

Appendix 1



TOWER HAMLETS

LICENSING ACT 2003

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

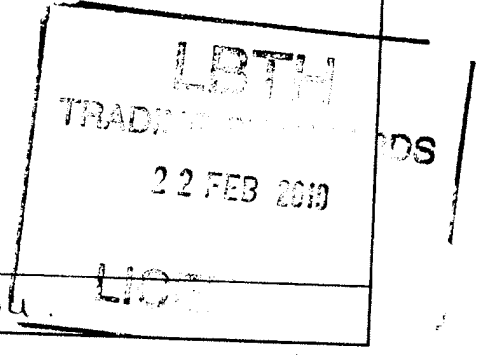
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep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

I/We (Insert name(s) of applicant) HYKMAT ULLAH

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

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
PERFECT CHICKEN 491 CAMBRIDGE HEATH ROAD	
Post town	Post code
HACKNEY	Ea 9BU



Telephone number at premises (if any)

[Redacted telephone number]

Non-domestic rateable value of premises

£ 2500 -

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

HYKMAT

First names

ULLAH

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Redacted address field]

Post Town

[Redacted town field]

Postcode

[Redacted postcode field]

Daytime contact telephone number

[Redacted telephone number field]

E-mail address (optional)

[Empty email address field]

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

[Empty surname field]

First names

[Empty first names field]

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

[Empty address field]

Post Town

[Empty town field]

Postcode

[Empty postcode field]

Daytime contact telephone number

[Empty telephone number field]

E-mail address (optional)

[Empty email address field]

B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	03	2010

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

Day	Month	Year

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

--

Please give a general description of the premises (please read guidance note 1)

HOT FOOD TAKE-AWAY SERVED FROM A
LOCK-UP SHOP,

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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



A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon			<p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri				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)		
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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur						
Fri				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)		
Sat						
Sun						

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing		
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance		
Mon					
Tue					
Wed			State any seasonal variations for the facilities for making music (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing				
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y]. (please read guidance note 2)			Indoor	
						Outdoor	
						Both	
Day	Start	Finish	Please give further details here (please read guidance)				
Mon							
Tue							
Wed							
Thur							
Fri							
Sat							
Sun							
			State any seasonal variations for the facilities for dancing (please read guidance note 4)				
			Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)				

K

<p>Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment facility you will be providing</p>		
			<p>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</p>	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	<p>Please give further details here (please read guidance</p>		
Mon					
Tue					
Wed			<p>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)</p>		
Thur					
Fri					
Sat			<p>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Sun					

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	10.00 AM	2.00 AM	Please give further details here (please read guidance note 4)	N/A.	
Tue	10.00 AM	2.00 AM			
Wed	10.00 AM	2.00 AM	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)	N/A.	
Thur	10.00 AM	2.00 AM			
Fri	10.00 AM	4.00 AM	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)	N/A.	
Sat	10.00 AM	4.00 AM			
Sun	10.00 AM	2.00 AM			

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	
Day	Start	Finish		Off the premises	
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur					
Fri			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)		
Sat					
Sun					

Box M continues on the next page...

Box M continued

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

Name

HYKMAT ULLAH

Address

[REDACTED ADDRESS]

Postcode

[REDACTED POSTCODE]

Personal Licence number(if known)

[REDACTED]

Issuing licensing authority (if known)

LONDON BOROUGH OF TOWER HAMLETS

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)

"NONE"

0

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	10.00 am	2.00 am	N/A
Tue	10.00 am	2.00 am	
Wed	10.00 am	2.00 am	
Thur	10.00 am	2.00 am	
Fri	10.00 am	4.00 am	
Sat	10.00 am	4.00 am	
Sun	10.00 am	2.00 am	

P

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

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

N/A

b) The prevention of crime and disorder

IN ACCORDANCE WITH LOCAL POLICE
GUIDELINES.

c) Public safety

IN ACCORDANCE WITH LOCAL AUTHORITY
HEALTH & SAFETY REQUIREMENTS AND
FIRE SAFETY REGULATIONS, BY DESIGNATION
OF WELL DEFINED PUBLIC AREA AND
RELEVANT SIGNAGE.

d) The prevention of public nuisance

ENSURING NOISE LEVELS ARE KEPT TO MINIMAL, ESPECIALLY DURING LATE HOURS, AND APPROPRIATE SIGNAGE TO INFORM PUBLIC TO RESPECT DECORAM OF LITTER AND NOISE, ALL TO ACCORD WITH LOCAL AUTHORITY ENVIRONMENTAL HEALTH GUIDELINES.

e) The protection of children from harm

IN STRICT ACCORDANCE WITH GUIDELINES AND RECOMMENDATIONS OF CPRS UNIT. ENSURE THAT ALL STAFF ARE FAMILIAR TO REQUIREMENTS IN THIS RESPECT.

