

Appendix 1

**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.

We, SIGNATURE & STRADA RESTAURANTS LIMITED, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and 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 Strada Unit E1 12 Hertsmere Road West India Quay	
Post town	Postcode E14 4AF

Telephone number of premises (if any)

Non-domestic rateable value of premises

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) a person 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 **First names**

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post Town

Postcode

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick
✓ yes

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

Post town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

(B) OTHER APPLICANTS

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

Name	SIGNATURE & STRADA RESTAURANTS LIMITED
Address	163 EVERSOLT STREET LONDON NW1 1BU
Registered number (where applicable)	03038667
Description of applicant (for example, partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number (if any)	020 7121 3200
E-mail address (optional)	

Part 3 – Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
0	2	0	9	2	0	1	0

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)

Restaurant providing food and drink.

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)

Please tick ✓ yes

Provision of regulated entertainment

- 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

A

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

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick [✓] (please read guidance note 2)		Indoors	
					Outdoors	
Day	Start	Finish				
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)			
Thur						
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sat						
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			State any seasonal variations for indoor sporting events (please read guidance note 4)
Tue			
Wed			
Thur			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)
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 <input checked="" type="checkbox"/> (please read guidance note 2)		Indoors	
					Outdoors	
Day	Start	Finish	Both			
Mon			Please give further details here (please read guidance note 3)			
Tue						
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)			
Thur						
Fri			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)			
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 [✓] (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			Please give further details here (please read guidance note 3)	
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			Will the playing of recorded music take place	
Standard days and timings (please read guidance note 6)			indoors or outdoors or both – please tick [✓]	
			Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish	Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon	09.00	00.00	Please give further details here (please read guidance note 3)	
Tue	09.00	00.00	State any seasonal variations for the playing of recorded music (please read guidance note 4) On New Year's Eve, recorded music may be provided until the commencement of licensable activity on 1 January. On Christmas Eve until 02.00 on the morning following.	
Wed	09.00	00.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)	
Thur	09.00	00.00		
Fri	09.00	01.00		
Sat	09.00	01.00		
Sun	09.00	00.00		

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 [✓] (please read guidance note 2)		Indoors	
					Outdoors	
					Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
Tue			State any seasonal variations for the performance of dance (please read guidance note 4)			
Wed						
Thur			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)			
Fri						
Sat						
Sun						

H

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)</p>			<p><u>Please give a description of the type of entertainment you will be providing</u></p>		
Day	Start	Finish	<p><u>Will this entertainment take place indoors or outdoors or both – please tick [✓]</u> (please read guidance note 2)</p>	Indoors	
Mon				Outdoors	
				Both	
Tues			<p><u>Please give further details here</u> (please read guidance note 3)</p>		
Wed					
Thur			<p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p>		
Fri					
Sat			<p><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick [✓] (please read guidance note 2)</u>	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tues				
Wed				
Thur			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick [✓] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
			<u>Please give a description of the facilities for dancing you will be providing</u>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

K

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)			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both – please tick [✓] (please read guidance note 2)	Indoors	
Mon				Outdoors	
				Both	
Tues			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4)		
Fri					
Sat			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)		
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 <input type="checkbox"/> (please read guidance note 2)		Indoors	
					Outdoors	
					Both	✓
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon	23.00	00.30				
Tue	23.00	00.30				
Wed	23.00	00.30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur	23.00	00.30				
Fri	23.00	01.30				
Sat	23.00	01.30	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) On 31 December, between 23.00 and 05.00 on the following day. On 24 December until 02.30 on the morning following.			
Sun	23.00	00.30				

M

Supply of Alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption – please tick box [✓] (please read guidance note 7)	On the premises		
Day	Start	Finish		Off the Premise		
				Both		✓
Mon	09.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)			
Tue	09.00	00.00				
Wed	09.00	00.00				
Thur	09.00	00.00		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) On New Year's Eve, alcohol may be sold or supplied until the commencement of licensable activity on 1 January. On Christmas Eve until 02.00 on the morning following.		
Fri	09.00	01.00				
Sat	09.00	01.00				
Sun	09.00	00.00				

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

Name Kelvin Terblanche

Address [REDACTED]

Postcode [REDACTED]

Personal Licence number (if known) [REDACTED]

Issuing licensing authority (if known) [REDACTED]

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

<p>Hours premises are open to the public</p> <p>Standard days and timings (please read guidance note 6)</p>			<p>State any seasonal variation (please read guidance note 4)</p>
Day	Start	Finish	
Mon	07.00	01.00	
Tue	07.00	01.00	
Wed	07.00	01.00	
Thur	07.00	01.00	
Fri	07.00	02.00	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>On 31 December until the opening time on the following day. On Christmas Eve, until 03.00 on the morning following.</p> <p>Notwithstanding the hours stated here as standard timings, the premises may open at any time for non licensable activities.</p>
Sat	07.00	02.00	
Sun	07.00	01.00	

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)

All staff are trained in the appropriate legislation.

All staff will be properly trained for their roles, records of training kept and re-training will be regularly provided.

b) The prevention of crime and disorder

Ensure that glassware or open containers do not leave the premises or any external seating area. The premises will liaise with the Police.

c) Public safety

The premises licence holder is aware of existing health and safety and fire safety responsibilities. Regular checks of safety equipment and fire escape will be carried out. Adequate numbers of staff will be provided to ensure public comfort and safety.

d) The prevention of public nuisance

Where appropriate, notices will be provided at exits reminding customers to leave the premises quietly and to respect residents when travelling home.

e) The protection of children from harm

Provide training in relation to the legal requirements in relation to children within the licensed premises (including proof of age evidence).

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

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 4 – Signatures (please read guidance note 10)

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

[Redacted Signature]

Date 3 August 2010

Capacity BERWIN LEIGHTON PAISNER, SOLICITORS for and on behalf of the Applicant.

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. N/A**

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13) GRAHAM CLACK BERWIN LEIGHTON PAISNER, SOLICITORS ADELAIDE HOUSE LONDON BRIDGE	
Post town LONDON	Postcode EC4R 9HA
Telephone number (if any) 020 3400 2105	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) graham.clack@blplaw.com	

Notes for guidance

- 1 Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
- 2 Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
- 3 For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 4 For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 5 For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 6 Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 7 If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
- 8 Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
- 9 Please list here steps you will take to promote all four licensing objectives together.
- 10 The application form must be signed.
- 11 An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 12 Where there is more than one applicant, both applicants or their respective agents must sign the application form.
- 13 This is the address which we shall use to correspond with you about this application.

Appendix 2

Date: 16 September 2010
Our ref: GC/24135.233
Your ref:
DDI: 020 3400 2105
e-mail: graham.clack@blplaw.com

Mr M Ali
London Borough of Tower Hamlets
Town Hall
Mulberry Place
5 Clove Crescent
London
E14 2BG

Dear Mohshin

Strada, Unit E1, 12 Hertsmere Road, West India Quay, E14

I write with reference to the new licence application in respect of the above mentioned premises.

