff drinks:** On numerous occasions (almost every week) the staff have drinks in the open bar area. And Are getting drunk and making a lot of noise until the early hours.

In conclusion, I am requesting that the bar stops playing music in open spaces as this is the main cause for all the noise issues. In line with the Home Office Guidance issued under section 182 of the Licensing Act 2003, I would like to ask that you remove the deregulation of the dis-applies noise conditions on licenses.

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

(I refer you to paragraph 16.55)

If music is not played in open spaces that aren't appropriately covered, I feel that the level of noise from customers would also be drastically reduced.

It's highly unfair that my apartment, along with others that are unfortunately in line with the noise created from the venue, have to be affected throughout the year, and especially during the summer months.

I have submitted sound recordings, along with witness statements from my local councilor who supports my need to request a change in their use of music.

I hope that the council takes this matter seriously and that common sense can prevail in order to ensure that local residents like myself are able to live in their homes without the disturbance that the Skylight bar creates.

Sound recordings & video examples: 

# Appendix 2

May 2019

17th		Loud music all evening, especially for a Thursday	Loud music all evening
18th		Signing and chanting	Signing and chanting
19th		Music with heavy bass coming through windows	Music with heavy bass coming through windows
24th		Not to much, as the weather was quite cold	lots of sining
25th		music and chearing throughout the evening	music and chearing throughout the evening
26th		Weather starting to get better so with that comes the loud music and loud custeomrs	music heard all day
31st		same as above	people chearing whilst watching sports music at a very high level

June 2019

1st		Loud music all evening with lots of singing throughout evening
2nd		
6th	Thursday	pockets of noise coming during evening. mainly music tonight
7th		Loud music again. some incidents of people screaming and singing
8th		Music at a very high level. Disturbed my evening and was unable to sleep. day time there was lots of shouting especially near end of the afternoon
9th		music during the evning. not at same level as friday but still loud
13th	Thursday	Some music at different times of the evening coul be heard through windows
14th		Music was very loud tonight. couldnt go to sleep until well after 12 because the staff also had after work drinks
15th		Begining of the evening was quiet, but the later part was VERY loud.
16th		some music during the day
20th	Thursday	some music evening the eveings can be heard through windwos
21st		weather was quite warm, so couldnt close the windows. music was blaring through them all evening. Had to put headphones on to drown out the noise
22nd		music again very loud. Unable to have a conversation with my wife (Olga), as the music kept interpurting us
23rd		Music could be heard over tv. had to wear headphones
27th	Thursday	not to much music or screaming this evening. might be because of the rain
28th		music again being played so loud that I couldnt sleep. had to wait until it stopped
29th		lots of screaming and singing. I think there was quite a few birthdays in the bar as happy birthday was heard being sung on several occassions
30th		relitevely quiet day and night

July 2019

4th	Thursday	quite a warm thursday evening so lots of music but not as loud as the weekends
5th		music again very loud. Unable to have a conversation with my wife (Olga), as the music kept interpurting us
6th		Music was very loud tonight. couldnt go to sleep until well after 12 because the staff also had after work drinks
7th		some music during the day but night was quiet
11th	Thursday	quiet evening
12th		Music very loud in the evening, especially around 9 pm - 10pm
13th		screaming and music c0uld be heard all evening. the day time also had music that could be heard from 3pm onwards
14th		quiet day (ish)
18th	Thursday	some music in the evening. not a lot
19th		lots of music throughtout the entire evening
20th		music and sining all night. some moments of screaming from customers
21st		very loud evening again. also staff could be heard after hours. think they were having drinnks
25th	Thursday	
26th		usual loud friday night. very basy music
27th		day time was quiet loud today. and the evening was its usual loud self.
28th		quiet ish for most of the day. some moments of people shouting

August 2019

1th	Thursday	relitevely quiet evening
2th		Lots of the usual. music and sining. especialy bad around 9pm
3th		Had to wear headphones again the evening to watch tv
4th		music during the day but not to bad
8th	Thursday	Very loud for a Thursday. not sure if it was a private party, but lots of shouting and screaming
9th		Music is very loud again. can pretty much sing along to the songs in my living room even when the windows are shut
10th		Loud night. Very annoying
11th		not to much this evning
15th	Thursday	
16th		The loudest its been in a while. I think the good weather is making it worse. Plus I cant shut my windwos as its too hot
17th		same as usual. lots of sining and loud music
18th		Very loud for a sunday. Had a live Choral concertt all afternoon. The PA was very loud. Had to listen to people singing and a compare on the PA from 12pm until past 7pm. Then in the evening the concert custeomrs kept singing all evening when drinking
22nd	Thursday	quietish for a thursday
23rd		Had to wear headphones again in the evening. Also couldnt sleep because of all the noise. Bit annoying as I had a long day at work and I wanted an early night

The day was also extremely loud. Especially after 4pm. And then the late evening around 8.30 it became very loud. Back to wearing headphones  
Lots of music during the day  
Kind of quiet for a Thursday evening. but can still hear music  
Very loud Friday night again  
Same as always during a Saturday in the summer. shouting during the day and music all evening. very bad at 7.30pm to 9pm

24th  
25th  
29th  
30th  
31th

Thursday

September 2019

1st Sunday Not too much music during the day. but some shouting from customers later in the afternoon  
5th Thursday usual amounts of music for a Thursday.  
Very loud Friday night. the DJ booth that was moved recently into the middle of the outside bar area (main floor) seems to also be a PA and can be heard advertising drinks throughout the evening. cheap drinks etc  
6th  
7th loud for a Saturday  
Sunday was ruined. Had family round, but had to go out for lunch as the music was too loud to stay in and enjoy our own apartment  
8th  
12th Thursday some shouting and music throughout the evening  
13th back to usual amounts of music being heard. headphones on to listen to TV!  
14th same as above  
very bad even though the weather was bad. music was coming through the closed windows.  
even making them shake a little  
15th  
19th Thursday nothing to report  
20th Loud music, screaming and happy birthday was sung twice  
21st music and bass coming through windows  
22nd same as above in the evenings  
26th Thursday nothing to report  
27th loud music, PA system advertising drinks during the DJ set  
28th same as above  
20th music during the day. some music in the evenings but not too bad