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

CHECKLIST:

- Please tick yes
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

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

Signature



Date

9 . 2 . 10

Capacity

For joint applications signature of 2nd applicant 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

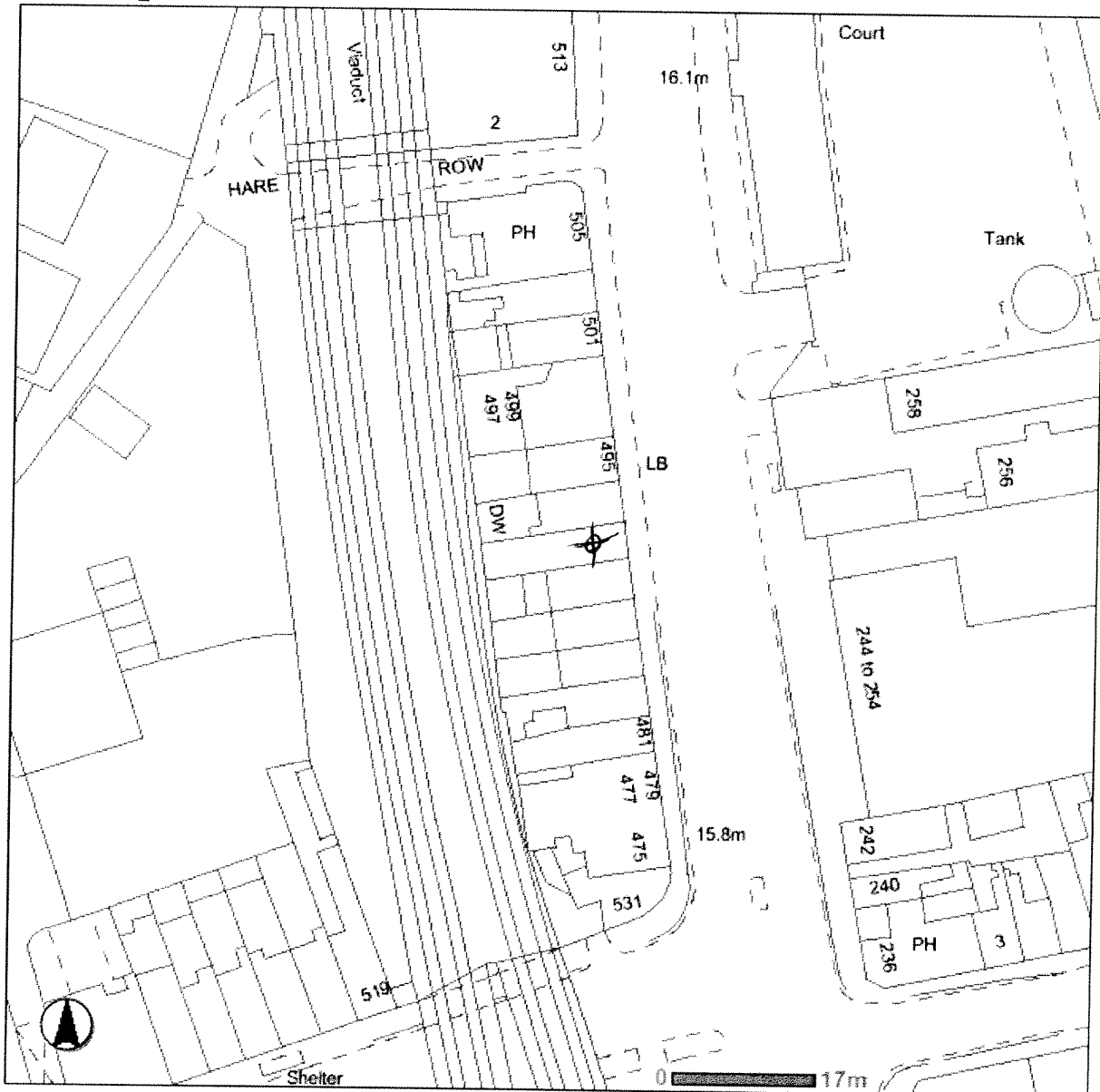
Capacity

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

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 2

Map



Scale 1:750

Map of:

491 Cambridge Heath Road



Notes:

Produced 4 June 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1750

Map of:

Notes:

491 Cambridge Heath Road



Produced 4 June 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date. © Crown Copyright 1998.

Reproduction in whole or part is prohibited without prior permission of Ordnance Survey

Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING

17.03.2010

Jacqueline Randall

LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14 1BY

**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:

Dear Ms Randall

**Re: The application for a premises licence
Perfect Chicken,491 Cambridge Heath Road,E2**

I write with reference to the above application which was received in this office on the 22nd February 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 public nuisance

Although Cambridge Heath Road has a number of takeaway shops all along the street, it still has a considerable residential population, including directly above the takeaway. The night time economy has to be balanced between the needs of local businesses and the welfare of the nearby residents.