As you are aware, our clients are taking over the unit which was formally known as Dion. The reason why we had to lodge a new licence application, is that the licence holder for Dion went into administration and therefore the Licence lapsed.

When lodging the application, we requested "standard" hours, which we use when applying in High Street locations or within leisure parks (although in practise our client in fact operates shorter hours than those requested). Unfortunately, we did not appreciate the sensitivities within this area. Therefore, having considered the representations of the residents and the planning department, we now wish to amend the application in the following way.

- Alcohol sales to cease at 23:00 Saturday - Tuesday and at 00:00 Wednesday - Friday.
- Late night refreshment and opening hours to be an additional 30 minutes to the hours mentioned immediately above (in order to allow "drinking up" and serving of hot drinks).
- We wish to withdraw **completely** recorded music.

We hope that the removal of recorded music will be of great comfort to the residents.

Over the next few days, we shall endeavour to forward a copy to all of the local residents and will be asking them, in circumstances, whether they would be prepared to kindly withdraw their representations. We are taking the opportunity to send this letter (by email only) to Andy Jackson at the Police and to Thomas Doyle in your planning department.

Would you be kind enough to ensure that this letter is added to the Committee papers so that the Committee are aware of the amendments to the application.

Should you have any queries, please do not hesitate to contact me.

Yours faithfully

BERWIN LEIGHTON PAISNER LLP

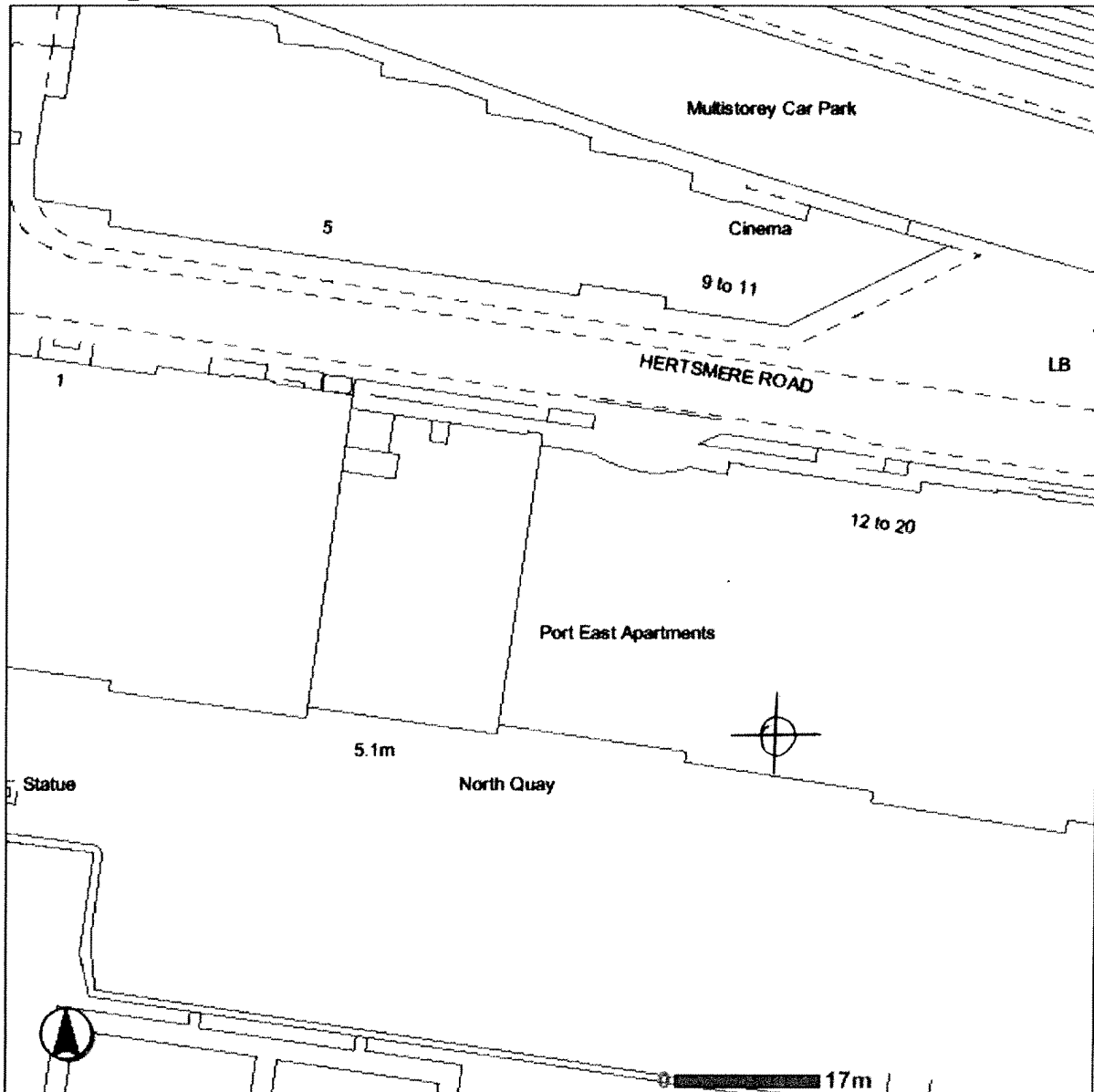
To: London Borough of Tower Hamlets
Date: 16 September 2010
Page: 2

cc Thomas.doyle@towerhamlets.gov.uk; Andy.jackson@met.police.uk

gml\14464573.1

Appendix 3

Map



Scale 1:750

Map of:

Strada

Notes:

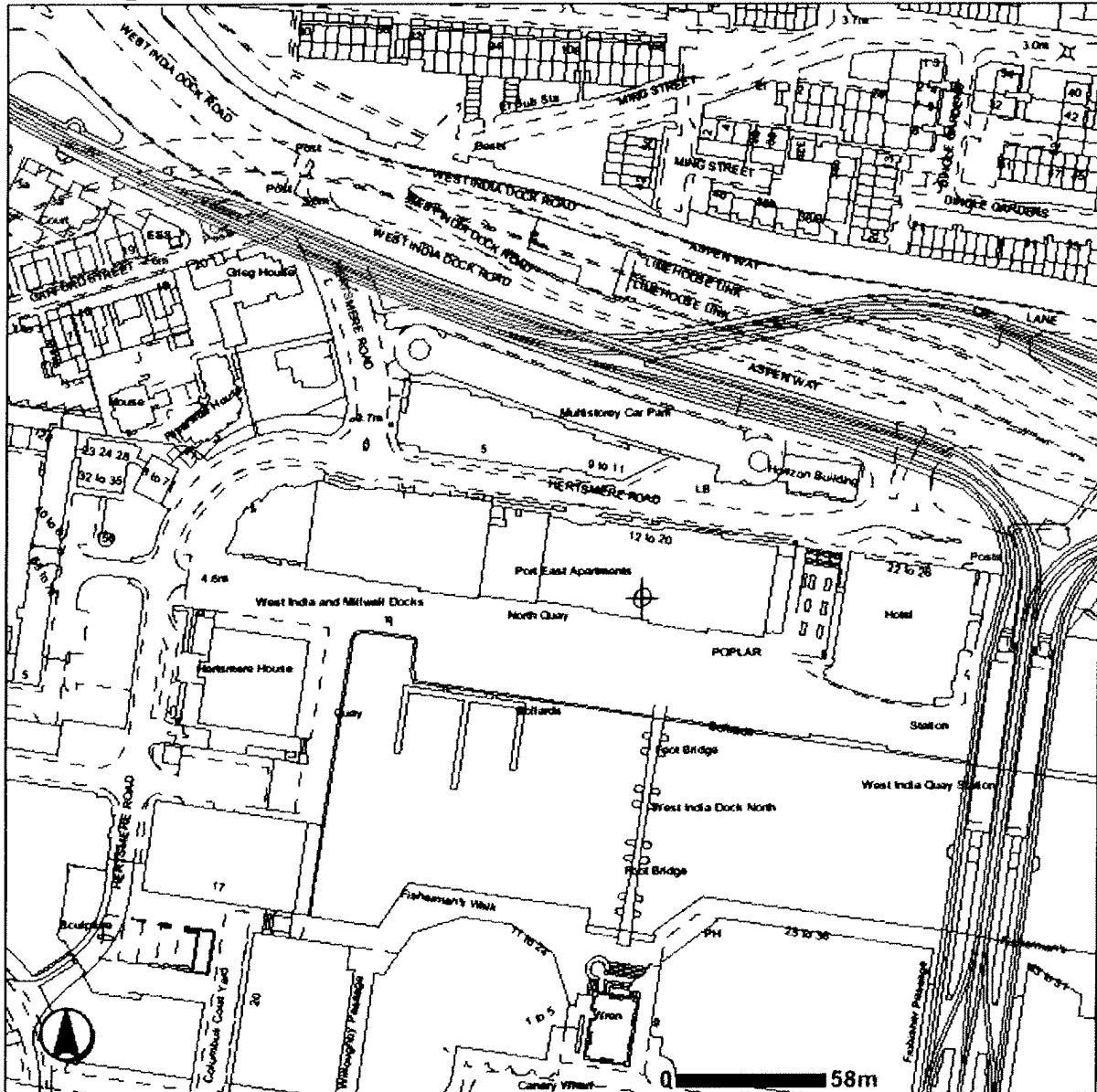
Produced 20 September 2010 from Ordnance Survey digital data and incorporating surveyed revision available at this date.
© Crown Copyright 1998.

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 1:2500

Map of:

Strada

Notes:

Produced 20 September 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 4

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 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 or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 5



Memorandum

To Licensing Department
From Planning Enforcement
Contact Thomas Doyle
Extension 5204
Date 26/08/2010
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 new premise license at Strada, Unit E1, 12 Hertsmere Road, West India Quay, E14 4AF.

The Planning Department wishes to object to the granting of a new Premises License at Unit E1, 12 Hertsmere Road, West India Quay, E14 4AF 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 and noise later into the night and in the early hours of the morning.

Public Nuisance

Hertsmere Road 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 1am Mondays to Thursdays and on Sundays and until 2am on Friday and Saturdays will result in noise and disturbance to residents far later into the evening than what currently occurs.

The location of the premises is in an area where residential properties located above the premises in particular 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 1am 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 Unit E1, 12 Hertsmere Road, West India Quay, E14 4AF for the opening hours proposed, as this will cause a serious public nuisance to nearby residential occupiers far later into the evening than what currently occurs. The new Premises License hours will not maintain a balance between commercial activities and residential amenity, in an area where this is clearly required.

Thomas Doyle
Planning Enforcement Officer

Appendix 6

Individual representations of local residents against Strada, Unit E1, 12 Hertsmere Road, West India Quay, London E14 4AF						
	Name	Address1	Address2	Address3	Address4	Address5 Appendix
1	Deborah Nankivell	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 7
2	Kate and David Chur	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 8
3	Lincoln Sehter	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 9
4	Roger Houlihan	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 10
5	J and R Channell	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 11
6	Dr and Mrs J A Lawrie	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 12
7	Iain Stewart (Representing Residents)	[REDACTED]	Station Lane	Hornchurch	Essex RM12	[REDACTED] 13
8	Aaron Hulsizer	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 14
9	Alison Houlihan	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 15
10	Luke Hamill	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 16
11	Katrina Haley	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 17
12	Barnaby Geib	Flat [REDACTED]	West India Quay	Hertsmere Road	London E14	[REDACTED] 18
13	M and L Leong (Owner)	[REDACTED]	Park Avenue	[REDACTED]	Ruislip HA4	[REDACTED] 19
14	Mark Nankivell	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 20
15	Sandra Dumont	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 21
16	Ms Sook L Miller	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 22
17	Paul Karpeles	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 23
18	M and D Garside	Flat [REDACTED]	Port East Apartment	Hertsmere Road	London E14	[REDACTED] 24
19	Mark Aspery (Owner)	[REDACTED]	Tredegar Square	[REDACTED]	London E3	[REDACTED] 25

Appendix 7

Mohshin Ali

From: Deborah Nankivell [REDACTED]
Sent: 02 September 2010 12:33
To: Mohshin Ali
Subject: Strada application to play music and serve alcohol

Dear Sirs

I write to you as the owner of Flat B204, Port East Apartments, West India Quay and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds:-

I have already been disturbed by noise from the commercial units in the area and I feel an extension of Strada's hours could lead to a further increase in the noise level and more incidences of rowdiness.

I often travel to London with my daughter aged 12. When returning home after a night at the theatre it can feel quite intimidating passing groups of late night revellers. An extension to the hours Strada can play music and serve alcohol can only serve to increase the amount of people out on the street.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Yours faithfully
Deborah Nankivell

Appendix 8

Mohshin Ali

From: Kate Church [REDACTED]
Sent: 01 September 2010 11:24
To: Mohshin Ali
Cc: Charlotte Last; David Church
Subject: C305 Port East apartments Planning objection to Strada's licensing hours extension

Dear Moshin

We write to formally to object to the request for the extension of licensing hours and the playing of music beyond 11.00pm

Kind Regards Kate & David Church owners of [REDACTED] Mobile [REDACTED]

Appendix 9

Mohshin Ali

From: Lincoln Sehter [REDACTED]
Sent: 01 September 2010 10:22
To: Mohshin Ali
Subject: Strada Application to Extend Hours, Port East, West India Quay

Dear Sirs

I write to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds;

- 1. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**
- 2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada.**
- 3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

I would like to register my objection to an extension of their hours in the strongest possible terms.