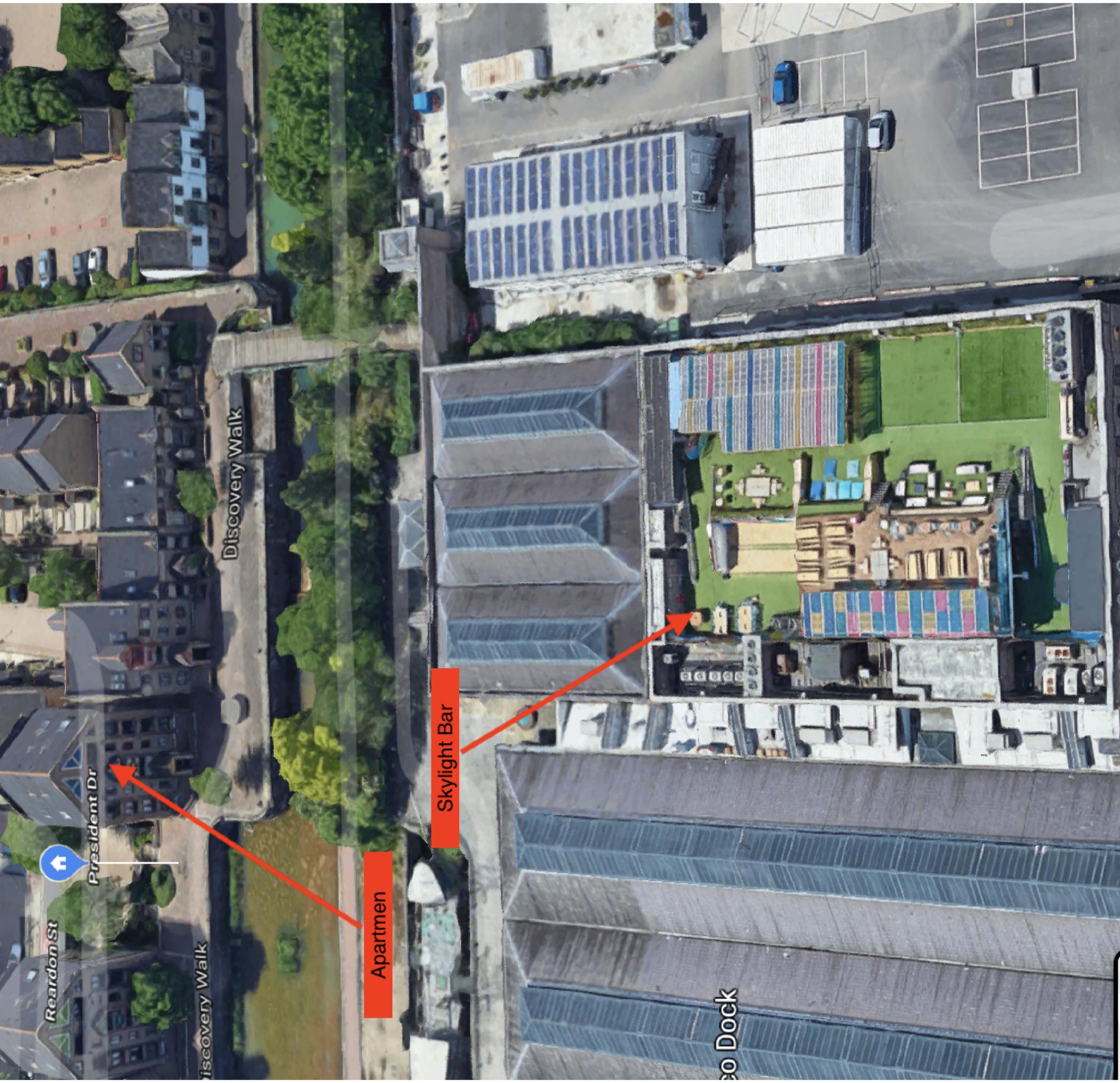
## VIEW OF BAR FROM APARTMENT AND GROUND LEVEL

### From my apartment



**From ground level**





Apartmen

Skylight Bar

Reardon St

President Dr

Discovery Walk

Discovery Walk

o Dock

# Appendix 3

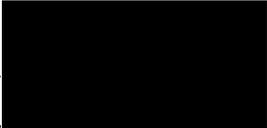
**(Tobacco Dock)**  
50 Porters Walk  
London  
E1W 2SF

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

**See the attached licence for the licence conditions**

**Signed by**

**David Tolley**   
**Head of Environmental Health & Trading Standards**

**Date: 27<sup>th</sup> July 2017**



**Part A - Format of premises licence**

Premises licence number

26336

**Part 1 - Premises details**

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

**(Tobacco Dock)**  
50 Porters Walk

**Post town**  
London

**Post code**  
E1W 2SF

**Telephone number**  
None

**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 late night refreshment  
The provision of regulated entertainment

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

#### **The sale by retail of alcohol (on and off sales)**

- Monday to Sunday from 10:00hours to 00:30hours (the following day)
- Dock Street Bar only Wednesday to Friday 12 noon to 23:00 hours (see condition 3)
- The sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11between 12 noon and 2300
- The sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 2300 Thursday to Sunday.

#### **The Provision of Late Night Refreshments - Indoors**

- Monday to Sunday from 23:00hours to 01:00hours (the following day)

#### **The Provision of Regulated Entertainment - Indoors**

(Live music, recorded music, performance of dance and anything of a similar description)

- Monday to Sunday from 10:00hours to 01:00hours (the following day)

#### Non-Standard Timing

- All Licensable activities until 02:00 hours (the following day) for a maximum 15 occasions in a calendar year

### **The opening hours of the premises**

- Monday to Sunday from 08:00hours to 01:30hours (the following day)

#### Non-Standard Timing

- Until 02:30 hours (the following day) for a maximum 15 occasions in a calendar year

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

On and off sales

## **Part 2**

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

Tobacco Dock Venue Limited  
Dalton House  
60 Windsor Avenue  
London  
SW19 2RR

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

07990825

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

Jonathan Read  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

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

**Personal licence number:** 3815/13/01911/LAPER  
**Issuing authority:** Chichester District 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—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;

- (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  3.
    - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
    - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
    - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
      - (a) a holographic mark, or
      - (b) an ultraviolet feature.
  4. The responsible person must ensure that—
    - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
      - (i) beer or cider: ½ pint
      - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
      - (iii) still wine in a glass: 125 ml;
    - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
    - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  5.
    1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
    2. For the purposes of the condition set out in paragraph 1—

- (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
- (b) “permitted price” is the price found by applying the formula —  

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

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

1. A F696 risk assessment shall be submitted if there are any outside promoters or DJs.
2. All events including the details of the Hirer, number of patrons attending, licensable activities provided and hours of licensable activities, together with a layout plan will be notified to the Licensing Authority, police and Environmental Health Officer at least 14 days before the event takes place, unless otherwise agreed by the Metropolitan police and Environmental Health Officer.
3. No licensable activities shall be permitted other than:
  - a. a) a pre-booked event so notified in accordance with condition 2
  - b. the sale of alcohol to persons working at Tobacco Dock and their bona fide guests in the room labelled on the plan at Annex 4 "The Dock Street Bar" between the hours of 12 noon and 23:00 hours Wednesday to Friday.
  - c. the sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11 between 12 noon and 23:00
  - d. the sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 23:00 Thursday to Sunday.
4. There shall be no other licensable activities on Level 10 and 11 other than set out in condition 3(c) and (d) above.
5. A telephone number and / or email address shall be made available on relevant Tobacco Dock websites for noise complaints. Any noise complaints should be logged and investigated with written records of the details available to view by the local authority. Should any noise complaints be received, and if noise levels are above those specified in the licence conditions, immediate action shall be taken to reduce the levels at the noise source. A complaints log should be maintained throughout every event, detailing addresses of complainants, times and action.
6. Loudspeakers shall be directed inwards as much as possible to reduce overspill from the intended coverage area.

7. All plant associated with events (generators, chillers etc) shall be located as far away from noise sensitive locations as possible.
8. For music and cinema type events, the sound system shall be a line-array. The line-array should be carefully designed to be as distributed as possible and include delay speakers in order to provide coverage to smaller areas rather than the entire venue. It shall also be directed away from noise sensitive properties.
9. For music events beyond 23:00 hours the sound control programme that should be followed is detailed below:-

Sound Propagation Tests:

Sound propagation tests should be carried out before a major music event with all mitigation measures in place to correlate the sound levels from the event with those at the nearest noise sensitive properties. This will enable any necessary adjustments to be made to the sound system to maximise the containment of music and achieve acceptable levels at the residential locations. A sound limit shall then be set for that event, which shall be subject to further reduction as necessary. The day and times of any sound propagation test will be agreed with the local authority.

Sound Monitoring and Control:

10. The noise levels at the residential properties shall be regularly checked to ensure they comply with the noise conditions. If off site levels begin to approach the noise limits, noise reductions will be immediately implemented.

In addition to the above, it is recommended that a suitably qualified independent acoustic consultant is employed for the first major music event to ensure that the noise levels do not exceed those specified in the proposed licence conditions.

