

Appendix 1

(Ferry House)
26 Ferry Street
London
E14 3DT

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

Jacqueline Randall _____
Licensing Services Manager

Date: 15th December 2005

Amended Minor Variation: 1st April 2011



Part A - Format of premises licence

Premises licence number

15782

Part 1 - Premises details

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

26 Ferry Street

Post town

London

Post code

E14 3DT

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment consisting of (Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing)

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment (Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing)

- Monday to Saturday 11:00 hours to 00:00 hours
- Sunday 11:00 hours to 23:00 hours

Non-standard times

12 events per annum until 02:00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health.

Note: The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

- Monday to Saturday 11:00 hours to 00:20 hours
- Sunday 11:00 hours to 23:20 hours

Non-standard times

20 minutes after the cease of licensable activities

Note: the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

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

On and off sales

Part 2

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

Ben Abdsamad Allali

[REDACTED]

[REDACTED]

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

N/a

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

Ben Abdsamad Allali

[REDACTED]

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

Issuing Authority: [REDACTED]

Licence No. [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

- (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
 3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
 4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
 5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

1. No customer apparently carrying open bottles upon entry shall be admitted to the premises at any times the premises is open to the public.
2. Where CCTV is installed with recording facilities such recordings shall be retained for a period of 30 days and made available within reasonable time upon request by the Police.
3. Alcoholic and other drinks may not be removed from the premises in open containers save for consumption in any external area provided for that purpose.
4. Prominent, clear and legible notices shall be displayed at all exits requesting the public respect the needs of local residents and to leave the premises and area quietly
5. Noise or vibration shall not emanate from the premises so as to cause a nuisance to nearby properties.
6. Children under the age 16 shall not be permitted to enter the premises after 21:00 hours

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

7. That doors and windows be kept closed at all times during the operating of regulated entertainment, save for access and egress.
8. That no patrons be allowed to consume alcohol in the outside area of the premises after 21.00 hours;
9. That karaoke only be permitted on Friday and Saturday;
10. That there be twelve non standard timings permitted per annum until 02.00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health; and
11. That operation of the new licensing hours be subject to the London Fire and Emergency Planning Authority objections being adequately addressed.

Annex 4 - Plans

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

17 October 2005



Part B - Premises licence summary

Premises licence number

15782

Premises details

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

26 Ferry Street

Post town

London

Post code

E14 3DT

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment consisting of Indoor Sporting Events, Live Music, Recorded Music, Performance of Dance, Provision of Facilities for Making Music, Provision of Facilities for Dancing

The times the licence authorises the carrying out of licensable activities

Alcohol and Regulated Entertainment

Monday to Saturday 11:00 hours to 00:00 hours
Sunday 11:00 hours to 23:00 hours

The opening hours of the premises

Non-standard times

12 events per annum until 02:00 hours, inclusive of Bank Holidays, with seven clear days notice given to the Police and Environmental Health.

Note: The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Monday to Saturday 11:00 hours to 00:20 hours
Sunday 11:00 hours to 23:20 hours

Non-standard times

20 minutes after the cease of licensable activities

Note: However, The premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Name, (registered) address of holder of premises licence

Ben Abdsamad Allali



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

On and off sales

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

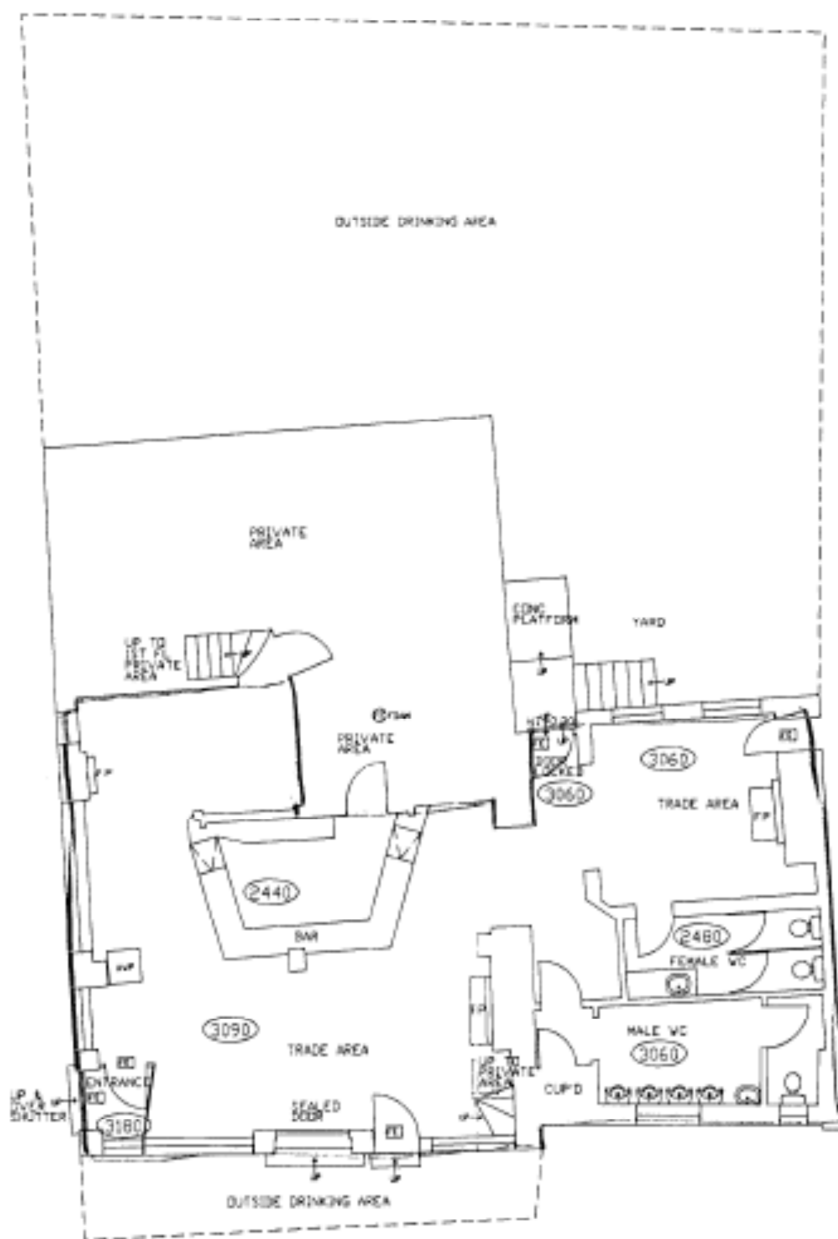
N/a

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

Ben Abdsamad Allali

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

Children under the age 16 shall not be permitted to enter the premises after 21:00 hours



Appendix 2



LICENSING ACT 2003

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. http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

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

Application to vary a premises licence 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 BEN ALLALI (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 15782

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>26 FERRY ST</u>		LBTH TRADING STANDARDS 16 JUN 2014 LICENSING
Post town <u>LONDON</u>	Post code <u>E14 3DT</u>	

Telephone number at premises (if any) [Redacted]
Non-domestic rateable value of premises £ [Redacted]

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

Please add:
sale & supply of alcohol
on the first floor dining area
(Plans enclosed)

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

--

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<p>Please give further details here (please read guidance note 4)</p>		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	<input checked="" type="checkbox"/>
Mon	11.00	00.00	<p>Please give further details here (please read guidance note 3)</p>		
Tue	11.00	00.00			
Wed	11.00	00.00			
Thur	11.00	00.00			
Fri	11.00	00.00			
Sat	11.00	00.00			
Sun	11.00	23.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place <u>indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>	Both	
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			<p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

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

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	
Day	Start	Finish		Off the premises	
Mon	11.00	00.00	Please give further details here (please read guidance note 2)	Both	<input checked="" type="checkbox"/>
Tue	11.00	00.00			
Wed	11.00	00.00		State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Thur	11.00	00.00			
Fri	11.00	00.00		Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	11.00	00.00		NEW YEARS EVE	FROM 11pm
Sun	11.00	23.00		UNTIL NEW YEARS DAY	UNTILL 11am