Yours sincerely

Lincoln Sehter

01/09/2010

Appendix 10

Mohshin Ali

From: Houlihan, Roger [REDACTED]
Sent: 31 August 2010 22:04
To: Mohshin Ali
Subject: Licensing request for Strada restaurant

To Whom it may concern,
I write to you as the owner of Apartment B101 Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol. I don't object to Strada per say, in fact knowing this establishment I would encourage their presence on the key, but only in the context of a restaurant not operating a late licence such as this.

I write to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside. I am already concerned about the current license times and the concern would clearly be exacerbated if opening times were extended.
2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada, particularly as customers of the bars and restaurants currently in the quayside stand around the doorways smoking and have been seen congregating at the entrance - this is quite intimidating especially for lone females living in Port East.
3. I have been disturbed by the noise emanating from the commercial units and although I understand that the bars and restaurants on the quayside are bound to generate some noise, there is a limit to this and the extended hours proposed would certainly mean that residents will ultimately suffer through lack of sleep and noise infringing on their enjoyment of the building and quay area.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Regards

Roger

Roger Houlihan [REDACTED]

This email has been sent from KPMG LLP, a UK limited liability partnership (which is a subsidiary of KPMG Europe LLP), from KPMG Europe LLP, from one of the companies within KPMG LLPs control (which include KPMG Audit Plc, KPMG United Kingdom Plc and KPMG UK Limited) or from KPMG Resource Centre Private Limited, together "KPMG".

01/09/2010

KPMG Europe LLP does not provide services to clients. None of KPMG Europe LLPs subsidiaries have any authority to obligate or bind KPMG Europe LLP. This email is confidential and may be legally privileged. It is intended solely for the addressee. Access to this email by anyone else is unauthorised. If you are not the addressee or an intended recipient or have not agreed with us the terms on which you are receiving this email any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on the contents of this email or its attachments, is at your own risk, prohibited and may be unlawful, and to the fullest extent permitted by law KPMG accepts no responsibility or liability to you. When addressed to our clients any opinions or advice contained in this email or its attachments are subject to the terms and conditions expressed in the governing KPMG client engagement letter. Anything in this email or its attachments which does not relate to KPMG's official business is neither given nor endorsed by KPMG.

KPMG Europe LLP, registered in England No 0C324045
Registered office: 8 Salisbury Square, London EC4Y 8BB

KPMG United Kingdom PLC, registered in England No 03513178
Registered office: 8 Salisbury Square, London EC4Y 8BB

KPMG UK Limited, registered in England No 3580549
Registered office: Aquis Court, 31 Fishpool Street, St Albans AL3 4RF

KPMG LLP, registered in England No 0C301540
Registered office: 8 Salisbury Square, London, EC4Y 8BB

KPMG Audit Plc, registered in England No 3110745
Registered office: 8 Salisbury Square, London EC4Y 8BB

Appendix 11

Tuesday 31st August 2010

Mr Mohshin Ali,
Planning Office
Tower Hamlets Council
Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

Dear Mr Ali,

Re: Application to extend opening licence for Strada and other matters at West India Quay

We understand that Strada, a restaurant soon to be opening in the commercial unit below residential block E at 12 Hertsmere Road E14 4AE, has applied for late openings. As owner and occupier of Apartment [REDACTED], we are deeply concerned about this application for a number of reasons which I would like to set out to you.

Please understand that this letter comes in hope of reaching a compromise suitable for all parties (not least Strada, and the Council). We recognise the benefit of the commercial activities, and we support their trade. We also understand the growing pressures on businesses to maintain trade in the current economic climate. However, we are disappointed that decisions have been made by the Council and X-Leisure (who manage the commercial tenants) to support the interests of the commercial activities at the cost of the residents. In short, the balance of interests between the two is skewed to the detriment of residential life at West India Quay. Our quality of life is sometimes seriously compromised.

To illustrate the issues we currently have, and have raised repeatedly with the Council and X-leisure of the last years, I will set out a few examples below. We feel you would be responsible for exacerbating these further if you approve Strada's application:

Noise

1. The noise levels that we hear from the bars below are already unacceptable. At times, it is so loud that we have to go downstairs in the middle of the night and ask the bars to turn down the base and volume, which travels through the whole building because of the structure.
2. The bars hang their sound equipment on the beams that conduct sound with no proper or professional insulation.
3. Management frequently exceed opening times, and acceptable (legal) noise levels.
4. Recent examples include a Brazilian night in Bar 1803 where a drumming band was allowed to drum inside the building until midnight.
5. Closing time does not reflect noise cessation at all. Drunken customers are allowed to party on outside until 4, 5 or 6am – until they collapse. The noise often relates to fights with raised voices, screaming women, men assaulting each other, furniture and glasses being thrown. One woman was screaming "rape" at 3.30am.

Public Nuisance

1. As well as the above noise issues, the bars neglect their obligation to keep their premises in hygienic order. Bins liners are dragged across floors in residential areas causing leakage of rotting food and drink, damage to the floor (example: Beluga Café on the ground floor causing permanent stains on the wooden floor and La Tasca leaving food debris in the basement – prawn shells, broken glass, various slippery items in the path of our fire escape). The smell is also horrific.
2. Bar management and X-leisure neglect their duties under Public Safety orders in that they allow fire exits to be blocked. Specific examples include leaving waste bags in the corridors in the basement and a permanent staff locker unit that blocks half of La Tasca's fire escape in the basement. Also, the Council and X-Leisure have allowed Beluga Café to build an outside serving station in front of their fire exit on the ground floor. Recently, the fire department ordered the removal of a small from the residential stairwell as it was considered a "serious" obstruction to the fire exit path of the building. This comparatively small obstruction was immediately removed but we see no such commitments to public safety from the commercial units.
3. Bars do not clear away their glasses, drinks, cigarette butts, some food debris from the outside terrace areas. A quick tour on a Saturday or Sunday morning would reveal this. The area is unsightly, unhygienic and as a result attracts rodents and pigeons.
4. Commercial units do not clean their outside terrace spaces properly. Food and drink stains, chewing gum, degrade the area.
5. The above, and the permitting of immoderate signs and outside umbrellas, smoking areas and seating contravene the spirit of a Grade 1 Listed building. The Council has permitted the historic building façade to be covered and obscured by materials that are not in keeping with the history. Nor are these things erected to preserve the building. Holes are bored in brick work, beams and other structures that are protected. In turn however, residents are required to jump through countless hoops to alter the interiors of the residential units and are prevented from interfering with the listed structures.

