Appendix 1

TOWER HAMLETS

Tower Hamlets
Application for a premises licence
Licensing Act 2003

For help contact
licensing@towerhamlets.gov.uk
Telephone: 020 7364 5008

* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference: Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference: FF/CODE

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

(•) Yes ( ) No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name: E14 Lounge Ltd

* Family name: E14 Lounge Ltd

* E-mail: [redacted]

Main telephone number: [redacted]

Include country code.

Other telephone number:

☒ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

(•) Applying as a business or organisation, including as a sole trader

( ) Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? (•) Yes ( ) No

Note: completing the Applicant Business section is optional in this form.

Registration number: 14033460

Business name: E14 Lounge Ltd

If the applicant's business is registered, use its registered name.

VAT number: -

Put "none" if the applicant is not registered for VAT.

Legal status: Private Limited Company

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Applicant's position in the business		
Home country	United Kingdom	The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name	Suite G041 Quality Court
Street	Chancery Lane
District	
City or town	London
County or administrative area	
Postcode	WC2A 1HR
Country	United Kingdom

Agent Details

* First name	Frank
* Family name	Fender
* E-mail	[redacted]
Main telephone number	[redacted]
Other telephone number	

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- (●) An agent that is a business or organisation, including a sole trader
- ( ) A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ( ) Yes (●) No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? ( ) Yes (●) No

Business name	FJF Licensing Solutions	If your business is registered, use its registered name.
VAT number	-	Put "none" if you are not registered for VAT.
Legal status	Sole Trader	

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Your position in the business	Owner
Home country	United Kingdom

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name	11
Street	Whitton Way
District	
City or town	Newport Pagnell
County or administrative area	
Postcode	MK16 0PR
Country	United Kingdom

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

(•) Address ( ) OS map reference ( ) Description

Postal Address Of Premises

Building number or name	CODE
Street	Floor 3/4, 34 Westferry Circus
District	Canary Wharf
City or town	London
County or administrative area	
Postcode	E14 8RR
Country	United Kingdom

Further Details

Telephone number	
Non-domestic rateable value of premises (£)	107,000

© Queen's Printer and Controller of HMSO 2009

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- ☐ An individual or individuals
- ☒ A limited company / limited liability partnership
- ☐ A partnership (other than limited liability)
- ☐ An unincorporated association
- ☐ Other (for example a statutory corporation)
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name: E14 Lounge Ltd

Details

Registered number (where applicable): 14033460

Description of applicant (for example partnership, company, unincorporated association etc)

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Private Limited Company

Address

Building number or name	Suite G041, Floors 3/4
Street	34 Westferry Circus
District	
City or town	London
County or administrative area	
Postcode	E14 8RR
Country	United Kingdom

Contact Details

	[redacted]
Telephone number	[redacted]
Other telephone number	
* Date of birth	dd / mm / yyyy
* Nationality	

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? dd / mm / yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end dd / mm / yyyy

Provide a general description of 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.

Premises is located on floors 3 and 4 of 34 Westferry Circus, London E14 8RR. Access is gained via doors located via a stairway from the Canary Wharf Promenade. Access will also be available from the underground car park located beneath the location.

The 4th floor of the premises will operate primarily as a restaurant and the 3rd floor will operate primarily as a lounge bar

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

and restaurant.

Please note that tables and chairs shown on the layout plans are shown for illustration purposes only. They are not fixed furnishings, and the licence holder will arrange them according to how the rooms are to be used on any particular day.

A fire risk assessment is submitted to the council for distribution to the responsible authorities.

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

(●) Yes ( ) No

Standard Days And Timings

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.

MONDAY

Start	12:00	End	02:00
Start		End	

TUESDAY

Start	12:00	End	02:00
Start		End	

WEDNESDAY

Start	12:00	End	02:00
Start		End	

THURSDAY

Start	12:00	End	02:00
Start		End	

FRIDAY

Start	12:00	End	02:00
Start		End	

SATURDAY

Start	12:00	End	02:00
Start		End	

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

SUNDAY

Start 12:00 End 02:00

Start End

Will the performance of a play take place indoors or outdoors or both?

- (•) Indoors
- ( ) Outdoors
- ( ) Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Occasional plays or similar performances which will take place on the 3rd floor of the premises only.

State any seasonal variations for performing plays

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the performance of a play at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- (•) Yes
- ( ) No

Standard Days And Timings

MONDAY

Start 12:00 End 02:00

Start End

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.

TUESDAY

Start 12:00 End 02:00

Start End

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

WEDNESDAY

Start	12:00	End	02:00
Start		End	

THURSDAY

Start	12:00	End	02:00
Start		End	

FRIDAY

Start	12:00	End	02:00
Start		End	

SATURDAY

Start	12:00	End	02:00
Start		End	

SUNDAY

Start	12:00	End	02:00
Start		End	

Will the exhibition of films take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

- (●) Indoors
- ( ) Outdoors
- ( ) Both

State 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.

Occasional film shows which will take place on the 3rd floor of the premises only.

State any seasonal variations for the exhibition of film

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where the premises will be used for the exhibition of film at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

○ Yes ◉ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

○ Yes ◉ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

◉ Yes ○ No

Standard Days And Timings

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.

MONDAY

Start	12:00	End	02:00
Start		End	

TUESDAY

Start	12:00	End	02:00
Start		End	

WEDNESDAY

Start	12:00	End	02:00
Start		End	

THURSDAY

Start	12:00	End	02:00
Start		End	

FRIDAY

Start	12:00	End	02:00
Start		End	

SATURDAY

Start	12:00	End	02:00
Start		End	

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

SUNDAY

Start 12:00 End 02:00

Start End

Will the performance of live music take place indoors or outdoors or both?

- (•) Indoors
- ( ) Outdoors
- ( ) Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Live music entertainment which will take place on the 3rd floor of the premises only.

State any seasonal variations for the performance of live music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of live music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- (•) Yes
- ( ) No

Standard Days And Timings

MONDAY

Start 12:00 End 02:00

Start End

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.

TUESDAY

Start 12:00 End 02:00

Start End

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

WEDNESDAY

Start	12:00	End	02:00
Start		End	

THURSDAY

Start	12:00	End	02:00
Start		End	

FRIDAY

Start	12:00	End	02:00
Start		End	

SATURDAY

Start	12:00	End	02:00
Start		End	

SUNDAY

Start	12:00	End	02:00
Start		End	

Will the playing of recorded music take place indoors or outdoors or both?

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

- (●) Indoors
- ( ) Outdoors
- ( ) Both

State 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.

Recorded music entertainment which will take place on the 3rd floor of the premises only.

State any seasonal variations for playing recorded music

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

(•) Yes ( ) No

Standard Days And Timings

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.

MONDAY

Start 12:00 End 02:00

Start End

TUESDAY

Start 12:00 End 02:00

Start End

WEDNESDAY

Start 12:00 End 02:00

Start End

THURSDAY

Start 12:00 End 02:00

Start End

FRIDAY

Start 12:00 End 02:00

Start End

SATURDAY

Start 12:00 End 02:00

Start End

SUNDAY

Start 12:00 End 02:00

Start End

Will the performance of dance take place indoors or outdoors or both?

(•) Indoors ( ) Outdoors ( ) Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Occasional dance shows which will take place on the 3rd floor of the premises only.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

State any seasonal variations for the performance of dance

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the performance of dance at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 13 of 21

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing anything similar to live music, recorded music or performances of dance?

○ Yes ◉ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

◉ Yes ○ No

Standard Days And Timings

MONDAY

Start	23:00	End	02:00
Start		End	

TUESDAY

Start	23:00	End	02:00
Start		End	

WEDNESDAY

Start	23:00	End	02:00
Start		End	

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.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

THURSDAY

Start	23:00	End	02:00
Start		End	

FRIDAY

Start	23:00	End	02:00
Start		End	

SATURDAY

Start	23:00	End	02:00
Start		End	

SUNDAY

Start	23:00	End	02:00
Start		End	

Will the provision of late night refreshment take place indoors or outdoors or both?

- (●) Indoors
- ( ) Outdoors
- ( ) Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

(•) Yes ( ) No

Standard Days And Timings

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.

MONDAY

Start 12:00 End 02:00

Start End

TUESDAY

Start 12:00 End 02:00

Start End

WEDNESDAY

Start 12:00 End 02:00

Start End

THURSDAY

Start 12:00 End 02:00

Start End

FRIDAY

Start 12:00 End 02:00

Start End

SATURDAY

Start 12:00 End 02:00

Start End

SUNDAY

Start 12:00 End 02:00

Start End

Will the sale of alcohol be for consumption:

(•) On the premises ( ) Off the premises ( ) Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

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

Name

First name: Davia

Family name: Williams

Date of birth: [redacted] dd [redacted] mm [redacted] yyyy

Enter the contact's address

Building number or name: [redacted]

[redacted]

[redacted]

City or town: [redacted]

County or administrative area:

[redacted]

Country: United Kingdom

Personal Licence number (if known): [redacted]

Issuing licensing authority (if known): [redacted]

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ○ Electronically, by the proposed designated premises supervisor
- ◉ As an attachment to this application

Reference number for consent form (if known):

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

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.

MONDAY

Start	12:00	End	02:30
Start		End	

TUESDAY

Start	12:00	End	02:30
Start		End	

WEDNESDAY

Start	12:00	End	02:30
Start		End	

THURSDAY

Start	12:00	End	02:30
Start		End	

FRIDAY

Start	12:00	End	02:30
Start		End	

SATURDAY

Start	12:00	End	02:30
Start		End	

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

SUNDAY

Start	12:00	End	02:30
Start		End	

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 21

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

Staff working at the premises who are involved in the sale of alcohol shall be trained in respect of their legal and social responsibilities. They will also be trained in respect of the contents of the premises licence.

A record of such training shall be maintained by the premises licence holder, and this record shall be made available for inspection by Police and Authorised Officers of the Licensing Authority upon request.

Training records for staff shall be updated every 6 months.

b) The prevention of crime and disorder

The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

The CCTV system serving the premises shall:
a) be maintained fully operational and in good working order at all times;
b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and
c) show an accurate date and time that the images were made.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

4. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

5. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

a) all crimes reported to the venue;
b) all ejections of patrons;
c) any complaints received concerning crime and disorder
d) any incidents of disorder;
e) all seizures of drugs or offensive weapons;
f) any faults in the CCTV system, searching equipment or scanning equipment;
g) any refusal of the sale of alcohol;
h) any visit by a relevant authority or emergency service.

In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

On any occasion that regulated entertainment is provided, not less than 2 SIA registered door supervisors will be engaged to control entry to the premises and additional SIA registered door supervisors will be engaged inside the premises to monitor and supervise customers.

Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.

A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises.

The sale of alcohol to customers on the 4th floor of the premises shall be to persons who are seated at the premises, i.e. table service only.

c) Public safety

Staff will be trained in respect of the Fire Risk Assessment, Health and Safety Risk Assessment and other policies and procedures in respect of the emergency evacuation of the premises.

First Aid facilities shall be provided at the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.

d) The prevention of public nuisance

Loudspeakers shall not be located in the entrance lobby or outside the premises building.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

After 22.30hrs, access to the premises shall be by way of the entrance in the underground car park at the premises - the doors at the top of the stairway along the Canary Wharf Promenade shall not be used after this time.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00hrs and 09.00hs on the following day.

No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

Entry by children under the age of 18 to the premises is prohibited unless accompanied by an adult (a person who is over the age of 18)

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is A British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination** with an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
  - evidence of the applicant's own identity – such as a passport,
  - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
  - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
    - (i) working e.g. employment contract, wage slips, letter from the employer,
    - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
    - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
    - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

(i) any page containing the holder's personal details including nationality;
(ii) any page containing the holder's photograph;
(iii) any page containing the holder's signature;
(iv) any page containing the date of expiry; and
(v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at https://www.gov.uk/prove-right-to-work) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
  - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
  - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
  - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
  - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
  - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
  - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
  - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
  - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
  - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.
To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm
Band A - No RV to £4,300 = £100.00
Band B - £4,301 to £33,000 = £190.00
Band C - £33,001 to £8700 = 315.00
Band D - £87001 to £12500 = £450.00*
Band E - £125001 and over = 635.00*
*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee
Band D - £7001 to £12500 = £900.00
Band E - £125001 and over £1,905.00
There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.
Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.
If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time
Capacity 5000-9999 = £1,000.00
Capacity 10000 -14999 = £2,000.00
Capacity 15000-19999 = £4,000.00
Capacity 20000-29999 = £8,000.00
Capacity 30000-39000 = £16,000.00
Capacity 40000-49999 = £24,000.00
Capacity 50000-59999 = £32,000.00
Capacity 60000-69999 = £40,000.00
Capacity 70000-79999 = £48,000.00
Capacity 80000-89999 = £56,000.00
Capacity 90000 and over = £64,000.00
NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit https://www.towerhamlets.gov.uk/latenightlevy

© Queen's Printer and Controller of HMSO 2009

Continued from previous page...

* Fee amount (£) 450.00

DECLARATION

* I/we understand 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.

* [APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name: Frank Fender

* Capacity: Authorised Licensing Consultant

* Date: 28 / 11 / 2023
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1 to upload this file and continue with your application.
Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

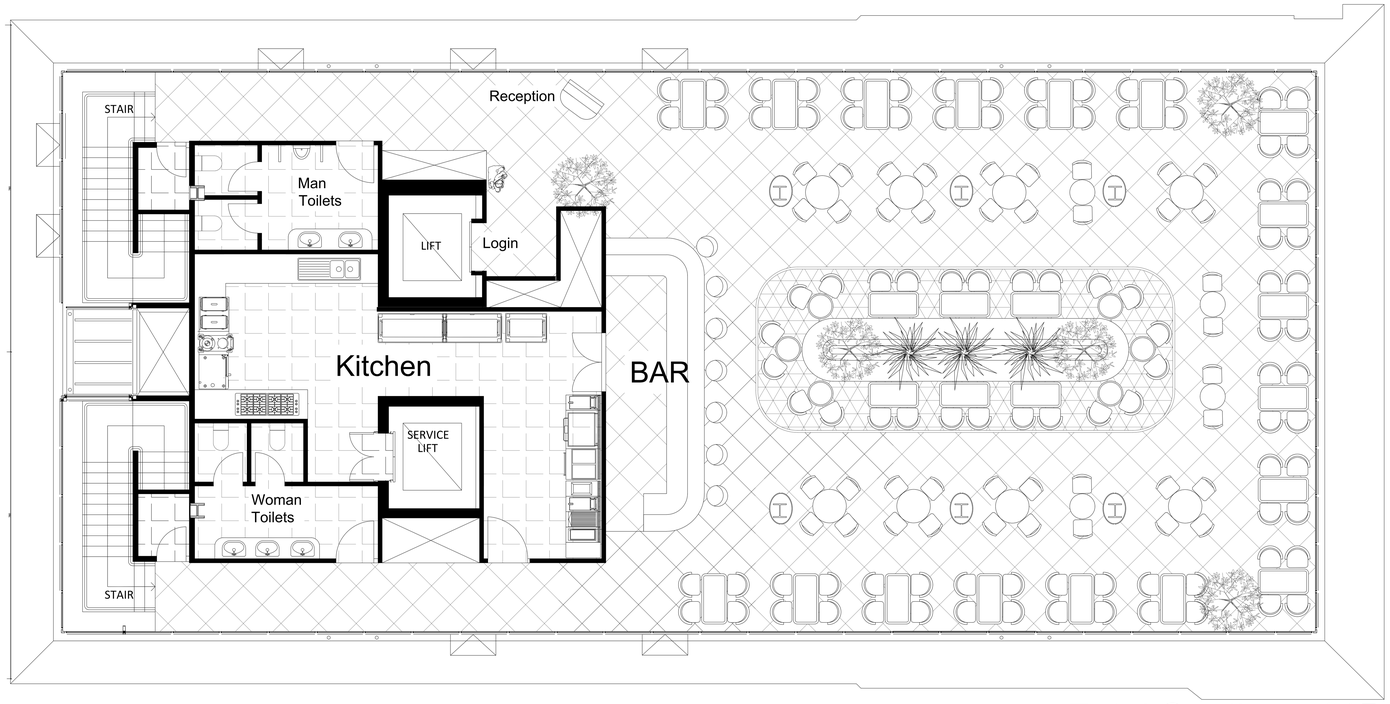
© Queen's Printer and Controller of HMSO 2009

