
Appendix 1



LICENSING ACT 2003

This form should be completed and forwarded to:

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

Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I KIM COUSSELL (Insert name
of applicant) apply for the review of a premises licence under section 51 / apply for the
review of a club premises certificate under section 87 of the Licensing Act 2003 for
the premises described in Part 1 below (delete as applicable)

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
THE ALBERT (PUB) 74 STEPHENS ROAD LONDON E3-5JL	
Post town	Post code (if known)
BOLN	E3-5JL

Name of premises licence holder or club holding
club premises certificate (if known)

DAVID CAMILLERI

Number of premises licence or club premises
certificate (if known)

[Empty box for number of premises licence or club premises certificate]

C:\Documents and Settings\kcousell\Local Settings\Temporary Internet
Files\Content.Outlook\76B780YG\ReviewofPremisesLicenceEmailVersion (2).doc

LBTH
TRADING STANDARDS
17 JUN 2010
LICENSING

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

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

Surname **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) DETAILS OF OTHER APPLICANT

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

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
<input type="text"/>
Telephone number (if any)
<input type="text"/>
E-mail (optional)
<input type="text"/>

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

Please tick one or more boxes

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

-
-
-
-

Please state the ground(s) for review (please read guidance note 1)

THE USE OF THE YARD TO THE REAR OF THE ALBERT PUBLIC HOUSE HAS RESULTED IN AN UNACCEPTABLE LEVEL OF NOISE NUISANCE TO THE ADJACENT RESIDENTIAL PROPERTY. THIS INCLUDES SHOOTING, TALKING, SWEARING AND SINGING. THIS WAS CONTINUED AS LATE AS 00:30AM. THE NOISE FROM THE YARD CAN BE HEARD DISTINCTLY WITHIN THE RESIDENTIAL PREMISES, THIS AFFECTING THE QUALITY OF LIFE OF THE RESIDENTS IN AN UNACCEPTABLE WAY. THE DOOR BETWEEN THE YARD AND THE PUBLIC HOUSE IS LEFT OPEN LEADING TO A SEVERE LEVEL OF NOISANCE FROM THE MUSIC AND GENERAL NOISE LEVELS WITHIN THE PUBS MAIN BUILDING. THE AREA IS REGULARLY BEING USED BY PATRONS CONSUMING DRINKS - THIS IS AGAINST THE TERMS OF THE LICENSE. DUE TO THE PROXIMITY OF THE YARD TO THE ADJOINING RESIDENTIAL PROPERTY, IT IS NOT A SUITABLE AREA FOR PUBLIC USE.

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

NUMEROUS COMPLAINTS HAVE BEEN MADE TO THE LICENSING SECTION AT LONDON BOROUGH OF TOWER HAMLETS, AND TO ENVIRONMENTAL HEALTH. UNFORTUNATELY THIS HAS NOT LEAD TO ANY IMPROVEMENT IN THE SITUATION, DESPITE A VISIT TO THE LANDLORD BY THE LICENSING SECTION (NICK KEMP).

PATRONS DRINKING IN THE YARD (NOT ALLOWED IN LICENSE) OCCURS ON A REGULAR BASIS, PARTICULARLY ON WEEKENDS. NOISE NUISANCE FROM THE YARD TYPICALLY OCCURS EVERY WEEKEND. EVEN NORMAL LEVEL TALKING CAN BE HEARD IN THE RESIDENTIAL PROPERTY. SWEARING + SINGING UP TO 00:30. KARAOKE CAN BE HEARD LOUDLY WHEN THE DOOR OF THE PUB IS LEFT OPEN. IT IS AN UNACCEPTABLE NOISE LEVEL FROM THE KARAOKE ~~IS~~ INSIDE THE PUB. CALLS MADE TO THE TOWER HAMLETS OUT OF MOBILE LINE HAVE BEEN MADE ON NUMEROUS OCCASIONS. THEY ARE TOO NUMEROUS TO LIST. TOWER HAMLETS ENVIRONMENTAL HEALTH CAN PROVIDE DETAILS BY SEARCHING THE POSTCODE. THERE IS SUBSTANTIAL EVIDENCE AVAILABLE ~~IN~~ IN RELATION TO THE NOISE NUISANCE AND THIS HAS ALREADY WHEN SENT TO THE LICENSING SECTION + ENVIRONMENTAL HEALTH. (PAUL JOHNSON).

