

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

14101

(Liberty Lounge)
1A Bell Lane
London
E1 7LA

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

Jacqueline Randall
Licensing Services Manager

Date: 20th March 2007

M:\Licensing\Word\97\2003 LicAct certs & lics\Prem Lic\Bell Lane 1a.002.doc

FOR OFFICE USE	Receipt Number	Fee Paid	Fee Req.	Date	Initial
35579	212611	623		21/03	JR
355600	212610	623			



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

14101

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Liberty Lounge)
1A Bell Lane

Post town

London

Post code

E1 7LA

Telephone number

020 7337 0665

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 hours to 22:40 hours
Sunday from 12:00 hours to 22:30

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 to 23:00 hours
Sunday from 12:00 hours to 23:00 hours

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

On sales only

Part 2

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

Mr Rachid Radi

[REDACTED]
[REDACTED]
[REDACTED]

Tel: 07891073136

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

Not applicable

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

Philip Sanders

[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

14006
London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which 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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
5. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

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

Annex 2 - Conditions consistent with the operating Schedule

CCTV to be installed and maintained.

Notices shall be displayed requesting customers leave quietly.

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

Not applicable

Annex 4 - Plans

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

2nd February 2007



Part B - Premises licence summary

Premises licence number

14101

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Cheeky Petes)
1A Bell Lane

Post town
London

Post code
E1 7LA

Telephone number
020 7337 0665

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 hours to 22:40 hours
Sunday from 12:00 hours to 22:30

The opening hours of the premises

Monday, Tuesday, Wednesday, Thursday and Friday from 11:00 to 23:00 hours
Sunday from 12:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Rachid Radi
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

On sales only

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

Not applicable

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

Philip Sanders

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

No restrictions

Appendix 2



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

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We RACHID RAOI (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 14101

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>1A BELL LANE</u>	
Post town	Post code
<u>LONDON</u>	<u>E1 7LA</u>

Telephone number at premises (if any)	<u>0207 377 5118</u>
Non-domestic rateable value of premises	£ <u>14,000</u>

Part 2 - Applicant details

Daytime contact telephone number		020 7 377 5118	
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible?

Please tick yes

If not, when do you want the variation to take effect from?

Day Month Year

--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (please see guidance note 1)

We are a basement bar/restaurant, fitting about 25 people seated. There is a shop above us (on the ground floor) and no residential dwellings. We have no windows as we are in the basement - so sound is contained. We intend to play quiet dining jazz music. We would like to extend our licensing hours to 3am closing on Wed, Thurs, Fri and Sat evenings.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon			Please give further details here (please read guidance note 3) un amplified jazz music ie: double bass, saxophone, piano. Quiet / mellow music whilst people dine.	Both	
Tue					
Wed	20:00	23:00		State any seasonal variations for the performance of live music (please read guidance note 4) No seasonal variations.	
Thur	20:00	23:00			
Fri	20:00	23:00		Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5) N/A.	
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12:00	22:00	Please give further details here (please read guidance note 3) Quiet jazz music (ie frank Sinatra, Ray Charles) as background music whilst people are eating / chatting.	Both	
Tue	12:00	22:00			
Wed	12:00	20:00		State any seasonal variations for playing recorded music (please read guidance note 4) N/A	
Thur	23:00	03:00			
Fri	12:00	20:00		Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) N/A	
Sat	23:00	03:00			
Sun	12:00	22:00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
Mon	12.00	22.40	Please give further details here (please read guidance note 2) We intend to serve food (and alcohol) until we close at night.	Both	
Tue	12.00	22.40			
Wed	12.00	02.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) NIA.		
Thur	12.00	02.00			
Fri	12.00	02.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5) NIA.		
Sat	12.00	02.00			
Sun	12.00	22.40			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	
Mon	12.00	22.40	Please give further details here (please read guidance note 7) We intend to serve alcohol on the premises along with food in a relaxed jazz music setting.	Both	
Tue	12.00	22.40			
Wed	12.00	02.00	State any seasonal variations for the supply of alcohol (please read guidance note 4) NIA.		
Thur	12.00	02.00			
Fri	12.00	02.00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NIA.		
Sat	12.00	02.00			
Sun	12.00	22.30			

N

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

NIA.