OFFICE USE ONLY	
Applicant reference number	FF/CODE
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	☐

1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next **>**

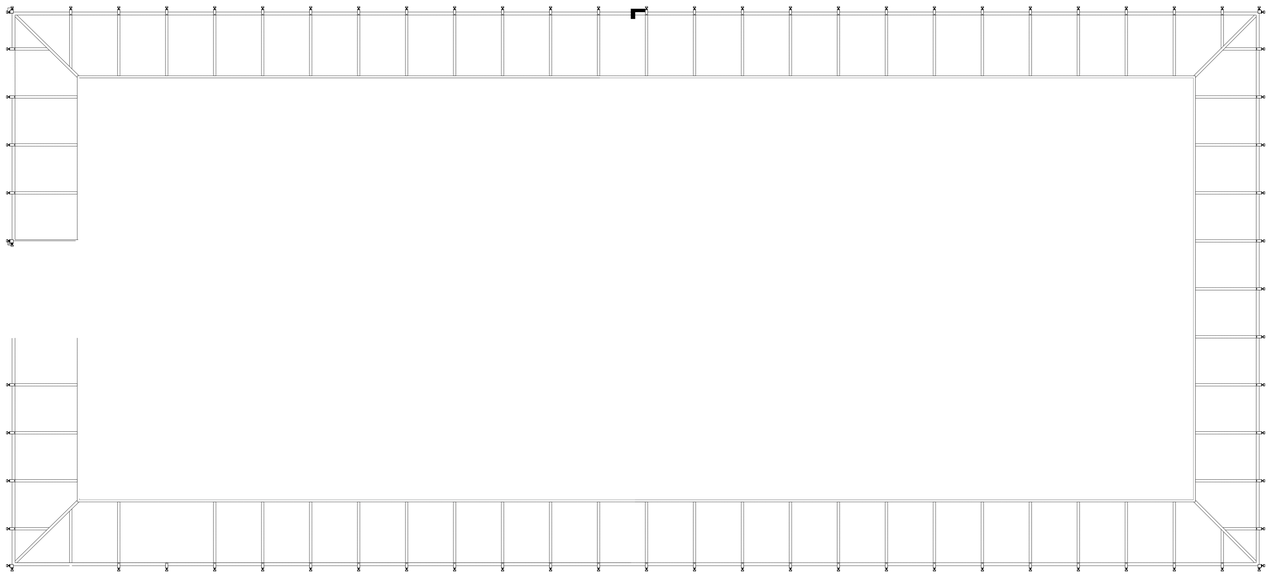
© Queen's Printer and Controller of HMSO 2009

