

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	11 th APRIL 2006	Unclassified	LSC 113/ 506	5.2

Report of Colin Perrins Head of Trading Standards and Commercial	Title Licensing Act 2003 Application for a New Premises Licence for Rise and Shine, 59-61 Vyner Street, London E2 9DQ
Originating Officer: Kathy Butler Consumer Services Officer	Ward affected Spitalfields & Banglatown

1.0 Summary

Applicant: **Andrew Okoro**
Name and Address of Premises: **Rise and Shine**
59-61 Vyner Street, London E2 9DQ

Licence sought: **New Premises License - Licensing Act 2003**

Provision of alcohol
Provision of Regulated Entertainment
Provision of Entertainment Facilities
Provision of Late Night Refreshment

Objectors: **Environmental Health**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
File Only		Kathy Butler 020 7364 5171

3.0 Background

- 3.1 This is an application for a new premises licence for Rise and Shine, 59-61 Vyner Street, London, E2 9DQ.
- 3.2 A copy of the application is enclosed as **Appendix 1**. The applicant has described the nature of the variation as follows:

Provision of alcohol
Provision of Regulated Entertainment
Provision of Entertainment Facilities
Provision of Late Night Refreshment

The hours that have been applied for are as follows:-

Alcohol: -

Monday to Friday from 19:00 hours to 05:00 hours
Saturday from 10:00 hours to 05:00 hours
Sunday from 14.00 hours to 05.00 hours

Regulated Entertainment and Entertainment Facilities (Live Music, Recorded Music, Performance of Dance, Facilities for Dancing and Anything of a Similar Description): -

Monday to Friday from 19:00 hours to 05:00 hours
Saturday from 10:00 hours to 05:00 hours
Sunday from 14.00 hours to 05.00 hours

Late Night Refreshment: -

Monday to Sunday from 23:00 hours to 05:00 hours

Hours Premises is Open to the Public: -

Monday to Friday from 19:00 hours to 05:30 hours
Saturday from 10:00 hours to 05:30 hours
Sunday from 14.00 hours to 05.30 hours

- 3.3 Maps showing the relevant premises is included as **Appendix 2**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing

Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.

- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It will also be available at the hearing.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Objections

- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authority:
Environmental Health (**See Appendix 3**)
- 5.2 The application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 Essentially, the regulatory Authority oppose the application because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
The prevention of public nuisance
- 5.4 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

- As stated in the guidance it is “provided for licensing authorities carrying out this their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.4).
- Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (2.3).
- Also Members should note “A Licensing Authority may depart from it’s own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.”
- Conditions may not be imposed for the purpose other than the licensing objectives. “For example, conditions relating to night café and take away outlets operating from 11pm must relate to the night time operation of the premises.”(S7.1)
- Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (S.7.4).
- The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- In Letter to the Chief Executive from the DCMS 30 Sept 2005. There is no presumption in the Act for longer hours over objections from local people and organisations. When there are objections and the licensing committee believes that changing the hours would undermine the statutory licensing objectives, they can reject the application or grant it with appropriate conditions and/or different hours from those requested.

6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.

6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

- 6.6 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 7.0 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 4 Licensing Officer comments on noise while the premise is in use

Appendix 5 Licensing Officer comments on egress problems

8.0 Legal Comments

- 8.1 The Council's legal officer will give advice at the hearing.

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1 Copy of application for new Premises Licence

Appendix 2 Maps of the Area

Appendix 3 Representations of Environmental Health

Appendix 4 Licensing Officer comments on noise while the premise is in use

Appendix 5 Licensing Officer comments on egress problems

Appendix 1



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

This form should be completed and forwarded to: Licensing Section, 41-47 Bow Road, London E3 2BS with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) ANDREW OKORO

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

Part 1 – Premises details

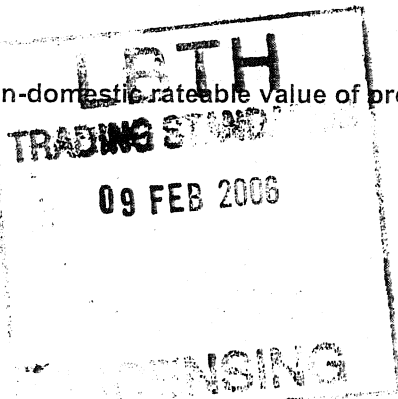
Postal address of premises or, if none, ordnance survey map reference or description	
GROUND FLOOR 59-61 VYNER STREET LONDON	
Post town	Post code
	E2 9BQ