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)

NON, ITS A DINING PUB

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11.00	00.00	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>NEW YEARS EVE 11 pm UNTIL NEW YEARS DAY UNTIL 11 AM</p>
Tue	11.00	00.00	
Wed	11.00	00.00	
Thur	11.00	00.00	
Fri	11.00	00.00	
Sat	11.00	00.00	
Sun	11.00	00.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

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

TO HAVE A SAFE ENVIRONMENT FOR INDIVIDUALS & FAMILIES, TO NOISE TO A MINIMUM AND HAVE ALL OUR OBJECTIVES IN PLACE.

b) The prevention of crime and disorder

WE HAVE 16 CCTV CAMERAS SITUATED INSIDE & OUTSIDE THE PREMISES. ALL OUR STAFF ARE TRAINED TO DEFUSE SITUATIONS OR CALL 999 IN EMERGENCIES. REFUSE TO SERVE ANYONE TOO DRUNK OR UNSUITABLE.

c) Public safety

FIRE & SMOKE ALARMS INSTALLED OVER ENTIRE BUILDING, CLEARLY DISPLAYED EMERGENCY ESCAPE SIGNS, ALL EQUIPMENT IS REGULARLY TESTED, ALL STAFF KNOW CALL SIGNS & MEETING POINTS.

d) The prevention of public nuisance

WE HAVE SIGNS ASKING CUSTOMERS TO RESPECT OUR NEIGHBOURS WHILST LEAVING OR STANDING OUTSIDE OUR PREMISES, WE ASK PATRONS NOT TO CONSUME ALCOHOL OUTSIDE PREMISES AFTER 9PM, WE ASK TAXI'S TO TURN OFF ENGINES WHILST WAITING & NOT TO BEEP THEIR HORNS.

e) The protection of children from harm

ANY ONE UNDER 16 NOT ALLOWED IN BAR UNLESS ACCOMPANIED WITH A RESPONSIBLE ADULT. NO ONE UNDER 18 TO APPROACH BAR FOR A DRINK, OR COLLECT A DRINK FOR AN ADULT THEY ARE WITH.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence


CHECKLIST:

- Please tick yes
- I have made or enclosed payment of the fee
 - I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
 - I understand that I must now advertise my application
 - I have enclosed the premises licence or relevant part of it or explanation
 - I understand that if I do not comply with the above requirements my application will be rejected

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	13/6/2014
Capacity	150

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

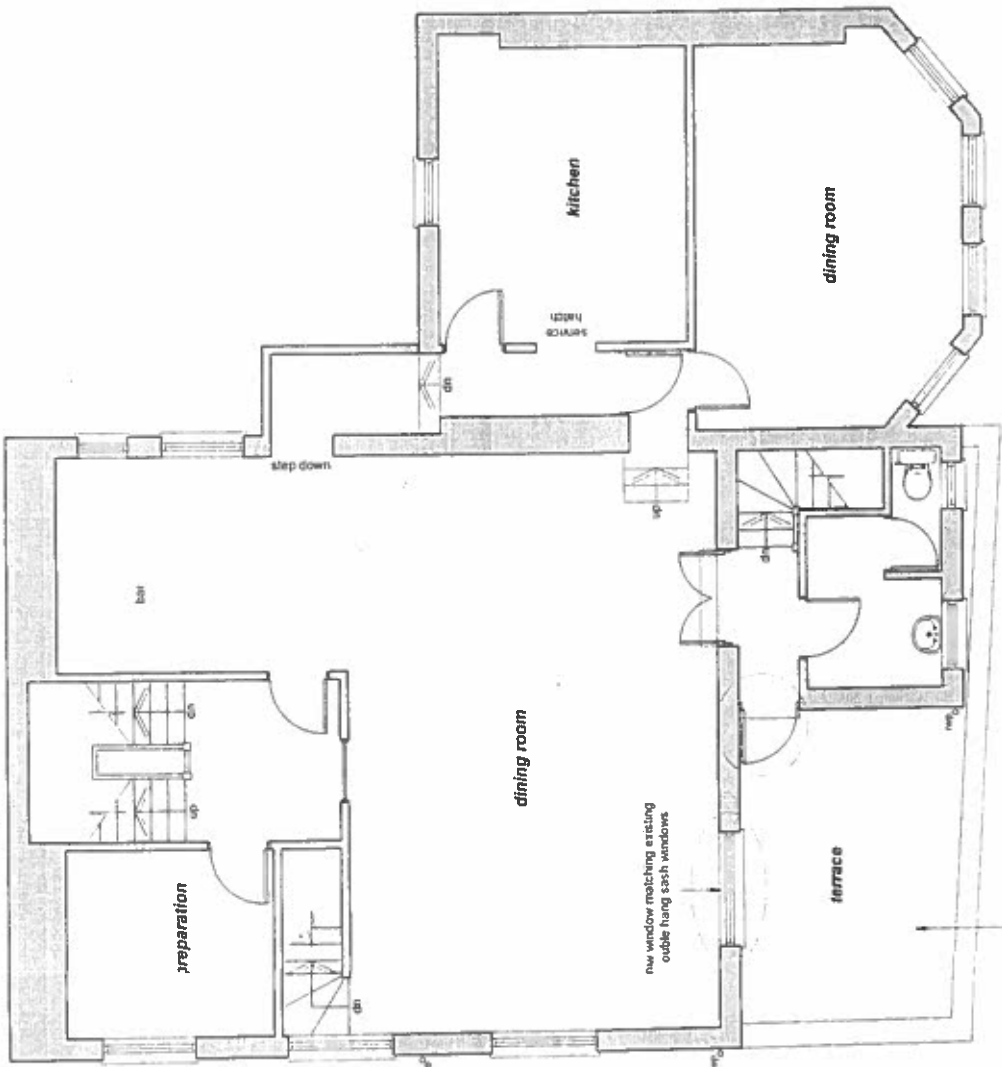
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

General Notes:

1. Dimensions should not be scaled from the drawings where accuracy is essential.
2. Details, dimensions and levels to be checked on site by builder prior to commencement of works. Any works commenced prior to all necessary local authority approvals are entirely at the risk of the owner & builder.
3. Structural details are subject to exposure of existing construction and verification by L.A. Surveyor and any necessary revised details are to be agreed with the L.A. Surveyor prior to carrying out the affected works.
4. All materials are to be used in accordance with the manufacturers' guidelines and all relevant British Standards Codes of Practice & Regulation 7 of Building Regs.
5. All works are to be carried out in accordance with Local Authority requirements.
6. The intended works fall within the Party Wall Act 1996 and any adjoining owners affected must be notified prior to commencement of any works.
7. Thames Water Authority permission to be obtained if building over or adjacent to sewers within 3 metres. (Tel 08459 200 800)
8. No part of the extension to project into adjoining boundary lines.

Health & Safety
 This project contains no known items which we consider to be of a greater risk than an experienced builder would expect to find on a similar project. Method statement and risk assessment to be carried out by contractor. Under the CDM Regulations 2007, it is the owner's responsibility to appoint a coordinator to ensure work is carried out efficiently and in a safe manner.