Appendix 2



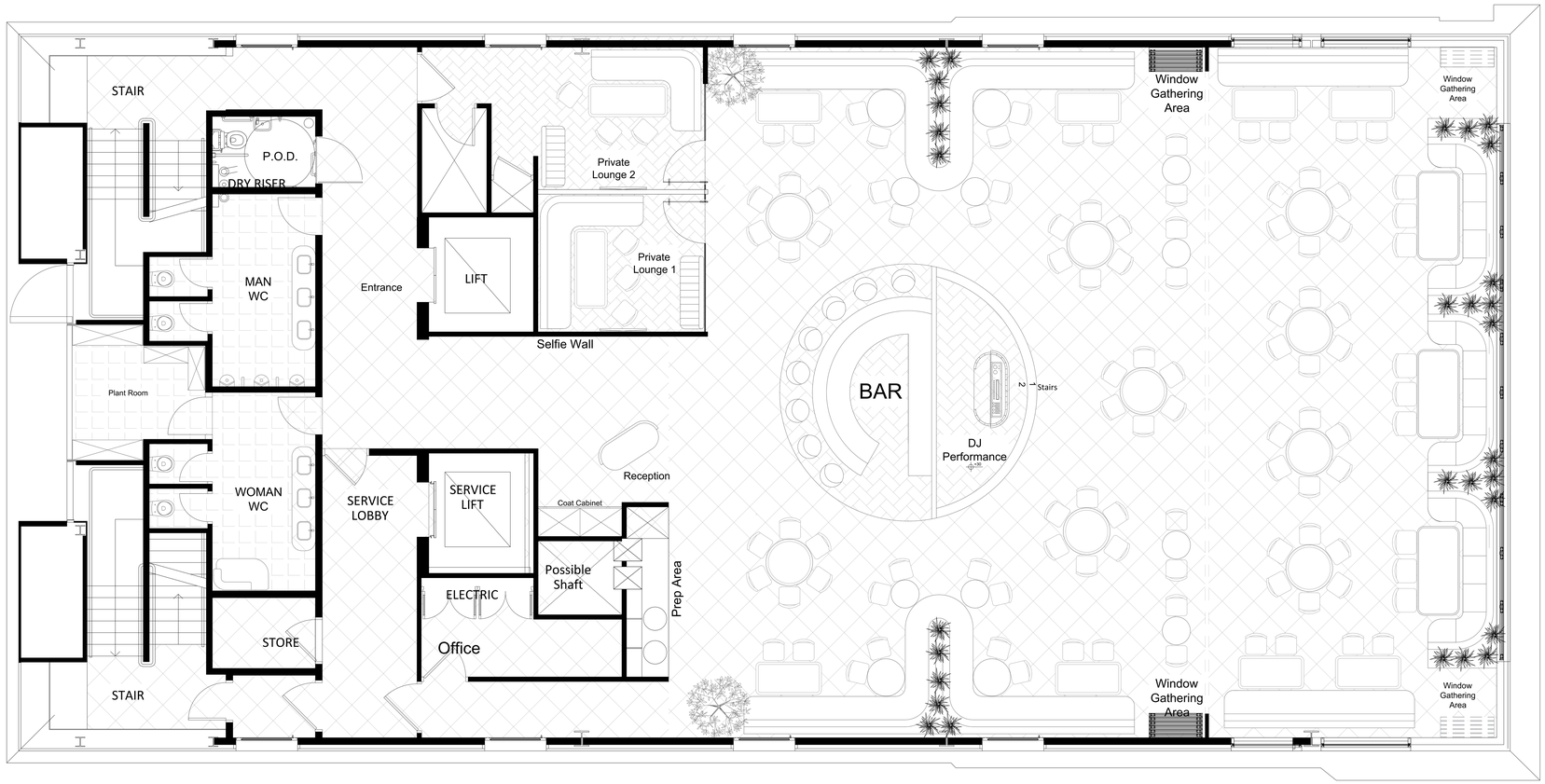
Layout Plans

Total Seating : 145



Roof Window

3rd floor plan



Jusso

1

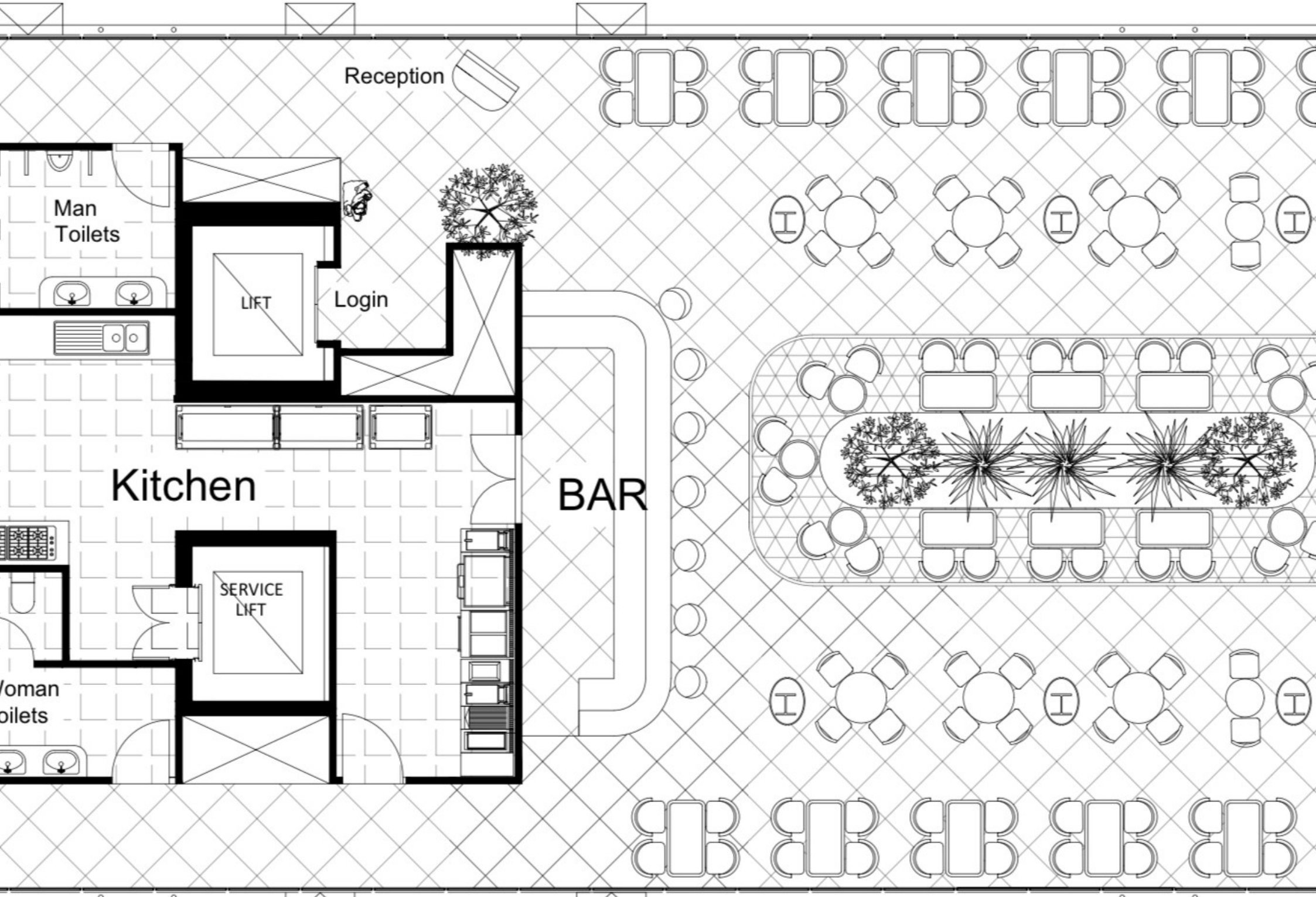
PROJECT NAME: CODE

NAME OF THE SHEET: 3rd BAR & Lounge Layout Plan

SHEET NO: 1

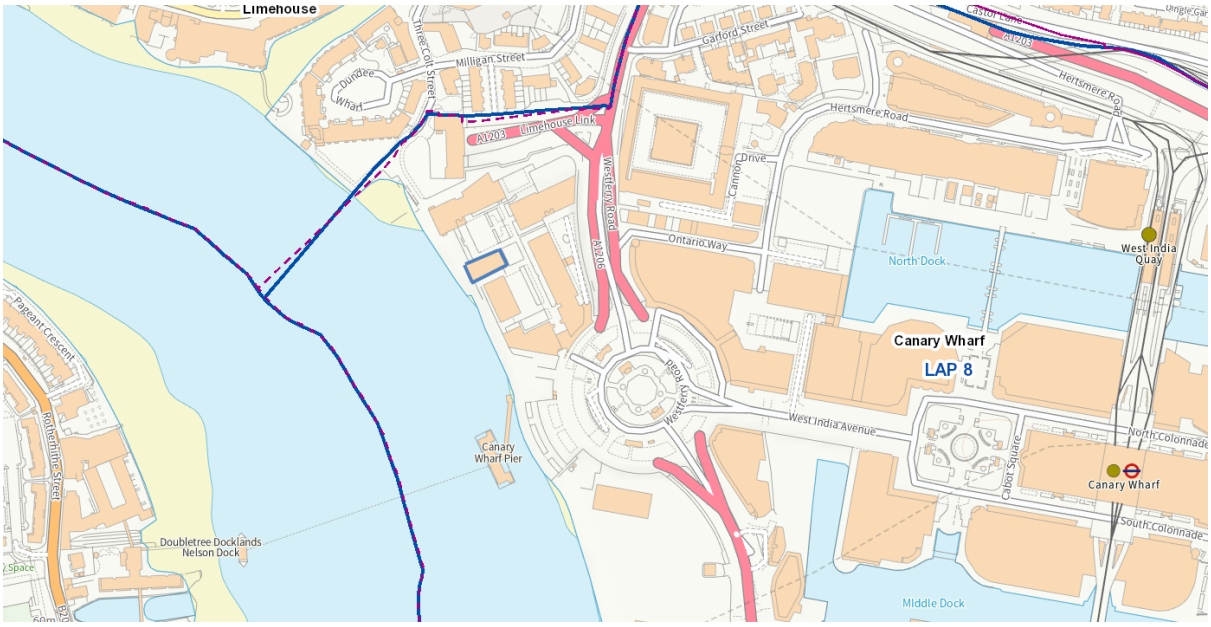
SCALE: 1 / 1

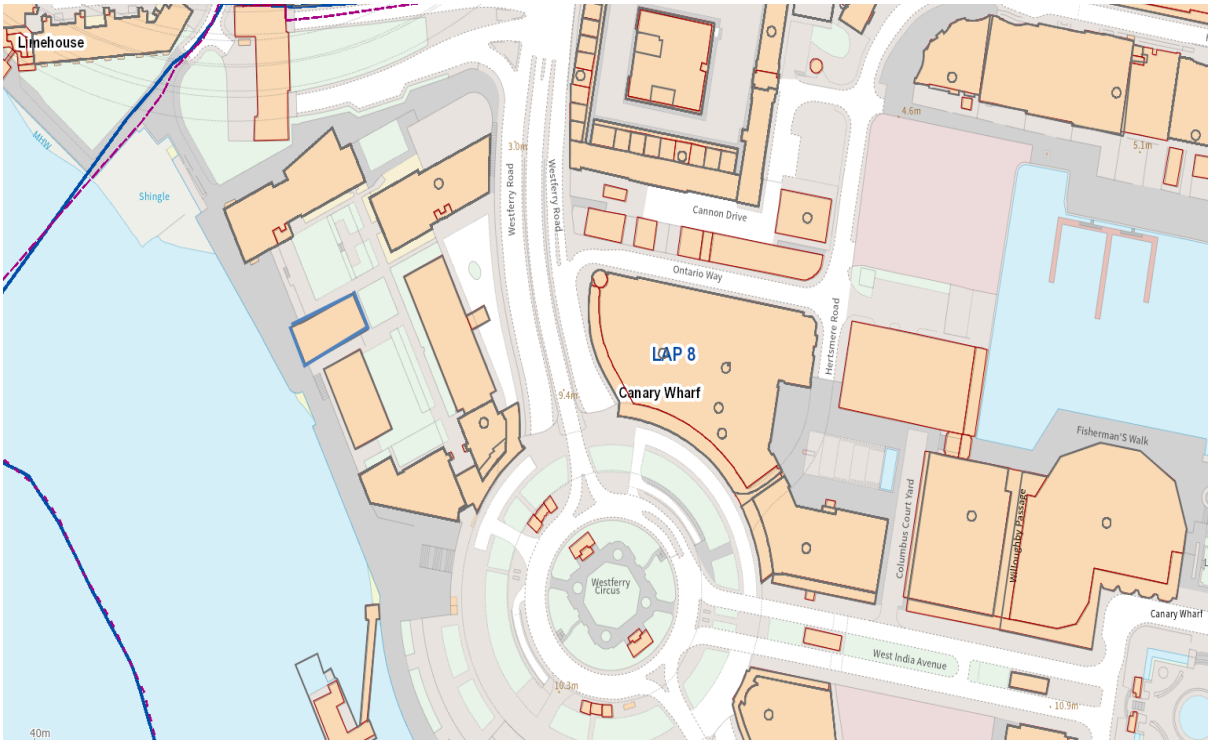
4th floor plan



Appendix 3

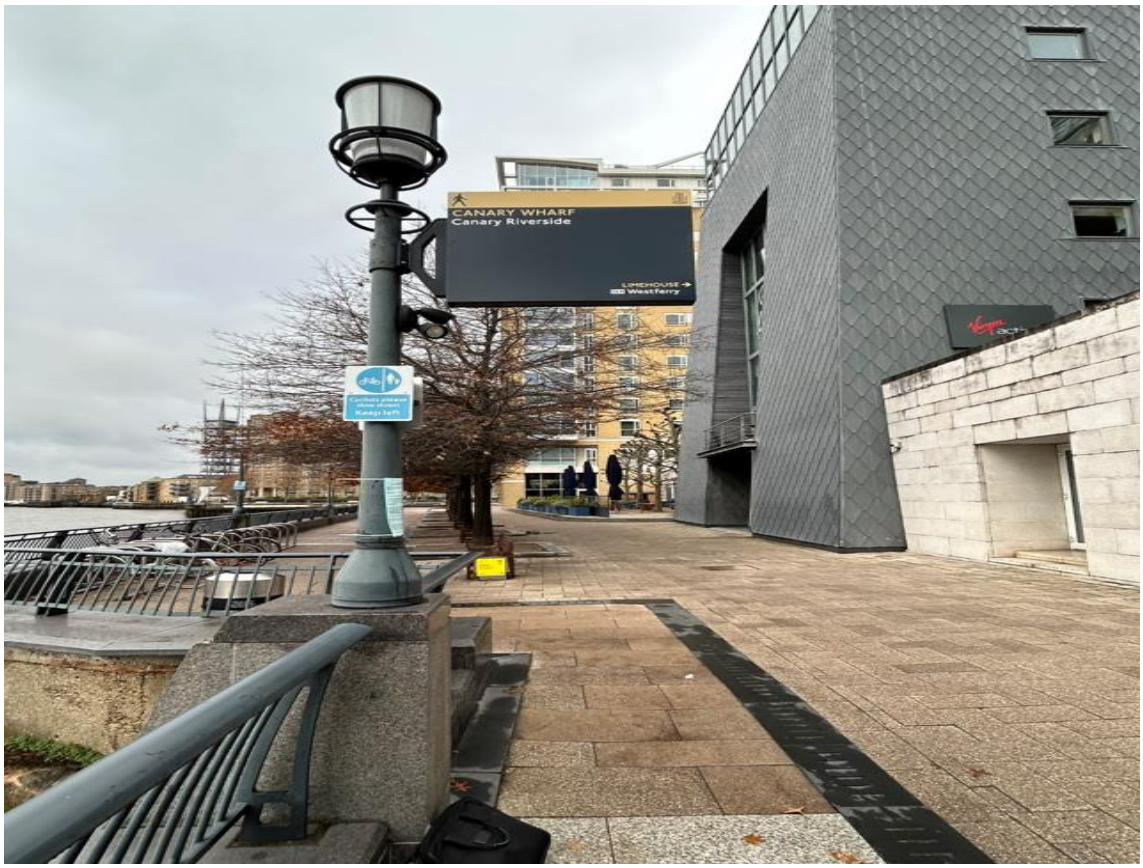
Floors 3-4, 34 Westferry Circus, Maps of the vicinity

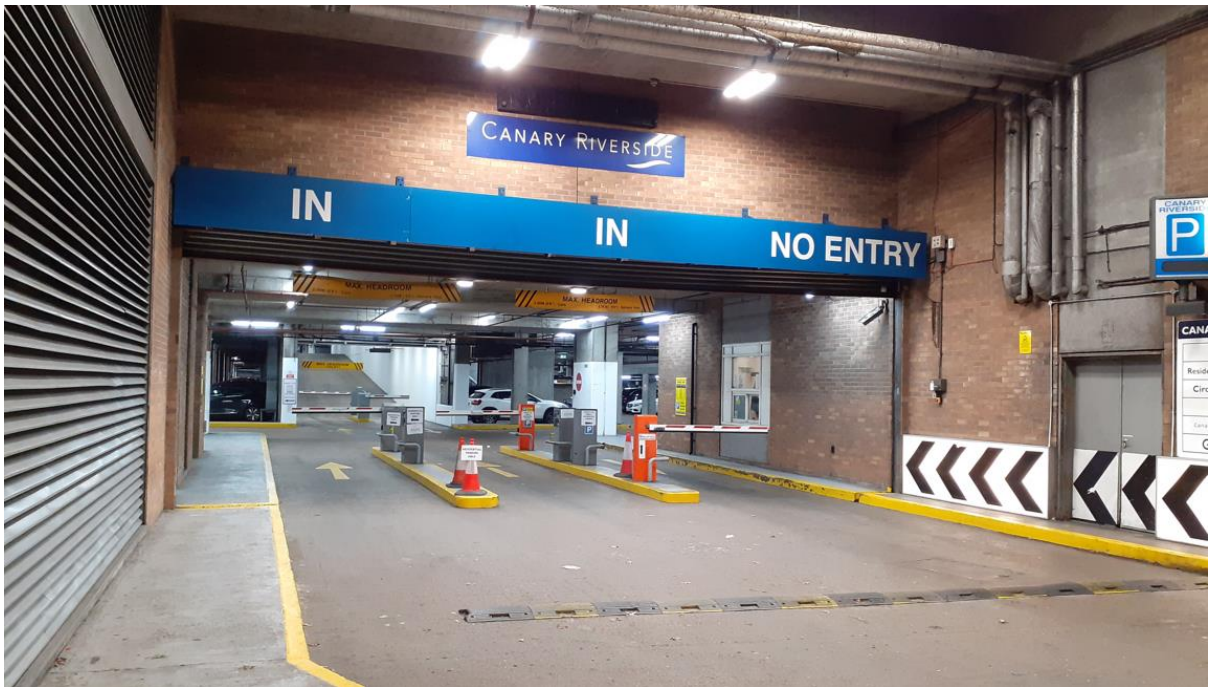


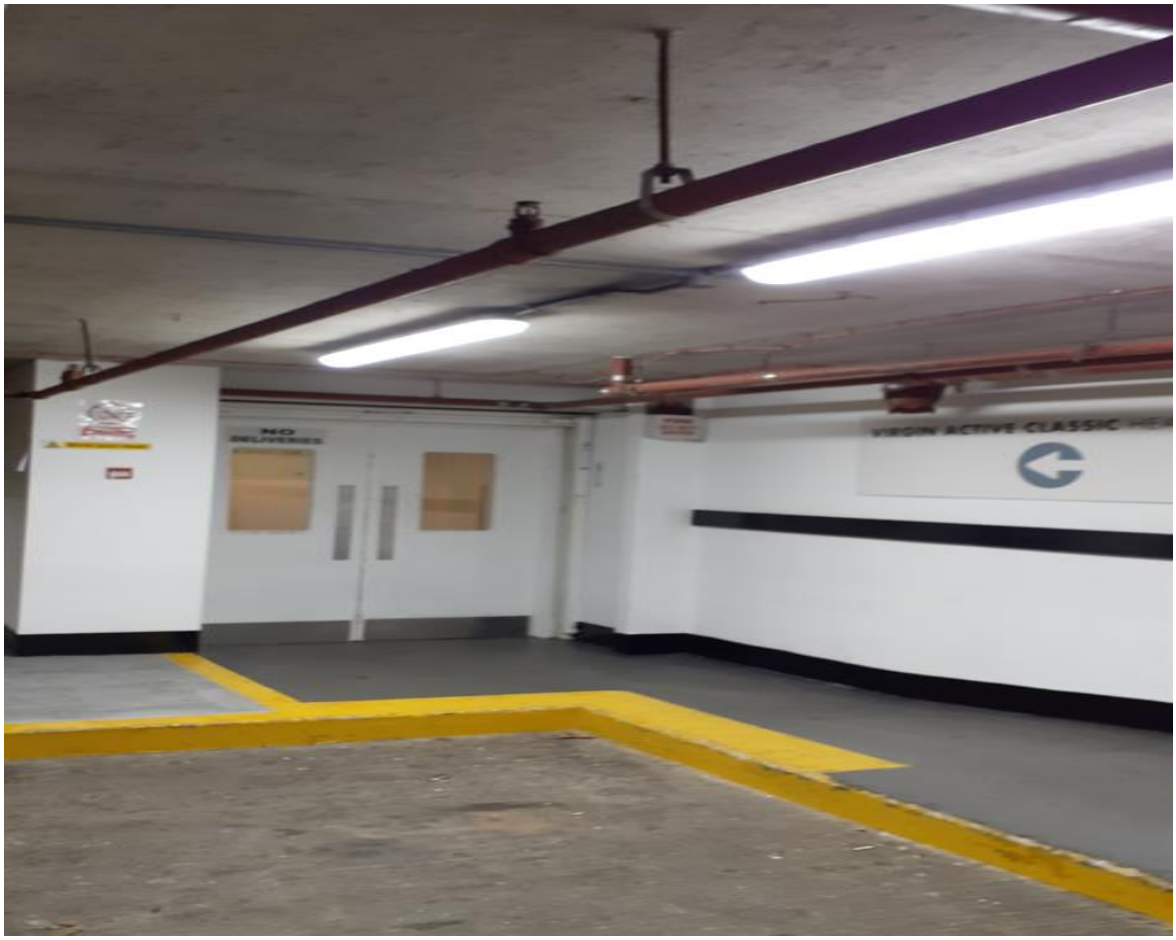


Appendix 4

Floor 3-4, 34 Westferry Circus – images of the premises




CANARY RIVERSIDE
IN
IN
NO ENTRY
P


NO
DELIVERIES
VIRGIN ACTIVE CLASSIC

Appendix 5

Premises	Licensable Activities	Opening Hours
Cafe Brera **31 Westferry Circus** **London** **E14 8RR**	**<u>Sale by retail of alcohol (on & off sales)</u>** Monday to Sunday 11:00 hours to 22:00 hours	Monday to Sunday 07:00 hours to 22:00 hours
(Zizzi Restaurant) **33 Westferry Circus**	**<u>Sale of alcohol (on & off sales)</u>** a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 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)	There are no restrictions on the hours during which this premises is open to the public
Mala Indian Kitchen & Bar **37 Westferry Circus**	**<u>The sale by retail of alcohol (on and off sales)</u>** Monday to Sunday from 12:00 hours (noon) to 23:00 hours **<u>The provision of regulated entertainment consisting of Live and Recorded Music and performance of dance (indoors)</u>** **Live Music** – Monday to Sunday from 12:00 hours to 22:30 hours **Recorded Music** - Monday to Sunday from 12:00 hours to 23:00 hours **Performance of Dance** - Monday to Sunday from 12:00 hours (noon) to 22:00 hours	Monday to Sunday from 12:00 hours to 23:00 hours

(Gaucho Grill) 29 Westferry Circus	**<u>Supply of Alcohol/Late Night Refreshments / Regulated entertainment</u>** Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: Monday - Sunday10.00 until 01.00 hours the following day 31st December 10.00 to 01.00 hours on January 2nd	There are no restrictions on the hours during which this premises is open to the public
(Royal China Restaurant) 30 Westferry Circus	**<u>The sale by retail of alcohol (on sales)</u>** 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).	There are no restrictions on the hours during which this premises is open to the public
Assenheims UK Ltd Unit B2.S.10 7 Westferry Circus	**<u>Regulated Entertainment – Recorded music (Indoors)</u>** Sunday to Thursday from 23:00 hours to 23:30 hours Friday to Saturday from 23:00 hours to 01:00 hours **<u>Nonstandard timings</u>** Sundays prior to bank holidays 23:00 hours -01:00 hours **<u>Late Night Refreshment (Indoors)</u>**	Sunday to Thursday from 07:00 hours to 00:00 hours Friday to Saturday from 07:00 hours to 01:30 hours **<u>Nonstandard timings</u>** Sundays prior to bank holidays 23:00 hours -01:00 hours From the end of standard hours until 05:00 for the delivery of hot food and

	Sunday to Thursday from 23:00 hours to 23:30 hours Friday to Saturday from 23:00 hours to 01:00 hours **<u>Nonstandard timings</u>** Sundays prior to bank holidays 23:00 hours -01:00 hours From the end of standard hours until 05:00 for the delivery of hot food and non-alcoholic beverages within the estate (delivery only - no public access to the premises during that time) **<u>Supply of Alcohol (on and off sales)</u>** Sunday to Thursday from 07:30 hours to 23:30 hours Friday to Saturday from 07:30 hours to 01:00 hours **<u>Nonstandard timings</u>** Sundays prior to bank holidays 23:00 hours -01:00 hours	non-alcoholic beverages within the estate (delivery only - no public access to the premises during that time)
Canary Riverside Plaza Hotel) 46 Westferry Circus	**<u>Regulated Entertainment</u>** On Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, 10a.m. to 3.00 a.m. the following morning. **<u>The Retail Sale of Alcohol (on sales)</u>** On Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, 11a.m. to 3.00 a.m. the following morning. Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in	There are no restrictions on the hours during which this premises is open to the public

	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 Late Night Refreshment** On Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, until 3.00 a.m. the following morning.	

Appendix 6

Report VA5082.240115.NMP1.1

Code, 3rd/4th Floor, 34 Westferry Circus

Noise Management Plan

17 January 2024

Fan Rescue Ltd
Unit 129
Ability House
121 Brooker Road
Waltham Abbey

VENTA ACOUSTICS

[redacted]

registered company no. 10139494

Contents

1. Introduction 1
2. Premises Description 1
3. London Borough of Tower Hamlets Requirements 1
4. Proposals 2
5. Noise Impact Assessment 2
6. Noise Management Plan 3
   - 6.1 Potential Noise Sources 3
   - 6.2 Management Controls 3
     - 6.2.1 External Noise Management – Smoking Area 4
     - 6.2.2 Noise Limiter 4
   - 6.3 Neighbour Relations 4
     - 6.3.1 Complaints Procedure 4

Attachments

VA5082/SP1	Indicative Site Plan
Appendix A	Acoustic Terminology
Appendix B	Noise Calcs
Appendix C	Sample Complaint Form

Report Version	Author	Approved	Changes	Date
NMP	Jamie Duncan	Steven Liddell	-	15/1/24
NMP1.1	Jamie Duncan	Steven Liddell	Updated operational hours	17/1/24

The interpretations and conclusions summarised in this report represent Venta Acoustics' best technical interpretation of the data available to us at the time of assessment. Any information provided by third parties and referred to in this report has not been checked or verified by Venta Acoustics, unless otherwise expressly stated in the document. Venta Acoustics cannot accept any liability for the correctness or validity of the information provided. Due to a degree of uncertainty inherent in the prediction of all parameters, we cannot, and do not guarantee the accuracy or correctness of any interpretation and we shall not, except in the case of gross or wilful negligence on our part, be liable for any loss, cost, damages or expenses incurred or sustained by anyone resulting from any interpretations, predictions of conclusions made by the company or employees. The findings and conclusions are relevant to the period of the site survey works, and should not be relied upon to represent site conditions at later dates. Where additional information becomes available which may affect the findings of our assessment, the author reserves the right to review the information, reassess the findings and modify the conclusions accordingly.