11. Persons who are travelling to or from the premises by means of private transport shall use the parking facilities which are available next door to the site and away from the public highway. The availability of parking reduces the pressure on on-street parking and reduces the number of people leaving the premises having to walk on the public highway.
12. Patrons of the premises shall be provided details of preferred minicab companies.
13. All deliveries and servicing (including waste management servicing) to the premises shall be carried out internally and accordingly away from the public highway.

14. Bottles used in the premises shall not be disposed of late at night or early in the morning, as such disposal can produce high noise levels and be a potential public nuisance.
15. Where the nature of a function, the number of people attending a function, and the opening and closing times of a function make it appropriate, marshals shall marshal and monitor the entrance to and egress from the premises of those persons attending the premises. They shall also monitor where appropriate the behaviour of persons in the vicinity of the premises. This will help to achieve orderly arrival and departure of persons, and will help to reduce the risk of nuisance being caused by persons arriving at and leaving the premises.
16. Where the level of noise in the premises and the time of day or night make it appropriate, the doors to the premises shall be maintained closed (except in the case of an emergency evacuation) in order to prevent noise breakout from the premises via open doors.
17. The same applies to the windows in the premises, which shall be maintained closed where the level of noise in the premises and the time of day or night make it appropriate.
18. Noise levels shall be specified in the contract conditions with hirers of the premises to ensure sound levels are maintained within the limits in order to reduce the risk of disturbance. Furthermore, during a function in the premises, sample noise measurements shall be made by a designated person with an approved sound level meter to ensure that the levels are not being breached. Immediate action will be taken to reduce levels if this should arise.
19. In addition to take measurements, subjective monitoring shall be carried out at appropriate times along the nearest sensitive facades. This is to provide a subjective check that all the measures in place in respect of the premises are working to prevent public nuisance being caused in connection with the premises.
20. Noise from amplified music and speech as measured in a free field position in Discovery Walk representative of noise sensitive properties shall not exceed 46dBA Leq between 11pm and 2am measured over a 5 minute period or 56dBA Leq between the hours of 10am and 11pm over a 15 minute period.
21. CCTV camera covering both internal and external to the premises shall be installed. The CCTV recordings shall be maintained for 30 days and to be

provided upon request to either a Police Officer or an officer of any other Responsible Authority.

22. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises.
23. The level of security personnel is assessed for each event and appropriate levels of SIA security will be employed for those events where it is deemed necessary, taking account of the nature of the event, licensable activities taking place, number of persons attending and hours for which licensable activities are taking place.
24. Patrons will not be permitted to take alcohol away from the premises in open containers.
25. Appropriate Fire and other event-related Risk assessments are carried out for the events as well as adopting a policy for dispersal of the patrons.
26. Patrons are not permitted to consume alcohol on the quayside after 9pm.
27. Licensable activities on either of the two ships will cease at 9pm other than the lower deck of the ship which connects to the Tobacco Dock building.
28. Notices will be displayed advising patrons to leave quietly and where practicable via the Pennington Street car park away from residential dwellings as much as possible. Temporary taxi ranks will be set-up by the event organiser in this car park to prevent crowds and associated noise causing public nuisance on the corner of Wapping Lane and The Highway.
29. A Challenge 25 policy will be adopted.

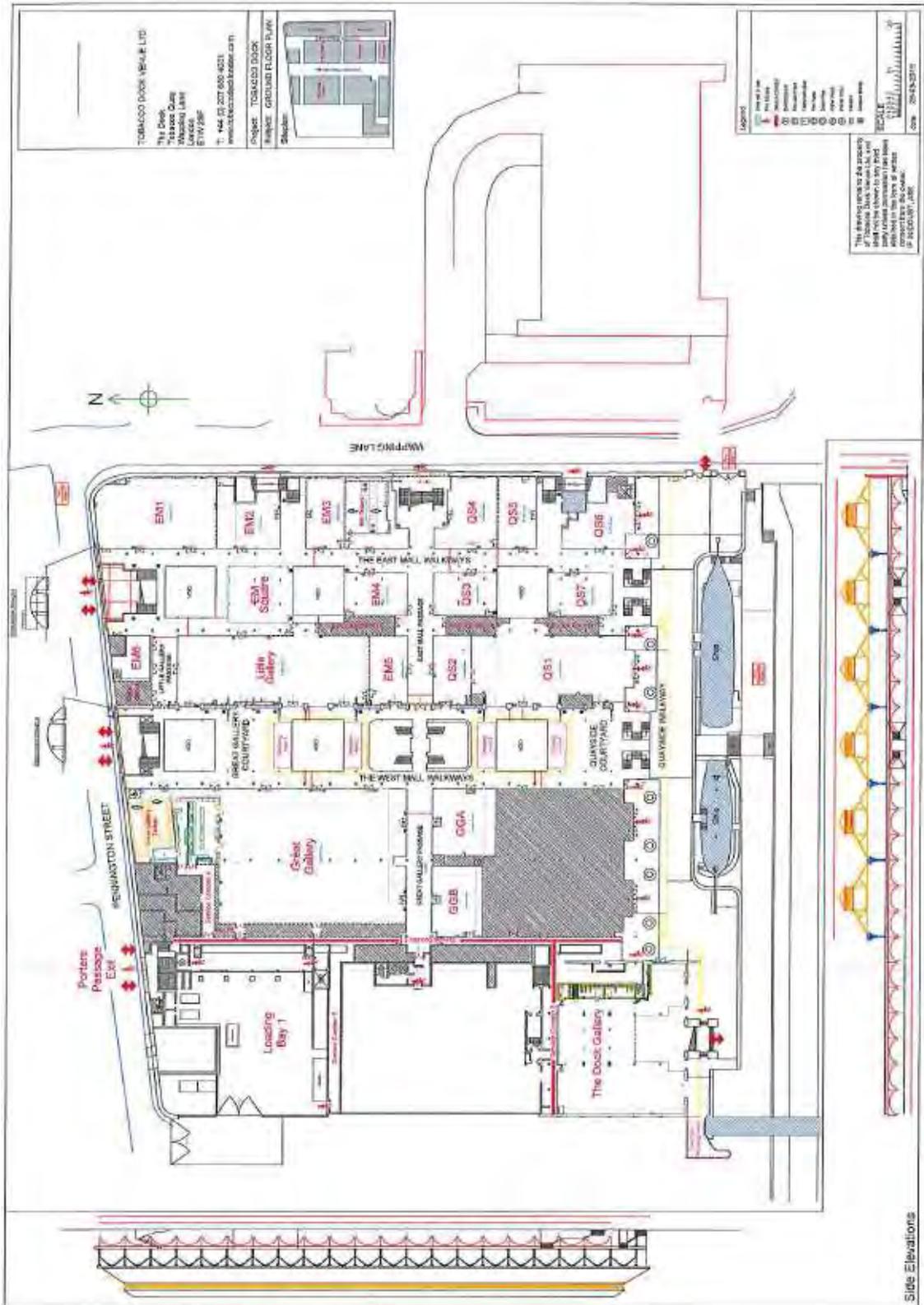
### **Annex 3 - Conditions attached after a hearing by the licensing authority**