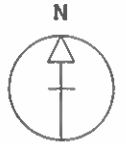
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 16 JUN 2014
LICENSING



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EGL486703



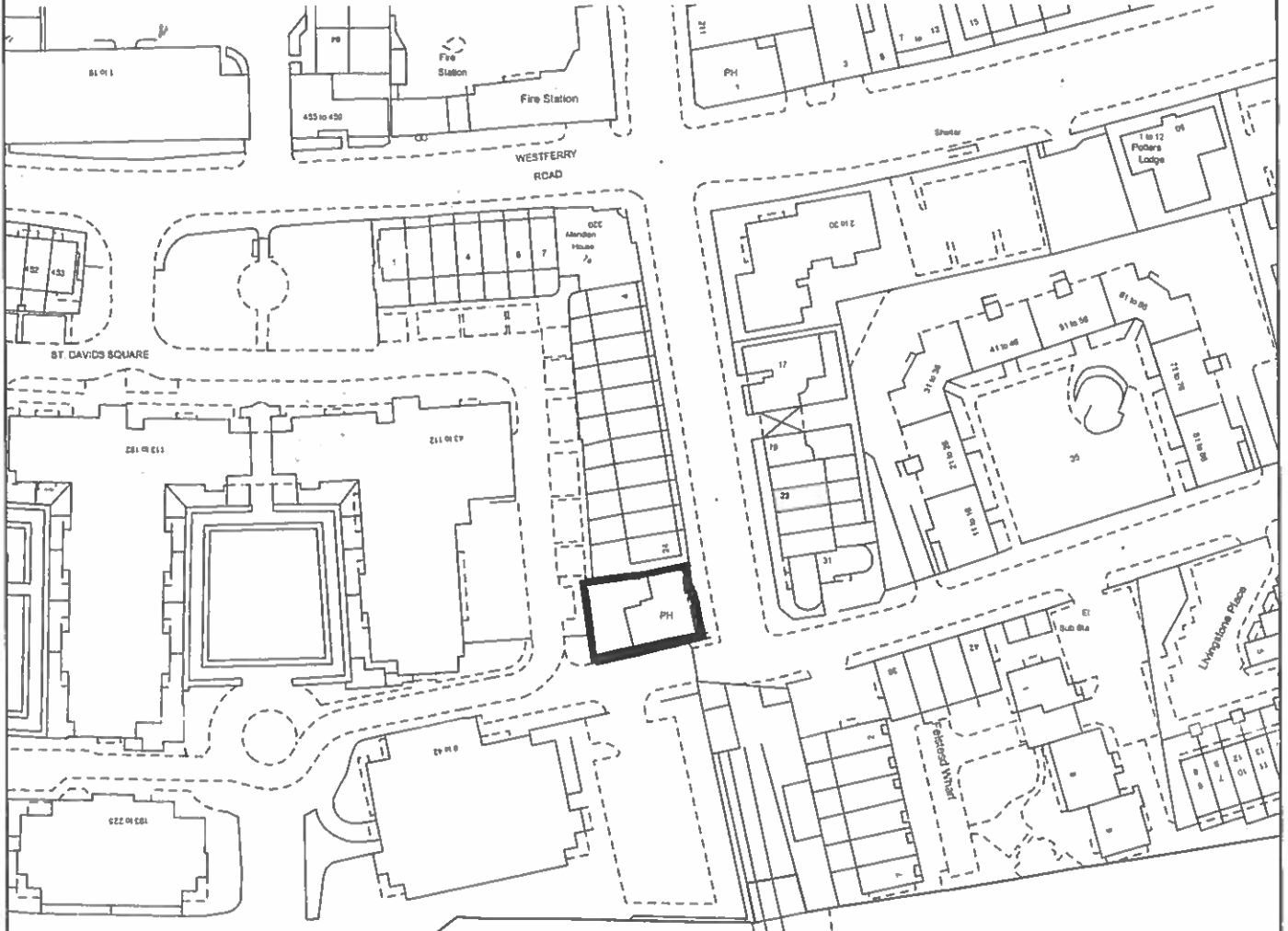
TOWER HAMLETS

ORDNANCE SURVEY MAP REFERENCE:

TQ3878SW

SCALE 1:1250

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LBTH
TRADING STANDARDS
1 6 JUN 2014
LICENSING

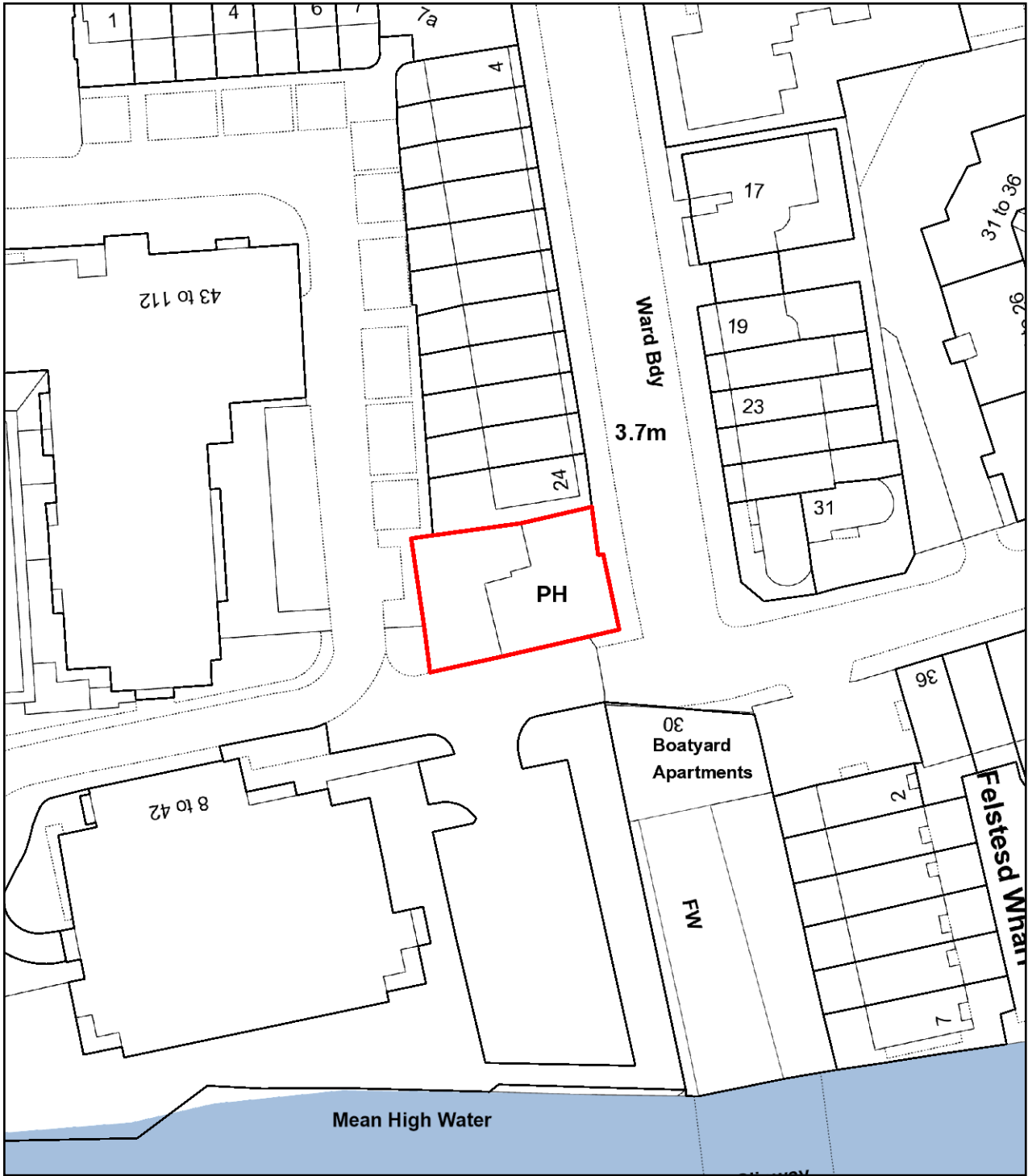
This title plan shows the general position of the boundaries: it does not show the exact line of the boundaries. Measurements scaled from this plan may not match measurements between the same points on the ground. For more information see Land Registry Public Guide 7 - Title Plans.

This official copy shows the state of the title plan on 13 April 2005 at 10:36:06. It may be subject to distortions in scale. Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original. Issued on 13 April 2005.

This title is dealt with by the Stevenage District Land Registry.