1. Introduction

A new premises licence application is being made by Code, 3rd/4th Floor, 34 Westferry Circus.

As part of the application, Tower Hamlets Environmental Protection has requested a noise management plan be submitted to support the application.

2. Premises Description

As illustrated on attached site plan VA5082/SP1, the premises is located on the east bank of the Thames, to the north of the Canary Wharf river ferry terminal. Adjacent to the building to the south is a Virgin Active gym. To the east is the Canary Riverside Plaza hotel, as well as apartments to the north (40m away) and north east (30m away).

The fourth floor of the building has a solid roof, and is a double height space, with glazing on all sides. At third floor level, the façade is clad, with smaller windows located on the north and south façades.

There are no external terraces or similar at third or fourth floor level.

In the surrounding area, there are various nearby restaurants and bars.

3. London Borough of Tower Hamlets Requirements

Nicola Cadzow, Environmental Protection Officer at the London Borough of Tower Hamlets has provided the following comment on the application.

> *Please take this as my holding representation to the new premises licence application for Code 3/4th Floor 34 Westferry Circus E14 8RR until I have received and reviewed the applicant's Noise management plan, and am satisfied of the promotion of the licensing objective for the prevention of public nuisance.*
>
> In an email to the operator, further advice was provided, as below.
>
> *From noise team perspective, I would like to see a noise management plan to include*
>
> 1. *How you are going to mitigate music noise levels, people noise including access and egress from you venue so as not to cause a noise nuisance to neighbour residential premises.*
> 2. *Music noise levels*
> 3. *Limit on numbers of patrons outside to smoke, etc, and how you will ensure they will not be causing disturbance to residents, particularly at the late hours of operation. Particularly after 22:30 hours.*
> 4. *Sound insulation of the property.*

4. Proposals

It is understood that the operator intends to use the space for dining and the serving of alcohol. The fourth floor is to be used for dining only, and will have background ambient music in the space. Third floor level is to be used as a bar space, again with background music and hosting occasional live creative contemporary performances.

The venue is to be open between 12:00 and 02:30 Monday to Sunday.

As there are no external areas available at the upper floor, smokers would have to go to ground floor level and smoke by the entrance to the building, which is located to the south of the building. Access to the premises is via lift from the ground floor main entrance and private lift to the basement carpark.

5. Noise Impact Assessment

An assessment of predicted noise levels to the nearby receivers has been undertaken for each of the two floors based upon the proposed 'ambient' music to be played in the space. The glazing on the floors is understood to be part of a curtain walling system, and does not have openable windows.

An evaluation of likely noise levels from the top floor has been undertaken for two scenarios;

- Lively dining space with ambient music at 4th floor level
- Live jazz in busy bar at 4th floor level

As previously highlighted, the 4th floor is to be used for dining, so the second scenario is included only to evaluate a worst case scenario, as well as allow for future flexibility, should the operator wish to change the configuration of the space.

Calculations of the noise emissions from the space have been undertaken for the lively dining space (L_{Aeq} 76dB) and live jazz in bar (L_{Aeq} 86dB) to the nearest receiver, the hotel, 30m away. The summarised calculations are shown in Appendix B.

The predictions show that at the hotel 30m away, noise in the rooms with partially open windows are predicted to be 0dB (calculated to be -5dB) from the lively dining room, and 5dB from the bar with live jazz. These noise levels are very low and would be expected to be inaudible in the hotel.

Noise levels at the apartments, 40m away would be expected to be a further 2dB quieter.

Due to the 3rd floor being predominantly clad, rather than glazed, noise breakout would be expected to be approximately 10-15dB quieter than from the 4th floor.

It should be noted that, although there is not understood to be an intent to increase noise levels in the bar significantly, these could be increased by at least 10dB from the modelled noise levels and would still not be expected to impact on nearby residents.

Noise from people smoking externally cannot be controlled through the use of physical mitigation measures, and hence management of smokers will need to be carefully considered, and is discussed further in section 6.

6. Noise Management Plan

The following noise management plan includes many measures that would be recommended for adoption by management of the premises. This plan address both music noise and noise from customers. These measures are intended to minimise the noise impact on the neighbours.

6.1 Potential Noise Sources

The management understand that the identification and recognition of potential causes of disturbance assists greatly in planning to avoid disturbances to the surroundings.

The following noise sources have been identified in relation to the proposed operation of the premises:

- Noise from customers smoking outside the building (shouting, laughing, etc.);
- Customers leaving throughout and at the end of the night

6.2 Management Controls

The responsibility for the management controls will be assumed by the manager. Other members of staff may assume the role in the future following suitable training. Where the venue is hired out, this responsibility will be shared with the event organisers as will be included in the contract for the hire of the venue.

A culture of neighbourly consideration will be encouraged amongst patrons through the use of signs and polite reminders from staff.

Patrons are expected to access and leave the premises on foot or by car, leaving from the basement carpark. Signs will be installed reminding patrons and smokers of the amenity of neighbours.

The main entrance to the premises will be closed at 22:30 so no new customers can enter after this time. From 22:30 onwards until closing, customers will leave the premises via the private lift to the basement carpark, which will reduce the potential for disturbance to the neighbours, as is enclosed and well screened from the nearby residnces.

At the end of the night, where possible, groups will be staggered when leaving to reduce the likelihood of loud numbers of people grouping together.

6.2.1 External Noise Management – Smoking Area

A culture of neighbourly consideration will be encouraged amongst guests through the use of signs prominently displayed by the door and polite reminders from staff.

Signs should be in place reminding guests of the proximity of neighbours and encouraging them to keep their voices down.

During the day, it is not expected that noise from people going outside to smoke would cause a significant level of noise to the apartments, on the opposite side of the building. However, as the premises gets busier during the evening, the potential for disturbance would increase.

From 22:30 onwards, as highlighted above, the premises will close off the main entrance to the restaurant, with the exit being via the basement car park. This space will be a no-smoking area, and hence from 22:30 the premises will not be able to accommodate smokers.

6.2.2 Noise Limiter

Due to the activities being mostly at ambient levels, with occasional live events, it is considered unlikely that a noise limiter would be required in this situation. However, should the operator wish to implement a control on this element, a sound limiter system could be installed to control the upper limits for noise emissions from site. Any music played in the venue would have to be through this system.

It is recommended that, although a guide figure has been identified, specific limits may want to be set where music in the premises is adjusted until an agreeable level is achieved at, or preferably in, the neighbouring dwellings. The limiter would then be set with this level as the maximum permitted level.

6.3 Neighbour Relations

The management will endeavour to maintain a friendly, open and informative relationship with the nearby residents to allow concerns to be raised and addressed without hostility. Residents will be made aware of planned events with a reasonable notice period and concerns regarding these will be noted and acted upon.

6.3.1 Complaints Procedure

A phone number and email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance. Clear instructions would be given to those likely to answer on these procedures for handling complaints.

A complaint action procedure will be produced and made available to staff who will be instructed to follow it on receiving a complaint. This procedure would include checking on and supervising customers outside the premises.

A timed and dated log will be kept in the office of all complaints, including actions taken and responses given. Other information recorded in the complaints log will include the approximate number of guests and staff present at the time of the complaint, and any specific activities or conditions which were noteworthy at the time. A sample complaint log sheet is attached at Appendix B. Any other notes or email communications should be copied and a record kept in the complaint log folder.

All complaints will be addressed promptly, with a response/explanation as well as any future actions or improvements that can be implemented.

Canary Riverside Plaza
Apartments
34 Westferry Circus
Image Landsat / Copernicus
Google Earth

APPENDIX A

Acoustic Terminology & Human Response to Broadband Sound

1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
dB(A):	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L_A.
L_{eq} :	A notional steady sound level which, over a stated period of time, would contain the same amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc). The concept of L_{eq} (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because L_{eq} is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute sound limit.
L_{10} & L_{90} :	Statistical L_n indices are used to describe the level and the degree of fluctuation of non-steady sound. The term refers to the level exceeded for n% of the time. Hence, L_{10} is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, L_{90} is the typical minimum level and is often used to describe background noise. It is common practice to use the L_{10} index to describe noise from traffic as, being a high average, it takes into account the increased annoyance that results from the non-steady nature of traffic flow.
L_{max} :	The maximum sound pressure level recorded over a given period. L_{max} is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged L_{eq} value.

1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

Octave Band Centre Frequency Hz	63	125	250	500	1000	2000	4000	8000

1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial

APPENDIX B

VA5082 - Code 3, 4th Floor, 34 Westferry Circus

Noise Impact Assessment

		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Lively restaurant/bar with ambient music	$L_{p(rev)}$	64	66	71	74	73	68	61	50	**76**
Loss for glazing (6-12-6)	R	-21	-27	-25	-31	-34	-27	-36	-38	
Loss of rev. component	-6	-6	-6	-6	-6	-6	-6	-6	-6	
Distance loss	To 30m	-30	-30	-30	-30	-30	-30	-30	-30	
Level at receiver (outside)		**7**	**3**	**10**	**7**	**4**	**5**	**-11**	**-23**	**10**
Loss for partially open window (BS8233)		-15	-15	-15	-15	-15	-15	-15	-15	
Level inside receiver		**-8**	**-12**	**-5**	**-8**	**-11**	**-10**	**-26**	**-38**	**-5**

		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Bar with live jazz	$L_{p(rev)}$	80	80	81	84	83	76	69	62	**86**
Loss for glazing (6-12-6)	R	-21	-27	-25	-31	-34	-27	-36	-38	
Loss of rev. component	-6	-6	-6	-6	-6	-6	-6	-6	-6	
Distance loss	To 30m	-30	-30	-30	-30	-30	-30	-30	-30	
Level at receiver (outside)		**23**	**18**	**21**	**17**	**13**	**14**	**-3**	**-12**	**20**
Loss for partially open window (BS8233)		-15	-15	-15	-15	-15	-15	-15	-15	
Level inside receiver		**8**	**3**	**6**	**2**	**-2**	**-1**	**-18**	**-27**	**5**

Appendix C

Sample Noise Complaint Log Sheet

Date	Time	Staff Name	No. of Staff & Customers	Complainant			Details			Response Details[1]
				Name	Address	Phone/email	Description[1]	Duration	Solution?	

[1] Attach noted and email correspondence as appropriate

Appendix 7

Lavine Miller-Johnson

From: Nicola Cadzow
Sent: 08 Januar 2024 10:59
To: [redacted]
Cc: [redacted]
Subject: 165179 Objection Code Floor 3/4, 34 Westferry Circus

Good morning All,

Following on from Mark's email, I am waiting a detailed copy of your noise management plan (NMP), to show how the venue is going to mitigate noise nuisance, and hence promote the licensing objective for the prevention of public nuisance.

Along with the NMP, please see list of noise conditions that I wish to be considered for the licence application for Code 3/4/ 34 Westferry Circus as follows:

1. No Music or Amplified Sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents

2. Loudspeakers shall not be located in the entrance lobby, or outside the premise building nor on ceilings. And anti-vibration mounts used is speakers attached to the walls

3. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.

4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

5. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.

6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.

7. Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local resident
or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to
any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device."

Look forward to receipt of Noise management plan, and response to noise conditions 1-7, as above.

Kind regards

Nicola Cadzow
Environmental Protection Officer
Communities Directorate

From: [redacted]
Sent: Monday, January 8, 2024 10:26 AM
To: [redacted]
Cc: [redacted]
Subject: RE: Objection Code Floor 3/4, 34 Westferry Circus

Hi,

Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. It must be completed within 24 hours of any incident and will record the following:
    a) All crimes reported to the venue;
    b) All ejections of patrons;
    c) Any complaints received concerning crime and disorder
    d) Any incidents of disorder;
    e) All seizures of drugs or offensive weapons;
    f) Any faults in the CCTV system, searching equipment or scanning equipment;
    g) Any visit by a relevant authority or emergency service.

2) In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:
   a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
   b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
   c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

4. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

5. No open containers of alcohol to be taken outside the premises.

6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.

7. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.

8. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy

of all people entering the venue and the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

9. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.

10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.

11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.

12. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.

13. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.

14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.

15. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)

Kind Regards

Mark

PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[redacted]
Email [redacted]
A: Licensing Office, 1st Floor Stoke Newington Police Station

From: Perry Mark J - CE-CU
Sent: 24 December 2023 19:47
To: [redacted]
Subject: Objection Code Floor 3/4, 34 Westferry Circus

Dear all,

Central East Police Licensing formally objects to the application of a premises license for Code, floors 3 and 4 of Westferry Circus E14 8RR, on the grounds of preventing Crime, Public Safety and Disorder and Public Nuisance.

The applicant wishes to be able to sell alcohol and regulated entertainment, including recorded and live music until 2am every day in an area with hundreds of residential premises in close proximity and little in the way of background noise.

There is little in the way of public transport to get the people away from the premises at that time of the morning, and the applicant has not said how they will leave the premises without causing noise nuisance as the applicant has not submitted a dispersal plan. The applicant has not submitted a detailed entrance plan either so we do not know the those visiting the venue will safely enter the premises without causing noise nuisance to local residents.

With hours the applicant has requested with drinking and entertainment until 2am every night the venue could be used as a late night club, yet the applicant has failed to put in place any security plan, welfare plan, drugs policy or risk assessments, as requested by the councils own licensing Policy. Without these policies in place we do not know

how the venue will deal with any disorder at the venue, or protect those who become vulnerable through drink or drugs.

The risk of crime and disorder or vulnerability increases the later a venue is open and selling alcohol. Without these policies or plans it simply too big a risk to allow this venue to operate till such late hours, and we therefore ask that this application is rejected.

Should the applicant provide sufficiently detailed and acceptable policies plans and risk assessments then we will consider removing our objection. However at this time with no such plans we maintain our objection to this application and ask that it is rejected.

Kind Regards

Mark Perry

PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[redacted]
Email [redacted]
A: Lic[redacted]

I stand for Professionalism, Compassion, Integrity, Courage and Respect
NOT IN MY Met
CTRL+CLICK TO REPORT WRONGDOING

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

Lavine Miller-Johnson

From: [redacted]
14 Februar 2024 09:36
To: [redacted]
Cc: [redacted]
Subject: RE: Objection Code Floor 3/4, 34 Westferry Circus
Attachments: DRUGS POLICY Final.doc

Thanks Frank,

I have read the policies and have made some comments below.

Firstly we would want our drugs Policy attached to be adopted by the premises – apologies if you have already said you would adopt this and I missed it.

Second when it comes to ejections, especially for people who are intoxicated or vulnerable through drink or drugs then the venue have a duty of care to them, given the unusual egress of the venue under a roundabout where there are obvious risks then staff have a dusty to help them leave the area safely. I would expect that people who are ejected who are vulnerable are given water, offered to have a taxi called for them, or have friends take them away. If the person(s) refuse this then that is their decision, but the venue must make a genuine attempt to help them, which must be recorded in all instances.

Third, all use of force or ejection or refusal of entry will be written in a security log, signed off by the manager and made available to relevant authorities upon request.

Fourth, given the nature of the venue there should be a plan as to show where customers being removed from the venue can wait if a taxi is picking them up.

I am still waiting for the other policies, Welfare, Entrance, Egress etc policies, when can I expect to see them?

Kind Regards

Mark

PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[redacted]

From: Frank Fender <[redacted]
Sent: 23 January 2024 09:40
To: Perry Mark J - CE-CU [redacted]
Cc: Nicola Cadzow [redacted] Lekan Moweta <[redacted]
Subject: Re: Objection Code Floor 3/4, 34 Westferry Circus

Good morning Mark

Please find attached policies in respect of Code. I look forward to hearing from you.

Kind regards

Frank

Frank Fender
FJF Licensin Consultants
[redacted]

Please note that the contents of this e-mail, including any attachments thereto, may contain information which is confidential or privileged, and which is solely for the use of the recipient named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this e-mail is strictly prohibited. If you have received this message in error, please notify the sender immediately.