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12.00	23.00	NIA.
Tue	12.00	23.00	
Wed	12.00	03.00	
Thur	12.00	03.00	
Fri	12.00	03.00	
Sat	12.00	03.00	
Sun	12.00	23.00	

Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NIA.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

P

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

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

We are a quiet bar/restaurant playing jazz music as customers dine. Our clientele consists of professional city workers at lunchtimes and evenings, and jazz fans. We are located amongst other businesses, most of which close in the evenings. These factors coupled with our plans below, and the fact there are no residential properties in our block minimises the chance of our extending our licensing hours causing a nuisance to those around us.

b) The prevention of crime and disorder

Our staff will be trained to serve alcohol responsibly. Staff will make regular checks outside. We shall open an account with the taxi firm next door to us, to ensure our customers leave our premises in an orderly and safe manner - no loitering out on the street.

c) Public safety

Our staff will be trained in first aid, fire safety and health and safety. We will assess occupancy levels are safe, and ensure controls exist to prevent these levels being exceeded. Staff will be trained to serve alcohol responsibly and provide free drinking water to our customers.

d) The prevention of public nuisance

As we are a basement premises with no windows, noise should be mostly contained, however we will close the doors in the evening as well. Non amplified jazz music will finish before food/alcohol sales to limit noise. We will display signs requesting customers to vacate quietly, the performers will announce this also. We will have no beer pumps kegs, cylinders etc to cause noise. Staff will do noise monitor checks outside / check for empty bottles / litter patrol. We will provide recycle bins and take account so customers do not need to walk on the street nearby.

e) The protection of children from harm

As it is a jazz bar for adults, no children will be allowed entrance.


CHECKLIST:

- Please tick yes
- I have made or enclosed payment of the fee
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I understand that I must now advertise my application
 - I have enclosed the premises licence or relevant part of it or explanation
 - 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 5 – Signatures (please read guidance note 10)


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

Signature	
Date	05.05.11
Capacity	OWNER.

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

RACHID RADI	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	
	

Appendix 3

Map



Scale 1:500

Map of:

1A Bell Lane = 

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1250

Map of:

1A Bell Lane = 

Notes:

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

HT - Tower Hamlets Borough

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
Bethnal Green
E2 9NZ

Telephone: 0208 217 6699

Facsimile:

Email: Alan.Cruickshank@met.police.uk

www.met.police.uk

Your ref:

Our ref:

9 July 2010

Dear Ms Randall

RE: application to vary a premises licence
Liberty Lounge, 1a Bell Lane, E1 7LA

I write with reference to the above application which was received in this office on the 20th May 2010

Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following licensing objective

The prevention of crime and disorder
The prevention of public nuisance

The Bell Lane area is slowly attracting more shops, cafes and licensed premises. A short distance away is the new student accommodation which is described as the tallest student accommodation in the world.

Although this benefits the local business community, the needs of the local residents must also be taken into consideration. I would not wish to see the excess numbers of premise licences that has developed over the past several years in the Brick Lane and Commercial Street area. The hours relating to these premises should also be considered as part of an overall Tower Hamlets licensing policy.

I believe the times applied for are excessive. Having spoken to the applicant he is willing to reduce the hours, although we did not reach an agreement.

I am also aware that the premises only has planning permission until 11pm Mon - Sat. Sun until 1030pm. Any agreement should not come into effect until planning permission is granted.

Opposite the venue on the left and right hand side are a large number of flats. If the premise was to open past midnight I think there may be a danger of anti-social behaviour with people leaving the venue probably in high spirits or by just remaining around in the street, cause a public nuisance in the early hours of the morning.

There is a nearby licensed restaurant which is open until midnight

I would like the Committee to consider the following:

E (live music)

Wed - Fri 2000 -2230

F (recorded music)

Sun - Tues 2200 (as per application)

Wed 2000 - 2230

Thur - Sat 2000 - 2330

L (late night refreshments)

Thur - Sat 2300 - 2330

M (supply of alcohol)

Sun - Wed 1200 - 2230

Thur - Sat 1200 - 2330

O (Opening hours)

Sun - Wed 1200 - 2300

Thur - Sat 1200 - midnight

Conditions

1. Install / maintain CCTV

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

2. No alcoholic or non alcoholic drink, in an open drinking vessel, to be taken outside the premises.

Alan Cruickshank PC 189HT

Appendix 5



TOWER HAMLETS

Memorandum

To Licensing Department
From Planning Enforcement
Contact Thomas Doyle
Extension 5204
Date 24/06/2010
Our Ref. ENF
Your Ref.
Subject Licensing Objection

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel 020 7364 5204
Fax 020 7364 5415
e-mail Thomas.doyle@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Objection to vary Premises License, 1A Bell Lane, London, E1 7LA

The Planning Department wishes to object to the granting of a Premises License at 1A Bell Lane, London, E1 7LA on the basis that the opening hours and the hours by which the service of alcohol and playing of music can take place are excessive. Approving these hours will result in persons living in the area being subjected to a greater degree of anti-social behaviour, crime and noise later into the night and in the early hours of the morning.