Telephone number at premises (if any)

020 8980 6807

Non-domestic rateable value of premises

£ 22 500 -00



Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick yes

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

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

OKORO

First names

ANDREW

I am 18 years old or over

Please tick yes

Current postal
address if different
from premises
address

8 DOEBURY WALK

Post Town

PLUMSTEAD

Postcode

SE18 2BT

Daytime contact telephone number

020 7249 6869

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 the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	03	2006

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 note1)

GROUND FLOOR BANQUETTING ~~HALL~~ AND DANCE HALL

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

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

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

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

In all cases complete boxes N, O and P

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

B

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

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
			Both	
Mon			Please give further details here (please read guidance note 3) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) 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)	
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	19.00	05.00			
Tue	19.00	05.00			
Wed	19.00	05.00			
Thur	19.00	05.00			
Fri	19.00	05.00			
Sat	19.00	05.00			
Sun	14.00	05.00			
			State any seasonal variations for the performance of live music (please read guidance note 4)		
			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)		

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	19.00	05.00			
Tue	19.00	05.00			
Wed	19.00	05.00			
Thur	19.00	05.00			
Fri	19.00	05.00			
Sat	10.00	05.00			
Sun	14.00	05.00			
			State any seasonal variations for playing recorded music (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors
Day	Start	Finish		Outdoors
Mon	19.00	05.00	Please give further details here (please read guidance note 4)	<input checked="" type="checkbox"/>
Tue	19.00	05.00		<input type="checkbox"/>
Wed	19.00	05.00		<input type="checkbox"/>
Thur	19.00	05.00		<input type="checkbox"/>
Fri	19.00	05.00		<input type="checkbox"/>
Sat	10.00	05.00		<input type="checkbox"/>
Sun	14.00	05.00		<input type="checkbox"/>
			State any seasonal variations for the performance of dance (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)	

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon	19.00	05.00	Please give further details here (please read guidance note 3)
Tue	19.00	05.00	
Wed	19.00	05.00	
Thur	19.00	05.00	
Fri	19.00	05.00	
Sat	10.00	05.00	
Sun	14.00	05.00	
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)

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

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing							
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	<table border="1"> <tr> <td>Indoor</td> <td><input checked="" type="checkbox"/></td> </tr> <tr> <td>Outdoor</td> <td><input type="checkbox"/></td> </tr> <tr> <td>Both</td> <td><input type="checkbox"/></td> </tr> </table>	Indoor	<input checked="" type="checkbox"/>	Outdoor	<input type="checkbox"/>	Both	<input type="checkbox"/>
Indoor	<input checked="" type="checkbox"/>									
Outdoor	<input type="checkbox"/>									
Both	<input type="checkbox"/>									
Day	Start	Finish	Please give further details here (please read guidance note 4) State any seasonal variations for the facilities for dancing (please read guidance note 4) Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)							
Mon	19.00	05.00								
Tue	19.00	05.00								
Wed	19.00	05.00								
Thur	19.00	05.00								
Fri	19.00	05.00								
Sat	10.00	05.00								
Sun	14.00	05.00								

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 type of entertainment facility you will be providing		
			Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	<input checked="" type="checkbox"/>
				Outdoor	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k (please read guidance note 4) 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)		
Mon	19.00	05.00			
Tue	19.00	05.00			
Wed	19.00	05.00			
Thur	19.00	05.00			
Fri	19.00	05.00			
Sat	10.00	05.00			
Sun	14.00	05.00			

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon	19.00	05.00	Please give further details here (please read guidance)		
Tue	19.00	05.00			
Wed	19.00	05.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	19.00	05.00			
Fri	19.00	05.00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	05.00			
Sun	14.00	05.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon	19.00	05.00	Please give further details here (please read guidance)		
Tue	19.00	05.00			
Wed	19.00	05.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	19.00	05.00			
Fri	19.00	05.00	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)		
Sat	10.00	05.00			
Sun	14.00	05.00			

Box M continues on the next page...