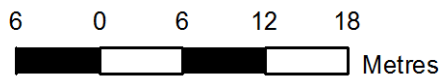
Appendix 3

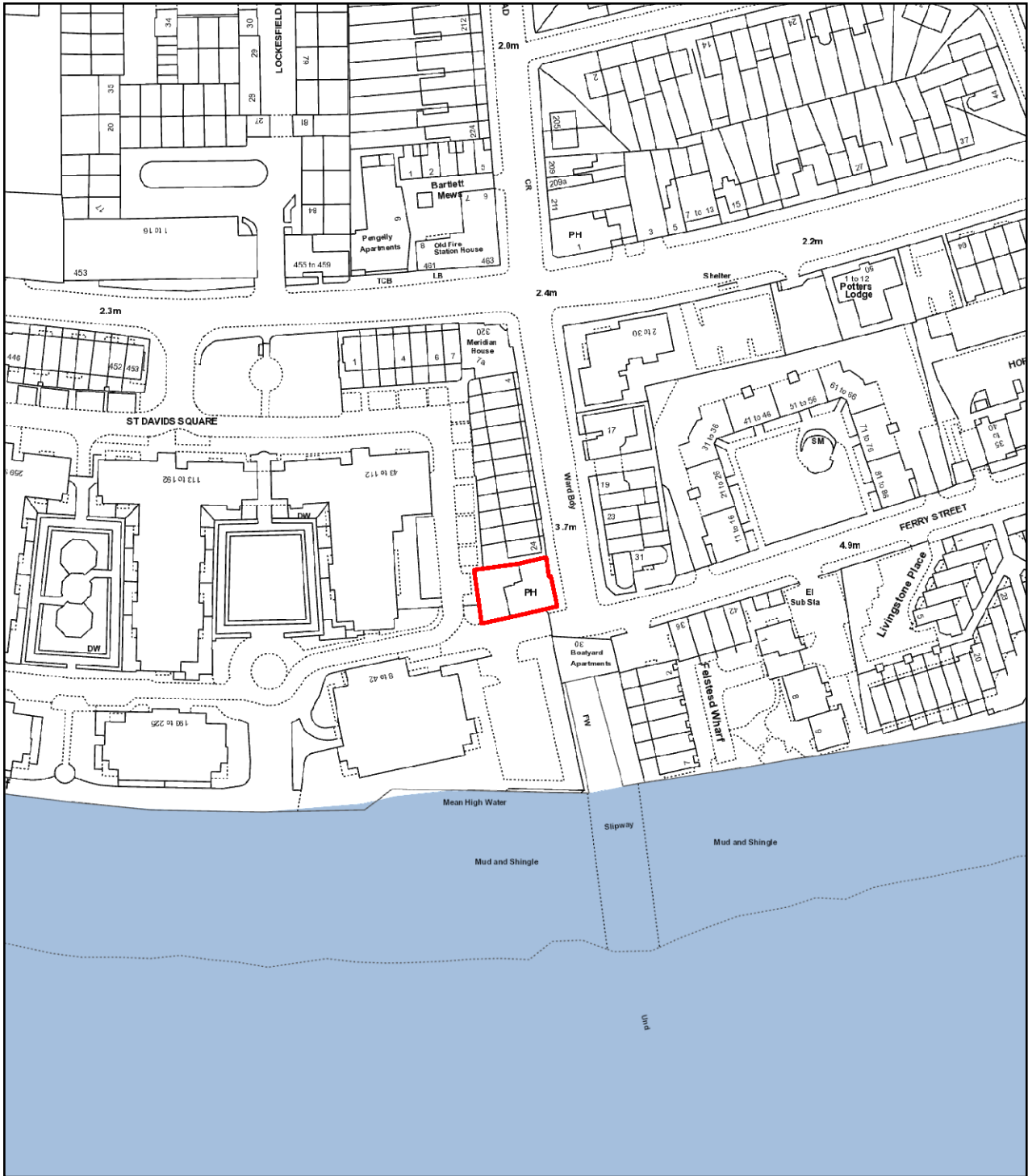


26 Ferry Street



Scale 1:668

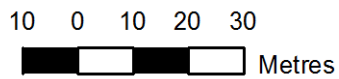




26 Ferry Street



Scale 1:1669



Appendix 4

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 5

Mohshin Ali

From: Alex Lisowski on behalf of Licensing
Sent: 08 July 2014 14:29
To: Mohshin Ali
Subject: FW: Application for Variation - 076606 - The Ferry House

From: Ian Wareing
Sent: 08 July 2014 14:12
To: Licensing
Subject: FW: Application for Variation - 076606 - The Ferry House

Dear Licensing, please see below, to which I have not received a response.

EH will like to make a representation against this application. The building is listed, as stated by the applicant, and therefore is unsuitable for regulated entertainment. There have been issues in the past with loud music emanating from the pub causing disturbance to several local residents. The premises is single glazed and has many gaps on the façade where noise escapes. This was the reason we asked for a copy of any acoustic testing. To allow music other than background only on the 1st floor, will exaggerate the problem already documented on the ground floor. Without having any evidence to the contrary, the building is old and not designed for loud music late at night, and major acoustic work would have to be undertaken to stop noise from emanating from the premises.

We would also like the application for music outside the premises to be rejected for the same reasons mentioned earlier with regards to the previous complaints.

With regards to the balcony we would seek a condition that there be no access to the general public and it should be accessed for maintenance purposes only by staff and approved contractors. It is anticipated that this will be used for smokers and outside drinking which will cause disturbance to the residents opposite and those of Boatyard Apartments.

Regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008

ian.wareing@towerhamlets.gov.uk

From: Ben Allali [REDACTED]
Sent: 18 June 2014 14:44
To: Ian Wareing
Subject: Re: Application for Variation - 076606

I will look into noise bit am away till Wednesday next week

Balcony is not going to be used for licensable activity but can't stop people going out there, please take into consideration that that part of the building is one of the reason why building is listed and should be available to members of public

Regards

Mr allali

Sent from my iPhone

On 18 Jun 2014, at 13:55, Ian Wareing <ian.Wareing@towerhamlets.gov.uk> wrote:

Mr Allali, I am in receipt of your variation as detailed above. Can you please provide the following;

1 An acoustic report undertaken by a member of The Institute of Acoustics or Association of Noise Consultants. This would need to show how the pub has been acoustically treated so as to allow music until midnight. Your consultant would also need to show how you intend not to cause a nuisance with music outside the pub until midnight.

2 A confirmation that the balcony area, situated above the front of the pub, is not to be used at any time during pub opening hours.

Regards,

Ian

Ian Wareing
Technical Officer
Pollution Team
Environmental Protection
Environmental Health
2nd Floor
Gladstone Place Offices
1 Ewart Place
London
E3 5EQ

020 7364 5008
ian.wareing@towerhamlets.gov.uk

Appendix 6

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 02 July 2014 18:29
To: Mohshin Ali
Subject: FW: Objection to the application to vary the current licence of the Ferry House Pub, Ferry Road: Ref TSS/LIC/076606

Follow Up Flag: Follow up
Flag Status: Flagged

From: Laura Muir [REDACTED]
Sent: 02 July 2014 18:25
To: Licensing
Cc: Greg Boyle
Subject: Objection to the application to vary the current licence of the Ferry House Pub, Ferry Road: Ref TSS/LIC/076606

Dear Sir,

My partner Greg Boyle and I (Laura Muir) live in [REDACTED] and would like to object to the application Ref TSS/LIC/076606 to vary the current licence of the Ferry House Pub, located on Ferry Street next to our residential building. We object to this under the prevention of public nuisance law.

The building itself is not suitable for regulated entertainment at any time due to its proximity to the Boatyard Apartments building and other housing around it. Even the Monday evening karaoke could be very loud even in our top flat. There is little acoustic insulation and we feel that a terminal hour of midnight is much too late on a regular basis. It is not only the noise from the pub but also the noise from patrons leaving when there is a lot of shouting and loud conversations that go on, particularly at the weekend.