- 1) PHOTO SHOWING ~~THE~~ THE PROXIMITY OF THE YARD TO THE RESIDENTIAL PROPERTY.
- 2) PHOTOS OF PATRONS DRINKING IN THE YARD
- 3) CD RECORDINGS OF NOISE NUISANCE FROM THE YARD
- 4) EMAIL CONTAINING WORD DOCUMENTS WITH DETAILS OF NUMEROUS COMPLAINTS THAT HAVE BEEN MADE TO LICENSING SECTION AND ENVIRONMENTAL HEALTH.

(NICK KEMP)

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

Please tick yes

If yes please state the date of that application

Day	Month	Year

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


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

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature 
Date 15th June
Capacity Resident

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



05/06/2010

Appendix 2

**(The Albert)
74 St. Stephen's Road
London
E3 5JL**

Licensable Activities authorised by the licence

**The sale by retail of alcohol
Regulated entertainment**

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

**Date: 03/10/05
(Variation 2nd February 2010)**



LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

14131

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(The Albert)
74 St. Stephen's Road

Post town
London

Post code
E3 5JL

Telephone number
None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The Provision of Regulated Entertainment

The times the licence authorises the carrying out of licensable activities

The sale of alcohol by retail.

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.

- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions re. "drinking up time" see
Annex 1 Mandatory Conditions

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

The Provision of Regulated Entertainment

For live and recorded music

Thursday to Saturday from 19:00 hours to 23:00 hours

Sunday from 18:00 to 23:00 hours

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

On and off sales

Part 2

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

David Camilleri
74 St Stephens Road
Bow
London
E3 5JL

Tel: 

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

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

David Camilleri



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

Licence Number: 13082

Issuing Authority: London Borough of Tower Hamlets

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Public Entertainment consisting of music and singing provided solely by the reproduction of recorded sound

Annex 2 - Conditions consistent with the operating Schedule

None

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

1. A sound limiting device shall be installed in the premises and set to a level to be agreed in consultation with Tower Hamlets Environmental Health Department
2. No drinks to be taken outside the premises.
3. To limit the number of smokers to 12 people at any one time.
4. Suitable signage to be displayed prominently inside the premises asking patrons to leave quietly

Annex 4 - Plans

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

03 Aug 2005



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

14131

Premises details

**Postal address of premises, or if none, ordnance survey map reference or description
(The Albert)**
74 St Stephen's Road

Post town
London

Post code
E3 5JL

Telephone number
None

**Where the licence is time limited
the dates**

N/a

**Licensable activities authorised
by the licence**

The sale by retail of alcohol
The Provision of Regulated Entertainment

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

The sale of alcohol by retail.
a. On weekdays, other than Christmas Day,
Good Friday or New Year's Eve, 11 a.m. to 11
p.m.
b. On Sundays, other than Christmas Day or
New Year's Eve, 12 noon to 10.30 p.m.
c. On Good Friday, 12 noon to 10.30 p.m.
d. On Christmas Day, 12 noon to 3 p.m. and 7
p.m. to 10.30 p.m.
e. On New Year's Eve, except on a Sunday, 11

The opening hours of the premises

a.m. to 11 p.m.
f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The Provision of Regulated Entertainment