Crime, Public Disorder and Public Safety

1. We have reported incidences of drug dealing outside on the quayside. We believe that the extended licenses encourage this dealing and are responsible for proliferation of drug and drink related crime.
2. The excessive drinking culture has led to personal safety threats. Specific examples include the entrance to the residential building being blocked by drunken clients of the commercial units. We have endured verbal and physical abuse in the form of unsolicited sexual advances, physical touching and blocking of the door way to attract attention. This is incredibly stressful. There is insufficient security and protection provided by the commercial tenants for the safe passage of the residents. Nor is there proper demarcation of drinking areas and residential access areas.
3. We have a 2 year old child who we frequently have to push through this type of crowd. I fear for her safety and well being. Surely the Council has a duty to protect children from this kind of harm? Essentially the building is residential and the rights and well being of the residents need to be protected by the council.

4. Fighting amongst the intoxicated patrons is tolerated – certainly, it is not controlled as security watches on.

We have many more examples that I can share with you. I genuinely welcome you to spend an evening at our home during one of these evenings where entertainment activity is enhanced so you can judge first hand if you consider this an acceptable balance of residential and commercial life at West India Quay.

We have positive experience of living in a similar building with shared residential and commercial units where the balance is managed more equitably and appropriately. As an example, and in the spirit of compromise, I illustrate the efforts that Islington Council and another management company have made.

Examples of these measures include:

1. Enforced closing procedure: security usher patrons off-site within 20 minutes of closing time.
2. Extra crowd control and security
3. Increased monitoring by police
4. More frequent inspections by council
5. Proper boundaries of drinking/entertainment space and general public space
6. Effective escalation method in case of issues (telephone numbers of bar managers distributed etc) midnight response from council.
7. Effective barriers to separate patrons of bars from residential entrances
8. Enforced sound limits (technical sound output monitored)
9. Etc.

Until measure such as above are implemented, we would like to register our **objection to an extension of their hours in the strongest possible terms given that we feel this will exacerbate the already unacceptable environment**. We ask you to conduct a full investigation on all the opening licenses at West India Quay and address our safety concerns. We have a right to live in a safe and quiet environment (at reasonable times) and feel that the Council has a duty to protect us from the harm that we have illustrated above.

Sincerely,

Jason and Rosalie Channell
[REDACTED] Port East Apartments.

Copy by post.

Appendix 12

Mohshin Ali

From: Carole [REDACTED]
Sent: 31 August 2010 18:06
To: Mohshin Ali
Subject: Licence Application, Strade, West India Quay

----- Original Message -----

From: Carole
To: mohshin.ali@towerhamlets.gov.uk
Cc: Charlotte Last ; Iain Stewart
Sent: Tuesday, August 31, 2010 3:01 PM
Subject: Licence Application, Strade, West India Quay

TO: Moshin Ali, Tower Hamlets Council, Licencing Department
Date: 31.8.2010
From: Dr and Mrs J A Lawrie, Owners, Flat B103 Port East Apartments, West India Quay.

Sirs;

RE: LICENCE APPLICATION, STRADA, WEST INDIA QUAY.

We are the owners of flat [REDACTED] Port East Apartments, and write to you to object to the licence application made by Strada to extend the hours in which they can serve alcohol and play music, on the following grounds:

- a) Prevention of Crime and Disorder,
- b) Public safety and
- c) Prevention of Public Nuisance.

For the following reasons:

1.0 Our apartment, part of Port East Apartments, is above 'Strada' - so this is a mixed area of residential, and what is supposed to be, restaurant use. Entry to our apartment block is through the Quayside occupied by a number of restaurants. There are already a number of disturbances, crime and disorder issues - some of a serious nature - along the Quayside. We are concerned that the extended hours will lead to further disturbances.

2.0 We are concerned for the safety of residents returning to Port East Apartments, through this restaurant area, should the nature of the area change still further from restaurant to late-night drinking venue

3.0 The noise emanating from the commercial units under Port East Apartments causes disturbance and disruption - particularly from people leaving these venues late at night - from taxis right underneath our windows in Hertsmere Road and from noise in adjoining streets. These extended hours would further compromise our rights to quietly enjoy our property.

In general terms, the commercial units at West India Quay currently have a planning use as restaurants: there is a move by some of these establishments, by stealth, to acquire later drinking and music licences, to become a late night drinking venue. In our view, it is not necessary for restaurants to have such late opening hours and it is inappropriate to their planning class use. The licencing hours being requested are more likely to lead to 'club' type of use, which is in a completely different planning category.

We would draw to your attention that West India Quay is a Grade 1 listed building and we also believe this development to be

inappropriate and detrimental to the character and setting of a Listed Building.

We would ask Tower Hamlets to reject this application for further, extended licencing hours in this location.

Dr and Mrs J A Lawrie.

Appendix 13

Mohshin Ali

From: Iain Stewart [REDACTED]
Sent: 01 September 2010 13:48
To: Mohshin Ali
Subject: RE: License objection Strada restaraunt WIQ, 12 Hertsmere Road

VMT, my contact details are
[REDACTED] Station Lane, Hornchurch, Essex, RM12 [REDACTED]
Mobile:- [REDACTED]
Home:- [REDACTED]

Iain Stewart

From: Mohshin Ali [mailto:Mohshin.Ali@towerhamlets.gov.uk]
Sent: 01 September 2010 12:33
To: Iain Stewart
Subject: RE: License objection Strada restaraunt WIQ, 12 Hertsmere Road

Dear Mr Stewart,

Thank you for your email. I would be grateful if you could provide me with your correspondence address.

Thanks

Mohshin Ali - Acting Senior Licensing Officer,
London Borough of Tower Hamlets Licensing Section Mulberry Place (AH) PO BOX 55739 5 Clove
Crescent London E14 1BY
Tel ☎: 020 7364 5498 Fax ☎: 020 7364 0863 E-mail ✉: mohshin.ali@towerhamlets.gov.uk

From: Iain Stewart [REDACTED]
Sent: 31 August 2010 16:18
To: Mohshin Ali
Subject: License objection Srada restaraunt WIQ

Dear Mr Ali,

Following our telecon this afternoon I write on behalf of the Freehold owners and residents of West India Quay to register their objection to the terms of the license under consideration for the above premises.

The objection is based on the following:-

1. The area is mixed commercial and predominately residential usage and late licensing as proposed will increase the noise level for the residents, some of whom are elderly or have young children.
2. There are already two 'turbo bars' with late licensing which create a nuisance, and further bar will merely increase the problem.
3. Given such bars attract a certain sector of society many residents are concerned for their personal safety when attempting to access their property.

I believe that a number of objections have been lodged, however many residents are away at the moment and should your department decide that a hearing is appropriate, I would be most grateful if you would keep me informed, so that I am able to advise the residents.

Yours sincerely

06/09/2010

Iain Stewart (Executive Officer WIQ(F)Ltd)

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

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

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

Appendix 14

Mohshin Ali

From: Aaron Hulsizer [REDACTED]
Sent: 31 August 2010 15:57
To: Mohshin Ali
Subject: RE: Strada Application @ Port East / West India Quay

Dear Sirs

I write to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds;

- 3. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**
- 2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada.**
- 3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

I would like to register my objection to an extension of their hours in the strongest possible terms.