If the entertainment moves to the first floor and outside the pub as well (this is in the application) then this is bound to be more noisy and cause more of a disturbance.

Because of the problems of noise and disruption we feel that the pub should be closed at or before 11pm. Any regulated entertainment in the pub should not be audible in the nearby houses. It is also completely unacceptable to allow the use of the 1st floor balcony for any purpose as voices, music etc are all clearly audible to all residents.

In order to prevent additional nuisance it is essential that the application for the use of the first floor for regulated entertainment is not granted permission and the use of outdoor areas for regulated entertainment is also not allowed.

If you require any further information or clarification please do not hesitate to contact me.

All the best,

Laura

Laura Muir
[REDACTED]

Appendix 7

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 03 July 2014 18:05
To: Mohshin Ali
Subject: FW: Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT
Attachments: Scanned from a Xerox multifunction device.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

From: Hansen, Poul (HAPO) [REDACTED]
Sent: 03 July 2014 17:37
To: Licensing
Subject: Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT

Good day –

Please see attached objection for the requested opening times.
As I'm one of the closest neighbours to the pub, I would very much appreciate if this license request could be turned down, as there is already enough disturbances going on, which makes it difficult to balance working life with the current opening times.

Brgds,
Poul

P.Hansen

[REDACTED]

30th June 2014

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
5 Clove Crescent
London, E14 1BY

Dear Ms Driver,

Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT

I am writing with reference to the application to vary the Premises Licence at the 1st Floor of the Ferry House.

The Ferry House pub has a history of causing noise problems to people living in the vicinity due to the proximity of the noise sensitive premises and there is a history of disorderly behaviour of the customers. This has been verified by officers from the Council.

This proposed variation may seem insignificant but the effect could be catastrophic and will, unless properly controlled, impact adversely on the licensing objectives. This is a cause of major concern.

Many letters have already been sent to the licensing dept. about this and the previous applications, that identify residents' concerns about crime and disorder; public safety; public nuisance; and protection of children from harm so there is no need for me to reiterate them here. It is sufficient to say that the problems have been so severe that LBTH have in the past seen fit to install an overt CCTV camera in Ferry Street and special measures have been implemented by Parking Services and the Safer Neighbourhood Teams to regularly visit the area. There is good evidence to suggest that the start of problems in the area coincided with a change in management of the licensed premises and many problems (noise and disturbance) can be directly linked to the customers of the pub.

We are very concerned that if this variation to the licence is granted that this premise will have the potential to host events on both floors. It doubles the capacity of the licensed premises and is bound to cause major issues. This does not promote the licensing objectives.

To prevent misuse of the first floor the sale of alcohol must be ancillary to the sale of food and customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises, from both ground and first floors should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony).

The licensing objectives to which our comments refer are bracketed at the end of each paragraph.

We are at a complete loss as to why this application has been accepted in its current form. The London Borough of Tower Hamlets website states:

What information do I need to put on the application form?

- Don't forget to fill in the operating schedule-make clear licensable activities and any limitations.
- **Detail how you will ensure compliance with the four licensing objectives. All the responsible authorities will look at this and you should discuss any problems with them before you make an application.**

I have also looked at the s182 Licensing Guidance and reproduce below in summary the relevant points:

Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives that they understand:

the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;

Applicants are expected to include positive proposals in their application on how they will manage any potential risks.

For example, premises with close proximity to residential premises should consider how this impacts upon their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective.

If an applicant persistently fails to supply the required information, the licensing authority may refuse the application and the applicant must submit a new application.

*.....required information is missing or incorrect; the licensing authority may 'hold' the application **until the applicant has supplied all the required information.** This effectively resets the 28 day period for determining an application and may be done any number of times until the application form is complete.*

There is no way that the information provided by the applicant on the application form could be construed as meeting the obligation to provide positive proposals, he provides no proposals at all for meeting any of the licensing objectives. This is a requirement of the application procedure.

This complete lack of information should be sufficient to refuse this application and it should never have been accepted in this form in the first place. (All of the Licensing Objectives)

It is understood that the applicant has said that he intends to use the balcony.

We object to the use of the balcony for any purpose due to the close proximity of residential premises.

Patrons on the balcony are loud and very disturbing and if used as a smoking area the smoke enters our bedrooms as it is so close. Furthermore the patrons have a nasty habit of throwing cigarette butts over the balcony into the street below which is extremely unpleasant and quite dangerous for passers-by.

(Prevention of Public Nuisance).

This pub/restaurant is very close to residential premises.

What steps does the applicant propose to deal with the following?

- i) Smoking outside our bedroom windows
- ii) Noise from people in the street outside our bedroom windows
- iii) Dispersal of patrons after closing time.

to ensure the promotion of the nuisance objective.

The Ferry House is currently a pub with an unlicensed restaurant upstairs. The local residents have been regularly affected by noise and disturbance and it is clear that the publican takes no steps to minimise the disturbance in line with his responsibilities as the licensee. How could anyone presume that by providing an additional licensed area that this nuisance will not be increased without any mitigation being offered by the applicant? *(Prevention of Public Nuisance).*

Currently the residents are intimidated by the pub landlord and his clientele and we feel that the appropriate action should be taken by the licensing authority to resolve these issues without delay. We are clearly being harassed on a regular basis and as a result of this harassment a number of residents no longer feel comfortable to object to this application for fear of reprisal.

This new application is for regulated entertainment on the first floor and outside. We can regularly hear 'background music' from the ground floor of the pub in our bedrooms, (they quite often leave the doors open whilst playing music). This suggests that any music on the first floor would also be clearly audible so this would not be acceptable to us. (*Prevention of Public Nuisance*).

The noise that comes from inside the pub is not acceptable to I don't see how noise generated outside the pub can be acceptable in any way.

We strongly object to this application on the following grounds:

1. The application has not been properly made as no proposals for meeting any of the licensing objectives have been supplied by the applicant.
2. The integrity of the Licensing Authority function depends on the Council's ability to take appropriate enforcement action. The Licensing Authority has admitted that the conditions associated with the current ground floor licence are unclear and ambiguous
3. To grant this application the Licensing Authority would be failing in their statutory duty to promote the four licensing objectives set down in the Licensing Act 2003.
4. Overwhelming evidence has been previously supplied to the Licensing Authority as to why this application should be refused.

We maintain that there should be an application for a new premises licence for the whole property with reduced opening hours, reduced operating hours over the New Year period and with sufficient information provided to demonstrate the steps they propose to take to promote the licensing objectives. All of the existing unclear, unenforceable, ambiguous conditions should be removed and one set of clear conditions should be applied to the whole premises.

If however a variation is granted we would ask that you take all of the above into account and:

We would be grateful if you could add a condition to the licence that prohibits the throwing of glass into the bin between the hours of 11pm and 7am.

We would be grateful if you could add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - **to prevent private parties. This was proposed by the Police for the previous application.**

We regularly suffer noise from people leaving the premises in the early hours of the morning, talking, shouting, cars revving etc and the licensee has a history of inviting friends to stay behind after closing time. *This would minimise disturbance to residents outside of normal licensing hours. (Prevention of Public Nuisance).*

We would like to see 11pm as the terminal hour for all activities in the pub so that we can all get at least a decent nights sleep.

Even recently when the pub was almost closed there were Karaoke nights with 'music' blaring out which was totally unacceptable.

Recently they had a 'closing down party' just before the refurbishment took place. It was terrible with music blasting out and drunk people staggering all over the road (including the bar staff). Environmental Health were called and had to ask them to shut down.