FJF Licensing Consultants

On 2024-01-09 11:52, [redacted]

> Hi Frank,
>
> Thanks for agreeing conditions, I look forward to receiving the policies. Once I have had a chance to study them I will be in contact.
>
> Hopefully this can be resolved before the hearing.

Kind Regards

Mark

PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

[redacted]

Email [redacted]

[redacted]

From: [redacted]
Sent: 08 January 2024 17:23
To: Perry Mark[redacted]
Cc: L[redacted] licensing@towerhamlets.gov.uk
Subject: Re: Objection Code Floor 3/4, 34 Westferry Circus

Good evening Mark

Thank you for your email and proposed conditions.

Having discussed the conditions with my client, I can tell you they can be agreed. Some form part of the application already, others are noted and agreed.

The policies you are requesting will be forwarded once I have received them.

Kind regards

Frank

Frank Fender
[redacted]

Please note that the contents of this e-mail, including any attachments thereto, may contain information which is confidential or privileged, and which is solely for the use of the recipient named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this e-mail is strictly prohibited. If you have received this message in error, please notify the sender immediately.

FJF Licensing Consultants

On 2024-01-08 10:25, [redacted]

Hi,

Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. It must be completed within 24 hours of any incident and will record the following:

a) All crimes reported to the venue;

b) All ejections of patrons;

c) Any complaints received concerning crime and disorder

d) Any incidents of disorder;

e) All seizures of drugs or offensive weapons;

f) Any faults in the CCTV system, searching equipment or scanning equipment;

g) Any visit by a relevant authority or emergency service.

2) In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:

a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

4. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

5. No open containers of alcohol to be taken outside the premises.

6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.

7. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.

8. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy of all people entering the venue and the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

9. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.

10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.

11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.

12. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.

13. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.

14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.

15. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)

Kind Regards

Mark

PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

[redacted]

[redacted]

From: Perry Mark J - CE-CU
Sent: 24 December 2023 19:47
To: [redacted]
<[redacted]
Subject: Objection Code Floor 3/4, 34 Westferry Circus

Dear all,

Central East Police Licensing formally objects to the application of a premises license for Code, floors 3 and 4 of Westferry Circus E14 8RR, on the grounds of preventing Crime, Public Safety and Disorder and Public Nuisance.

The applicant wishes to be able to sell alcohol and regulated entertainment, including recorded and live music until 2am every day in an area with hundreds of residential premises in close proximity and little in the way of background noise.

There is little in the way of public transport to get the people away from the premises at that time of the morning, and the applicant has not said how they will leave the premises without causing noise nuisance as the applicant has not submitted a dispersal plan. The applicant has not submitted a

detailed entrance plan either so we do not know the those visiting the venue will safely enter the premises without causing noise nuisance to local residents.

With hours the applicant has requested with drinking and entertainment until 2am every night the venue could be used as a late night club, yet the applicant has failed to put in place any security plan, welfare plan, drugs policy or risk assessments, as requested by the councils own licensing Policy. Without these policies in place we do not know how the venue will deal with any disorder at the venue, or protect those who become vulnerable through drink or drugs.

The risk of crime and disorder or vulnerability increases the later a venue is open and selling alcohol. Without these policies or plans it simply too big a risk to allow this venue to operate till such late hours, and we therefore ask that this application is rejected.

Should the applicant provide sufficiently detailed and acceptable policies plans and risk assessments then we will consider removing our objection. However at this time with no such plans we maintain our objection to this application and ask that it is rejected.

Kind Regards

Mark Perry

PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

[redacted]

Email [redacted]

A: Licensing Office, 1st Floor Stoke Newington Police Station

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

NOTICE - This email and any attachments are solely for the intended recipient and may be confidential. If you have received this email in error, please notify the sender and delete it from your system. Do not use, copy or disclose the information contained in this email or in any attachment without the permission of the sender. Metropolitan Police Service (MPS) communication systems are monitored to the extent permitted by law and any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude binding agreements on behalf of the MPS by email and no responsibility is accepted for unauthorised agreements reached with other personnel. While reasonable precautions have been taken to ensure no viruses are present in this email, its security and that of any attachments cannot be guaranteed.

DRUGS POLICY

The premises is to operate a zero tolerance policy towards drugs.

When the premises is running a promoted event where DJ's will be performing, customers as well as artists will be searched for illegal drugs.

This will be a thorough search of customers, including customers bags, jackets, pockets etc. Searching to be done in an area covered by CCTV.

If a guest is found in possession of Drugs/illicit substances and it is believed it is for personal use then the drugs must be seized, the duty manager informed and the drugs must go into a numbered sealable bag. Confiscated drugs must be placed in a safe as soon as practicable. The person is not to be allowed entry to the premises.

The drugs log must then be filled out with the name and SIA number of the person finding and seizing the drugs, date and time of seizure, location of drugs find, description of the drugs , number of drugs and date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs, which Police say is anything over a combination of 4 wraps/pills then the following applies:

• The member of staff, door supervisor or security guard will immediately inform the DPS or other manager on duty.

• The DPS/manager and door supervisor/security guard will ask the individual to step into a quiet area (or if appropriate, a room) and ask the person to turn out their pockets and bags.

• If a personal/bodily search is unavoidable then the Police's assistance will be sought.

• Any drugs found will be confiscated and handed to the DPS or other manager to store and record in accordance with the procedures in this Policy.

• Security guards will (subject to the security guard firm's own policies, procedures, and health & safety requirement) seek to calmly detain suspected drug dealers in the Premises while the Police are contacted.

• However if there is difficulty in this respect with material resistance by the suspected drug dealer and/or if the Police are unable to attend the Premises without delay, to the

extent that the situation in seeking to detain the person becomes unmanageable, the security guards will not use powers of detainment under a citizens' arrest.

• In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the Police have not yet attended the Premises. In such instances the person will be removed from the Premises and a full Incident Report of the incident shall be completed and added to the Premises' Incident Report File.

Drugs are to be sealed in Police bags that will be supplied to the venue.

At the beginning of every month the premises will contact Tower Hamlets Police Licensing and arrange to the licensing officers to come and collect the drugs. A receipt will be signed for at the premises to document that the drugs have been taken by Police.

WEAPONS

When a person is found in possession of a knife or other weapon then the Police are to be called immediately. If safe to do so, and in line with the security company's policies and procedures, the weapon is to be seized and the subject detained.

SIGNAGE

There will be signage in a visible location in the entrance to the premises confirming the following:

1) There is to be a zero tolerance to drug use or supply at the premises.

2) Drug use and the supply of drugs in the premises is not permitted.

3) An enforced search policy identify drugs on customers entering the Premises.

4) Persons suspected of being involved in the supply of drugs will be detained, the drugs seized and the Police called.

5) No person found with drugs will be allowed onto the premises.

6) Entry to the premises may be conditional on searching.

7) Any drugs found on customers will be confiscated and given to the Police.

8) Any customer refusing a search will be refused entry to the Premises.

9) Female customers will be searched by a female door supervisor only.

TOILETS

Toilets are to be checked every 30 minutes during promoted event where DJ's will be performing.

The checks will be to see if there is any drug usage taking place, and will include cubicles and the communal areas.

Any customers acting suspiciously are to be taken to a private area and searched for drugs, if drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

In the toilets all flat surfaces are to be either removed or altered in such a way so as to make it difficult for drugs to be taken on them.

SIA PATROLS

SIA security are required to carry out patrols inside the venue to check on the customers and look for signs of drug use or taking.

Any person found taking drugs are to be taken to a private area and searched for drugs. If drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

Any person who has taken drugs or who looks like they have taken drugs, is to be taken to a private area and searched for drugs with the usual conditions applying. Medical assistance is to be offered and the London Ambulance Service called.

Appendix 8

Corinne Holland

From: Corinne Holland
Sent: 22 December 2023 18:47
To: Frank Fender
Cc: Lekan Moweta; Lavine Miller-Johnson; Licensing
Subject: Code - LA Representation - 3rd & 4th floor, 34 Westferry - M/165179

Dear Frank

Thank you for your response to my questions and the plan. I do not appear to have an email from Andy Dempster which you refer to.

I have the following representation to make.

Due to the location of the premises which is surrounded by residential flats and being waterside (which often enhances the noise to a further distance) due to the lateness of the licence application there is a high probability that customers are likely to cause a public nuisance as they leave at 2.30am.

It seems that the 4th floor will be a restaurant with seated customers only but the 3rd floor is open to much more with the application being for the provision of plays, films, live and recorded music, dance, late-night refreshments and the sale of alcohol until 2.00am. This lends itself to being a nightclub/bar style of operation.

I appreciate that you state it will be high-end but this does not distract from the fact that anyone who has consumed alcohol late into the night can be rowdy and noisy on leaving, not necessarily being disorderly but often shouting to their friends as they leave, hanging around for cabs to arrive. This would be as late as 2.30am -3.00am and being very close to a large group of resident flats.

The Licensing Authority opposes the late hours requested.

There is also the question of where smokers will go which has to be a consideration. My understanding is that the entrance/exit after 22:30 hours is via the underground car park which is also off of the underground roundabout of Westferry Circus. It has to be considered as to whether realistically patrons will walk the distance to smoke or stand in the car park and smoke. This is likely to be a safety risk as smoking is not allowed in the car park. I cannot see anything in the operating schedule which addresses where patrons will smoke or how they will get there.

I would like to see the dispersal policy to be able to address this further.

Kind regards

Corinne Holland
Licensin Officer
[redacted]

Appendix 9

Canary Riverside
32, 36, 38 and 48 Westferry Circus
Canary Wharf
London
Hanover House E14 8RH
Belgrave Court E14 8RJ
Eaton House E14 8RN
Berkeley Tower E14 8RP

20 December 2023

The Licensing Section
Tower Hamlets Town Hall
4th Floor
160 Whitechapel Road
London E14 1BJ

Dear Sir/Madam

Re: Licencing Act 2003 – Application for a Premises Licence LIC/165179 – Code, Flr 3-4, 34 Westferry Circus, London E14 8RR

We the undersigned residents of Canary Riverside are writing to express **our strong objection** to the licence application for the above premises. **This is a totally misguided application, which would permit the operation of a noisy night-club until 2:30 a.m., seven nights a week in the middle of a residential development.** If it is granted, the licence application will cause **considerable** public nuisance, **significantly** increase the risk of crime and disorder and present a **serious** risk to public safety. Furthermore, the application is **materially non-compliant** with several Tower Hamlets policies and regulations (Appendix 1).

Below we provide a detailed list of objections. However, at the outset we highlight one of several critical objections that we believe are glaring flaws in the application. **There is a single access point to the premises from the Thames Pathway**. The application states that this access point will be used until 22:30, presumably to avoid gatherings and loitering outside the premises after that time. The only access/egress after 22:30 until closing time at 02:30 a.m. will be the underground car park where smoking is not permitted. There are several serious problems with this proposal, which we explain below.

Please note that access via the gardens of our estate is prohibited to anyone other than residents and hotel guests. The officers report to PA/22/00143/NC states *'7.13 Concerns have also been expressed around security and public access to the site. The entrance to the site would be from the Thames Path. However, those residing in the hotel or residents of the surrounding blocks could enter through the private garden. Only those with access rights would be able to traverse the private garden and this would not change as a result of this proposal.'*

We note that the agent who submitted this application, Mr. Frank Fender, is a sole trader based in Newport Pagnell, Bedfordshire. We doubt he has ever visited the site. The Licensing Committee should also note that E14 Lounge Limited, the proposed business operator, is a recently formed £100 company with no assets or trading history (Appendix 2). None of its Directors are associated with companies with trading histories or have ever even filed annual accounts.

A. Introduction – Background Considerations

1. Location

The building that is 34 Westferry Circus ("the premises") stands entirely within the gardens of the Canary Riverside Estate (''the estate"). A total of 325 flats across four blocks plus the Canary Riverside Plaza Hotel surround the premises (Appendix 3). All four residential blocks have flats facing and overlooking the gardens and the premises. **Their residents will be directly impacted by the noise, light, public nuisance, crime and disorder and safety risks inherent in this application.**

2. Existing planning consent

The premises currently have two planning consents. These are as follows:

i) PA/23/00513

Site: 5th floor, 34 Westferry Circus, London, E14 8RR Canary Wharf

'Permitting alterations to the façade to include the addition of new bi-folding glass doors to the 3rd floor to provide an internal terrace, minor alterations to the glass façade including the addition of bi-folding doors to the 4th floor and proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant.'

ii) PA/22/00143/NC

Site: 4th & 5th Floor, 34 Westferry Circus, London, E14 8RR

'Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant. Alterations to the facade to include addition of new bi-folding glass doors to the 3rd floor in order to provide a terrace creating amenity space and minor alterations to the glass facade on the 4th floor in order to provide bi-folding doors.'

It is understood that neither of the above consents will be used for this licensing application. That is, there will be **NO addition of bi-folding doors** to glass doors to the 3rd floor to provide a terrace creating amenity space and **NO minor alterations to the glass facade** on the 4th floor to provide bi-folding doors. **Tower Hamlets must confirm this with the Applicant.**

It should also be noted that at the Development Committee meeting on the 30th November to decide PA/23/00513 the applicant (the Landlord of the property) stated that the proposed rooftop open-air restaurant was the only commercially feasible development for these premises. The applicant's representatives categorically stated that the commercial utilisation of the floors immediately below this on their own (i.e.

the floors to which this application relates) was not possible because the proposed operator needed outdoor space as well. We were therefore stunned to find out that **this licensing application was made two days before the Development Committee meeting and was not disclosed to it.** (Below you will see that the Development Committee imposed a closing time condition of 20:00 on the rooftop open-air restaurant).

3. Consultation

This has been a **flawed consultation process** on the part of Tower Hamlets council. There has been a very limited circulation of the licensing application to residents of Canary Riverside, primarily to residents in Eaton House and Belgrave Court. While a "within 40 metres" test is applied to determine recipients of notifications, this is **unfair and unreasonable in the context of the Canary Riverside estate as this proposal affects it in its entirety**. The premises is fully located within the courtyard gardens of the estate which includes 325 flats and is in the **very centre of an amphitheatre into which it will project noise outwards and upwards.**

In addition, the **proposed late night entrance/exit route to and from the premises passes directly through the private car parking areas of Canary Riverside residents from all buildings.** Many of those residents have not been consulted.

The list of licensing applications is not available on the Tower Hamlets Council website. **Several residents have failed to find the application**. It required one of us to contact the licensing team who provided a link. No other documents such as a noise assessment survey have been filed.

We continue to request the Licensing Team to **widen the consultation to include all residents of Canary Riverside** and to **extend the deadline for objections** by at least two weeks.

4. The Application

The Application is seeking inter alia:

1. **Opening hours from 12:00 midday until 02:30 a.m. every day of the week, including Saturday and Sunday**. Given the need for pre opening and post closing facility operations this effectively means 11:00 through to 03:00 a.m., 7 days per week.
2. A permit to put on a range of entertainment including plays, films, live music and dance events on the 3rd floor.
3. A restaurant permit.
4. Regulated entertainment provides for a capacity of up to 500 people. **Actual capacity is not included in the application.**
5. A permit for recorded music to be played without any noise restriction.
6. A late night drinking licence from 22:30 until 02:00 a.m. with public to have exited the premises by 02:30 a.m.
7. It is said that the 4th floor of the premises will operate primarily as a restaurant and the 3rd floor will operate primarily as a lounge bar and restaurant.

