

# Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

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

On-Line payments can be made at:

[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We (Insert name(s) of applicant) London Oktoberfest

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description

Millwall Park  
Manchester Rd, E14 3AY

Post town <u>London</u>	Post code <u>E14 3AY</u>
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Telephone number at premises (if any)

Non-domestic rateable value of premises £ 0

## Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

Please tick as appropriate

- |                                     |  |                                     |
|-------------------------------------|--|-------------------------------------|
| <input checked="" type="checkbox"/> | I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or              | <input checked="" type="checkbox"/> |
| <input type="checkbox"/>            | I am making the application pursuant to a<br>▪ statutory function or<br>▪ a function discharged by virtue of Her Majesty's prerogative | <input type="checkbox"/>            |

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
---	----------------------

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

Daytime contact telephone number	<input type="text"/>
----------------------------------	----------------------

E-mail address (optional)	<input type="text"/>
---------------------------	----------------------

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

I am 18 years old or over

Please tick yes

Current postal address if different from premises address	<input type="text"/>
---	----------------------

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

Daytime contact telephone number	<input type="text"/>
----------------------------------	----------------------

E-mail address (optional)	<input type="text"/>
---------------------------	----------------------

**B) OTHER APPLICANTS**

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

Name	London Oktoberfest, LTD
Address	B1 Business Center, Suite 206 Davyfield Rd Blackburn BB1 2QY
Registered number (where applicable)	07400686
Description of applicant (for example partnership, company, unincorporated association etc)	Private Limited Company
Telephone number, if any	[REDACTED]
E-mail (optional)	[REDACTED]

**Part 3 Operating Schedule**

When do you want the premises licence to start?

Day	Month	Year
29	09	2013

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

Day	Month	Year
08	10	2013

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

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Please give a general description of the premises (please read guidance note1)

The premises will consist of a 3,800 m<sup>2</sup> tent which can hold up to 3,300 people, as well as an outdoor, enclosed smoking area. The tent will be comprised mostly of seating areas of large wooden benches and tables. Also, the tent will house a stage for a small, traditional German folk band.

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

**Provision of regulated entertainment**

Please tick all that apply

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

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

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

**In all cases complete boxes K, L and M**

**A**

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

**B**

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

**C**

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

**D**

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



**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed				
Thur	17:00	22:00		
Fri	17:00	22:00		
Sat	13:00	22:00		
Sun	13:00	18:00		
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

**F**

<b>Recorded music</b> Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed				
Thur	16:00	23:00		
Fri	16:00	23:00		
Sat	12:00	23:00		
Sun	12:00	19:00		
			<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

**G**

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

**H**

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

**I**

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

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</b>	On the premises		
Day	Start	Finish		Off the premises		
Mon			<b>Please give further details here</b> (please read guidance note 7)	Both		
Tue						
Wed				<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Thur	16:00	22:30				
Fri	16:00	22:30				
Sat	12:00	22:30		<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sun	12:00	18:30				

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

Name

Carsten Baun

Address



Postcode



Personal Licence number(if known)

LBH-PER-N-132

Issuing licensing authority (if known)

London Borough of Hackney

**K**

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

The only type of "adult entertainment" offered at London Oktoberfest is the sale of beer and limited sales of alcohol. To prevent children and under age persons from illegally obtaining such restricted items, children are only allowed on Sunday and only when they are accompanied by an adult. Security and bar staff will follow "Challenge 25" policy and ask for ID from anyone who appears to be 25 years old or younger.

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<u>State any seasonal variation</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur	16:00	23:00	<u>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri	16:00	23:00	
Sat	12:00	23:00	
Sun	12:00	19:00	

**M**

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

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

We will fulfill all rules set forth by the Licensing Act of 2003 by staying in close contact with the council and other governing bodies regarding Millwall Park. We will be mindful of the surrounding residences as well as users of the park. We will seek to minimize, wherever possible, the impact of the event to the "normal life" in the park.

b) The prevention of crime and disorder

Between 23 & 43 security personnel will be employed during opening hours. All exits are final and re-entry is not allowed. We will also stay in close contact with the local police force

c) Public safety

The event will close early so that many guests will be able to take public transportation home. Additionally, stewards will be placed along the pedestrian path to guide guests away from the tent & out of the park

d) The prevention of public nuisance

The tent will be closed once full capacity is reached. No marketing efforts will be carried out among high risk groups. Also, a noise consultant will be employed to ensure that the overall sounds of the event do not surpass a level which would be a nuisance to nearby residents or businesses.

e) The protection of children from harm

Children are only allowed ~~on~~<sup>during</sup> the Sunday Lunch, from 12-19 and only when they are accompanied by an adult. We will also adhere to Challenge 25 policies.