For live and recorded music

Thursday to Saturday 19:00 hrs to 23:00 hrs

Sunday 18:00 to 23:00 hours

These are not restricted

Name, (registered) address of holder of premises licence

David Camilleri
74 St Stephens Road
Bow
London
E3 5JL

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

On and off

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

N/A

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

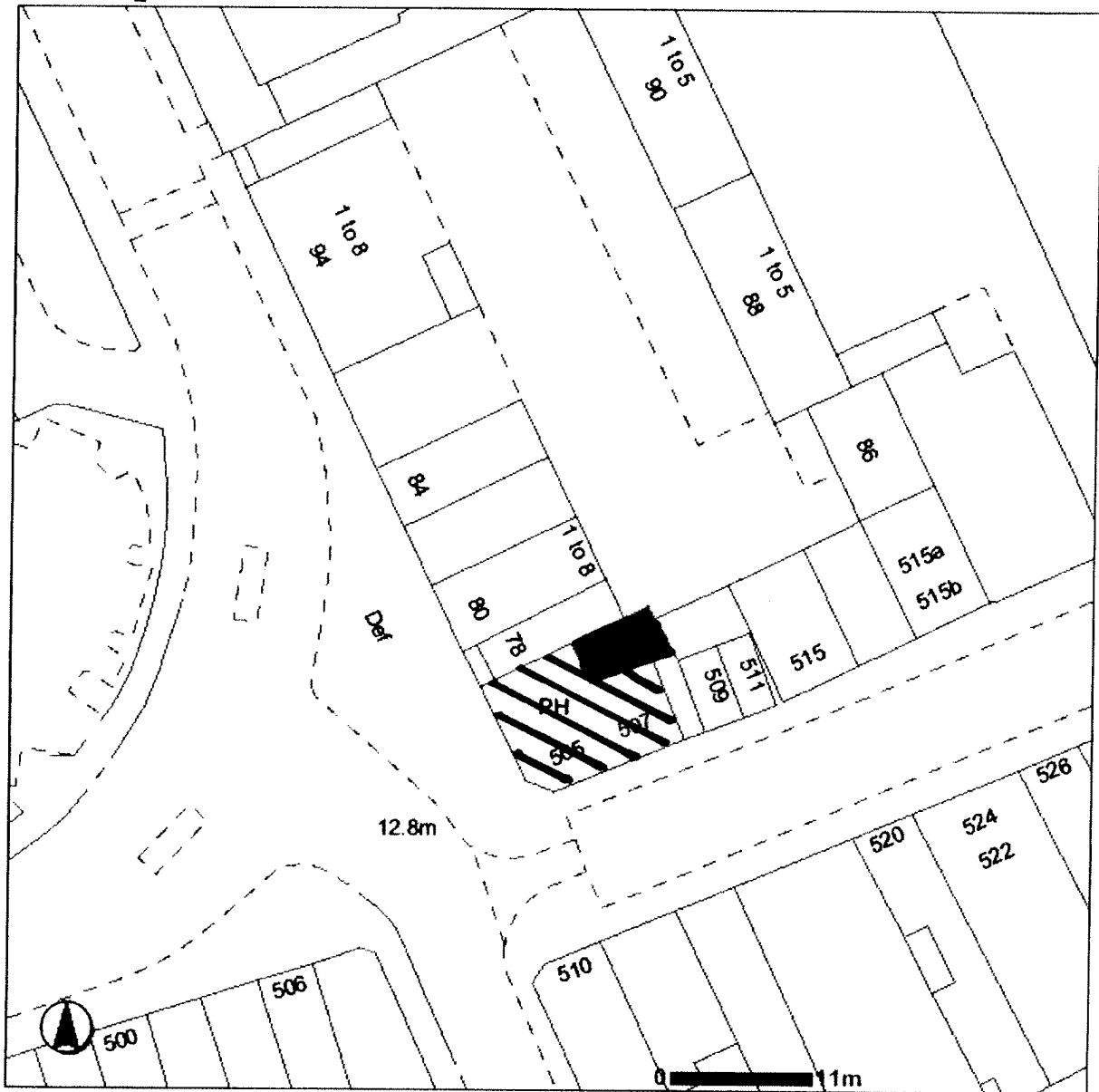
David Camilleri

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

No

Appendix 3

Map



Scale 1:500

Map of:

Albert PH

Notes:

74 St Stephen's Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Map



Scale 1:1750

Map of:

Albert PH

Notes:

74 St Stephen's Road

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 4

Kathy Driver

From: Lisa Skeels [REDACTED]
Sent: 05 August 2010 16:56
To: Kathy Driver
Subject: The Albert PH

Hi

I would like to speak on behalf of the Albert Public House which is on the corner of Roman Road, Bow, E3.

I have been using this pub for approximately a year now maybe a little bit more, after my mum asked me to accompany her on one of the pubs Western Theme nights, and I go back regularly now as I had such a good time.

There aren't many pubs anymore that provide a nice family atmosphere like the Albert does and I would hate to think that because of one person that this could change. Dave the publican who runs the pub is really friendly and does an excellent job in the way he runs this pub. Please do not let this stop because someone is complaining of bad language etc, unfortunately he can't be held responsible for this, and I would wonder why anyone would buy a flat next to a pub and a busy market when they don't want to overhear people talking.