The inclusion of such a variety of uses and **entertainment makes it difficult to ascertain exactly the final use of these premises, except that it is clear that it will include the operation of a noisy nightclub in a totally inappropriate residential location until 2:30 a.m., 7 days a week.**

B. Objections to the Premises Licence Application LIC/165179 ("the application")

We object to the application on the grounds of the prevention of public nuisance, the prevention of crime and disorder and in the interests of ensuring public safety. Our homes are the 'nearest noise sensitive premises', with our bedrooms and living rooms located *directly opposite and surrounding the premises*. Belgrave Court and Eaton House are less than 30 metres and Hanover House and Berkeley Tower are 50 metres from the premises.

1. Prevention of public nuisance – noise pollution

No acoustic survey report has been produced by the applicant, and no data is provided as to what the planned noise levels will be, nor the **measures proposed** in the application **to limit noise levels**. We believe the walls of the premises including the glass panels of the 4th floor **will not meet the acoustic standards** required to ensure that the proposed live and recorded music and other noise will **not be audible outside the premises**.

Policy D.ES9 and para 33.19 of Appendix 6 of the Tower Hamlets Local Plan (2020) require the submission of a noise report for potentially noise generating uses. The application includes live and recorded music, plays, dance shows, films and other noise generating activities as well as operating plant. The noise generated will be substantially greater than the existing nearby restaurants which are located two floors below the estate. Appendix 6, para 33.4 requires that existing ambient noise levels will not be worsened and sets out the measuring points in the tables included in para 33.14. **The applicant must conduct an acoustic survey and show that the noise and any associated vibration from the entertainment activities, including live and recorded music, will not reach the inside of our flats.**

Patron noise. Canary Riverside is a quiet residential neighbourhood, particularly at night. We already know that noise from the riverside and Thames Pathway wafts upwards as residents of Belgrave Court are occasionally disturbed by the loud voices of patrons leaving Mala, the nearest restaurant (37 Westferry Circus) and 2 levels below our estate. The construct and environment of the Canary Riverside estate, with all 4 tall residential blocks surrounding the gardens facing the river and with the premises at the centre, creates an ampitheatre which will amplify any noise emitted, projecting it outwards and upwards.

Entry/exit routes. The entry/exit from the premises is proposed to be via the riverside stairs to the Thames Pathway until 22:30, then through the underground car park until closing time. When exiting via the car park, patrons

must either return to the ground floor level of Westferry Circus or to the Thames Walkway to make their way home. **Both routes go past** Hanover House, Berkeley Tower and Belgrave Court. **Noise from a large number of patrons who will have been enjoying several hours of drinking and entertainment will carry upwards** and will be significant in the early hours of each morning, seven days per week.

Other restaurants – all the local restaurants have opening hours to 22:30 and all have either no music or background music only and any background music is restricted to indoors.

Planning application PA/23/00513/NC. This imposed additional conditions for the rooftop bar/restaurant at the premises of **a closing time of 20:00** and **a noise limiter** to be installed to audio equipment to ensure that background music remains below the agreed noise limit. This planning application **was for a restaurant capacity of 80 persons**.

Café Brera (now known as Brera) This café is located on the ground floor of Hanover House. The Licensing Committee imposed a condition requiring any music played within Brera **to not be audible outside**, including when the entrance door and/or windows are open and **to cease at 21:00**. This application will have an even greater impact on residents of the estate as the result of the **location of the premises at its centre.**

2. Prevention of public nuisance – transportation

There is **no public transport operating in the area past 12:00 midnight** with some of it ceasing to operate even earlier. The presumption that people will be travelling to/from the venue via motor vehicle does not comply with Policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020).

3. Prevention of public nuisance – sale/supply of alcohol.

The proposed licensing hours and entertainment would make the premises **a late-night drinking venue.** Alcohol and people out to enjoy themselves at

night and in the early hours is a damaging anti-social mix for children, working adults and other residents who are trying to sleep. It only takes one loud conversation between a few people to cause a disturbance, and **the application will open the potential for nightly disturbances, inevitably straying well beyond 02:00 a.m., seven days a week**. The premises would be a magnet for people seeking a drink and a cigarette in this area.

In short, if this application is granted the **mental health of a large number of people will be adversely affected.**

4. Prevention of public nuisance – light pollution.

The types of entertainment proposed will utilise a range of types of illumination including ambient, task and feature lighting. The application is silent on what mechanisms will be put in place to ensure that this lighting **does not emit outside the premises** and particularly the 4th floor which has floor to ceiling glass panels which are not opaque, nor do they have reflective film. Residents, particularly those facing the premises, will suffer **light pollution until at least 02:00 a.m., including impacting their sleep.**

5. Prevention of public nuisance – loss of privacy

The fourth floor restaurant looks directly into many flats, including bedrooms, and the occupants will suffer a major and **unacceptable reduction in privacy**.

Access to the Canary Riverside estate from either Westferry Road or the Thames Pathway is via a security gate available only to residential leaseholders and hotel guests. **The applicant and its patrons are not entitled to utilise the gate into and/or pathway across the private gardens of the estate.**

6. Prevention of public nuisance – waste management.

No waste management plan is provided or details of how the application complies with the Council's recycling policies. The premises will have a bar and restaurant and will share waste arrangements with the gym in a small cellar in the car park. **The premises does not have its own dedicated cellar space.** There is no chute from the premises to the cellar so that all waste will have to be carried down to it and across the car park.

The existing cellar space is small (Appendix 4), could become overused and **it is not suitable for dealing with waste oil, fat and grease**. There have already been issues with local restaurants disposing of such waste into drainage causing blockages and flooding.

There would be an **increase in littering in the neighbourhood**, particularly from smokers who will congregate at the ground floor entrance of the premises and potentially in the underground car park where smoking is already prohibited,

7. **Prevention of crime and disorder**.

The premises would be the only local licensed venue offering alcohol after 22.30. There is no Public Spaces Protection Order in operation in this part of the riverfront – the Ropemakers PSPO ends just before reaching Canary Riverside. Such **late night drinking venues are associated with issues of disorder** that arise when individuals might be prevented from entering the premises or mingle after exiting the venue. The lack of public transport available in the area beyond midnight is likely to exacerbate this.

Having the car park as the entry/exit point after 22:30 will also **exacerbate the risk of crime and disorder in this vicinity, with a significant risk of damage to residents' vehicles** parked adjacent to the lift utilised for access to the premises. This proposed late night entry/exit route also poses a significant risk to public safety as outlined in paragraph 8 below.

The application does not have a **comprehensive security plan** as per the minimum requirements of the Tower Hamlets Police Licensing Team.

8. **Public Safety**.

The proposed application carries **significant public safety risks**. The proposed closing time of 02:00 a.m., with members of the public to have exited by 02:30 a.m., will deliver large numbers of inebriated and noisy individuals out into a residential neighbourhood in which there is **no public transport operating** at that hour most days of the week.

There will be **no public conveniences open** in the area at that time.

The application indicates that patrons will only be able to use the outdoor stairs to/from the riverside to enter/exit until 22:30 (Appendix 5a) and subsequently will use the lifts from the underground car park. 70% of the car park spaces are utilised by the residential leaseholders. The lift proposed for the exit of patrons leaving after 22:30 is located in the back corner of the car park, adjacent to 2 private parking areas assigned to Canary Riverside residents from all residential buildings (Appendix 5b). **There is no dedicated or clearly sign-posted entry/exit path to/from the lift and through the car park.** The car park entrance is itself accessed via the underground level of the Westferry Circus roundabout, **an area which is busy with motor vehicles, lacks any pedestrian crossings and where the route back to ground level is via a footpath cluttered by commercial waste bins** (Appendix 5d) & e).

After 22.30 it is also intended that patrons wishing to smoke will have to go via the residential car park, presumably out to the underground roundabout and back up to the Thames Pathway. This is quite a distance from the premises and it seems unlikely that patrons will want to take this lengthy walk, particularly in winter months and the risk of breaches of public safety requirements is high. **Smoking is already prohibited in the car park for fire safety reasons** (Appendix 5c).

The emergency fire exit from the premises into the gardens of the Canary Riverside estate (Appendix 5f) is only to be utilised in those emergency circumstances. **Access to the gardens of our estate is prohibited to anyone other than residents and hotel guests.**

C. Conclusion

This is a spurious application. The applicant has simply ticked every box on the application form and asked for the longest possible opening hours for the highest number of entertainment activities - plays, dancing, films, live and recorded music – plus restaurants and late night drinking. **It is impossible to determine the real purpose of the application**. It is opportunistic, trying to find out which of the many diverse entertainment options on the application will be permitted. Our belief is that the real objective for the premises is the operation of a **nightclub/bar**/restaurant, open seven days a week up to 02.30 a.m. **in an entirely inappropriate location**.

Canary Riverside is a quiet residential development. The Estate is mixed use with a balance between the residential, hotel and existing commercial elements. This proposal would destroy that balance. **The applicant is seeking to operate a live and recorded music venue with nightclub lighting in the courtyard of our development.** Over 300 flats and the wellbeing of their residents will be severely impacted with the closest flats being just 30 metres from the premises.

The application is devoid of detail or substance. There is no noise assessment survey, no waste management strategy or proposals on lighting management. There is no transport strategy. Public transport ends at midnight, well before the nightclub closes.

The application will create **significant risks of public disorder.** The application does not include restrictions regarding the management of patrons entering/leaving the premises, safe transportation options for patrons exiting, processes for responding to noise complaints from residents, daily site cleaning up etc.

The only means of access to and exit from the premises after 22:30 is via the lower level of the underground car park. Use of the residential car park by smokers during

the late night opening times and as the sole entry/exit route after 22:30 is **impractical and unsafe.**

The recent planning decision for these premises (i.e. 34 Westferry Circus) imposed a closing time of 20:00 for the proposed rooftop bar/restaurant. The licencing decision for Café Brera, which is also part of the Estate, imposed a closing time of 22:00. Both decisions imposed noise limits on recorded music as outlined in paragraph 1 of section B above.

This is a wholly inappropriate and opportunistic application, clearly made by an applicant and agent with no knowledge of the location, with no consideration for the residents and who have not carried out the detailed analysis required for a considered serious assessment to be made.

It fails the licensing criteria in every respect because it would cause serious public nuisance, a significant increase in crime and disorder and a serious risk to public safety.

The Licensing Committee must reject it in its entirety.

Finally, please note that this letter of objection includes the following Appendices:

Appendix 1: Extract from Tower Hamlets policies.
Appendix 2: E14 Lounge Limited filing history.
Appendix 3: Layout of Canary Riverside Estate
Appendix 4: Waste management and cellar space.
Appendix 5: Entrances/Exits from the premises.

Yours sincerely,

1. Alia Alkhudairi, [redacted]
2. Angela Jezard, [redacted]
3. Ann Davies, [redacted]
4. Argelia Wilkes, [redacted]
5. Arvind Vashisht, [redacted]
6. Bernard Altschuler, [redacted]

7. Carmen Montanel, [redacted]
8. Catherine Liddiard, [redacted]
9. Charlotte Denton, [redacted]
10. Cheng Sen Lim, [redacted]
11. Chongwei Wang, [redacted]
12. Choon Wah Lim, [redacted]
13. Chorong Yoo, [redacted]
14. Claudine Ahrens-Hillman, [redacted]
15. Clyde Hiscock, [redacted]
16. Colin Carscadden, [redacted]
17. Debra Wood, [redacted]
18. Dr Ashley Steel, [redacted]
19. Ebru Pancaroglu, [redacted]
20. Filip Remplakowski, [redacted]
21. Geoff Andrews, [redacted]
22. Hazel Watson, [redacted]
23. Hiren Sanghrajka, [redacted]
24. Jacqueline Abrahart, [redacted]

Jacqueline Tselentis, [redacted]

26. James Abrahart, [redacted]
27. James Bass, [redacted]
28. Javier Caldeiro, [redacted]
29. Jeffery Drew, [redacted]
30. Josephine (Jo) Swaby, [redacted]
31. John Dillon, [redacted]
32. John Dillon, [redacted]
33. John Wilkes, [redacted]
34. Jonathan Alvin, [redacted]
35. Juan Miguel Corvo Lopez, [redacted]
36. Kamal Gardiner, [redacted]
37. Karen Moss, [redacted]
38. Katie Bass, [redacted]
39. Kevin Bell, [redacted]
40. Leo Schmid, [redacted]
41. Leonard Green, [redacted]
42. Luigina Dimitri, [redacted]
43. Mac Xuan Fung, [redacted]
44. Majella Murphy Altschuler, [redacted]
45. Martin Penson, [redacted]

46. Matthew Gocher, [redacted]
47. May Steele, [redacted]
48. Menir Ahmed,[redacted]
49. Michael Tselentis, [redacted]
50. Michelle Noble, [redacted]
51. Miranda Hui, [redacted]
52. Myrna Metheringham, [redacted]
53. Naoko Herai, [redacted]
54. Naomi Stone, [redacted]
55. Naseer Al – Khudairi, [redacted]
56. Dr Natasha Gardiner, [redacted]
57. Nick Land, [redacted]
58. Pardeip Sahota, [redacted]
59. Paul Hillman [redacted]
60. Paul Marsden, [redacted]
61. Rafiq Gasanov, [redacted]
62. Rafiq Gasanov, [redacted]
63. Ralph Hebgen, [redacted]
64. Richard Moss, [redacted]
65. Richard Noble, [redacted]
66. Rita Sanghrajka, [redacted]
67. Roger Gardiner, [redacted]
68. Rosemary Bischoff [redacted]
69. Satvinder Sohanpal, [redacted]
70. Satvinder Sohanpal, [redacted]
71. Sonia Land, [redacted]
72. Sue Robinson, [redacted]
73. Susan Brooks, [redacted]
74. Tania Ng, [redacted]
75. Victor Stone, [redacted]
76. Virginie Raux, [redacted]
77. Wendy Carpenter, [redacted]
78. Xavier Bastin, [redacted]
79. Yiannis Iacovides, [redacted]

Appendix 1 - Tower Hamlets Policies

Our objections consider and refer to:

1. The London Borough of Tower Hamlets Statement of Licensing Policy effective 1st November 2023 which sets out Council's four licensing objectives: -

    1.1. *The prevention of crime and disorder*
    Consideration, among other things, a prescribed capacity; door supervisors; an appropriate ratio of tables and chairs to customers; and a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

    1.2. *Public safety*
    Consideration of requiring specific types of training for a DPS or security staff, including awareness of first aid or initiatives to protect women and vulnerable customers; provision and storage of CCTV footage; and ensuring safe departure of those using the premises.

    1.3. *The prevention of public nuisance*
    Consideration of the prevention of irresponsible promotions, methods of preventing and managing noise and light pollution, and ways of managing litter.

    1.4. *The protection of children from harm*
    Consideration of age verification schemes, test purchasing policies, and restrictions on the hours when children may be present.

2. Policy D.DH8 of the Tower Hamlets Local Plan (2020) requires development to protect and improve the residential amenity of existing and future residents by protecting against loss of privacy, overlooking, loss of outlook, daylight, sunlight, noise, etc..

3. Policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020), which seeks to promote the uptake of green and active travel within the borough and reduce reliance upon carbon reliant travel patterns.

4. Section 33, Appendix 6: Noise of the Tower Hamlets Local Plan (2020) outlines sensible provisions for the management of noise to protect quality of life enjoyed by individuals and communities and specifically residential and community amenity (para 33.1).