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

**CHECKLIST:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee  
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

**Part 4 – Signatures** (please read guidance note 10)

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

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

Signature



Date

25/7 - 2013

Capacity

Director

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent. (please read guidance note 12) If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

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

Carsten Raun  
Im Hafengrasser 2

Post town

Liberlingen

Post code

88662

Telephone number (if any)

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



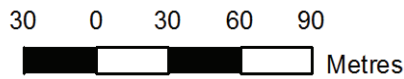
# Appendix 2



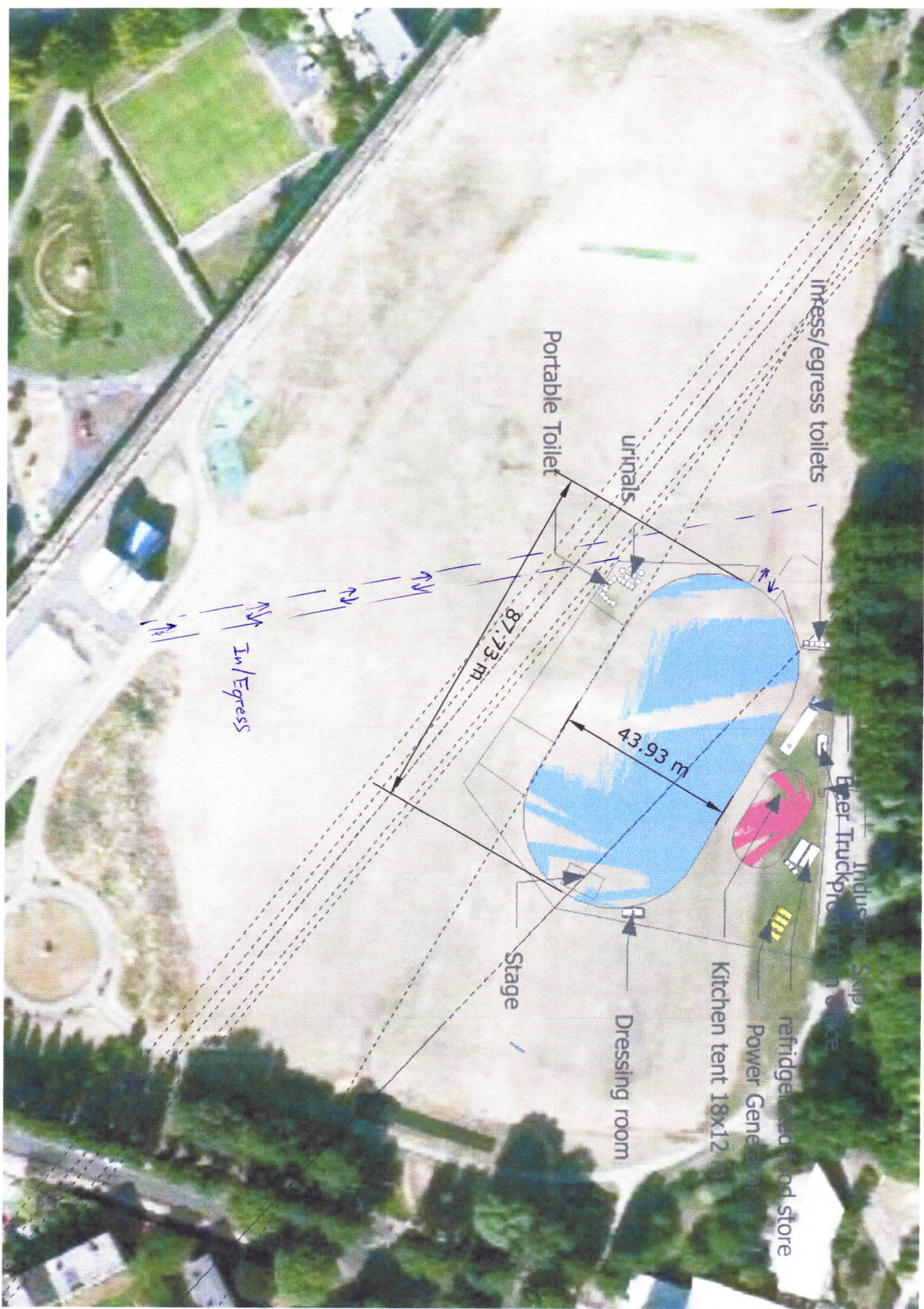
# Millwall Park

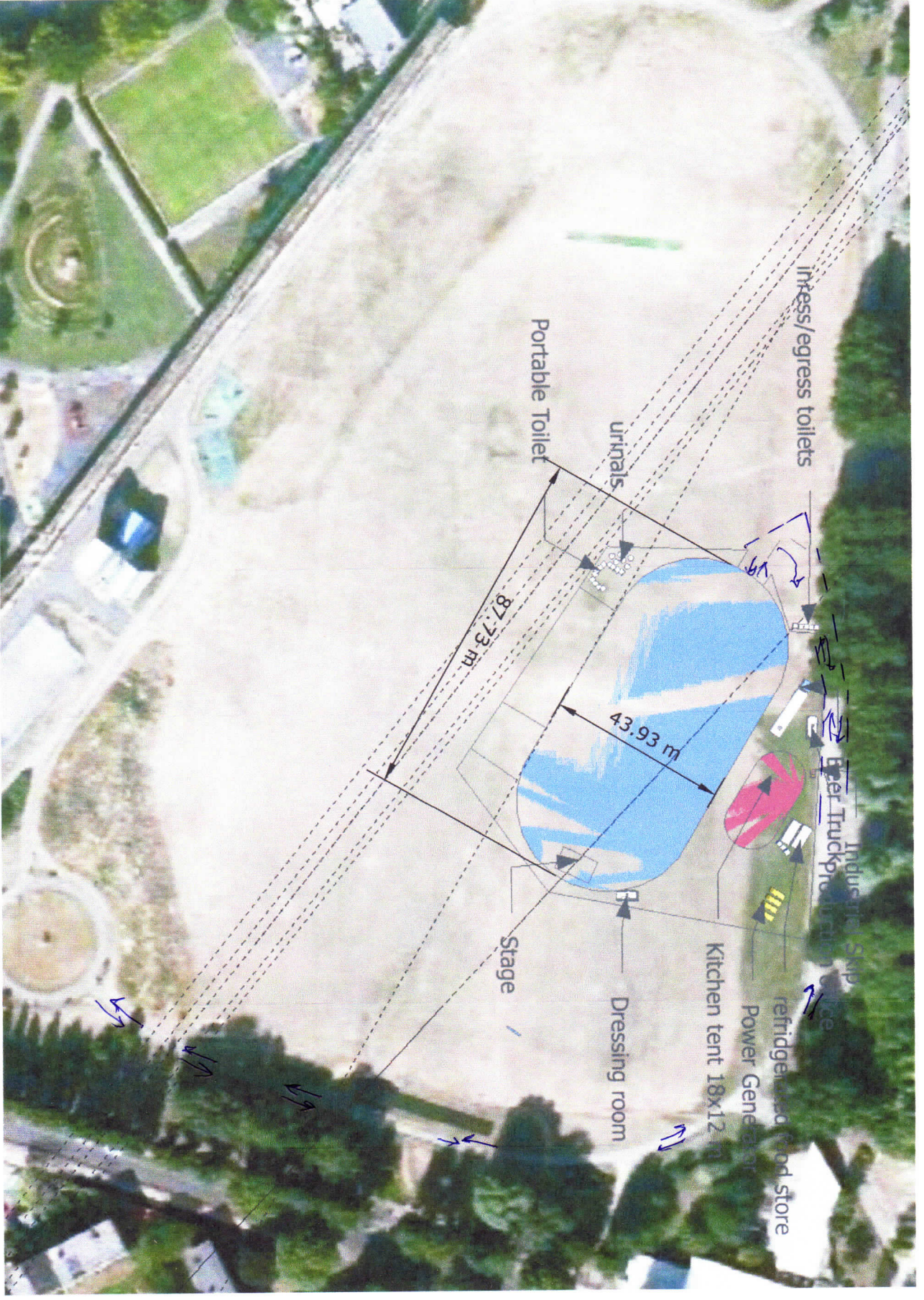


Scale 1:3843



Version 1  
No Rain





# Appendix 3

## Section 182 Advice by the Home Office

Updated June 2013

### 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 4





## **MILLWALL PARK AND ISLAND GARDENS USER GROUP**

The Licensing Section  
London Borough Of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

20<sup>th</sup> August 2013

Dear Sir / Madam

As Chair of Millwall Park and Island Gardens User Group I write with the total support of the resident group to oppose the Licence for a Beer Festival to be held in Millwall Park from 3<sup>rd</sup> October 2013 to 6<sup>th</sup> October 2013 .

We would like to oppose the supply of alcohol, the provision of live music and the provision of recorded music.

Our reasons for this being

The Licensing Policy objectives and associated benefits have clear links with the Council's vision to improve the quality of life for everyone living and working in the Borough.

The five major themes that the Council set out by means of which the vision is delivered are:

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