As an aside from this, the premise only has planning permission to operate as a wine bar between the following hours:

- a) Monday to Saturday - 10.00am to 11.00pm
- b) Sunday and Bank Holidays – 10am to 10.30pm
- c) New Year's Eve additionally for the 12 hours between 11pm New Years Eve to 11am New Year's Day.

Public Nuisance

Bell Lane is a mixed use area that has a residential population as well as a range of commercial premises. No one wishes to see the culture of the area eroded but there needs to be a balance between night time activities and the right to a period of peace and quiet for the many residents who live in the area.

Extending the opening hours of this venue to 3.00am will result in noise and disturbance to residents far later into the evening than what currently occurs. Taxis will still be prevalent on the streets touting for business and tooting their horns and merry and intoxicated people will walk away from the venue into the early hours of the morning through residential streets to the detriment of the people living in the area.

I would refer to the Council's Licensing Policy which states the following:

More scrutiny should be given to premises operating past midnight on Friday and Saturdays, past 11.30pm on Mondays to Thursdays and past 10.30pm on Sundays. In particular the following points should be taken into consideration.

- The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- The proposed hours during which licensable activities will take place and the proposed hours during which customers will be permitted to remain on the premises.

- The adequacy of the applicant's proposals to address the issues of (a) the prevention of crime and disorder and (b) the prevention of public nuisance.
- Where the premises have been previously licensed, the past operation of the premises.
- Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

The location of the premises is in an area where residential properties are likely to be adversely affected by noise from patrons leaving the venue. There is no information provided on the adequacies of the sound insulation installed and whether this is sufficient to prevent noise breakout, this is of particular concern after 2am in the morning when background noise levels are likely to be at their lowest.

Insufficient information has been given on how the applicant intends to address the issue of patrons leaving the venue in the early hours of the morning and what measures will be taken to manage clients and control noise as they disperse away from the venue.

Approving the longer hours for this venue will cause a public nuisance for people living in the area far later into the night.

Conclusion

Planning Enforcement **do not** support the application by 1A Bell Lane to extend their opening hours, as this will cause a serious public nuisance to surrounding residential occupiers far later into the evening than what currently occurs. The extension of the Premises License hours will not maintain a balance between commercial activities and residential amenity, in an area where this is clearly required.

As an aside, the hours being applied for cannot legally be implemented as the premises does not have planning permission for the hours being requested nor is planning permission likely to be granted.

Thomas Doyle
Planning Enforcement Officer

Appendix 6

Mohshin Ali

From: Iain Pendrigh
Sent: 29 June 2010 18:41
To: Kathy Driver; Jacqueline Randall
Cc: [REDACTED]; Mohshin Ali
Subject: IA BELL LANE VARIATION APPLICATION

Dear Jacqui/Kathy

Having considered the proposal set out in this application I had a number of concerns relating to it's potential to cause public nuisance. I have negotiated an agreement with the applicant and on that basis can support this application provided the conditions issued with the License reflect the terms of the negotiated agreement. I support this application on the basis that:

1. No amplified music is employed.
2. A lobby system will be established to the entrance prior to the variation taking effect.
3. No drinks will be allowed to be taken outside.
4. The following terminal hours will apply:

Mon-Thursday midnight
Fri and Saturday 01:00HRS
Sunday 23:00 hrs

The applicant has agreed to these terms in writing.

With regards. Iain

Appendix 7

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Crime and disorder from patrons leaving the premises

General Advice

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

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

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

Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

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

The pool of conditions, adopted by the council is recommended (Annexe G). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 9

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 10

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 11

Planning

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

Guidance Issued under Section 182 of the Licensing Act 2003

PLANNING AND BUILDING CONTROL

13.64 The statement of licensing policy should indicate that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.

13.65 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.

13.66 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.

13.67 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.

13.68 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap. A planning authority may also make representations as a responsible authority as long as they relate to the licensing objectives.

Appendix 12

Licensing Policy relating to hours of trading

All applications have to be considered on their own merits.

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

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

(see 12.8 of the licensing policy)

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

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