None

### **Annex 4 - Plans**

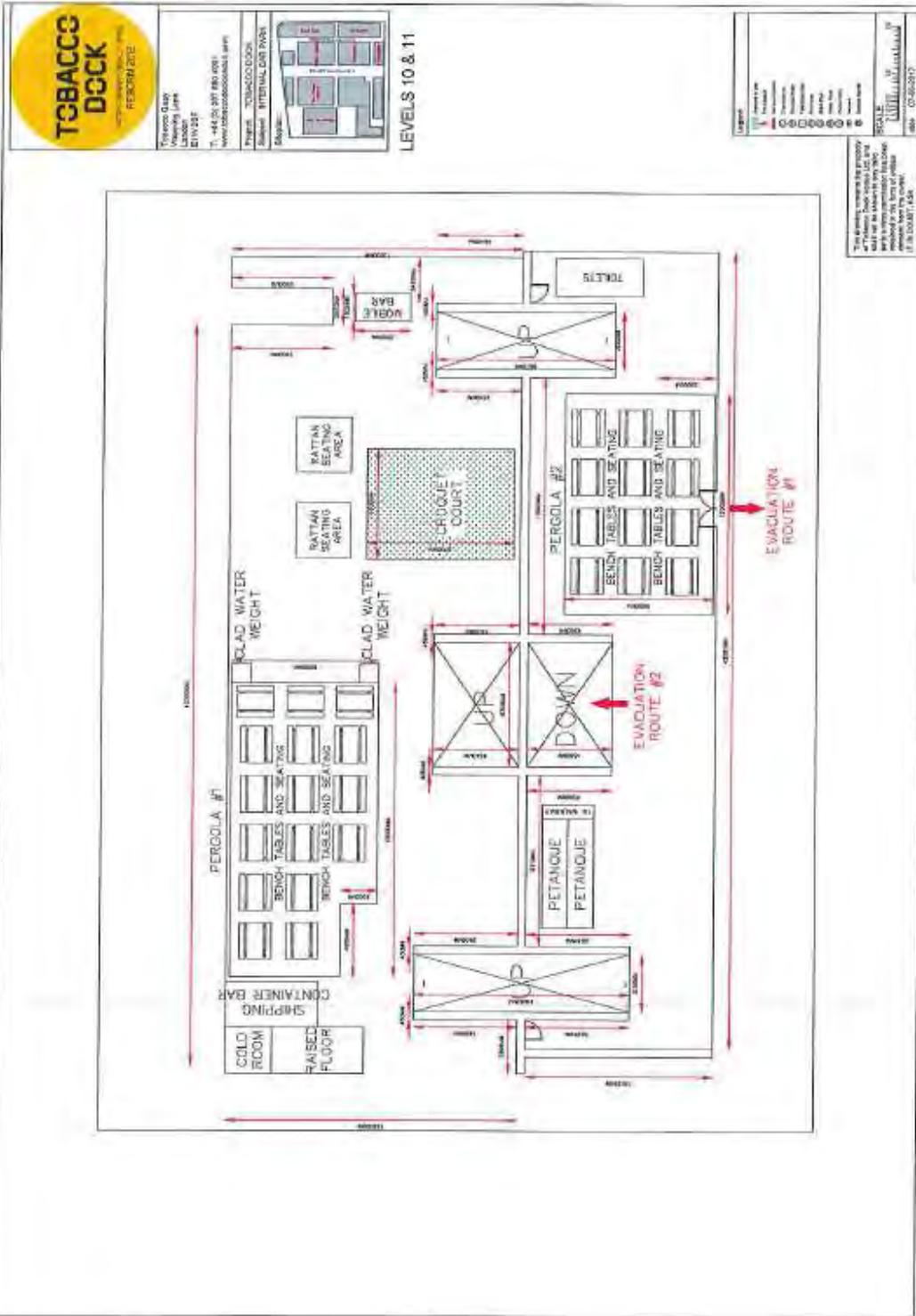
The plans are those submitted to the licensing authority on the following date(s):

8<sup>th</sup> June 2017 - Ground Floor (*Dated, 26 - 09 - 2016*)  
Vaults Floor (*Dated, 26 - 09 - 2016*)  
Internal car park, Level 9 (*dated 07 - 06 - 2017*)  
Internal car park, Levels 10 & 11 (*dated 07 - 06 - 2017*)











**Part B - Premises licence summary**

**Premises licence number**

**26336**

**Premises details**

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

**(Tobacco Dock)**  
50 Porters Walk

**Post town**

London

**Post code**

E1W 2SF

**Telephone number**

None

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 late night refreshment  
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

**The sale by retail of alcohol (on and off sales)**

- Monday to Sunday from 10:00hours to 00:30hours
- Dock Street Bar only Wednesday to Friday 12 noon to 23:00 hours (see condition 3)
- The sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11between 12 noon and 2300
- The sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 2300 Thursday to Sunday.

**The Provision of Late Night Refreshments - Indoors**

- Monday to Sunday from 23:00hours to 01:00hours

**The Provision of Regulated Entertainment - Indoors**

(Live music, recorded music, performance of dance and anything of a similar description)

- Monday to Sunday from 10:00hours to 01:00hours

Non-Standard Timing

- All Licensable activities until 02:00 hours (the following day) for a maximum 15 occasions in a calendar year

The opening hours of the premises

- Monday to Sunday from 08:00hours to 01:30hours

Non-Standard Timing

- Until 02:30 hours (the following day) for a maximum 15 occasions in a calendar year

Name, (registered) address of holder of premises licence

Tobacco Dock Venue Limited  
Dalton House  
60 Windsor Avenue  
London SW19 2RR

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)

07990825

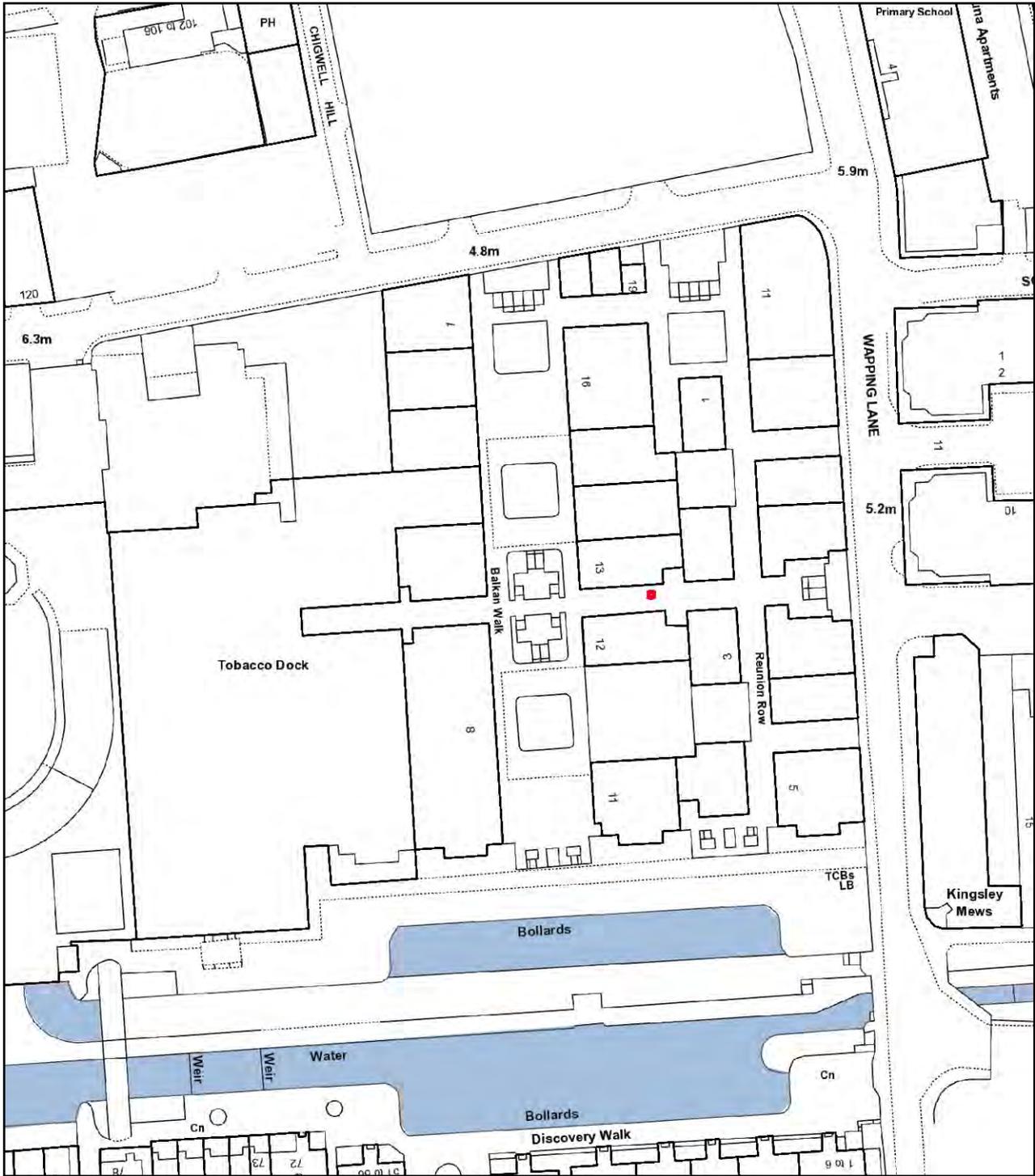
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Jonathan Read