Appendix 2 – E14 Lounge Limited – filing history

Search for a company or officer

Advanced company search

E14 LOUNGE LIMITED

Company number 14033460

Follow this company | File for this company

Overview | Filing history | People | Registers | More

Filter by category

Show filing type

- Accounts
- Capital
- Charges
- Confirmation statements / Annual returns
- Incorporation
- Officers

Date	Description	View / Download
02 Nov 2023	**Notification** of Amar Ashraf as a person with significant control on 1 February 2023	View PDF (3 pages)
02 Nov 2023	**Change** of details for Ms Victoria Foleyemi Ogun as a person with significant control on 1 November 2023	View PDF (3 pages)
02 Nov 2023	**Confirmation statement** made on 2 November 2023 with updates	View PDF (5 pages)
02 Nov 2023	**Appointment** of Mr Amar Ashraf as a director on 1 November 2023	View PDF (3 pages)
28 Jul 2023	**Confirmation statement** made on 28 July 2023 with no updates	View PDF (3 pages)
01 Jun 2023	**Cessation** of Amar Ashraf as a person with significant control on 10 April 2023	View PDF (3 pages)
01 Jun 2023	**Change** of details for Ms Victoria Foleyemi Ogun as a person with significant control on 10 April 2023	View PDF (3 pages)
16 May 2023	**Termination of appointment** of Adam Aslam as a director on 16 May 2023	View PDF (3 pages)
05 May 2023	**Confirmation statement** made on 6 April 2023 with no updates	View PDF (3 pages)
09 Apr 2023	**Appointment** of Mr Adam Aslam as a director on 7 April 2022	View PDF (3 pages)
16 Mar 2023	**Notification** of Amar Ashraf as a person with significant control on 15 March 2023	View PDF (3 pages)
16 Mar 2023	**Change** of details for Ms Victoria Foleyemi Ogun as a person with significant control on 15 March 2023	View PDF (3 pages)
08 Mar 2023	**Notification** of Victoria Foleyemi Ogun as a person with significant control on 10 August 2022	View PDF (3 pages)
08 Mar 2023	**Director's details changed** for Ms Victoria Foleyemi Ogun on 28 February 2023	View PDF (3 pages)
08 Mar 2023	**Cessation** of Alexander Joshua as a person with significant control on 3 August 2022	View PDF (3 pages)
09 Nov 2022	**Director's details changed** for Ms Victoria Foleyemi Ogun on 9 November 2022	View PDF (3 pages)
04 Oct 2022	**Registered office address changed** from Studio 210 134-146 Curtain Road London EC2A 3AR England to Suite G04 1 Quality Court, Chancery Lane London WC2A 1HR on 4 October 2022	View PDF (3 pages)
17 Aug 2022	**Termination of appointment** of Olushola Olakunle Medupin as a director on 17 August 2022	View PDF (3 pages)
17 Aug 2022	**Appointment** of Ms Victoria Foleyemi Ogun as a director on 10 August 2022	View PDF (3 pages)
07 Aug 2022	**Termination of appointment** of Victoria Foleyemi Ogun as a director on 7 August 2022	View PDF (3 pages)
05 Aug 2022	**Appointment** of Mr Olushola Olakunle Medupin as a director on 3 August 2022	View PDF (3 pages)
03 Aug 2022	**Termination of appointment** of Alexander Joshua as a director on 3 August 2022	View PDF (3 pages)
03 Aug 2022	**Appointment** of Ms Victoria Foleyemi Ogun as a director on 3 August 2022	View PDF (3 pages)
07 Apr 2022	**Incorporation** Statement of capital on 2022-04-07 GBP 1 • **Model articles adopted**	View PDF (19 pages)

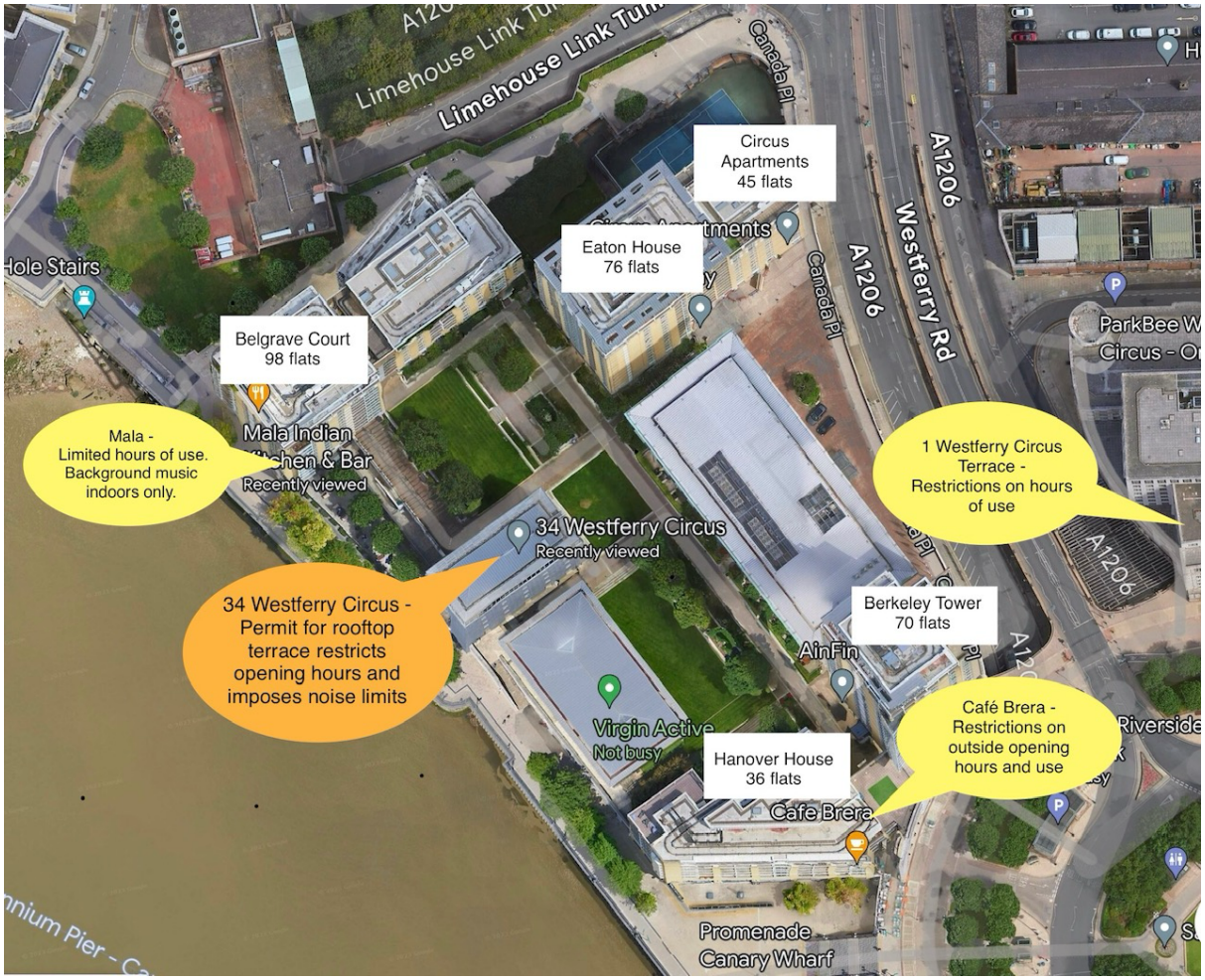
Policies | Cookies | Contact us | Accessibility statement | Developers

Built by Companies House

© Crown copyright

Appendix 3 – Canary Riverside estate

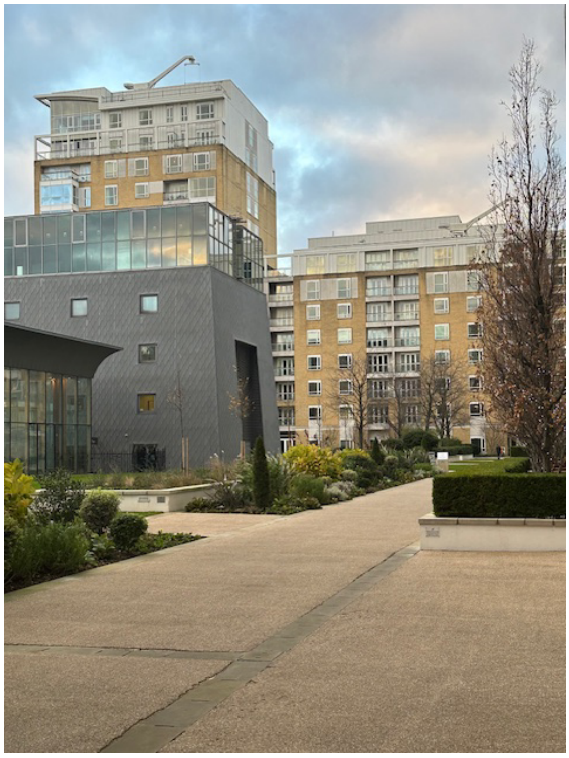
a) Aerial view of Canary Riverside estate



b) 34 Westferry Circus and proximity to Belgrave Court (taken from garden door of Eaton House)

c) 34 Westferry Circus and proximity to Eaton House (taken from garden door of Eaton House)

d) 34 Westferry Circus and proximity to Berkeley Tower (taken from front of Berkeley Tower building) and with Belgrave Court in background



Appendix 4 – Waste management – existing cellar space is small, shared with the Virgin Active gym and there is no chute from the premises.

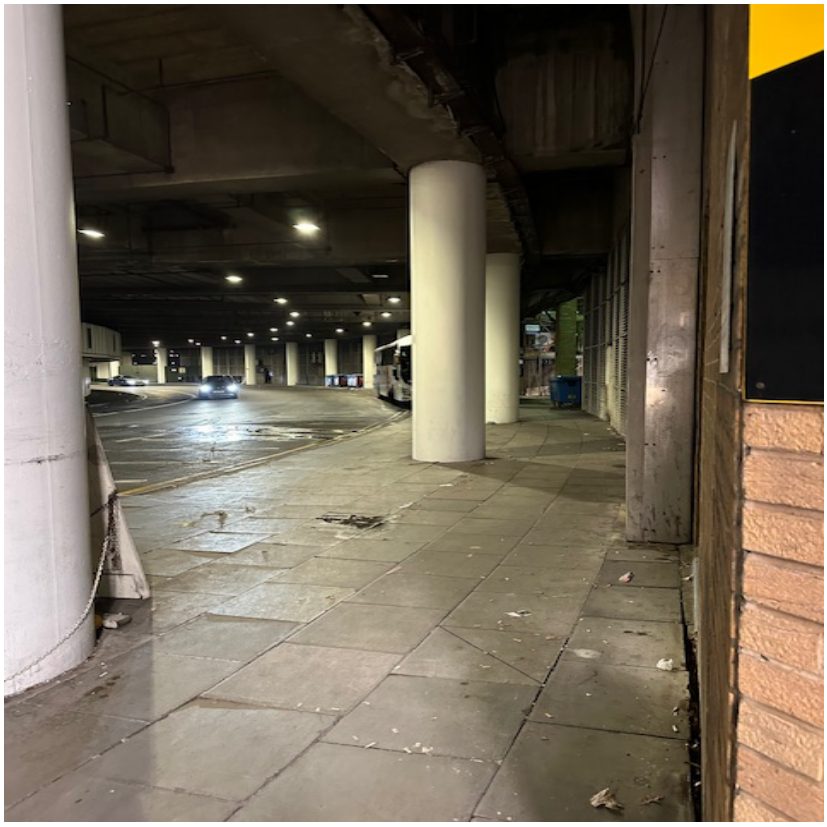
Appendix 5 – Entrances/exits from the premises

a) Riverside entrance/exit directly to Thames Pathway (proposed only to be accessible 12:00 to 22:30)

b) Proposed late night entrance/exit via lift into Canary Riverside underground car park with residential parking adjacent to the boom gate.

c) Smoking already prohibited in the car park as a fire safety precaution

d) Canary Riverside underground car park - entrance from/exit into the underground roundabout of Westferry Circus, the proposed entry/exit route for the premises after 22:30.



e) Unsafe, cluttered route alongside the underground roundabout to/from the Thames Pathway/ground level

f) Emergency fire exit only, into private gardens of Canary Riverside estate – NOT AVAILABLE to patrons of the premises who do not have access rights (with Belgrave Court in background).

Lavine Miller-Johnson

From: Kevin BELL [redacted]
Sent: 07 March 2024 08:53
To: Lavine Miller-Johnson; Corinne Holland
Cc: Jo Swaby
Subject: CODE 34 Westferry Circus
Attachments: lavine_v2.docx

Dear Lavine and Corinne

Thank you for your constructive engagement with us on this matter.

I enclose a paper from jo and I with further comments from the Canary Riverside Estate petitioners on the CODE application. The postponement of the hearing has provided an opportunity to review the agenda papers in more detail. We particularly noted the Venta Noise Management Plan - para 6.2.1 - where the applicant agrees that no new customers can be admitted after 10.30 p.m. and customers who leave the premises after 10.30. p.m will not be readmitted. This does not seem to have been picked up by Ms Cadzow in the conditions.

Our principal concern remains the operating hours of the venue and the nuisance this will cause to the Estate. This includes light pollution which has not been addressed and the impracticality of using the residential car park as the access / egress point after 10.30. p.m. There is no safe dispersal route from the car park and we have communicated this to PC Perry who shares our concerns. There are also concerns over waste management which the application has yet to address. We also consider that the recent Planning consent for the premises did not cover these activities, even though it was dealt with at a Planning Committee meeting two days after the licensing application was made.

We would welcome an opportunity to discuss our objections with your team before the hearing. We are also attempting to contact the applicants.

Could you also let us know if you will be including this paper within the agenda papers for the licensing committee in April.

With thanks

Yours sincerely

Kevin Bell and Jo Swaby

Dear Lavine and Corrine

We are writing to you as representatives of the residents of the Canary Riverside Estate who have petitioned the Council to oppose the CODE licencing application. Thank you for engaging with us so constructively on this matter to date which is much appreciated. We understand that you are opposed to the Application.

The Licensing Committee decided to adjourn the agenda item on the CODE application. This was probably a good thing. We found it difficult to understand exactly what activities were being applied for, the conditions that had been proposed, which conditions the applicant had agreed to and how they were to be implemented. The extra time will be helpful to the process.

Mr Fender, on behalf of the applicant, has apparently 'agreed' to several conditions that yourselves and PC Perry have requested. However, he has not produced a document confirming acceptance and signed by the Directors of the applicant, E14 Limited, or a plan as to how the conditions will be implemented and enforced. Mr Fender's email acceptance is not sufficient as he is not the accountable person for the premises.

The venue is completely unsuitable for the proposed operating hours and activities. It is on the third and fourth floor of a building wholly within our residential estate. Our flats are 30 – 50 metres away. 325 flats and 1,000 residents will be impacted. This is not Cabot Square or Crossrail Place. Several restaurants operate successfully on the lower Thameside level of Canary Riverside, none play loud music, and all are closed by 11.00 p.m. **The venue's operating hours should be restricted to 10.30 p.m., and we ask that you keep that in mind when considering the comments below where we are responding to the 'conditions' that have been proposed.**

The Residents have the following issues that we consider have yet to be fully addressed.

1. **Planning Consents**
   The latest Planning Consent was agreed by the Council Planning Committee on the 30th of November, two days after this licensing application was made. This included a development to open the fourth floor so that a rooftop restaurant could be built. The Landlord said that this was the only feasible development for these premises and did not inform the Planning Committee of this premises licence application or include it in their Planning Application. The Planning Committee agreed that there would be considerable nuisance and imposed several restrictions, notably a closing time of 20.00 (8:00 PM)

   The License for the Café Brera, which is on the ground floor of Hanover House, one of the four tower blocks of the Estate, restricts opening hours to 21.00 and music is not allowed to be audible outside the premises.
   Licencing should determine whether the Planning Consent for these premises permits the proposed activities and operating hours.