It's like someone buying a house next to a field of sheep and moaning because of the noise they make.

I hope that you will take these comments into consideration.

Kind Regards
Lisa Skeels

[REDACTED]

The information contained in this message and any attachments is confidential, may be privileged, and is intended for the use of the individual or entity to whom it is addressed. If you, the reader of this message, are not the intended recipient, you are expressly prohibited from disclosing any of the information contained in this message and/or any attachment.

[REDACTED]

[REDACTED]

Appendix 5

Kathy Driver

From: Tammy Day [REDACTED]
Sent: 04 August 2010 14:14
To: Kathy Driver
Subject: Re The Albert Public House

Dear Kathy I am writing this email to express my views on hearing about the complaints being made against the public house The Albert and it's Landlord Mr David Camilleri, regarding noise levels both form inside the pub and outside in the area that has been designated as the smoking area which was endorsed by the local police.

I frequently spend time within this public house and have done so before the present landlord took up his position. I can honestly say that there has been no change in noise levels inside or even in the garden area that I have witnessed, that is any different to all the years I have been going into this public house.

What I would like to say and have noted is how Mr Camilleri has turned this pub around and brought back old fashioned values to this pub if anything the clientele is 100% improved since the last landlord was in position and even the one before that!

There is no difference to the entertainment that is in place that has not been in place in the past. Mr Camilleri is an exceptional landlord he has compiled with all the regulations that are required of him and I have observed him working closely with with both Health and Safety offices and the environmental health bodies, more importantly he cooperates fully with the local police adhering to all the public laws that are place with regards to his public license.

I currently live in Cambridge but as I said I still visit this pub on a regularly basis as my parents live in Bow and I visit at least 1 or twice a week mostly at the weekends which is why I felt I must state my support for the current landlord.

Yours Sincerely

Mrs Tammy Day

Appendix 6

**PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL**

**LBTH
TRADING STANDARDS
23 AUG 2010
LICENSING**

We, the undersigned, strongly object to the erroneous and factually incorrect complaints made against The Albert. This public house has always been aware of its duties to its neighbours and works in cooperation with the local police. We object that one person should target a long standing traditional family pub that provides a service to local people, visitors to the Roman Road market area and employment to residents of Bow. With 11 pubs shutting across the capital every week due to the economic downturn, we, the majority, want to ensure that our local public house stays open and continues to be the friendly family-centred pub so typical of the East End.

Name	Address	Signature
Tompkins		
Michele Featherston		
Steve Naylor		
D. Naylor		
S. BLEWITT		
B. NAYLOR		
C. WATKINSON		
M. HOLLAND		
C. WHITE		
T. Chappell		
R. Chappell		
A. WHITE		
JULIE NAYLOR		
LEIGH EDWARDS		
RHYS CAIRNS		
R. BUSH		
C. Knight		
S. COLLINS		
FISCO TT		
A SCOTT		
R SCOTT		
H. HART		

PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL

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Name	Address	Signature
D. BLACKMAN		
C. WHALEBONE		
J. WHALEBONE		
A. HUGHES		
M. COX		
M. DENNIS		
M. KITCHNER		
Y. POWELL		
D. BALFOURTH		
N. ALDRIDGE		
C. TAYLOR-WEST		
K. THREADKILL		
Paul Baeter		
C. KEST		
J. CART		
P. WRIGHT		
S. MONCUR		
G. MONCUR		
A. MONCUR		
M. KING		
C. BROWN		
J. FALZON		

PETITION
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Name	Address	Signature
DIANA AJDAN		
JAMES FAZON		
Les Hanna		
Glynis Humna		
Aaron Hannaford		
STEPHEN CATCHPOLE		
SCOTT COSHALL		
Danielle McKeane		
K. Joseph		
P. ROSS		
M. Kay		
L. Hart		
M Cheek		
T Lotter		
M Lotter		
D. ANDERSON		
J. McMAHON		
P. HUNTER		
R BORTOL		
T. FEY		
R.S. LEVY		
SH BUCKINGHAM		

**PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL**

**LBTH
TRADING STANDARDS
23 AUG 2010
LICENSING**

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Name	Address	Signature /
JAMES		
R. Goyne		
I Godfrey		
I Goggin		
D. Grogan		
Yasir		
Lyndee		
K. Ridgwell		
MAGGIE		
William		
D. Berkeley		
S. DUNN		
G. THOMSON		
J. McMAHON		
L. Ewers		
J. FETH		
BILL LEBER		
John Rowley		
SCHAFER		
DAVE LETCH		
HOLLIE LETCH		
ARCHIE LETCH		

PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL

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Name	Address	Signature
A GIBSON		
M. PILLUCCI		
P. SCOTT		
D. MADLEY/COLD		
M. Croighton		
DANNY MURPHY		
RICKY FIEB		
R SHAW		
REISS ATKINS		
ADAM HEATH		
S PARKS		
WILLIAM FURY		
J NANNING		
F. NORWOOD		
D. ATKINS		
G. ATKINS		
W. Bennett		
S. HARPER		
H. BURLEY		
MARION FLE		
CARLY		
Carly Flery		

**PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL**

**LBTH
TRADING STANDARDS
23 AUG 2010
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Name	Address	Signature
K. MORRIS		
S. MURPHY		
S. GODFREY		
D. BALWICZ		
A. TRIMBLE		
F. ROBERTS		
N. GREENMAN		
J. CHANDLER		
I. HICKMAN		
B. OSBORN		
K. GRANT		
S. STAN		
A. JONES		
K. KEMAL		
K. KOPAY		
S. HASSAN		
T. LEONARD		
A. LEONARD		
J. SMITH		
Alex Myers		
Dennis Miller		
Matthew Gidd		

PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL

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Name	Address	Signature
Stacey Elliott		
Chris Coote		
Kinda Chapman		
Aaron Ramsden		
PETER JACK		
Frank O'Neill		
* Mark Gibson		
BRIAN COOK		
KP Rowe		
RYAN DAVIS		
JUNIOR ^{MR} PHILSON		
Harry Moore		
JAMES CREIGHTON		
DANNY CREIGHTON		
KIERAN CREIGHTON		
DAVID GROTHIER		
PAUL AYRES		
Liam Sme		
HAROLD HOWEY		
JOHN BRADSHAW		
ARTHUR HARBING		
M.K.C. Philly		

**PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL**

TRAM

23 AUG 2010

LICENSING

We, the undersigned, strongly object to the erroneous and factually incorrect complaints made against The Albert. This public house has always been aware of its duties to its neighbours and works in cooperation with the local police. We object that one person should target a long standing traditional family pub that provides a service to local people, visitors to the Roman Road market area and employment to residents of Bow. With 11 pubs shutting across the capital every week due to the economic downturn, we, the majority, want to ensure that our local public house stays open and continues to be the friendly family-centred pub so typical of the East End.

Name	Address	Signature
A ABRAHAM S		
SANJEET		
S Adams		
J. DHALA		
P. [unclear]		
[unclear]		
S WRIGHT		
T. ELLIS		
L. DONNELLAND		
P. [unclear]		
P. [unclear]		
S. LEID		
A. CLARKE		
V. [unclear]		
A. Borden		
P. [unclear]		
P. [unclear]		
A. LUNSEY		
Stam [unclear]		
Amy Veronica		
M. SALMONK		
W. [unclear]		

PETITION
IN SUPPORT OF
THE ALBERT PUBLIC HOUSE
74 St Stephen's Road
LONDON E3 5JL

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Name	Address	Signature
JAMES TOLLON		
V. BROWN		
DAVE BELFORD		
S. BURNLEY		
J. WALLIS		
A. S.		
Clare		
A. TRINDER		
N. JONES		
R. BROWN		
P. BROWN		
L. JONES		
S. JONES		
RAF JONES		
CHRIS JONES		
GLENN DAVE		
KEVIN JONES		
LISA WHITE		
MARTIN JONES		
S. JONES		
A. MARTIN		
A. BAKER		

PETITION
IN SUPPORT OF
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74 St Stephen's Road
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Name	Address	Signature
- Phil Brown		
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Appendix 7

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime

prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

- 11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 8

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of events that are valuable to the community, such as live music. Noise limiters, for example,

are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

a simple requirement to keep doors and windows at the premises closed;
limiting live music to a particular area of the building;
moving the location and direction of speakers away from external walls or walls that abut private premises;
installation of acoustic curtains;
fitting of rubber seals to doorways;
installation of rubber speaker mounts;
requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.

The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

Appendix 9

London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

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 Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

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

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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.