Aaron Hulsizer

Port East Flat [REDACTED] Owner
tel contac [REDACTED]

Appendix 15

Mohshin Ali

From: Alison Houlihan [REDACTED]
Sent: 31 August 2010 15:42
To: Mohshin Ali
Subject: Licensing request for Strada - WIQ

To Whom it may concern,

I write to you as the owner of Apartment [REDACTED] Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside. I am already concerned about the current license times and the concern would clearly be exacerbated if opening times were extended.
2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada, particularly as customers of the bars and restaurants currently in the quayside stand around the doorways smoking and have been seen congregating at the entrance - this is quite intimidating especially for lone females living in Port East.
3. I have been disturbed by the noise emanating from the commercial units and although I understand that the bars and restaurants on the quayside are bound to generate some noise, there is a limit to this and the extended hours proposed would certainly mean that residents will ultimately suffer through lack of sleep and noise infringing on their enjoyment of the building and quay area.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Regards
Alison Houlihan

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Appendix 16

Mohshin Ali

From: Luke Hamill [REDACTED]
Sent: 31 August 2010 15:15
To: Mohshin Ali
Subject: Licence Application Port East

Dear Mohshin,

Further to my email from the weekend I write again to reinforce the objection to the application above.

As the owner of B302 Port East Apartments, and Director of West India Quay Ltd, and I understand that you are dealing with an application from Strada to extend the licence hours for music alcohol.

I hereby officially log my objection on the following grounds;

1. **Extended hours will increase disturbances in the area. We have enough problems with existing late night drinking at West India Quay.**
2. I am concerned for my own safety when I am around the drunks that congregate in West India Quay. This will be a greater problem given Strada is next to the main Quayside entrance.
3. I am already being disturbed by noise from restaurants and bars in West India Quay. My right to quiet enjoyment would be further compromised by extending Strada's licence.

I hereby register my objection to an extension of their hours in the strongest possible terms.

I look forward to hearing from you.

Regards,

Luke Hamill



Mohshin Ali

From: Luke [REDACTED]
Sent: 29 August 2010 22:17
To: Mohshin Ali
Subject: Strada licence

- >
- > Dear Mohshin
- >
- > I write as the owner of [REDACTED] Port East Apartments
- >
- > It is alarming that Strada have submitted a late night alcohol in our grade 1 building.
- >
- > The existing alcohol licensing at Port East causes enough problems for the residents.
- >
- > As a Director of West India Quay I note how it seems that late licenses are reducing the calibre of customer at Port East.
- >
- > Aside from rejecting this latest application please can Tower Hamlets reduce the existing number of late night licenses at Port East.
- >
- > Please do not hesitate to contact me if you have any questions.
- >
- > I look forward to hearing from you.
- >
- > Regards,
- >
- > Luke Hamill
- >
- >
- > Sent from my iPhone

Appendix 17

Mohshin Ali

From: [REDACTED]
Sent: 31 August 2010 13:54
To: Mohshin Ali
Subject: License Application by Strada at West India Quay
Attachments: STRADA License Application.pdf.zip



STRADA License Application.pdf...

Dear Mr Ali

Please find attached my letter of objection to the extended hours license for Strada Restaurant at West India Quay.

Regards

(See attached file: STRADA License Application.pdf.zip)

Katrina Haley

[REDACTED]

Phone [REDACTED]
Fax [REDACTED]
Email [REDACTED]
Internet [REDACTED]

HSBC Bank plc
Registered Office: 8 Canada Square, London E14 5HQ Registered in England - Number 14259
Authorised and regulated by the Financial Services Authority

SAVE PAPER - THINK BEFORE YOU PRINT!

This E-mail is confidential. It may also be legally privileged. If you are not the addressee you may not copy, forward, disclose or use any part of it. If you have received this message in error, please delete it and all copies from your system and notify the sender immediately by return E-mail.

Internet communications cannot be guaranteed to be timely, secure, error or virus-free.

The sender does not accept liability for any errors or omissions.

Port East Apartments
Hertsmere Road
London
E14

Mr Mohshin Ali
Licensing Section, London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

31st August 2010

Dear Mr Ali,

Licensing Act 2003 and Strada, Hertsmere Road, London, E14 4QT

I write to you as a resident of Port East Apartments, West India Quay in connection with an application from Strada (Tragus Ltd) to play music and serve alcohol for extended hours. I write to officially **log my objection**. Extended hours is not suitable for their location in a predominantly residential Grade 1 listed building in a conservation area.

1. I am concerned the extended hours will lead to further **disturbances** on the Quayside and in neighbouring Hertsmere Road where drunken crowds can gather at closing time. The **lack of late night public transport** in the area means dispersal is a noisy and prolonged matter that has caused me considerable disturbance and anxiety in the early hours of the morning.

The requested hours are themselves extended for 'drinking up' and it is residents experience that 'clearing up' also takes time meaning that refreshments to 2am actually becomes **dispersal into a residential area at nearer 3am**.

2. I am concerned for my own **safety** (and on occasion my children) when returning home late. The atmosphere on the Quayside becomes increasingly intimidating and uncontrolled during the course of an average evening and we have on several occasions witnessed fights, antisocial behaviour (urinating, drug taking, vomiting) and been verbally abused. Parts of the building have also been wilfully damaged and the residents and tenants have hired additional private security staff at our expense to patrol.
3. I have already been disturbed by the **noise** emanating from Via and other bars and my right to quiet enjoyment would be further compromised by extended hours. The **cumulative effect** of extending hours could lead to more applications from other bars (this application is a case in point of a 'me too' application) and change the nature of the area from bars serving the local working (and largely commuting) clientele to a **target destination** for late night drinking. Indeed, one bar advertises itself as offering entertainment 'into the early hours', and as 'one of Canary Wharf's premier destination venues' and 'the ultimate clubbing experience'. This is entirely **unsuitable in a residential building where residents repeatedly suffer a very different experience**. I see no reason why Strada, in applying for a license for alcohol and recorded music in its restaurant premises, needs an extended license to 2am on weekends and to 1am during the week.

I would like to register my objection to an extension of the hours in the strongest possible terms.

Yours sincerely

K Haley

Appendix 18

Mohshin Ali

From: Barnaby Geib [REDACTED]
Sent: 31 August 2010 13:09
To: Mohshin Ali
Subject: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14

Dear Mr Ali,

Re: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14

Please find below a signed copy of my objection to a "late license" request for Strada. The essential control mechanisms are simply not in place to ensure that the clientele who will frequent Strada til the early hours are not a hazard to themselves or anybody else in the area.

If Tower Hamlets council is sincere in fulfilling its "community plan" (http://www.towerhamlets.gov.uk/lgsi/701-750/720_community_plan.aspx) then I fail to see how the above license extension can be granted.