2. **Noise Management Plan**
   Ms Cadzow of the Council requested a Noise Management Plan (email 08/01/2024). The Applicant commissioned Venta to produce a Noise Management Plan and it includes important information as to how the site will be operated that go beyond Ms Cadzow's initial comments. Appendix 6 states (Para 6.2.1) that:

*The **main entrance to the premises will be closed at 22:30 so no new customers can enter after this time.** From 22:30 onwards until closing, customers will leave the premises via the private lift to the basement carpark, which will reduce the potential for disturbance to the neighbours, as is enclosed and well screened from the nearby residences.*
*From 22:30 onwards, as highlighted above, the premises will close off the main entrance to the restaurant, with the exit being via the basement car park. **This space will be a no-smoking area, and hence from 22:30 the premises will not be able to accommodate smokers.***
The Applicant is proposing that the venue will not be open for new customers from 22.30 and that any customers who leave the premises after that time will not be readmitted. The following condition should be added:
No new customers may enter the premises after 10.30 p.m. and that any patrons who leave the premises after that time will not be readmitted.
Ms Cadzow has requested certain conditions including a Noise Limiter is fitted to the musical amplification system. This does not go far enough. Just as with the Café Brera (above) music should not be audible outside the premises. The condition should state:
Music should not be audible outside the premises.

3. **The use of the Car Park for access / exit and the safe dispersal of patrons from the venue**
The applicant intends to use the Estate public / residential car park for access/ egress after 10.30 p.m. and the safe dispersal of customers at 02.00 a.m. seven days a week (though note the Noise Management Plan states **there will be no access after 10.30 p.m**.).

The sole pedestrian exit route from the venue will be via the car park onto the busy, unlit, underground roundabout where parking is not permitted and there are no pedestrian crossings. Taxi pick-ups on the roundabout are not possible. A route from the car park back to the Thames Pathway is not a viable alternative given the nuisance this would cause to residents and there is no parking at either the hotel or in front of the Canary Riverside residential estate. The dispersal route could only be round the underground roundabout and then back to Cabot Square where the nearest taxi rank, at the North Colonnade, is located.

The dispersal policy should prohibit exit to the Thames Pathway and should mandate the exit routes from the premises to public transportation and the North Colonnade taxi ranks. It should also prohibit taxi pick up in the estate car park, the underground roundabout where parking is prohibited and outside the Canary Riverside Estate entrance.

4. **Smoking**
There is no designated smoking area. Before 10.30 p.m. the venue may provide one outside its entrance but after that time there will be no such opportunity. For fire safety reasons, the car park is a no smoking area. This was recognised by the applicant in the Noise Assessment Survey (see above) where they agreed not to admit or readmit smokers after 10.30 p.m. We are consulting with a Fire Assessor to identify a 'safe' smoking area for both before and after 10.30 p.m. even though the latter should not be necessary given the Noise Management Plan.

Smoking can only be permitted in designated locations, to be determined by the Fire Assessor.

5. **Lighting**
   One of our main objections is light pollution should the venue remain open to 02.00 a.m. or later. To date this has not been addressed at all by the applicants or the Licensing team. The fourth floor has floor to ceiling glass panels which are not opaque whilst the third floor has numerous windows. The applicant has not proposed any measures to mitigate the light emissions from the premises. The light will have a significant impact on the more than 100 flats and 500 residents which face inwards to the gardens, some only 30 meters away. It is completely unacceptable. The solution cannot include actions by the residents such as drawing our curtains. The gym swimming pool lights are turned off by 10.00 p.m. The applicant can fit curtains or install reflective glass to mitigate light pollution.

   There should be no light emissions after 10.30 p.m. The applicant should be required to produce a report stating how they will prevent light pollution. If not, then operating hours must be limited.

6. **Waste Management**
   The applicant has not provided a waste management plan or how compliance with the Council's recycling polices will be achieved. We have shown that the premises which includes a restaurant for 150 customers and a bar will share a small cellar with the Virgin Active gym in the car park. There is no chute from the third and fourth floors so all waste will have to be carried down to the car park. There is no plan for the disposal of waste oil, fat and grease. There is a risk that these will be discharged into drains causing blockages and flooding. The latter has already occurred in other premises.

   The applicant must produce a waste management report stating how they will dispose of waste including the oil, fat and grease produced by the restaurant kitchens.

7. **Security and Privacy**
   Security in the Car Park is a concern. The Estate has its own security, which residents pay for, who oversee the car park. The venue will also have security at its entrance / exit in the car park from 10.30 p.m. This will be located at the entrance to the resident's car park – over 70% of the car park being devoted to our cars. There could be conflict between the two sets of security staff and the division of duties and responsibilities between them needs to be agreed. We understand that the views on the operating model of the Canary Riverside Estate Manager have not been sought. We also envisage that customers will attempt to access / exit from the venue via the gardens which could also cause further disturbances and problems. Mr Ronnie McCarthy[redacted] is the site manager who can be contacted on this issue.

   No patrons should attempt to enter the Canary Riverside Estate at any time unless they are a resident of the Estate or a hotel guest.

   There should be an agreed operating protocol with the Estate Management for the Car Park.

All the above objections are due to the planned operating hours of the venue. These unreasonable hours are why the residents continue to object to the licensing application. It fails to meet the licensing objectives of the Council. The application will cause public nuisance, potentially cause crime and disorder and is unsafe.

Our petition represents the views of the 325 flats and 1,000 people on the estate. We pay nearly £1m in council tax. We would welcome an opportunity for consultation with the Licencing team which the timetable now permits.

Thanks once again and we look forward to continued engagement with you on this matter.

Yours sincerely

Kevin Bell and Jo Swaby
On behalf of the Canary Riverside Petitioners

Appendix 10

T: [redacted]

E: [redacted]

[redacted]

2 January 2024

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

(by email only)

Dear Sir/Madam

Licensing Act 2003: Code, Flor 3-4 34 Westferry Circus E14 8RR

I am writing further to your letter of 28 November reference CLC/EHTS/LIC/165179 on behalf of the two co-owners of 33 Belgrave Court, ie Clare Sullivan and myself.

I wish to register our strong objections to the granting of a licence as is being sought for the above premises. Its granting would have a seriously detrimental impact on Canary Riverside and the lives of its residents as a whole. In particular we are firmly of the view that **the application should be rejected** on the following grounds:

(a) Protection of children from harm, including sleep depravation through excessive noise;
(b) Prevention of public nuisance, including within the gated grounds of Canary Riverside;
(c) Prevention of crime and disorder; and,
(d) The general safety of residents and their property.

You have asked us to explain explicitly how these grounds apply to us. We are not currently residing at our apartment but rent it out. Any and all of the risks inherent in the above would reduce the rental value of our property to our direct and immediate detriment as well as having a negative impact on the ultimate resale value.

Additionally, as responsible owners we believe it incumbent upon us to do whatever we can to protect our tenant(s) and their property from the sort of risks, including those listed above, which opening up the grounds in the manner proposed would involve. Indeed, I can safely say on behalf of our current tenant that she objects very strongly to any development which would — as would inevitably be the case - inappropriately and unnecessarily increase general noise in CR and put her at additional risk of harassment and crime inside the gated grounds which constitute part of her home territory.

Yours faithfully

[redacted]

Alastair Newton

Appendix 11

Lavine Miller-Johnson

Subject: FW: Objection Code Floor 3/4, 34 Westferry Circus

From: [redacted]
Sent: Tuesday, January 9, 2024 11:52 AM
To: [redacted]
Cc: [redacted] Nicola Cadzow <[redacted]>; Licensing <[redacted]
Subject: RE: Objection Code Floor 3/4, 34 Westferry Circus

Hi Frank,

Thanks for agreeing conditions, I look forward to receiving the policies. Once I have had a chance to study them I will be in contact.

Hopefully this can be resolved before the hearing.

Kind Regards

Mark

PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)
[redacted]

From: Frank Fender [redacted]
Sent: 08 January 2024 17:23
To: Perry Mark J - CE-CU [redacted]

Cc: [redacted]
Subject: Re: Objection Code Floor 3/4, 34 Westferry Circus

Good evening Mark

Thank you for your email and proposed conditions.

Having discussed the conditions with my client, I can tell you they can be agreed. Some form part of the application already, others are noted and agreed.

The policies you are requesting will be forwarded once I have received them.

Kind regards

Frank

Frank Fender
[redacted]

Please note that the contents of this e-mail, including any attachments thereto, may contain information which is confidential or privileged, and which is solely for the use of the recipient named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this e-mail is strictly prohibited. If you have received this message in error, please notify the sender immediately.

FJF Licensing Consultants

On 2024-01-08 10:25, [redacted] wrote:

> Hi,
>
> Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.
>
> 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum

period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. It must be completed within 24 hours of any incident and will record the following:

   a) All crimes reported to the venue;

   b) All ejections of patrons;

   c) Any complaints received concerning crime and disorder

   d) Any incidents of disorder;

   e) All seizures of drugs or offensive weapons;

   f) Any faults in the CCTV system, searching equipment or scanning equipment;

   g) Any visit by a relevant authority or emergency service.

2) In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:

   a) The police (and, where appropriate, the London Ambulance Service) are called without delay;

   b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and

4. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

5. No open containers of alcohol to be taken outside the premises.

6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.

7. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.

8. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy of all people entering the venue and

the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

9. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.

10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.

11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.

12. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.

13. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.

14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.

15. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)

Kind Regards

Mark

PC Mark Perry

[redacted]

[redacted]

[redacted]

Email [redacted]

[redacted]

From: Perry Mark J - CE-CU
Sent: 24 December 2023 19:47
To: [redacted]
<[redacted]
Subject: Objection Code Floor 3/4, 34 Westferry Circus

Dear all,

Central East Police Licensing formally objects to the application of a premises license for Code, floors 3 and 4 of Westferry Circus E14 8RR, on the grounds of preventing Crime, Public Safety and Disorder and Public Nuisance.

The applicant wishes to be able to sell alcohol and regulated entertainment, including recorded and live music until 2am every day in an area with hundreds of residential premises in close proximity and little in the way of background noise.

There is little in the way of public transport to get the people away from the premises at that time of the morning, and the applicant has not said how they will leave the premises without causing noise nuisance as the applicant has not submitted a dispersal plan. The applicant has not submitted a detailed entrance plan either so we do not know the those visiting the venue will safely enter the premises without causing noise nuisance to local residents.

With hours the applicant has requested with drinking and entertainment until 2am every night the venue could be used as a late night club, yet the applicant has failed to put in place any security plan, welfare plan, drugs policy or risk assessments, as requested by the councils own licensing Policy. Without these policies in place we do not know how the venue will deal with any disorder at the venue, or protect those who become vulnerable through drink or drugs.

The risk of crime and disorder or vulnerability increases the later a venue is open and selling alcohol. Without these policies or plans it simply too big a risk to allow this venue to operate till such late hours, and we therefore ask that this application is rejected.

Should the applicant provide sufficiently detailed and acceptable policies plans and risk assessments then we will consider removing our objection. However at this time with no such plans we maintain our objection to this application and ask that it is rejected.

Kind Regards

Mark Perry

PC Mark Perry

Central East Licensing Unit

Metropolitan Police Service (MPS)

[redacted]

Email [redacted]

DRUGS POLICY

The premises is to operate a zero tolerance policy towards drugs.

When the premises is running a promoted event where DJ's will be performing, customers as well as artists will be searched for illegal drugs.

This will be a thorough search of customers, including customers bags, jackets, pockets etc. Searching to be done in an area covered by CCTV.

If a guest is found in possession of Drugs/illicit substances and it is believed it is for personal use then the drugs must be seized, the duty manager informed and the drugs must go into a numbered sealable bag. Confiscated drugs must be placed in a safe as soon as practicable. The person is not to be allowed entry to the premises.

The drugs log must then be filled out with the name and SIA number of the person finding and seizing the drugs, date and time of seizure, location of drugs find, description of the drugs , number of drugs and date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs, which Police say is anything over a combination of 4 wraps/pills then the following applies:

• The member of staff, door supervisor or security guard will immediately inform the DPS or other manager on duty.

• The DPS/manager and door supervisor/security guard will ask the individual to step into a quiet area (or if appropriate, a room) and ask the person to turn out their pockets and bags.

• If a personal/bodily search is unavoidable then the Police's assistance will be sought.

• Any drugs found will be confiscated and handed to the DPS or other manager to store and record in accordance with the procedures in this Policy.

• Security guards will (subject to the security guard firm's own policies, procedures, and health & safety requirement) seek to calmly detain suspected drug dealers in the Premises while the Police are contacted.

• However if there is difficulty in this respect with material resistance by the suspected drug dealer and/or if the Police are unable to attend the Premises without delay, to the

extent that the situation in seeking to detain the person becomes unmanageable, the security guards will not use powers of detainment under a citizens' arrest.

• In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the Police have not yet attended the Premises. In such instances the person will be removed from the Premises and a full Incident Report of the incident shall be completed and added to the Premises' Incident Report File.

Drugs are to be sealed in Police bags that will be supplied to the venue.

At the beginning of every month the premises will contact Tower Hamlets Police Licensing and arrange to the licensing officers to come and collect the drugs. A receipt will be signed for at the premises to document that the drugs have been taken by Police.

WEAPONS

When a person is found in possession of a knife or other weapon then the Police are to be called immediately. If safe to do so, and in line with the security company's policies and procedures, the weapon is to be seized and the subject detained.

SIGNAGE

There will be signage in a visible location in the entrance to the premises confirming the following:

1) There is to be a zero tolerance to drug use or supply at the premises.

2) Drug use and the supply of drugs in the premises is not permitted.

3) An enforced search policy identify drugs on customers entering the Premises.

4) Persons suspected of being involved in the supply of drugs will be detained, the drugs seized and the Police called.

5) No person found with drugs will be allowed onto the premises.

6) Entry to the premises may be conditional on searching.

7) Any drugs found on customers will be confiscated and given to the Police.

8) Any customer refusing a search will be refused entry to the Premises.

9) Female customers will be searched by a female door supervisor only.

TOILETS

Toilets are to be checked every 30 minutes during promoted event where DJ's will be performing.

The checks will be to see if there is any drug usage taking place, and will include cubicles and the communal areas.

Any customers acting suspiciously are to be taken to a private area and searched for drugs, if drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

In the toilets all flat surfaces are to be either removed or altered in such a way so as to make it difficult for drugs to be taken on them.

SIA PATROLS

SIA security are required to carry out patrols inside the venue to check on the customers and look for signs of drug use or taking.

Any person found taking drugs are to be taken to a private area and searched for drugs. If drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

Any person who has taken drugs or who looks like they have taken drugs, is to be taken to a private area and searched for drugs with the usual conditions applying. Medical assistance is to be offered and the London Ambulance Service called.

Appendix 12

Section 182 Advice by the Home Office
Updated on August 2023

Relevant, vexatious and frivolous representations

9.4 A representation is "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 businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive 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 sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 13

Licensing Policy Section 11

Prevention of Public Nuisance

11.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.

11.2 Like many London boroughs, Tower Hamlets has may areas of the borough where businesses and residents are “cheek by jowl” with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.

11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:

a) Music/performances

   Measures to reduce impact of noise on residents

b) Queue management

   Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents

c) Ingress and Egress

   Measure to prevent people noise during ingress and egress

d) Use of outside areas (see 11.7 below)

e) Deliveries, particularly pick-ups by vehicles

   Measures to prevent noise/fumes from engines, drivers (including smoking),

f) Bottle disposal

   Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm

g) Litter

   Measures to prevent littering around the venue from patrons

11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose indented use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.

11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

11.6 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.

11.7 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

11.8 **Beer Gardens and outside areas** – since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:

- limiting the amount of patrons permitted in the outside area, and/or,
- restricting the use of areas after a certain time,
- ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to “Party Boats”, which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the “Boat” conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

Appendix 14

Public nuisance

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.

2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.

2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.

2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 15

Anti-Social Behaviour 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" (**see Section 5.14 and 5.15 of the 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 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for "off sales"
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 20 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 key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

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 but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

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 16

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:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see **16.8 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 applicant's 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 **16.9 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

Appendix 17

Planning

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