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

Not restricted

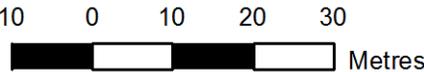
# Appendix 4



# Tobacco Dock



Scale 1:1153





# Appendix 5

Olia Hunter



10th February 2020

**To whom it may concern,**

I am writing to show my support for the recent license review application regarding Tobacco Dock's 'Skylight bar'.

Since the bar opened, over two years ago it has become a constant nuisance in my life, especially during the summer months of May - end of October.

The noise from the bar, which is made up of music from the DJ / sound system and loud customers, who are well under influence, means I'm not able to enjoy my summer evenings or go to bed until 11 pm, which is when the bar shuts.

Obviously, I have a job to go to every morning and in no way does this facility try to accommodate that fact and be empathetic and respectful. Furthermore, I'm unable to open my windows throughout these warmer months, otherwise I'm forced to listen to every scream and beat that comes from the bar.

Unfortunately, even with the windows closed we can still hear the bar during the busy times. I'd also like to add, that the live events shown on the tv (such as the football world cup) are very unpleasant for us as this results in hundreds of people screaming opposite our apartment during the afternoons. Bar customers often leave loudly with no regard to neighbors, leaving litter of all sorts behind.

To conclude, I'm keen for the bar to not be able to play music in its open spaces, as this is the main cause for our noise issues. And if possible I think the bar needs to take more responsibility towards its surrounding neighbours, who don't wish to be subjected to constant highly loud audial displeasure from its customers. They say they are appreciative of their neighbours yet NO consultation was ever carried out with us when they opened the bar. I would like to highlight it's not an educational facility, nor a health centre and I shouldn't have to put up with such life intrusion for the sake of drinks.

Sincerely,

Olia Hunter

# Appendix 6

Cllr Denise Jones  
London Borough Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2 BG

3.2.2020

**On the grounds of the *prevention of public nuisance* I (Cllr Denise Jones, St Katharine's and Wapping Ward) SUPPORT the Application for a Review of the Premises Licence of SKYLIGHT BAR, Tobacco Dock (Tobacco Quay, Wapping Lane, London E1W 2SF) 8 Flamborough Street, E14 7LS (the application) submitted by Jack Hunter, 66 Discovery Walk London E1W 2JG and other residents in the vicinity.**

**The residents are requesting the review to restrict before the summer of 2020 the use of music to places that are appropriately covered and to stop playing music in open spaces.**

Jack Hunter has submitted a request for the review of the premises licence because *he has exhausted all other means to try to resolve the problem*. He has

- Met the licensee
- Corresponded with officers of the council
- Contacted Jim Fitzpatrick MP (see appendix 1)
- Corresponded and met his local councillors
- Contacted the safer neighbourhood team.
- Been visited at home to assess the noise by licencing officers and myself. We also visited his neighbour.
- Kept a diary since May 2019 of the noise nuisance.

**I also made several visits at other times and agree with the residents that the noise is too loud and always in the background for at least four days in a row from 12 midday to 11 pm but is often later.**

**The nuisance suffered by the residents is as follows:**

1. Ruins their summer as noise is all weekend for about 6 months (May - Oct)
2. Music can be heard with windows closed.
3. Constant screaming from the bar during the evenings
4. Lots of loud singing and shouting. Music makes everyone shout louder in evenings as they are contending with the music
5. They need windows open as it is hot in the summer but that makes the noise it even worse for them.
6. The residents are constantly stressed. This has seriously affected the mental health of at least one resident
7. **They were not consulted about the decision to put a bar on a roof opposite their apartments**
8. The bar has no way of controlling the music as it is in the open air.
9. **Sound is measured by officers from ground level.** The sound is much louder at the higher level of the resident's flats
10. Residents are keen for the bar to stay open but not have music being played in the open air. **There is a level that is covered where music can be contained.**

**I have attached an Appendix to show some of the history of contacts and correspondence since July 2019 that highlight *public nuisance*.**

**Cllr Dr Denise Jones. St Katharine's and Wapping Ward**

Cllr Denise Jones  
London Borough Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2 BG

3.2.2020

**Appendix of some email correspondence (5 pages)**

**From:** jack hunter **Sent:** 16 July 2019 18:43 **To:** Denise Jones **Subject:** SKYLIGHT CASE

Hi Denise,

Firstly, I'd like to say a big thank you for meeting me on Saturday and for spending so long listening to my issue. It's hugely appreciated, as you are the only person that has given me the time of day on this subject. Whatever the outcome, I will be appreciative of your help and willingness to help.

Since we met I actually have met with a few residents who want who have real issues with Skylight and the noise issues.

This included one resident who I met on Monday who has been affected so much that they are looking to leave his apartment, I really felt for him as I don't think he has the strength of character (i mean that nicely) to keep pursuing this issue. As he suffers from mental health issues. I was shocked to find out that he had complained many times before about the bar, as Tobacco Dock kept telling me I was the only resident that was complaining. I got him to write a letter explaining his issues and also provide some noise sheets that he provided to TH environmental health last year. I feel worse for him than I do for myself because of his health issues, and am rather furious to learn that a resident is seriously considering leaving due to skylight bar / Tobacco dock and the licensing team's inability to consider local residents. (and their clear inadequate due diligence during the license application).

I've attached a folder that contains my videos, sound recordings, letters, pictures. Also included are the resident from 50 Dsicoverly walk. Other letters are coming soon. But I think this should be enough as it is!

If attachment wont download...here is a link <https://drive.google.com/open?id=1gwTPGHx-tnjiCARaqEcv2igMwiaEXiRY>

Thanks again for all your help, Denise.

Jack

Cllr Denise Jones  
London Borough Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2 BG

3.2.2020

**Correspondence with Jim Fitzpatrick MP**

On Mon, Jul 8, 2019 at 1:55 PM FITZPATRICK, Jim [REDACTED] >  
wrote:

Dear Mr Hunter,

Thanks for the further e mail. We have raised this for you and I think as you are still unhappy (and I understand why) you should use the appropriate channels ie your local councillors to pursue this further for you. You can locate their contact details on the LBTH website, any problems just let us know and we can assist. The council are responsible for licensing and environmental pollution including noise and it would be their officers who will need to process the matter further,

Best wishes, Jim

**From:** jack hunter <[REDACTED]>  
**Sent:** 08 July 2019 10:54  
**To:** FITZPATRICK, Jim  
[REDACTED]  
**Subject:** Reply to letter regarding Noise issue with Skylight bar

Dear Mr Fitzpatrick

Thank you for taking the time to write to me and for looking into this matter. As you quite rightly saw in your letter, this is a frustrating outcome, but also one I was expecting due to how the Tower Hamlets licensing team / environmental team works.