Box M continued

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

Name

ANDREW OKORO

Address

8 DOEBURY WALK
PLUMSTEAD
LONDON
Postcode SE18 2BT

Personal Licence number(if known)

Issuing licensing authority (if known)

BIIAB

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)

0

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	19.00	05.30	
Tue	19.00	05.30	
Wed	19.00	05.30	
Thur	19.00	05.30	
Fri	19.00	05.30	
Sat	10.00	05.30	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Sun	14.00	05.30	

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)

We aim to promote the licensing objectives by ensuring that training is obtained by staff in health & safety. Existing & new safety regulations, implemented & observed. Will have registered door supervisors, security personnel during large functions, no under aged entrants, no drugs or weapons on premises, deter excessive alcohol consumption. ~~& calm excessive behaviour~~ Safe & quiet exit from premises.

b) The prevention of crime and disorder

CCTV, registered door supervisors (SIA)

c) Public safety

Fire & safety precautions taken, the fire officers have already visited and their advice will be implemented. Ensure regulation is kept up to date.

d) The prevention of public nuisance

Sound proofing - premises is NOT in residential area
will ensure patrons exit in a quite ~~to the~~ fashion.

e) The protection of children from harm

NO unsupervised children during /junctions, on non /junction
days - no under aged children allowed.

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

CHECKLIST:

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

Part 4 – Signatures (please read guidance note 10)

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

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

Signature



Date

5/01/006

Capacity

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.

Signature

Date

Capacity

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

Post town

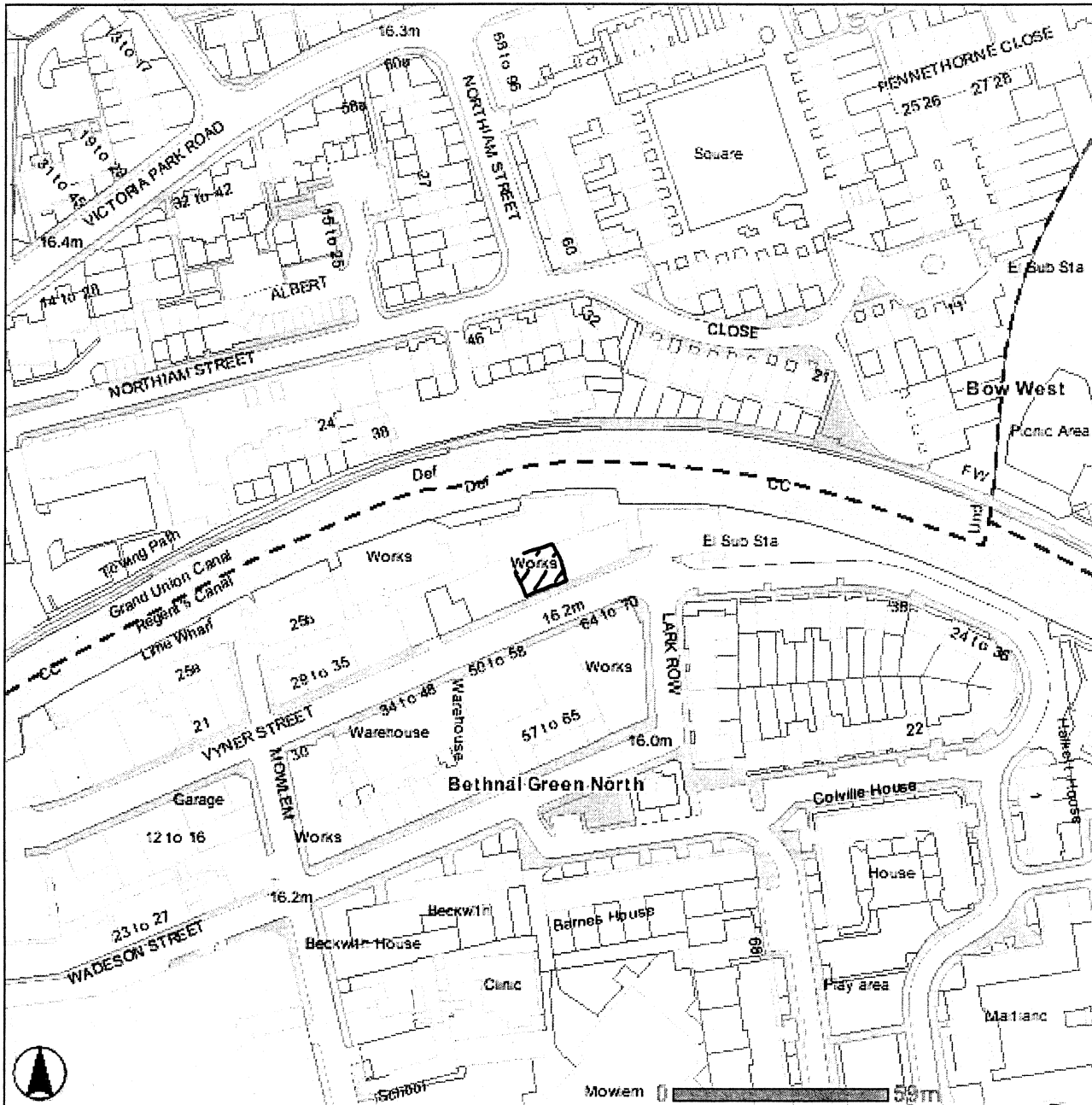
Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Appendix 2