Most residents tolerate the current arrangement because they are reasonable people and appreciate that people have to have somewhere to go for a drink til late. But extending them further is nothing short of greedy and is no compromise whatsoever.

Putting aside the residents objections, just what kind of message do Tower Hamlets want to send out? Is it A, "Come to Canary Wharf and get smashed and stoned til 3 am"? Or B, "come to Canary Wharf (West India Quay), enjoy the shopping, have a drink and finish the day with a nice meal in an atmosphere safe for families"? The council are in a position here where they can decide to be a borough that accepts (endorses?) late night binge drinking, the trouble is causes and therefore be just like most of the boroughs of GB. Or, you can be one that makes a stand against it. You can be different and truly send out a statement that says this is not what we want in our borough. No matter what we say as residents, the council need to look at this as part of their vision for CW (West India Quay) and TH as a whole and then decide where this application fits. If you're looking for an expensive Whitley Bay then grant the license, if not, reject it.

The council should be encouraging a continental style of socialising as you would find in many European capitals which includes food and drink late into the night without the club music.

The food offsets the amount people drink so they don't throw up everywhere and act like hooligans and because there is no clubbing music, local residents are not adversely affected.

Furthermore, a different type of punter is attracted to the area. At the minute, it seems WIQ is going all out for young people drinking lots of beer and alcopops. Why would the council want to encourage this?

The building is not designed to accommodate late night revelry in the same way as a modern purpose built block. The wood beams that run through the building carry bass the length and breadth of the building and it makes it extremely difficult to sleep when bass is thumping through from below as it vibrates around. This is a problem for many residents above Via Fossa currently and to add Strada to the mix is adding insult to injury.

Currently, late night revellers all gather on Hertsmere Road when the current pubs close. Port East was developed in the early 90s and the listed window design used in the conversion were not "specc'd" to shield against noise in the same way as a modern double or triple glazed unit.

My apartment is on the top floor of block E and we can hear every shout, every argument, just about everything that goes on in the early hours on that side of the building. Opening another late night bar is simply going to make things worse and make living in my apartment more difficult. I get up every morning for work at 5.30, how am I going to sleep if there is music pounding til 12 am on week nights and 1 am on weekends?

Please do not assume that noise levels can be policed effectively because they are not at Via Fossa and I would suggest the same would be the case with Strada.

I wouldn't mind the late night licensing if it had always been present on West India Quay but this is not the case. When I first moved to the area, late night drinking, people being sick on the quay, shouting and screaming until the early hours was rare, it was a very decent place to live and hence the reason I bought. For you to allow the environment to change and impinge on my ability to rightful enjoyment of my property is simply unfair and unacceptable.

To conclude, I write to officially log my objection for the above reasons. Furthermore:

1. I am concerned the extended hours will lead to further **disturbances** on the Quayside, which have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned for my wife's **safety** when returning home and to the entrance of my development located next to Strada.
3. I have been disturbed by the **noise** emanating from Via Fossa and feel my right to quiet enjoyment would be further compromised by late night licensing of Strada.

I would like to register my objection in the strongest possible terms.

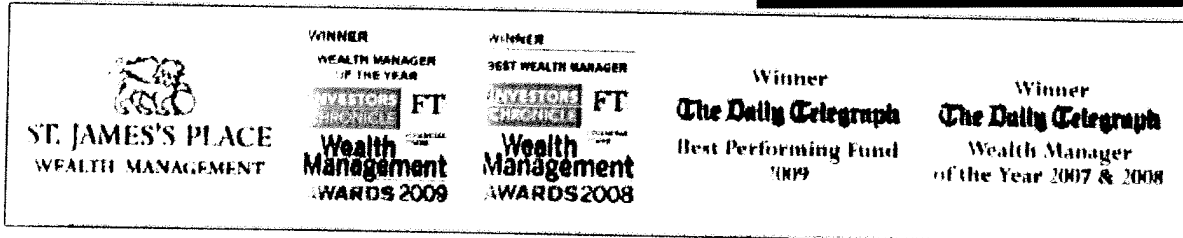
Yours sincerely

Barnaby Geib

Signed

Barnaby Geib
Geib Grafton Geib

West India Quay, Hertsmere Road, London, E14



Disclaimer

This email message has been scanned for viruses by Mimecast.
Mimecast delivers a complete managed email solution from a single web based platform.
For more information please visit <http://www.mimecast.com>

Appendix 19

Mohshin Ali

From: M LEONG [REDACTED]
Sent: 31 August 2010 12:24
To: Mohshin Ali
Subject: Port East Apartments Formal objection

Dear Sirs

I write to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds;

- 3. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.**
- 2. I am concerned for my own safety when returning home and to the entrance of my development located close to Strada.**
- 3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.**

I would like to register my objection to an extension of their hours in the strongest possible terms.

Michael Leong FCA and Mrs H Y Leong

[REDACTED]

The information contained in this message is confidential and may also be privileged. It is intended only for the addressee named above. The unauthorised use, disclosure, copying or alteration of this message is strictly prohibited. If you are not the addressee (or responsible for delivery of the message to the addressee), please notify the originator immediately by return message and destroy the original message.

Appendix 20

Mohshin Ali

From: [REDACTED]
Sent: 31 August 2010 12:21
To: Mohshin Ali
Cc: [REDACTED]
Subject: Recent Planning Applications by Strada - West India Quay.
Importance: High
Attachments: Licensing Request For Strada.doc

Dear Sirs

I am writing to you as the owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

Appartment [REDACTED] is my home. I have invested time and money to make it an attractive and welcoming place for my wife and daughter and it makes me very unhappy that our right to quiet enjoyment is being threatened by yet another bar/restaurant trying to make money at our expense out of selling alcohol and playing music late into the night.

We are not an office block left empty at night but a grade one listed residential building . It is simply the wrong location for late night venues.

I am therefore writing to you to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.

2. I have been disturbed by the noise on many occasions emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.

I would like to register my objection to an extension of their hours in the strongest possible terms.

Kind regards

Mark Nankivell

Appt [REDACTED]
[REDACTED]

Pendle Shipping Limited: registered in England 6456715. Registered Office: 1 Churchill Place, London E14 5 HP. This communication is confidential and may be privileged or otherwise protected. If you receive it in error please inform us and then delete it from your system. All messages including telephone and other voice conversations and messages sent by e-mail, IM or electronic messaging systems sent to and from us may be monitored to ensure compliance with internal policies and to protect our business.

Appendix 21

Mohshin Ali

From: Sandra Dumont [REDACTED]
Sent: 31 August 2010 11:11
To: Mohshin Ali
Subject: Objection to Strada Application
Importance: High

Dear Sirs

I write to you as the owner of flat [REDACTED] Port East Apartments, West India Quay, I understand that you are dealing with an application from Strada to extend the hours they can play music and serve alcohol.