Condition Number	Current	Requested
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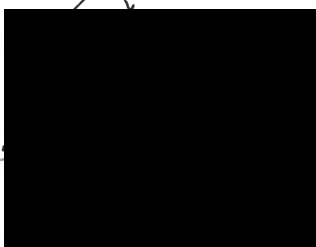
<i>Annex 3 Condition 8</i>	<i>No patrons be allowed to consume alcohol in the outside area of the premises post 2100hrs</i>	No patrons be allowed to consume alcohol in the outside area of the premises except in the external area provided for that use within the curtilage of the premises (i.e. the pub garden).
<i>Annex 2 Condition 3</i>	<i>Drinks not to be removed from premises save for consumption in external areas provided for that use.</i>	The external area should be defined. It should not include the pavement outside the premises nor the first floor balcony. It should be the rear garden which is an area specifically for this use.

The Ferry Street and Felstead Wharf area is occupied by families, many with young children. The area outside the pub (on the street) is used day and night by customers for drinking, using their mobile phones and smoking. Very often the male customers harass passing females and bad language is quite common. The aim of the licensing objective which protects children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language.

Relocating these customers to the pub garden will not only reduce the noise and disturbance from the loud talking, swearing etc outside our homes, it will also reduce the exposure of women and young children to this unpleasant effect associated with living adjacent to these premises. We also hope that this condition will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

(Prevention of Public Nuisance + Public Safety + Protection of Children from harm).

Yours faithfully



Appendix 8

9th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

I live in one of the flats in the Boatyard Apartments directly opposite the Ferry House Pub. When I first moved in we had no problems with the pub at all but over more recent years it seems that there is always a problem – either from loud music or karaoke, patrons sitting outside and being rude and noisy, late finishes, 'lock in's', noise from cars and taxis and loud drunk people in the street.

I have lost count now of how many new applications and variations to the premises licence have been made over the years but there are no significant changes to the previous applications and they have all been refused. I don't really understand why the Council even accept the applications as they never contain the information required.

The pub has been closed now for a few months for refurbishment. It has been great to not to have to worry about whether or not we are going to be woken by noise from the pub at all hours. We have enjoyed the peace and quiet during the short respite.

My personal view is that the building is not suitable for anything other than incidental or background music and there should be tighter control on patrons behaviour to minimise the disturbance to the locals. Mr Allali has always claimed that it was to be a restaurant. That would probably be ok as there would be no need for loud music or karaoke and it could shut at a reasonable hour.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in the pub's operations particularly on the first floor would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if any regulated entertainment or any use by the public is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The use of the first floor would mean a doubling of the capacity of the premises with the obvious increase in noise impact. The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground

floor as well? I have now seen the plans (the plans are incorrect and show a door that is no longer there). The plans for the first floor do not show any areas marked for where outside entertainment might be held.

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see any use of the balcony prohibited, as it is far too close to residents' bedrooms. Any talking, shouting, use of mobile phones, smoking etc on the first floor balcony would be very close to residents' bedrooms, which would be very intrusive and create a continuous nuisance. Even allowing customers to use any external areas to the ground floor would be an on-going nuisance due to the proximity of residents' properties.

A number of the flats have bedrooms facing the balcony. It is very concerning that people on the balcony will be able to see straight into the bedrooms where small children may be sleeping. This does not meet with the requirement for the protection of children from harm.

There is no screen on the balcony at all. Previously people using the balcony (without permission) have been seen throwing cigarette ends over and balancing drinks on the parapet wall. There is a very real danger that passers by could be hit by falling glasses or cigarette ends. (Public Safety)

I would suggest that use of the ground floor is outside of the application since it refers specifically to the First Floor only. The use of the ground floor for outside entertainment should not be considered at all.

I strongly object to the proposed hours of operation and would like to see the operating hours of the ground floor for all purposes knocked back to 2300hrs at the most. We already suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion and any increase in activities and number of patrons by allowing the use of the first floor is certain to be detrimental to the enjoyment of our properties.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten the noise down.

When the pub was operating previously the current noise conditions were not complied with. Noise from the pub regularly caused nuisance to the local residents, particularly after 11pm when the noise should be inaudible, the doors to the pub were often left wide open when by condition they should always be closed and many times the pub continued beyond the terminal hour stated in the licence. On one occasion when they had a 'christening' party in the garden the music was audible in Greenwich!

I do not consider that any of the steps mentioned on the application form are positive steps to promote the licensing objectives and, based on how Mr Allali has run the premises to date, I do not feel that he has any regard for the local residents whatsoever.

Yours sincerely

A black rectangular redaction box covers the signature area. To the left and right of the box, there are faint, handwritten scribbles in black ink, likely remnants of a signature or initials.

Appendix 9

LBTH
TRADING STANDARDS

1 1 JUL 2014

LICENSING

London E14 3DT

8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in their operations would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if regulated entertainment is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground floor as well?

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see the use of the balcony prohibited as it is far too close to people's bedrooms. Talking, shouting, use of mobile phones, smoking etc right by peoples bedrooms must not be allowed at all.

We strongly object to the proposed hours of operation and would like to see the operating hours of both the ground and first floor for all purposes to be knocked back to 2300hrs at the most. We suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten them down.

The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allali always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully



ZOLKIEWICZ MAGDA

Appendix 10

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 14 July 2014 15:22
To: Mohshin Ali
Subject: FW: Ferry House, Variation of Premises Licence (ref. TSS/LIC/076606)

From: Ignacio Benitez [REDACTED]
Sent: 14 July 2014 15:02
To: Licensing
Subject: Ferry House, Variation of Premises Licence (ref. TSS/LIC/076606)

To the Tower Hamlets Licensing Sub-Committee,

Our names: Mr. Ignacio Benitez & Ms. Raquel Gracia

Our address: [REDACTED]

As residents of the above address, we are writing to OBJECT to the application for a variation of premises licence for the Ferry House pub, situated in number 26 of that same street, primarily on the grounds of policy objective *The prevention of public nuisance*, as described in paragraph 4.4 of your *Statement of Licensing Policy 2013-2018*.

While we had already filed an objection in recent days as part of an effort led by a neighbour in our building, we have had an opportunity to look at the issue in further detail and - in the event that you accepted only one representation per resident - we would like this letter to prevail as it better represents our most current opinion.

We recognise that the Ferry House has a long history in the area. But what once was an isolated building on this side of the Isle of Dogs, today sits in a largely residential area increasingly occupied by families, like us, with young children, who have been attracted to the area for its enjoyable outdoors (the river Thames, nearby parks, etc.) and general quietness, among other things. It is, in this context, when the noise and other outcomes from nearby venues such as the Ferry House feels amplified and particularly unwelcome for us, whose bedrooms are almost at a touching distance to the pub itself.

At this point, we would like to highlight that the plan information contained in the application is no longer valid, as the ordnance survey map provided (ref. TQ3878SW, which dates from 2005, when the current licence was granted) does not show our building, which is a relatively new development sitting in a previously industrial site very close to the southern side of the Ferry House.

To address our concerns and minimise the direct impact that the Ferry House will have on our lives, we would like to suggest some CONDITIONS that we hope can be included in the licence when you review their application:

* **No access to the terrace on the first floor:** This is a preemptive measure that is absolutely essential to us, as the privacy and well-being of our 3-year old daughter, whose bedroom could be overlooked from that point, should be absolutely paramount.

* **Restricted standard hours:** Current opening hours appear unnecessary long. We could not raise our concerns when the licence was granted in 2005, not least because our building did not exist back then. To better align those hours with our needs today, we would like to suggest a closing time at 23:00 as standard. Also, music should not be played after 21:00 and drinking and other entertainment should stop in external

areas (including the back garden) from 19:00, to minimise the impact of such activities on children that are getting ready for going to bed.

* **Eliminate non-standard hours:** The current licence allowing for late closing times (02:00) on 12 chosen days per year in addition to an all-night event in New Year's Eve looks to us as being extremely generous to the licensee, and unreasonably onerous to local residents. Again, now that we have this opportunity to comment, we would like you to consider why the need to grant extended hours to this venue given that there are already other options available locally and, perhaps more importantly, in more appropriate areas across the borough and throughout London as a whole, where people can go in search for late-night entertainment.