**A better place for living safely:**

How can the Local Authority ensure the park will be safe for customers and residents and prevent crime and disorder.



### **A better place for living well:**

We will work with our partners and licensees to ensure that nuisance related to Licensed premises will be kept to acceptable levels, [how will this be achievable.](#)

We will work with our partners and licensees to ensure that children are protected from harm from any activity taking place in licensed premises. [There are three children's play areas in the park, how will you protect them from 3000 participants to a beer festival.](#)

### **A better place for creating and sharing prosperity**

We will work with our partners to ensure that the Licensing Policy links with other Council strategies so that where possible the Borough economic benefits from developing the entertainments and leisure sector within the Borough, [how will you achieve this unless inviting other corporate organisations to take part.](#)

### **A better place for learning, achievement and leisure**

We will work with our partners to ensure the Licensing Policy links with other Council strategies that encourage and promote live music, dance theatre and festivals for the wider cultural benefit of the community., [Tower Hamlets Council have a strict policy that no alcohol is sold during any of their festivals and cultural events, so how will you work with partners to ensure benefits for the local community.](#)  
[The Local Authority promote healthy living and encourages residents to take part in sport in their park, how does this meet the needs of your Healthy Living Policy.](#)

I refer to your Licensing Policy Act 2003 where is clearly states that:-

The following are examples of premises that will raise concerns and that is where irresponsible drinking is encouraged or permitted, I believe a Beer Festival with an estimated 3000 people attending will encourage irresponsible drinking and put residents children playing in the park at risk.