Apologies for the length of this email. But I hope you have a moment to look at it and to look over the attachments, as I feel these will help you better understand my predicament/situation.

The issue I'm trying to raise here is not about their license being 'flouted' because, on the face of things, it looks like they are keeping within the rules.

For instance, they take sound readings which say they are within their sound 'allowance'. However as I have said on numerous occasions, this is a bar that is on the 3rd/4th floors, not the ground floor where the readings are taken. The sound is vastly different on the ground floor compared to how it is on the 4th floor, which is where my apartment is.

My biggest issue here is that they were provided a license to play live music/ & music from speakers in an area that is not enclosed (its on a roof!), and that is directly opposite my apartment, late into the evening. They have made no effort to contain the sound by putting up any sound barriers (I asked by they told me the building was listed. However as they also admitted later on that part of the building isn't listed at all. Its a car park!)

I can't express how much this has affected my life in the last year or so. Each summer I have to spend my entire weekends (from around 4pm to 11pm) listening to their loud 'dance' music.

During the hotter months, like the current month we're in, I, like many others enjoy opening my windows, however for me to do this, means I have to bare their loud music.

Cllr Denise Jones  
London Borough Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2 BG

3.2.2020

The bottom line here is that a music license was given to a bar with no regard to the people who actually live opposite it. For instance, I was never consulted as part of the licensing authority 'licensing policy' which the letter talks about. And I live the closest to the bar!

I'm hoping you can help me get their music license changed. I don't want the bar to stop, as I don't want to try and harm a business that employs people. I simply want them to only play music on levels that are indoors (they have one area that is indoors).

Can I also quickly mention that I haven't even brought up the privacy matter which was not taken into account either. As I now have 400 people that can see directly into my apartment. But I can look past that as the noise issue is more pressing.

If you could help me get this issue heard by the right people that would be highly grateful.

Please find attached, two images. One from the ground level which explains why you can't hear/see the bar if you don't live above the 3rd floor. The other is a picture from my apartment which shows just how close the bar is.

Also attached is a sound recording from one of the private parties they held one evening. If you wish to experience just how loud the music is from my apartment!

I hope you are able to help me resolve this ongoing issue and it stop it just being swatted aside and discounted by the council and relevant departments.

Many thanks

Jack

#### **Correspondence between Cllr Jones, Jack Hunter and officers**

**From:** Denise Jones **Sent:** 04 August 2019 11:51 **To:** David Tolley; EVANS, Tom  
**Cc:** jack hunter **Subject:** 66  
Discovery walk - Skylight bar noise issue

Mr Tolley

Could you please copy me in to emails with any action you may be considering on this case. In the email sent to you by Jack Hunter he refers to Denise Lewis but it was actually myself – Denise Jones – who visited at the same time as your officers.

He has sent you some recordings from Saturday night. I also heard this noise and it was much louder than the night the officers visited. The noise doesn't sound as loud at ground level where Tobacco Dock tested the sound level. As Jack said, he will be submitting a request for a licence review which I support. Can you let me know what procedure you follow with reviews the time it will take and any possible solutions to this problem. It does

Cllr Denise Jones  
London Borough Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2 BG

3.2.2020

not seem right that residents should have to suffer constant daily irritating background noise

I also visited 50 Discovery Walk and the resident, Gavin M, has also been suffering from the daily disturbance from Tobacco Dock. He wrote to me on the day following our visit to say the noise increased after we left that night.

Many thanks

Cllr Denise Jones  
St Katharine's and Wapping Ward

**From:** jack hunter [REDACTED] **Sent:** 29 July 2019 14:01 **To:** Tom Lewis; David Tolley; Denise Jones **Cc:** Corinne Holland **Subject:** Re: 66 Discovery walk - Skylight bar noise issue

Hi Tom,

Hope all is well.

I wanted to say thanks for organizing a time for your team to come round. Appreciate its not an ideal time to visit. Unfortunately Corrine didn't quite agree with me on the noise issue in regards to the music, (though Denise Lewis and myself could clearly hear the music) however, she did agree the noise of the voices, shouting etc could clearly be heard.

As mentioned to Corrine, Friday was actually a little quieter than some night, however, Saturday was back to normal. If I could please ask you to listen to the two sound clips attached. These were taken between 9.30 and 10.30 on Saturday evening. Look forward to hearing your thoughts on these recordings.

Id also notes they had music on (albeit at a lower level) until 1.00 am whilst they were cleaning up on the same evening.

I will be submitting the license review application this week, which will be accompanied with complaints from myself, Gavin (who Corrine met) on Friday and several other neighbors who have issues with the noise levels.

Many thanks

Jack

On Wed, Jul 24, 2019 at 9:38 AM jack hunter <> wrote:

ok great. I've also spoken to my neighbor who is keen/happy for your team to come over on Friday for a quick look from his apartment.

Looking forward to meeting you on Friday Corinne. Many thanks

Cllr Denise Jones  
London Borough Tower Hamlets  
Town Hall, Mulberry Place  
5 Clove Crescent  
London E14 2 BG

3.2.2020

On Tue, Jul 23, 2019 at 1:25 PM Tom Lewis <[Tom.Lewis@towerhamlets.gov.uk](mailto:Tom.Lewis@towerhamlets.gov.uk)> wrote:  
Dear Mr Hunter,

I've Cc'd Corinne Holland who is the Licensing Lead Officer on duty this Friday.

Please could you provide her with a phone number so that they can contact you when they are on their way, which is likely to be around 21:20 hours.

They will then assess what the noise from the music is like from your dwelling and feed this back to the noise for consideration.

Kind regards

Tom Lewis MCIEH | Team Leader | Licensing & Safety Team | Environmental Health and Trading Standards  
[London Borough of Tower Hamlets](http://www.towerhamlets.gov.uk) | John Onslow House, 1 Ewart Place, London E3 5EQ  
☎ 020 7364 0375 | 📠 020 7364 6901 | General Enquiries: 020 7364 5008



**From:** jack hunter [mailto:📧]**Sent:** 23 July 2019 13:21**To:** Tom Lewis**Subject:** Re: 66  
Discovery walk - Skylight bar noise issue

Hi Tom,  
That would be great. just to confirm that this Friday (26th July)  
Thanks again  
Jack

On Mon, Jul 22, 2019 at 5:53 PM Tom Lewis [REDACTED] > wrote:  
Dear Mr Hunter,

We have some officer out this weekend for Licensing visits so I thought we could tie this in with a visit to you.

I believe they could be with you by around 21:20 if that is convenient?

Kind regards

Tom Lewis MCIEH | Team Leader | Licensing & Safety Team | Environmental Health and Trading Standards  
[London Borough of Tower Hamlets](http://www.towerhamlets.gov.uk) | John Onslow House, 1 Ewart Place, London E3 5EQ

# Appendix 7

## Kathy Driver

---

**From:** Ilia Iaroslavski [REDACTED]  
**Sent:** 10 February 2020 21:42  
**To:** Licensing  
**Subject:** Skylight Bar noise nuisance issue

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

Mr. Ilia Iaroslavski  
[REDACTED]  
[REDACTED]  
[REDACTED]

Dear Sirs,

My name is Mr. Ilia Iaroslavski and I own the House at [REDACTED].