Map



Scale 1:1750

Map of:

Notes:

Rise and Shine

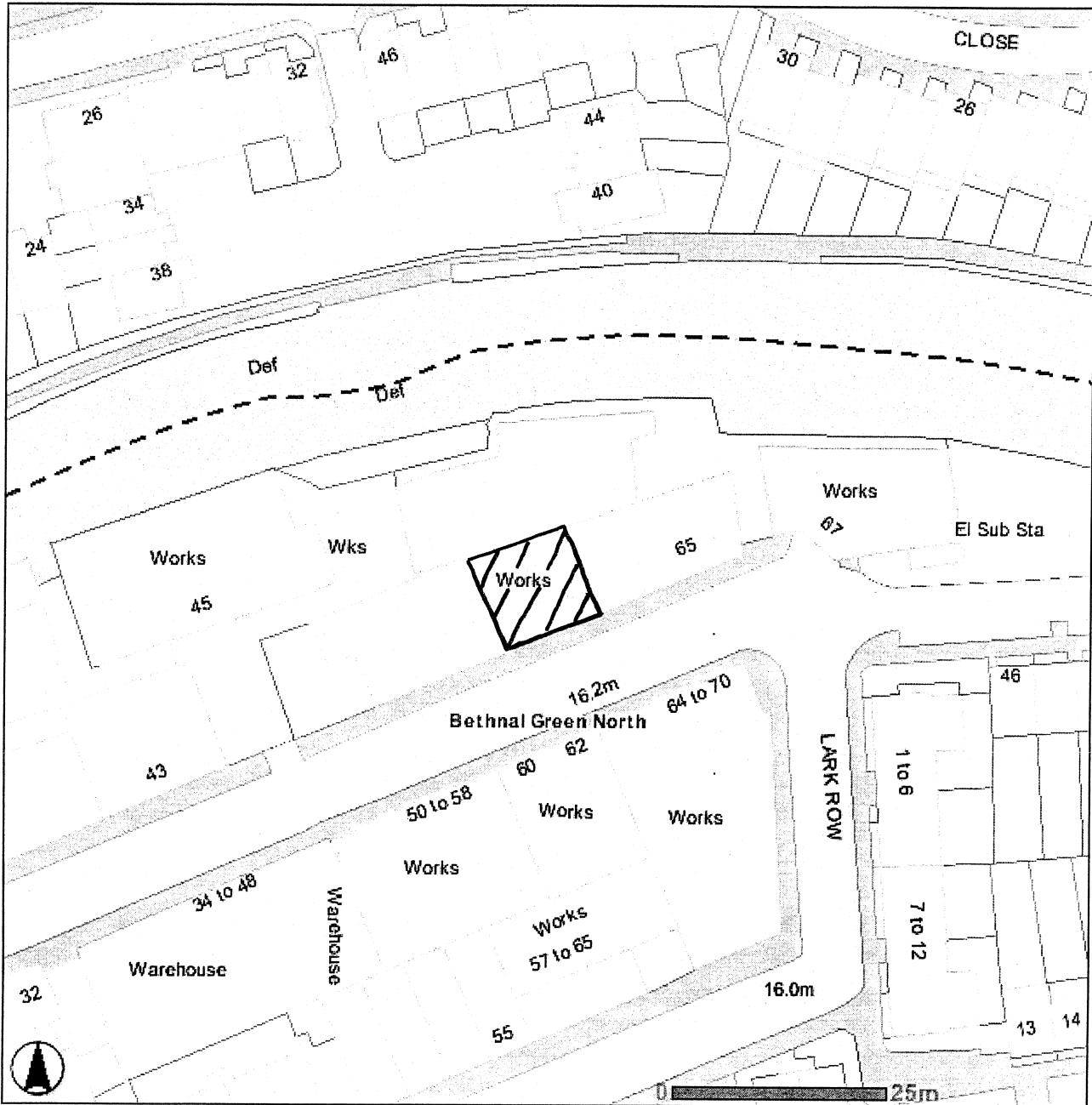
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Licence Number: LA100019288