It must also be said that major works are taking place all around Millwall Park and parking restrictions apply, encouraging the amount of people estimated to this event will only cause major chaos and problems to local residents.

The Local Authority held a fireworks display last November 2012 with around 200 residents attending, the cost to repair the park after the event went into thousands of tax payers money, what kind of repairs will be needed if we are to believe that over 3000 will attend this event.

Can I also add that London Oktoberfest Ltd is advertising this event on their website and encouraging people to attend and buy tickets **BEFORE** a Licence has been granted, surely this is not right and needs to be addressed.

Can we also bring to your attention that when Millwall Rugby Club were granted their license, the conditions attached to that was that on no account does a member of visitor take any alcohol outside of the their premises, how does that apply to numerous beer tents scattered around Millwall Park.

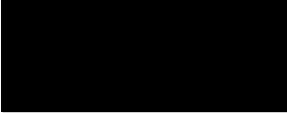
The above are the concerns of local residents and park users and ask that you take into account their objections when making a decision on the Licence.

Yours sincerely

*L. Cavanagh*

Lorraine Cavanagh OBE

Chair of Millwall Park and Island Gardens User group



# Appendix 5

Councillor Gloria R Thienel  
Blackwall & Cubitt Town Ward

Kathy Driver  
CLC – LICENSING  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BE

Sunday, 04 August 2013

Dear Kathy

**RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29<sup>th</sup> September – 8<sup>th</sup> October 2013**

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3<sup>rd</sup> October – 6<sup>th</sup> October 2013.**

As a local resident and one of the Blackwall & Cubitt Town Ward Councillors, I objected to this application on the following grounds:

*My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.*

*Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.*

*The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.*

*There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.*

*There are no local public toilets and public urination is already a local concern.*

*Parking, already a local problem will be exacerbated and will add to nuisance.*

*Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.*

*I believe that this application should be rejected on the grounds itemised above.*

*Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.*

Yours sincerely

*Gloria*

Councillor Gloria R Thienel

# Appendix 6

Kathy Driver  
Principal Licensing Officer  
Licensing Team  
6th Floor  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Sunday 18<sup>th</sup> August

Dear Ms Driver

**RE: Millwall Park Manchester Rd - TIME LIMITED PREMISES - 29<sup>th</sup> September – 8<sup>th</sup> October 2013**

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3<sup>rd</sup> October – 6<sup>th</sup> October 2013**.

As a local resident and a keen user of the park, I object to this application on the following grounds:

**Public Safety:**

- The pitches will be damaged by the installation of track-ways and 3500 people per day and will affect the community long after the event has finished.
  - We saw this damage during the installation of the 2012 Olympics mast and the Fireworks display (both used trackways). This left the pitches unusable and dangerous for significant parts of the season.
- Rugby/Football/Cricket pitch bookings for this weekend and the near future – how will they be protected so they can carry on their activities as normal? The Rugby club has 4 home games that weekend over Saturday and Sunday.
- The local transport infrastructure is already stretched, it won't cope with an extra 3500 per day.
- The event seems to be aimed at selling copious amounts of beer for profit and the cultural value is minimal.
- The application refers to indoor music but it is difficult to contain music in a tent; therefore the volume needs to be reduced to an acceptable level. – the applicant has previously breached undertakings surrounding Noise pollution with this event in Kennington Park in 2012. (I include this as I feel it is relevant to the application).
- Loud music for prolonged periods of time can cause damage – especially to children.

**Crime & Disorder:**

- Increase in anti-social behaviour with consumption of alcohol
- Increase in anti-social behaviour with inadequate transport links to deal with egress of customers
- Increase in urination in the street (even though the organiser provides toilet facilities)

**Nuisance:**

- Increased cars parking in an already over-stretched area.
- Loud and low level music causes nuisance for local residents.
- When music from the event is being played, normal park activities will become unpleasant because of the volume.
- Frustrations and anger will grow when an extra 3500 people want to use the already overstretched weekend transport infrastructure and some are under the influence of alcohol.

**Protection of Children:**

- Loud music for prolonged periods of time can cause damage – especially to children.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely

*Gareth Hargreaves*

Gareth Hargreaves

# Appendix 7





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Mr David Tolley  
Head of Service  
CLC – LICENSING  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BE

6<sup>th</sup> August 2013

Dear Mr Tolley

**Millwall Park Manchester Road - TIME LIMITED PREMISE 29th September – 8th October 2013**

I write in objection to the above application to site an Oktoberfest event on Millwall Park and provide it with an event/alcohol licence.