I would like to express my support in connection with my neighbors' application to review the Skylight Bar music license. Since the Skylight Bar has been operated, I and my family (that include my wife and 89 years old mother-in-law) experiences quite a lot of disturbance because of loud music from the Skylight Bar. We were not able to enjoy our evenings and nights, in particularly in spring & summer times, as we are forced to close our windows to enjoy quite evening or to be able to go to bed earlier than 11 PM! Loud music and crowd's scream out is very disturbing.

Based on the above I would appreciate and expect if TH Licensing Body will review music license to the Skylight Bar and make relevant decision that will stop these disturbances.

Please do not hesitate to contact me if you have any further questions. Thank you.

Best regards  
Ilia Iaroslavski

# Appendix 8



30 January 2020

Dear Sir/Madam,

Re: Noise nuisance from Skylight Bar at Tobacco Dock

I am writing to you regarding the noise pollution, disturbance and nuisance from The Skylight Bar at Tobacco Dock. I moved to the above address in July 2010, as I was told that Wapping was a safe and quiet area. Wapping was fairly safe and quiet for the first three or four years; but the last four or five years, it has got a lot worse for a number of reasons, but particularly for me, since the opening of the Skylight Bar at Tobacco Dock.

EVERY evening and weekend, that the bar is open, is ruined because of the loud music, yelling, shouting and regular awful singing of "Happy Birthday" that comes from the Skylight Bar. When the bar shows events on its screens, the cheering and shouting is even louder and more disturbing and annoying. I cannot sit and watch TV in my living room (on the 3<sup>rd</sup> floor) with the windows open when the bar is open, due to the noise from the bar, as I can hear it over my TV and I find it difficult to follow the TV programme I am watching, as I get distracted and annoyed by the bar noise. Even if I do close the windows, I can still hear the noise coming from the bar. The bar noise is also a nuisance when I try to read and/or work.

A number of times, I have gone to bed (my bedroom is on the 4<sup>th</sup> floor) and I can still hear music and people chatting at the bar, even after it has meant to have closed at 11 p.m. This has gone on until 1 or 2 a.m. occasionally. If the bar is open, then I cannot have an early night, as the noise just keeps me awake and annoys me, making it harder to get to sleep. Also, I believe some bar staff leave via the Quayside on the south-side of Tobacco Dock and I often hear them chatting and laughing as they leave.

Furthermore, just after 11 p.m. when people are leaving the bar, there is usually a lot of noise in Wapping Lane, when drunk people are leaving the bar and heading home via Wapping train station, the bus stops or waiting for taxis or mini-cabs in Wapping Lane. There are also a lot of car horns usually blasting as taxis and mini-cabs are trying to jostle to stop nearby, turn round and pick up fares etc. I would imagine that the residents on Wapping Lane are even more disturbed by this noise at this time, than me.

There has also been a loss of privacy, as people just stand at the bar and stare over into my flat. I have had to put thin, light-coloured curtains up which let the light through but block anyone seeing into my living room. Previously, I was not overlooked and could enjoy the views, watch the birds and see the bats flying around at dusk.

When the bar is closed, it is noticeably quieter and more peaceful here; and this is a relief as I feel I can relax. I like my flat but have not wanted to live here for some time now, mainly because of the Skylight Bar. However, due to health problems (some of which are worsened by the noise from the Skylight Bar) and not being able to afford it, I have been unable to move yet.

Yours sincerely,



Gavin Mitchell

## Kathy Driver

---

**From:** Gavin Mitchell [REDACTED]  
**Sent:** 10 February 2020 17:29  
**To:** Licensing  
**Subject:** Re: Noise Nuisance from Skylight Bar at Tobacco Dock  
**Attachments:** NoiseNuisanceDiary - 279244 - CC-25372.pdf; ATT00001.txt

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

Dear Kathy Driver,

Thank you for your email and for providing further information about the process.

Ideally, I would like to see the licence revoked and the bar closed permanently for the following reasons: -

1. This is a residential area first and foremost and I believe it is inappropriate to have such a bar in this area because of the noise disturbance.
2. The devious and despicable way that Tobacco Dock went about getting the licence for the Skylight Bar; residents had very little, if any, chance of finding out about the proposed bar and licence before it opened and objecting to it. If I had known, I would have objected to the bar and licence.
3. Despite numerous complaints, the bar has failed to make any changes to the way it operates.
4. It is nigh on impossible to control people noise, especially when they are intoxicated.
5. The bar has failed to ensure that the bar is closed on time and noise is kept to a minimum after hours, as there has been music and people noise coming directly from the bar until 1 or 2 am in the morning on a number of occasions.
6. It creates a lot of noise late at night when people are leaving the bar and heading home because of the taxis and mini-cabs, as well as the noise created by the intoxicated patrons themselves in the street.
7. It is impossible to go to bed early to get extra sleep when needed, whenever the bar is open.
8. The staff themselves have been noisy when leaving the venue via the quayside on the south-side of Tobacco Dock, by the pirate ships.

If the bar is unfortunately to remain open, then I would like to at least see a ban on music and televised events, as I believe this would help to reduce the amount of people noise, as patrons will not be talking and shouting over music, or singing along to it; and also will not be shouting and cheering to the televised events. I would also like to see privacy screens, such as bamboo cane "walls", put up, to stop people at the bar staring over and I believe trying to shout at me in my flat.

I have also attached a noise nuisance diary that I have kept previously and sent to the noise pollution team at LBTH Council, however, the team failed to do anything about it.

To be honest, I am completely fed up with the noise overall that comes from Tobacco Dock (both the Skylight Bar and the event space itself) and think that the way the whole venue is run should be reviewed by the LBTH Council. I have been regularly kept awake or woken up in the night by people working in the venue, either cleaning after events or building and preparing for events that day.

Thanks very much for your help with this matter.

Kind regards,  
Gavin

Noise Nuisance Diary Sheet

Environmental Health

Address where noise originates: ① SKYLIGHT BAR, TOBACCO DOCK PENNINGTON ST. CAR PARK EN- TRANCE, WAPPING E1W 2SF	Name and address of complainant: GAVIN MITCHELL, [REDACTED]
② TOBACCO DOCK & QUAYSIDE BY PIRATE SHIPS, WAPPING LANE, WAPPING, LONDON E1W	[REDACTED] I confirm that this is a true record of events: Signed. [REDACTED] .....