The application to remain open on Friday to Saturday until 4am for late night refreshments in my opinion is excessive and would certainly have a detrimental effect on the local residents. I also believe the hours for the rest of the week are also excessive (all 2am).

There are no other late night eateries within the immediate vicinity that are open till the time requested.

It is unfortunate but late night eateries often attract people who are either under the influence of alcohol who can be very loud or it can attract people who are either anti-social or violent. With the best will in the world, it is difficult for staff to stop the noise or the potential ASB

There is another application nearby to Perfect Chicken which I am opposing on the same public nuisance issue. I believe if any further late licences are granted that allows them to remain open until the early hours of the morning , it will lead to further

applications from nearby eateries which would be of great concern to the local residents and the police.

If the committee is to grant the application I would like them to consider the following times

Late night refreshments : Mon - Sun ; 2300 - midnight
Opening Hours Mon - Sun ; 1000 - midnight

I would also like them to consider the following condition

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,

Alan Cruickshank PC 189HT

Appendix 4

Mohshin Ali

From: Jacqueline Randall
Sent: 09 March 2010 18:25
To: Nick Kemp; Mohshin Ali
Subject: FW: New Premises License - 491 Cambridge Heath Road, London E2 9BU

Jackie Randall
Acting Licensing Services Manager

London Borough of Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
2 Clove Crescent
London E14 1BY

Tele: 0207 364 5109
Fax: 0207 364 0683

From: Paul Johnson
Sent: 09 March 2010 12:35
To: Jacqueline Randall
Cc: Alan.Cruickshank@met.pnn.police.uk
Subject: New Premises License - 491 Cambridge Heath Road, London E2 9BU

Dear Jacqueline,

Environmental Health object to this application on the grounds of public nuisance.

The premises is located directly beneath flats and located on a quieter part of Cambridge Heath Road.

Environmental Health has concerns that the operation of this premises will give rise to public nuisance in the following forms:

Noise nuisance from the kitchen extract system

Smell nuisance from the cooking of the fatty foods

Noise and public nuisance from members of the public frequenting the premises up till early morning hours and noise from customers leaving till the proposed hours.

Persons congregating outside premises till the early hours of the morning

High probability that there will be noise nuisance created from customers cars and car stereos throughout the opening hours.

This particular premise does not have planning permission to be used as a take away premise. There has been no application made submitting any details or plans as to what type of kitchen extract system that they will be installing to ensure that there will be no noise, vibration or odour nuisance. Without any of these details, EH has no other option that to object to this premises being granted a License to operate beyond 11pm, let alone operate at all.

The hours that the applicant has applied for in EH opinion are excessive given that there are residential flats directly above.

With reference to section 182 - Advice by the DCMS, paragraph 9.9

The 'cumulative impact' on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant of variation of a premises license is

10/03/2010

being considered, but not in relation to an application for review which must relate to an individual premises.

Within the last couple of weeks, there have been 2 applications for takeaway premises requesting to open till 4-5am in very close proximity to one another. EH has concerns that if Licenses are granted allowing late night takeaway premises to operate in this part of Cambridge Heath Road that this 'cumulative impact' will give rise to public nuisance for the residents that live in and around this area.

The Council has adopted a set of framework hours which are as follows in regards to Licensed Premises which are as follows:

Sunday to Thursday 06 00hrs to 23 30 hrs

Friday and Saturday 06 00hrs to midnight

If members are minded to grant this application, EH would propose that the terminal hour be in line with the Council framework terminal hour.

Conditions

That the Licensee satisfies EH concerns re noise, vibration and odour prior to the License being valid.

Opening Hours be no more than that of Council Framework hours should Councillors be minded to grant a License

Waste materials shall no be placed in the external bins during the night hours (23:00 hours to 7:00 hours the following day).

There shall be no collection or deliveries between 23:00 and 07:00

Clearly legible notices shall be displayed at all exits from the premises requesting patrons to respect the needs of local residents and to leave the premises and area quietly.

If premises are to make deliveries, the following conditions are recommended:

Ensure that all motorcycle vehicles used for the home delivery service remain switched off at times when the vehicles are not in use whilst kept outside the licensable premises.

Ensure that all motorcycles used for the home delivery service are not kept on the footway at any time.
Ensure that all motorcycles used for the home delivery service are switched on and operate from the carriageway only and not the footway.

Ensure that all motorcycles used for the home delivery service are fitted with the original manufacturer's silencers and provisions are made for their non-interference.

Regards,

Paul Johnson
Environmental Health Enforcement Officer
Environmental Protection

Postal Address
Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY

Location Address
Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617
Website : <http://www.towerhamlets.gov.uk>

Appendix 5

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 (10.40).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 6

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 (10.40).

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 7

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**).

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 12.11**).

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

The Licensing Authority will consider attaching conditions to prevent nuisance 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):

- 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 8

Access and egress problems

Such as:

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

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

Appendix 9

Planning

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