I object on the following grounds:

**Crime & Disorder**

The Festival website (which fails to state that the event is “subject to licence” in contravention of the council’s parks department’s guidance) projects 3,500 visitors per day. This will stretch the local limited resources and facilities to the limit (police, council, DLR).

- Past events have resulted in litter and urination around the park and the arches, where my local rugby club is, making the whole area by the arches extremely unpleasant. I understand several of our club members needed to disinfect the area around the clubhouse afterwards. I assume portaloos will be provided however previous experience tells me this will not prevent the aforementioned problems due to the sheer numbers of people expected and the copious amounts of alcohol that will be consumed at the Bierfest.

**Public Safety**

- With 3500 visitors each day, limited local policing and infrastructure, there is a risk to the attendees of the Bierfest as well as local parks users and residents impacted by antisocial behaviour.
- The trucks used to set up events in the past, have left huge ruts on the sports pitches that were not repaired afterwards. The damage to the pitch was extensive and required the rugby club’s own members to repair it and make it safe for the following week’s matches as this was not done by the event contractors, nor the council Parks department.

## Significant nuisance

- Noise to local residents and parks users
- Residents unable to use the park
- Disruption to sports clubs – you will note that Millwall Rugby Club already has pitch bookings for the weekend on Millwall Park and 4 confirmed home games. Rearranging just those fixtures will cause significant inconvenience and financial loss to this community club (which could exceed £3000 just for that one weekend)
- Damage to pitches that will impact users for many weeks or months to follow and cause further financial loss to the club each weekend the pitches remain unusable.

## Protection of Children

Local children use the park and will see the consumption of alcohol being celebrated. By allowing this very publically-visible, and no doubt very fun event, the council appears to contradict its policy on discouraging under-age drinking (this article appeared in the East London Advertiser this week:

[http://www.eastlondonadvertiser.co.uk/news/tower\\_hamlets\\_council\\_launches\\_clamp\\_down\\_on\\_underage\\_smoking\\_and\\_drinking\\_1\\_2311637#comment-986743952](http://www.eastlondonadvertiser.co.uk/news/tower_hamlets_council_launches_clamp_down_on_underage_smoking_and_drinking_1_2311637#comment-986743952))

## Goes against existing council policy on usage of open spaces

A motion passed by LBTH Council on 16th May 2012, resolved to amend the Open Spaces Strategy to include a section on Commercial Events in parks, to reflect the prior decisions of Council, that limits the number of events in Victoria Park to 6 days each year, prevents the park being used for commercial events on consecutive weekends, set a closing time for events to 10pm and a reduced noise limit for commercial events, and **prevents commercial events being held** in Sir John McDougal Gardens, **Millwall Park**, Island Gardens and the gardens at Trinity Square

I would be grateful to receive confirmation of receipt of this letter and for it to go before the licensing committee.

Kind regards

ANDREW HESSELDEN

# Appendix 8



Kathy Driver  
CLC – LICENSING  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BE

Dear Kathy

**RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29<sup>th</sup> September – 8<sup>th</sup> October 2013**

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3<sup>rd</sup> October – 6<sup>th</sup> October 2013.**

As a local resident and one of the Blackwall & Cubitt Town Ward Councillors, I objected to this application on the following grounds:

*My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.*

*Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.*

*The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.*

*There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.*

*There are no local public toilets and public urination is already a local concern.*

*Parking, already a local problem will be exacerbated and will add to nuisance.*

*Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.*

*I believe that this application should be rejected on the grounds itemised above.*

*Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.*

*Yours sincerely*

Mr B Mahil

# Appendix 9



Kathy Driver  
CLC – LICENSING  
Licensing Section  
Mulberry Place  
5 Clove Crescent  
London E14 2BE

Dear Kathy

**RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29<sup>th</sup> September – 8<sup>th</sup> October 2013**

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3<sup>rd</sup> October – 6<sup>th</sup> October 2013.**

As a local resident and one of the Blackwall & Cubitt Town Ward Councillors, I objected to this application on the following grounds:

*My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.*

*Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.*

*The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.*

*There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.*

*There are no local public toilets and public urination is already a local concern.*

*Parking, already a local problem will be exacerbated and will add to nuisance.*

*Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.*

*I believe that this application should be rejected on the grounds itemised above.*

*Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.*

*Yours sincerely*

Mrs P Mahil

# Appendix 10

Kathy Driver  
Principal Licensing Officer  
Licensing Team  
6th Floor  
Mulberry Place  
5 Clove Crescent  
London E14 2BG

Sunday 18<sup>th</sup> August

Dear Ms Driver

**RE: Millwall Park Manchester Rd - TIME LIMITED PREMISES - 29<sup>th</sup> September – 8<sup>th</sup> October 2013**

Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3<sup>rd</sup> October – 6<sup>th</sup> October 2013.**

As a local resident who lives within 100 metres of this planned event I would like to object on the following basis.