Date	Type of Noise	Time Started	Time Finished	Effect of Noise (e.g., prevented sleep, interfered with conversation, reading or TV)
8/6/18	LOUD DRUNK PEOPLE	6.30PM	11.15PM	INTERFERED WITH READING & TV
9/6/18	MUSIC + LOUD PEOPLE	3PM	11.15PM	INTERFERED WITH WORK, READING & WATCHING TV
* 9/6/18 or 16/6/18	MUSIC	11.30PM	1.05AM	INTERFERED WITH SLEEP (SORRY, NOT SURE OF DATE)
10/6/18	MUSIC + LOUD PEOPLE	6PM	9.30PM	INTERFERED WITH WATCHING TV
12/6/18	NOISY PEOPLE + LOUD CONVERSATIONS	7PM	12.10AM	INTERFERED WITH WATCHING TV & PREVENTED SLEEP
14/6/18	NOISY PEOPLE CHEERING & SHOUTING	5PM	9PM	INTERFERED WITH READING & WATCHING TV
15/6/18	CHEERING & SHOUTING OR YELLING THINGS	5.30PM	11.15PM	INTERFERED WITH WORK & WATCHING TV
* 16/6/18	MUSIC (ON & OFF DURING DAY) + SHOUTING + CHEERING	4.30PM	11.30PM MAYBE 1.05AM	INTERFERED WITH READING & WATCHING TV & SLEEPING
17/6/18	MUSIC + SHOUTING + CHEERING	3PM	9PM	INTERFERED WITH READING & WATCHING TV
19/6/18	LOUD PEOPLE NOISE	7.30PM	9.30PM	INTERFERED WITH WATCHING TV
21/6/18	SHOUTING + CHEERING + MUSIC AT TIMES	7.15PM	11PM	INTERFERED WITH WATCHING TV & PREVENTED SLEEP
22/6/18	SHOUTING + CHEERING + MUSIC	8PM	11.15PM	INTERFERED WITH WATCHING TV
23/6/18	MUSIC + SHOUTING + CHEERING	5PM	11.15PM	INTERFERED WITH HAVING A NAP & WATCHING TV
24/6/18	MUSIC FROM SKYLIGHT BAR & SWEATLIFE EVENT @ TOBACCO DOCK; VERY LOUD CHEERING, CHANTING	11AM	10.30PM	INTERFERED WITH READING, WORK & WATCHING TV
"	SINGING & SHOUTING FROM SKYLIGHT BAR			
28/6/18	MUSIC + SHOUTING + SINGING + CHEERING	6.45AM	11PM	INTERFERED WITH READING & WATCHING TV
29/6/18	MUSIC + LOUD PEOPLE SHOUTING/TALKING	6.30AM	11.15AM	INTERFERED WITH WATCHING TV

VERY LOUDLY

\* 9/6/18 & 16/6/18 - on one of these Saturday nights, music was playing until about 1.05AM. Sorry, I forgot to write this down & cannot remember exactly which date it was.

Date	Type of Noise	Time Started	Time Finished	Effect of Noise
30/6/18	LOUD MUSIC & GENERAL LOUD NOISY PEOPLE	7.15 PM (WHEN I GOT HOME)	11.10 PM	INTERFERED WITH READING & WATCHING TV
1/7/18	TV COMMENTARY, CHEERING, SHOUTING, SCREAMING + MUSIC	2.45 PM	10.45 PM	INTERFERED WITH PREPARING THIS DOCUMENT, READING & WATCHING TV.

# Appendix 9

## Kathy Driver

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**From:** Kathryn Hegarty [REDACTED]  
**Sent:** 07 February 2020 16:22  
**To:** Licensing; mayor [REDACTED]  
**Subject:** Resident's message in support of Skylight/Tobacco Dock

Dear LBTH Licensing Section,

Hi, I am Katie; A resident of Wapping for 15 years (and My Husband has been here since 1991), and within throwing distance of Tobacco Dock and Skylight.

These complaints of noise nuisance are perplexing to me. Neither of us have been "disturbed" by anything like that. C'mon - Tobacco Dock is situated directly on the Overground route, next to the Highway, and underneath City Airport Flight plan - Noise come's with the territory...

At least this way it is musical!

To be serious though, Skylight and Tobacco Docks have been nothing but fair in their approach to our neighbourhood - Always monitoring noise, litter allowance, safety, timekeeping, whilst always giving residents fair warning of events.. and also telling us about fun and interesting things to do.

I hope you consider this before shutting down a fantastic business that brings a lot of charm, whimsey and let's not forget.. money, both direct and indirectly to Wapping.

*Kathryn Anne Hegarty-Smith*

P.S. Happy to discuss this further at your convenience.

P.P.S. and it just looks so gosh darn pretty!

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



LICENSING ACT 2003

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

**NOTICE OF APPLICATION FOR A REVIEW OF A PREMISES LICENCE**

Notice is given that an application has been made to the London Borough of Tower Hamlets Licensing Authority for a Review of a Premises Licence under the Licensing Act 2003.

<b>Premises Details</b>	Tobacco Dock 50 Porters Walk London E1W 2SF
<b>The Grounds for the Review:</b>	<i>Prevention of Public Nuisance - Allegations of causing noise disturbance to local residents.</i>

Anyone who wishes to make representations regarding this application must give notice in writing to: **Licensing Section, London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place, London E3 5EQ**  
Website: [www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk) Tel: 020 7364 5008  
email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

**Representations must be received no later than 05 / 02 / 2020**

**The grounds for the review may be viewed between 10am and 4pm Monday to Friday during normal office hours at the above address.**  
*It is an offence under Section 158 of the Licensing Act 2003, knowingly or recklessly to make a false statement in connection with an application and the maximum fine for which a person is liable on summary conviction for the offence is up to level 5 on the standard scale (£5000)*

M:\Licensing\Word\972018\_Appletter

# Appendix 10

## Representations for licensing review:

1. The premises licence is for the entirety of Tobacco Dock and covers a number of floors for a number of different uses. The application to review the licence questions the validity of the licensable activities in the Skylight Bar. The variation application was properly advertised with the appropriate consultation and the Local Authority issued the premises licence following that public consultation. The grant of the licence for Tobacco Dock and validity of the Skylight Bar is not therefore a relevant consideration for the Committee in this application.
2. The applicant for the review of the premises licence sets out the cause of the review as noise nuisance from the Skylight Bar and seeks to invite the Committee to impose a restriction on the playing of amplified music on Levels 10 and 11. Whilst the Committee's discretion is engaged by the application the issue is a narrow and not one which calls into question the operation of the premises licence for other parts of the premises. The guidance issued by the Secretary of State under s182 Licensing Act 2003 is clear that the cause should be identified and any remedial action taken should be directed at that cause.
3. The onus is on the applicant for the review to adduce evidence to prove the assertions he has made in the application. It is not accepted by the Premises Licence Holder that a nuisance is being caused.
4. The music played in the Skylight Bar is not a licensable activity.
5. The premises licence holder and management of the premises had engaged in discussion with the applicant during 2019 regarding the Skylight Bar but had to cease any communication with him following his [REDACTED] behaviour.
6. It is disputed that the Skylight Bar is "a place to come and get drunk, be loud and party." The bar attracts patrons in their late 20s to early 40s and those attracted by social activities such as croquet in the summer months and ice skating in the winter. It always attracts a lot of families especially on Saturday daytime and on Sunday. The applicant also makes statements regarding alcohol offers which are completely untrue. The staff do not have drinks in the Skylight Bar after work causing a noise nuisance until the early hours.
7. The Skylight Bar is extremely well managed and used by many local people, including local residents. It has become an important feature for the local community. It is open between

May and January each year on Thursday, Friday, Saturday and Sunday. The opening hours are 5pm – 11pm Thursday and Friday and Noon to 11pm on Saturday and Noon to 10.30 pm on Sunday. The music is turned off at 10.45pm and the bar is closed at 11pm. On occasion it may also be used for Private Events.

8. The licence conditions are strictly adhered to with noise monitoring taking place and the readings recorded, even though this is not actually required as there is no regulated entertainment. There has been engagement with Environmental Health on the rare occasions they have contacted us following a complaint about noise from a local resident, although none of those complaints have related to noise emanating from the Skylight Bar.
9. The Premises Licence holder has worked in partnership with the responsible authorities, local residents' groups and local residents. This high level of engagement has established a very good relationship with those bodies and also a very good reputation.
10. This application does not require the Licensing Authority to take any remedial action.

[REDACTED]

John Gaunt & Partners, Solicitors for the premises licence holder.

11<sup>th</sup> February 2020

# Appendix 11

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

## Reviews arising in connection with crime

- 11.24 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated 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.

11.28 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 the 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.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

# Appendix 12

# 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.

# Appendix 13

## 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 Council's 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.