While we are aware that the current licence already includes conditions aimed at limiting the noise and general levels of nuisance caused to local residents, enforcement has not always been satisfactory, and we are concerned that extending the sale and supply of alcohol to the first floor, as currently requested by the applicant, could make things worse.

We trust that the hearing panel will consider all our concerns and arrive to a decision that is satisfactory to all parts.

Yours sincerely,

Ignacio Benitez & Raquel Gracia



8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in their operations would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if regulated entertainment is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground floor as well?

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see the use of the balcony prohibited as it is far too close to people's bedrooms. Talking, shouting, use of mobile phones, smoking etc right by people's bedrooms must not be allowed at all.

We strongly object to the proposed hours of operation and would like to see the operating hours of both the ground and first floor for all purposes to be knocked back to 2300hrs at the most. We suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten them down.

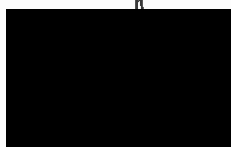
The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allali always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully



I. BEVITEZ



RAQUEL GRACIA

Appendix 11

LBTH
TRADING STANDARDS
11 JUL 2014
LICENSING

8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

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The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground floor as well?

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The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allali always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully



Appendix 12

LBTH
TRADING STANDARDS
11 JUL 2014

LICENSING

8th July 2014

Dear Sir

RE: Ferry House TSS/LIC/076606

I am writing to advise that I strongly object to the application recently submitted for the variation of the Premises Licence at The Ferry House Pub 26 Ferry Street London E14 3DT.

The pub has recently undergone refurbishment and although it has a history of noise problems – no attempt has been made during the refurbishment to reduce the likelihood of noise breakout from the premises.

Environmental Health have been called out numerous times to deal with noise problems from the pub and any increase in their operations would be totally unacceptable.

To allow use of the first floor does not meet the licensing objective for the promotion of the prevention of public nuisance. The ground floor already creates a substantial noise nuisance and if regulated entertainment is allowed on the first floor it brings the noise much closer to nearby noise sensitive premises.

The application states that it is for the playing of recorded music outside and inside. It is not clear from the application form where this outside area is. Is it the outside area of the first floor or are they trying to slip in the outside areas of the ground floor as well?

If this is the first floor balcony then obviously this is totally unacceptable. We would like to see the use of the balcony prohibited as it is far too close to people's bedrooms. Talking, shouting, use of mobile phones, smoking etc right by people's bedrooms must not be allowed at all.

We strongly object to the proposed hours of operation and would like to see the operating hours of both the ground and first floor for all purposes to be knocked back to 2300hrs at the most. We suffer from noise from karaoke and patrons leaving at all hours in a very drunk and rowdy fashion.

We object to the use of the pub from 11pm to 11am on New Years Eve as the noise on New Years Eve in the past has been intolerable and the Environmental Health have been called to quieten them down.

The pub does not comply with any of the conditions on the current licence so I have no reason to assume that they will comply with any additional ones. The pub when it was recently open used to stay open until all hours with music clearly audible in our bedroom. The door at the side is always open so the noise breakout is very high. The designated area for drinking outside the pub is not observed and people are quite often all over the street drinking and shouting. It is not a pleasant place to live when this is going on.

We do not feel that any of the steps mentioned on the application form are positive steps to promote the licensing objectives. Mr Allall always puts this on the application forms he never actually attempts to promote any of the licensing objectives – he has no regard for the local residents whatsoever.

Yours faithfully




Roland Bernata partner



Zanda Muzing

Appendix 13



30th June 2014

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
5 Clove Crescent
London, E14 1BY

Dear Ms Driver,

Objection: Variation TSS/LIC/076606 - The Ferry House Pub, 26 Ferry Street, London E14 3DT

I am writing with reference to the application to vary the Premises Licence at the 1st Floor of the Ferry House.

I strongly object to this application on the following grounds:

1. The application has not been properly made as no proposals for meeting any of the licensing objectives have been supplied by the applicant. For example: This pub/restaurant is very close to residential premises. What steps does the applicant propose to deal with the following?
 - i) Smoking outside our bedroom windows
 - ii) Noise from people in the street outside our bedroom windows
 - iii) Dispersal of patrons after closing time.to ensure the promotion of the nuisance objective.
2. The integrity of the Licensing Authority function depends on the Council's ability to take appropriate enforcement action. The Licensing Authority has admitted that the conditions associated with the current ground floor licence, of which this is a variation, are unclear and ambiguous. The variation would increase the areas in which these unclear and ambiguous conditions apply.
3. As I understand it, many letters have already been sent to the licensing dept. about this and the previous applications. The Ferry House pub has a history of causing noise problems to people living in the vicinity and there is a history of disorderly behaviour of the customers. Problems in the past have been so severe that LBTH have installed an overt CCTV camera in Ferry Street and special measures have been implemented by Parking Services and the Safer Neighbourhood Teams to regularly visit the area.
4. The proposed variation means that the pub will have the potential to host events on both floors as a licensed premises without any proposals for meeting any licensing objectives as discussed above. Ferry Street and Felstead Wharf area is occupied by families, many with young children. The proposed variation will intensify the problems these families already have with the Ferry House Pub.

Yours faithfully

Rory Wilkinson



Appendix 14



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

By post and email: licensing@towerhamlets.gov.uk

11th July 2014

Dear Sir/Madam

The Ferry House, 26 Ferry Street, London E14 3DT (premises 15782)

As residents of Ferry Street we would like to raise two objections to the Variation of Premises Licence application for The Ferry House dated 17th June 2014. These objections are that:

1. Alcohol will be served and music can be played until midnight on Monday to Saturday.
2. Music will be played inside and outside the pub.

This objection is based on:

- The fact that The Ferry House is situated within a densely populated residential area, and
- Our experience of poor management at The Ferry House, which has had a detrimental impact on our quality of life in the years we have lived nearby.

We would like to emphasise that we have ceased to experience all of the issues below since the Ferry House has been closed.

Our objection relates to public nuisance, public safety and crime and disorder.

Public Nuisance

The levels of noise emanating from the pub were unacceptable on a regular basis. Music played inside the pub was regularly of a volume sufficient to penetrate through the single-glazed windows and doors of the Ferry House and the double-glazing of our property. This caused a disturbance late into the night and often meant we postponed going to bed until the music had stopped. This was particularly troublesome during karaoke nights.

Patrons tended to congregate at the front of the premises, exchanging loud conversation and arguments that were heard easily inside our home. These frequently contain obscenities to which we would not want to subject our child.

During the summer, it was common practice for patrons to park outside the front of the pub and play loud music from their car with open windows while they socialised both outside and inside the pub.

This nuisance was significant enough to provoke numerous complaints to the council's noise department from us and other concerned residents.

The Ferry House held a party for the London Marathon 2013, which included playing music outside the pub. This music was played long after the marathon had finished. We were prevented from sleeping despite having the windows closed and earplugs in. The pub did turn the music off after we complained, but our experience to date is that the pub only behaves responsibly after receiving complaints and we were tired of having to repeatedly contact them every time we wished to exercise our right to quiet enjoyment of our property.

We note that the licensing application states music will be played inside and outside of the premises. The Ferry House is surrounded on all sides by residential properties in a densely populated, otherwise quiet, part of Tower Hamlets. Given the past history of noise disturbance from The Ferry House, we strongly object to this component of the licensing application.

Public Safety

We have both been subjected to unprovoked obscene remarks made by customers passing our property while we have been standing on the street. One episode would constitute sexual harassment, whereby an intoxicated man left The Ferry House in the afternoon, approached one of us and made sexually offensive remarks. The police arrived shortly afterwards so we did not take further action. Since then, we have felt intimidated when passing intoxicated patrons leaving The Ferry House.

Crime and Disorder

We have multiple examples of antisocial behaviour perpetrated by individuals leaving the pub. These include urinating into an alleyway on our street before entering The Ferry House, smashing glasses and bottles in the street and the noise of fights and arguments. We were repeatedly woken up between 1-2am on Saturday and Sunday mornings. During one memorable incident, we were woken up by a man shouting sexually offensive comments at his partner.