**Public Safety:**

- The sports pitches will be damaged by the installation of track-ways and 3500 people per day and will affect the community long after the event has finished.
  - We saw this damage during the installation of the 2012 Olympics mast and the Fireworks display (both used trackways). This left the pitches unusable and dangerous for significant parts of the season.
- Rugby/Football/Cricket pitch bookings for this weekend and the near future – how will they be protected so they can carry on their activities as normal? The Rugby club has 4 home games that weekend over Saturday and Sunday.
- The local transport infrastructure is already stretched, it won't cope with an extra 3500 per day.
- The event seems to be aimed at selling copious amounts of beer for profit and the cultural value is minimal.
- The application refers to indoor music but it is difficult to contain music in a tent; therefore the volume needs to be reduced to an acceptable level. – the applicant has previously breached undertakings surrounding Noise pollution with this event in Kennington Park in 2012. (I include this as I feel it is relevant to the application).
- Loud music for prolonged periods of time can cause damage – especially to children.

**Crime & Disorder:**

- Increase in anti-social behaviour with consumption of alcohol
- Increase in anti-social behaviour with inadequate transport links to deal with egress of customers
- Increase in urination in the street (even though the organiser provides toilet facilities)

**Nuisance:**

- Increased cars parking in an already over-stretched area.
- Loud and low level music causes nuisance for local residents.
- When music from the event is being played, normal park activities will become unpleasant because of the volume.
- Frustrations and anger will grow when an extra 3500 people want to use the already overstretched weekend transport infrastructure and some are under the influence of alcohol.

**Protection of Children:**

- Loud music for prolonged periods of time can cause damage – especially to children.

Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.

Yours sincerely,

Lawrence McCabe



# Appendix 11

The Licensing Section  
London Borough of Tower Hamlets  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG



8<sup>th</sup> August 2013

Regarding; Application for a Premises License by London Oktoberfest Ltd

Dear Licensing team

I would like to make a representation regarding the above license application.

As a local resident in a property directly adjoining Millwall Park I have some concerns about the event, for which I would like the following assurances or agreements made by the organizer and/or LBTH, as events of this type have a high incidence of damage and/or issue to local properties and residents due to the effects of alcohol consumption and excessive noise;

1. Security

- a. Event security to be on site before, during and after the event, ensuring that participants attend only at the advertised times and that they leave the area promptly and quietly at the advertised end time.
- b. Security (either physical barrier or additional security staff) to protect adjoining boundaries between Millwall Park and residents' properties.
- c. Security patrols of surrounding area to ensure attendees do not cause damage when arriving or leaving the area.
- d. A direct (mobile) phone number to be provided to residents for the security management team to report any breaches for immediate action.
- e. An agreement that resident concerns during the event will be handled with priority and immediately.

2. Facilities

- a. Assurance that sufficient toilet facilities will be made available and that security will stop any urination other than in the designated facilities.
- b. Assurance that sufficient medical facilities will be made available.

3. Music

- a. Confirmation that the music level will not breach 75db at the boundary of the park
- b. Monitoring device to be in place to measure sound level at all times
- c. Music to be stopped no later than the agreed time
- d. A direct (mobile) phone number to be provided to residents for the event management team to report any sound issues

- e. An agreement that resident concerns over music levels during the event will be handled with priority and immediately
- 4. Alcohol
  - a. Assurance that alcohol will only be consumed in the designated premises and not allowed out of the park.
  - b. Assurance that additional alcohol will not be allowed into the park, with security checks of participants on arrival.
- 5. Sanitation and park recovery
  - a. Assurance that the organizer will fully recover the park to it's original state, to include;
    - i. Fully clearing the park and surrounding area of any refuse within 24 hours
    - ii. Correcting any damage to the park such as grass removed by either the organizer's equipment or attendee activities
    - iii. Correcting any damage caused to resident property during the event by attendees
- 6. Police alignment
  - a. Agreements and assurances to be copied to local policing with agreement that they will mediate any disputes and will have the ability to fully enforce agreements made.

As a local resident I am pleased that community based events are being organized in our public spaces, and I am sure with the above assurances that the event will be successful not only for the organizers but also for the local population.

I look forward to your reply and the assurances of London Oktoberfest Ltd and LBTH that the above protections and agreements will be put in place prior to the event.

Kind regards



Glen McCarty



# Appendix 12

B. J. Smith

30 July

RE: London Oktoberfest Ltd  
application for a new Premises License  
in respect of Millwall Park, Manchester Rd

Dear Sir

I object strongly against proposed  
drink license

Bardays had a smaller version  
some time back. A roped off tented area.  
People strayed with their drinks into the  
rest of the park. On leaving to travel home  
they passed through park with drinks in  
in their hands.