Map



Scale 1:750

Map of:

Notes:

Rise and Shine

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019288

Appendix 3

Directorate of Environment & Culture

To MOHSHIN ALI

From ALKESH SOLANKI

Reference 014285
Extension 6518
Date 7th March 2006

Regarding PREMISIES LICEENSE

Environmental Health, Environmental Protection

Council Offices
Southern Grove
London E3 4PN

Tel: 020 7364 5008

Fax: 020 7364 6831

E-mail :

envhealth.envprotection@towerhamlets.gov.uk

Re: Application for a Premises Licence with 59-61 Vyner Street, London, E2 9DQ.

A. Contextual Information

The premises is situated within a mixed residential /commercial area.

Description of location The premises are in a quiet location at the front and a quiet location at the rear particularly at night.

Proximity of noise sensitive premises Residential properties are opposite premises on Wadson Street which approximately 30 metres away, behind the premises on Northiam Street which is approximately 30 metres away and on Lark Row which is approximately 40 metres away to the front of the premises. Immediately adjacent to the premises are industrial units and warehouses.

Description of background noise Minimal noise at the immediate vicinity at night (after 7pm). Day time noise from industrial units from 8 am. Background noise is mostly generated from road traffic.

Existing noise sources in use at the premises None

B. Complaint History, Investigation and Enforcement

Not applicable as premises is not being used.



C. **Assessment**

The structure of the premises is currently wholly inadequate to prevent noise breakout that will be potentially created by the execution of the proposed licensable activities. The applicant, Mr A Okoro, also confirmed to me during my inspection on the 7th March 2006 that he intendeds to apply for planning permission to create a nightclub at 59-61 Vyner Street as currently the usage is B1.

Therefore, there is a great likelihood of disturbance to the neighbouring residential premises at the noise sensitive hours sought emanating from noise breakout from the premises and egress in such a quiet mixed residential/industrial area at night compounded by the fact that the premises has unsatisfactory noise insulation.

Our department objects to the licence application sought as the Public Nuisance objective of the Licensing Act will not be met.

THIS REPORT HAS BEEN COPIED TO THE APPLICANT.

Alkesh Solanki

Environmental Health Officer, Area Team North

Alkesh Solanki

07/03/2006 15:32

To: Mohshin Ali/ENVC/LBTH@LBTH

cc:

bcc:

Subject: 59-61 Vyner Street

Please see attached.....



VynerStreet59-61.001.doc

Mr A Solanki, BSc (Hons) MCIEH

Environmental Health Officer

Environmental Health

Environmental Protection

Area Team North

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*"Somewhere, something incredible is waiting
to be known" C.S.*

Appendix 4

Noise While The Premise Is In Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (7.58).

The Pool of Conditions, adopted by the council is recommended (7.58).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally (7.40).

Licence conditions should not duplicate other legislation (7.41).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (7.43) but it is essential that conditions are focused on measures within the direct control of the licence holder" (7.45).

Other Legislation

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

Appendix 5

Egress Problems

Such as:

Disturbance from patrons leaving the premises on foot

Disturbance from patrons leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to the prevention of Public Nuisance. **(See Appendix 2 Annex G of the Licensing Policy).** In particular

Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (7.58).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally (7.40).

Licence conditions should not duplicate other legislation (7.41).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (7.43) but it is essential that conditions are focused on measures within the direct control of the licence holder” (7.45).

Otherwise there has to be a causal connection (7.45).