I write to officially log my strong objections to their application on the following grounds;

I am concerned the extended hours will lead to further disturbances on the Quayside which have often enough resulted in Police and Ambulance service having to attend, this is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.

I currently feel anxious and concerned for my own safety when returning home especially later in the evening as I have to navigate people that have had far too much to drink on a night out as the entrance of my development located close to Strada I feel this can only become more dangerous.

I am disturbed by the noise emanating from the commercial units and as I am directly above I feel my right to quiet enjoyment would be further compromised by the extended hours.

I would therefore like to register my objection to an extension of their hours in the strongest possible terms.

Yours sincerely

Sandra Dumont

[REDACTED]

This e-mail message is intended solely for the person to whom it is addressed and may contain confidential or privileged information. If you received it in error, please notify us immediately and destroy this e-mail and any attachments. In addition, you must not disclose, copy, distribute or take any action in reliance on this e-mail or any attachments. Any views or opinions presented in this e-mail are solely those of the author and not necessarily represent those of the company. E-mail may be susceptible to data corruption, interception, unauthorised amendment, viruses and unforeseen delays, and we do not accept liability for any such data corruption, interception, unauthorised amendment, viruses and delays or the consequences thereof. Accordingly, this e-mail and its attachments are opened at your own risk.

Visit our website and find out why we are 1st for service <http://www.1stcompucare.com>

Appendix 22

Mohshin Ali

From: (b) (6) [REDACTED]
Sent: 31 August 2010 10:53
To: Mohshin Ali
Subject: Licensing Request STRADA-Unit E1, 12 Hertsmere Road E14

Dear Mr Ali

Re: Licensing Request STRADA-Unit E1, 12 Hertsmere Road E14

I write to you as owner of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from STRADA to extend the hours they can play music and serve alcohol.

I write to officially log my objection on the following grounds'

1. I am concerned the extended hours will lead to further disturbances on the Quayside. This is already a cause for concern under the current license times and would clearly be exacerbated if opening times were extended.
2. I am concerned for my own safety when returning home and to the entrance of my development located close to STRADA.
3. I have been disturbed by the noise emanating from the commercial units and feel my right to quiet enjoyment would be further compromised by the extended hours.

I would like to register my objection to an extension of their hours in the STRONGEST possible terms.

I thank you for your kind understanding.

Best regards

Ms Sook L Miller
Resident and Owner
[REDACTED] Port East Apartments
[REDACTED] Hertsmere Road
E14 [REDACTED]

Appendix 23

Mohshin Ali

From: Kapex International [REDACTED]
Sent: 29 August 2010 11:22
To: Mohshin Ali
Subject: RE: OBJECTION - Licensing Request For Strada

Dear Mohshin Ali,

RE: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd. E14

I write to you as owner of flat [REDACTED], Port East Apartments, West India Quay, and understand that you are dealing with an application for Strada to extend the hours they can play music and serve alcohol.

I write to log my objection on the following grounds;

1. I am concerned the extended hours will lead to further disturbances on the Quayside, which have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned for my own safety and that of my current tenants when returning home and to the entrance of my development located near Strada.
3. I have been disturbed by the noise emanating from West India Quay bars in the past and have received similar negative reports from my tenants over the last while and feel my right to quiet enjoyment would be further compromised by the extended opening hours.

I would like to register my objection to an extension of their hours in the strongest possible terms and would support a review of their current license.

Yours sincerely,

Paul Karpeles
mailto:[REDACTED]

Appendix 24

Mohshin Ali

From: Mike Garside [REDACTED]
Sent: 31 August 2010 09:04
To: Mohshin Ali
Subject: Objection to Licence

Dear Mohshin Ali,

RE: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14

I write to you as Owner and Resident of flat [REDACTED], Port East Apartments, West India Quay, and I understand that you are dealing with an application from Strada for extended hours they can play music and serve alcohol in the Grade I listed building at West India Quay.

I write to officially log my objection on the following grounds;

1. I am concerned the extended hours will lead to further **disturbances** on the Quayside, which have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned for my own **safety** when returning home and to the entrance of my development located next to Strada.
3. I have been disturbed by the **noise** emanating from West India Quay bars and feel my right to quiet enjoyment would be further compromised by the extended hours.

I would like to register my objection to extended hours in the strongest possible terms.

Yours sincerely

Michael and Diana Garside

Resident/Owner Flat [REDACTED] Port East Apartments, West India Quay.

Appendix 25

Mohshin Ali

From: markaspery [REDACTED]
Sent: 30 August 2010 17:59
To: Mohshin Ali
Cc: 'Mike Garside'
Subject: Strada Application

Dear Mohshin Ali,

RE: Licensing Request For Strada, Unit E1, 12 Hertsmere Rd E14

I write to you as Owner of flat E104, Port East Apartments, West India Quay which is directly above Unit E1. I understand that you are dealing with an application from Strada to play music and serve alcohol.

I write to officially log my objection on the following grounds;

1. I am concerned the proposed hours will lead to further **disturbances** on the Quayside, which I understand have in the past resulted in the need for the Police and Ambulance services to attend.
2. I am concerned that my tenant will be disturbed by the **noise** emanating from Unit E1.
3. I do not believe that the permitted hours and maximum number of occupants should be longer or higher than those specified in previous licences granted in respect of these premises.

Yours sincerely

Mark Aspery

[REDACTED]
[REDACTED] Tredegar Square
London
E3 [REDACTED]

Appendix 26

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 27

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 28

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 29

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 30

Section 182 Advice by the DCMS

Public Safety

2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but it should not be the purpose of the condition as this would be ultra vires the 2003 Act. Accordingly, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.20 From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. Licensing authorities should note that under article 43 of the Fire Safety Order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

2.21 The exception to this will be in cases where the licensing authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports-grounds and stands where local authorities enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority.

2.22 The Fire Safety Order applies in England and Wales. It covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons' in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

- 2.23 Responsibility for complying with the Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.
- 2.24 The local fire and rescue authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.
- 2.25 Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website www.communities.gov.uk/fire.
- 2.26 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be unnecessary for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if necessary, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or interested parties, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make clear their expectations in this respects to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.
- 2.27 "Safe capacities" should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be unnecessary to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which

conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.28 As noted above, a capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the licensing authority and the enforcing authority for fire safety purposes are the same) since, under article 43 of the Fire Safety Order, it would have no effect and so would not be enforceable.

2.29 The special provisions made for dancing, amplified and unamplified music in section 177 of the 2003 Act apply only to premises with a "permitted capacity" of not more than 200 persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority who will consider it and then decide what the "permitted capacity" of those premises should be.

2.30 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1995/1129) which contained a significant number of regulations in respect of fire safety provision at cinemas, no longer apply, applicants taking advantage of the "grandfather rights" pursuant to Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering variation applications or applications for new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.

2.31 Public safety includes the safety of performers appearing at any premises.

Appendix 31

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 32

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