Rugby Club won a license under very  
strict rules. One No alcohol to be consumed  
outside of the clubs premises. This project  
could not guarantee health and safety  
for the park users.

This will interfere with the normal  
use of the park, and that is wrong  
Please reject

Yours Sincerely

B. J. Smith



# Appendix 13

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*Kathy Driver  
Licensing Section  
Town Hall  
Mulberry Place  
5 Clove Crescent  
London E14 2BE*

*Wednesday, August 21, 2013*

*Dear Ms Driver*

*RE: Millwall Park Manchester Rd TIME LIMITED PREMISE 29<sup>th</sup> September – 8<sup>th</sup> October 2013*

*Please log this letter as an objection to the granting of a licence to the **Oktoberfest in Millwall Park Thursday 3<sup>rd</sup> October – 6<sup>th</sup> October 2013.***

*My concerns relate to the potential for crime and disorder, public safety, protection of children and issues of nuisance.*

*Late night dispersal of crowds will be a problem as there is only Island Gardens and Mudchute DLR stations and limited night bus services.*

*The area adjoining the park (Schooner Estate and Chapel House conservation area) is densely populated and noise from crowds who have consumed alcohol will be a nuisance and intrusive.*

*There are two schools adjacent to the park, George Green's Comprehensive and Canary Wharf College.*

*There are no local public toilets and public urination is already a local concern.*

*Parking, already a local problem will be exacerbated and will add to nuisance.*

*Evidence from elsewhere suggests the potential for rowdiness, which coupled with the concentrated residential nature of the area, lack of parking and relatively limited public transport, will cause further anti social behaviour.*

*I believe that this application should be rejected on the grounds itemised above.*

*Would you please confirm receipt of the letter and ensure that it goes before the licensing committee.*

*Yours sincerely*

*Frank R Thienel*



# Appendix 14



**We the undersigned being residents of the London Borough of Tower Hamlets and the Isle of Dogs wish to object to the application for a licence for the Oktoberfest which is proposed to be held in Millwall Park Between September 29<sup>th</sup> and October 8<sup>th</sup> 2013 on the grounds of potential crime and disorder, public nuisance and issues relating to public safety.**

PRINTED NAME	SIGNATURE	ADDRESS	COMMENT	DATE
M SPENCER	[REDACTED]	[REDACTED]	AREA BEING OVER USED	22/08/13
C IVES	[REDACTED]	[REDACTED]	Area too small	22/8/13
S SALE	[REDACTED]	[REDACTED]	TOO MANY PEOPLE FOR THIS AREA	22/8/13
R DOVEY	[REDACTED]	[REDACTED]	NOT ENOUGH FACILITIES FOR THE NUMBER OF PEOPLE	22/8/13
A TAYLOR	[REDACTED]	[REDACTED]	SCALE OF FESTIVAL TOO LARGE FOR AVAILABLE SPACE	22/08/13
P LUDWIG	[REDACTED]	[REDACTED]	TO MANY VISITORS FOR THE AREA	22/08/13
K MAN	[REDACTED]	[REDACTED]	" "	22/8/13
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22/8/2013
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	" "
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22-22013
Lilian Murray	[REDACTED]	[REDACTED]	TO MANY VISITORS AND TOLKERS	22/8/2013
Edin Higgins	[REDACTED]	[REDACTED]	TOO noisy, dirty and prevents residents access	22/8/2013
G Northover	[REDACTED]	[REDACTED]	TO MUCH DAMAGE	22/8/2013
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22/8/13
P M LONGBOTTEN	[REDACTED]	[REDACTED]	It is a public space of importance	22.8.13
K [REDACTED]	[REDACTED]	[REDACTED]	TOO SMALL TO hold this	22/8/13
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	22/8/13
C Wilson	[REDACTED]	[REDACTED]	Drinks do not want to go home!	
P Wilson	[REDACTED]	[REDACTED]		22/8/13

# Appendix 15

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**From:** London Oktoberfest [REDACTED]  
**Sent:** 30 July 2013 12:53  
**To:** Alkesh Solanki  
**Subject:** Re: London-Oktoberfest

Dear Alkesh,  
thanks you very for your email. This is to confirm we will follow your recommandations and are looking forward for a good cooperation.  
Kind Regards,  
Carsten

On 30 July 2013 at 12:02 Alkesh Solanki <[Alkesh.Solanki@towerhamlets.gov.uk](mailto:Alkesh.Solanki@towerhamlets.gov.uk)> wrote:

Morning Carsten,

Further to our telephone conversation this morning please confirm via E-mail the following as part of the OPERATING SCHEDULE:

1. LIVE Music to cease at 22.00 hours Thurs-Sat;
2. RECORDED MUSIC to cease at 22.30 hours Thurs –Sat;
3. BACKGROUND MUSIC only from 22.30 to 23.00 hours;
4. **SUNDAY HOURS REMAIN THE SAME as originally applied for;**
5. Low frequency level to be 70 dB @ 63 Hz and 125 Hz at any noise sensitive premise;
6. Music noise level\* should not exceed the background noise level\*\* by more than 15dB (A) over a 15 minute period 1 metre from the façade of any noise sensitive premises;
7. x2 KP ACOUSTICS members of staff to monitor noise and respond to complaints throughout the whole event;
8. Site working hours are as agreed with London Borough Tower Hamlets Environmental Protection Officers, to limit the potential nuisance from construction and de-rig noise.
9. In addition to the live event timings in which noise will be managed, there will be a three-hour noise window on Wednesday 2nd October between 15:00 and 18:00 for soundcheck purposes within which no more than two hours of noise will be generated. KP Acoustics to be present at all times to monitor noise levels throughout this period.
10. All noise data for the whole event to be sent to Tower Hamlets Environmental Protection within 14 days from the 6th October 2013.

\*The LAeq of the music noise measured at a particular (agreed) location.

\*\*The background noise level to be confirmed in the next 21 working days by the applicant in the form of an acoustic report by KP Acoustics (the prevailing sound level (background noise level) at the locations which are the nearest noise sensitive receptors at equivalent times when the event is not taking place).

If you require any clarification please contact myself or Ian Wareing.

Regards,

Alkesh.

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

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\*\*\*\*\*

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# Appendix 16

## **Anti-Social Behaviour On The Premises**

### Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 5.2 of the Licensing Policy**)

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

- Methods of management communication
- Use of registered Door Supervisors
- Bottle Bans
- Plastic containers
- CCTV
- Restrictions on open containers for “off sales”
- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
- Seating plans
- Capacity

If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

### Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public safety.

### Guidance Issued under Section 182 of the Licensing Act 2003.

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

The key role of the police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

customers in the immediate vicinity of the premises as they seek entry or leave (1.6).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3-2.7).

#### Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23).

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 17



## 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 4.10 and 4.11 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 5.2 of the Licensing Policy)**

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

- 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 6 of the Licensing Policy**).

## Police Powers

The Licensing Act 2003, Part 8 gives a senior police officer the power to close a premises for up to 24 hours where the officer believes there is, or is likely to be disorder on or in the vicinity and closure is necessary in the interests of public.

## Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (13.20).

The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (s.2.7-2.11).

*There is also guidance issued around the heading of "public nuisance as follows*

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

Licence conditions should not duplicate other legislation (1.16).

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

## 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 18

## **Noise while the premise is in use**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19)

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

### Other Legislation

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

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances

# Appendix 19

## Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

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

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

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

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

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.(2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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 .



# Appendix 20

## Noise Leakage from the Premises

### General Advice

Extending hours may bring issues about noise leakage to the fore, as many premises are close to residential properties (or even sometimes commercial).

The obvious areas for Members to consider, if they believe there is a problem and it is proportionate to consider conditions are:

- Can internal works, actions or equipment reduce the noise leakage
- Does the problem justify curtailing the activities that are licensed. If Members are minded to do this they must ensure conditions are clear and readily enforceable. For example “Jazz Music Only” is not capable of legal definition and is unenforceable.
- Does the problem justify limiting the hours or place of particular activities. For example “no music in the beer garden at any time and no music past 22 30 hrs” although the premises can stay open until 01 00 hrs.

Members also need to bear in mind the statutory exemptions under the Act (see below).

### Licensing Policy

The Licensing Authority expects applicants to have sought advice and to be able to explain how they will address problems. **(See Sections 8. 1-2)**, especially where a negative impact is likely on local residents or businesses **(See 12.1 for core licensing hours)**.

The Licensing Policy recognises that staggered hours can make a positive contribution to alcohol related issues but that consideration will be given to imposing stricter conditions in respect of noise control where premises are close to residents. **(See 12.4)**.

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should be restricted in their use
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).

- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks

### Police Powers

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

### Licensing Act 2003

Schedule 1 Part 2 states that entertainment in churches, morris dancing and accompanying music if live and unamplified and incidental music are not licensable activities-that is no conditions can be set for them.

Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200 additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.

Section 177 can be disapplied on a licence review if it is proportionate to do so.

### Public Nuisance Guidance issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions (13.20).

The prevention of the public nuisance could include low level nuisance, perhaps affecting a few people living locally (2.33). Licence conditions should not duplicate other legislation (1.16).

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

It may be appropriate to require take-aways to provide litter bins. (2.40).

### Other Legislation

Environmental Health Officers have extensive powers under the Environmental Protection Act 1990 to control a noise nuisance, including a power of immediate closure.

# Appendix 21

## **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	06:00 hrs to 23:30 hrs
Friday and Saturday	06:00 hrs to midnight
Sunday	06:00 hrs to 22:30 hrs

(see 12.8 Of the licensing policy)

In considering the applicability of frame work hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicants proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(see 12.8 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates
- Premises licensed for off sales only