We recall several instances of people leaving the pub clearly intoxicated and driving away in a car.

By raising this objection, we wish to prevent a return of the previous issues that we experienced and so improve the lives of our family and neighbours.

We have a personal interest in ensuring that The Ferry House remains in business. The Island Gardens area lacks good quality pubs and other places for the community to meet. The Ferry House could run a more successful business by moving away from selling large quantities of cheap alcohol to heavy drinkers

and instead attract its closer neighbours who might prefer a quieter, more family-friendly community pub.

Thank you for the opportunity to contribute to this licensing application process.

Yours,

Mr J and Mrs K Cole

Appendix 15

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

Ref: PBC/036

14th July 2014

Dear Sirs

Re: Ferry House, 26 Ferry Street, London E14 3DT – Representation against application for a variation of a Premises Licence (TSS/LIC/068425)

We are instructed by Ferry Street LLP, who are the freeholders of the apartment block at 30 Ferry Street, London E14 3DT, to make a representation against the application by Ben Allali to vary the Premises Licence in respect of the above premises to include the first floor.

We understand that the last date for representations is 17th July 2014 and would be obliged if this letter could be treated as a relevant representation under the Licensing Act 2003.

Our clients' premises consist of a block of 8 apartments which are opposite and in very close proximity to the Ferry House public house. Our clients are aware that the pub has been a source of considerable concern to their tenants and local residents with a history of vandalism, nuisance and disorderly behaviour associated with customers from the premises which at times has been intolerable. A particular concern is the constant and unacceptable noise from customers drinking and smoking outside the premises, which is obviously at its worst in the summer months.

The pub is situated in a densely residential area and any increase in the size of the existing premises will inevitably exacerbate the nuisance already caused by its customers and have a potential for increased disorder and disturbance to tenants of the apartment block and other local residents.

In June 2013, Mr Allali applied for a new Premises Licence solely for the first floor of the pub rather than a variation application. Our clients and a number of local residents made strong representations against this application which was refused by the Licensing Sub-Committee at a hearing on 20th August 2013.

The current application once more seeks to licence the first floor of the premises, albeit this time by way of a variation rather than a new licence application. The effect of licensing the first floor of the premises will result in a doubling in size of the pub, with the likelihood that local residents will be subjected to a significant increase in noise and disturbance arising out of activities at the enlarged premises.

Furthermore, we would question whether a variation application is valid in circumstances where the premises are effectively doubling in size. Section 36(6) of the Licensing Act 2003 states that a variation may not "vary substantially the premises to which it relates". In our submission, the proper application in these circumstances would be for a new Premises Licence to cover both the ground and first floors in substitution for the existing licence and the variation application should therefore be rejected in its present form.

Our clients are particularly concerned about Mr Allali's intentions in relation to the use of the first floor and his apparent disregard for the concerns of residents. A comparison with the refused application made last year is revealing and gives rise to serious concerns about the likely intensification of use should the application be granted:

1. The current variation application requests a 12 midnight terminal hour (23.00 Sundays) for both alcohol sales and recorded music. The application for a stand-alone licence for the first floor last year stated a terminal hour of 23.00 each day.
2. The variation application requests recorded music for both indoors and outdoors whereas the application last year was for indoor use only. It is also revealing that the plan of the first floor submitted with the variation application shows a door leading out on to the first floor balcony which we understand no longer exists. This door was not shown on the plan for last year's application. Furthermore, whereas the plan last year stated: "Private Terrace (not to be licensed)" there is nothing to this effect on the plan submitted with the variation application which simply states "Terrace".

We understand that a number of flats at the Boatyard apartments opposite the pub have bedrooms that face the first floor terrace (balcony). The applicant is very well aware from objections to previous licence applications and noise complaints for the existing pub that residents would be seriously affected by any noise from the first floor balcony. The fact that he has included the use of this external area for both alcohol sales and recorded music until 12 midnight (23.00 Sundays) in the current application shows his complete disregard for these concerns and does not give our clients any confidence at all that this application would promote the prevention of public nuisance licensing objective.

The plan of the first floor of the premises does not show any detailed internal layout and simply shows a bar area and two dining room areas. However, there are no conditions offered in the Operating Schedule to restrict the use of the first floor for restaurant diners only and, in any case, the application is for the supply of alcohol for consumption both on and off the premises. In our submission, the statements by the applicant in the Operating Schedule as to how he will promote the licensing objectives (Section M) are very general and lack the clarity to be capable of enforcement.

In conclusion, this is the second application within 12 months to licence the first floor and rather than addressing our clients concerns it has the effect of increasing them for the reasons outlined in our letter. Accordingly, in our submission the grant of the variation application is inappropriate and is also likely to be detrimental to the crime and disorder and public nuisance objectives and the application should therefore be refused.

We are instructed to attend the hearing of this matter before the licensing committee in due course in support of our clients' objections to this application.

We would be obliged if you could acknowledge receipt and if you have any queries please contact Phil Crier at this office.

Yours Faithfully



PBC Licensing Solicitors

Appendix 16

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 16 July 2014 09:53
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

From: Khaled Online [REDACTED]
Sent: 15 July 2014 23:54
To: Kathy Driver
Cc: Licensing
Subject: RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London, E14 2BE

Dear Ms Driver,

RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

We write to make a representation regarding the above Application for a Variation of the Premises Licence at the Ferry House public house.

At the outset, we wish to make it fully clear that we do not have an objection to there being a restaurant on the first floor of the Ferry House public house subject to good management control over its operation.

However, the Ferry House public house has a history of causing noise problems for people living in the vicinity due to its very close proximity to residential premises. This has been verified by Officers from the Council. In addition, since the transfer of the lease/ownership of the Ferry House public house, there has been a serious escalation in crime and disorder on the street. The effects of these problems have caused serious distress to local residents. Especially since the Ferry Street, Felstead Wharf and Lockes Wharf area is occupied by families, many with young children.

To prevent misuse of the licence at the first floor level, the sale of alcohol must be ancillary to the sale of food and the customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony). Relocating these customers to the pub garden will not only reduce the noise and disturbance, but will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

We object to the use of the balcony for any purpose due to the close proximity of residential premises. Patrons on the balcony are loud, very disturbing and whilst smoking in this area cause smoke to enter our

bedrooms. Furthermore, patrons have been observed throwing cigarette butts over the balcony into the street below which is extremely unpleasant and quite dangerous for passers-by.

We are very concerned about the playing of recorded music indoors and outdoors. In the past we have been subjected to loud music and Karaoke from the ground floor of the Ferry House public house into our bedrooms (quite often doors are left open whilst playing music - clearly in breach of the current licence). Previous experience suggests that the same level of music from the first floor would also be clearly audible and a nuisance. Naturally this would not be acceptable to us.

The current opening hours are already too long for a residential area and we believe that a more reasonable terminal hour for the pub and restaurant should be 23.00hrs. We request that you add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - to prevent private parties as the applicant has a history of inviting friends to stay behind after closing time. We regularly suffer noise from the commotion of people leaving the premises in the early hours of the morning, hanging around outside talking, shouting, cars revving and taxis hooting.

Finally, we note that the applicant has put comments on the application form. Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Disappointingly, we note that none of these are additional steps. These measures represent the bare minimum that any responsible landlord should already have in place. There are no additional steps offered nor are there any steps that could be considered as a means to promote the licensing objectives.

If the applicant does not offer any steps then the guidance set out in the Licensing Act 2003 suggests that the application should be refused.

Yours sincerely,

K Ahmed-Ali

[Redacted signature block]

Appendix 17

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 16 July 2014 09:53
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

From: Dominic Chu [REDACTED]
Sent: 15 July 2014 23:59
To: Kathy Driver; Licensing
Subject: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

Kathy Driver

Principal Licensing Officer - Licensing Section

London Borough of Tower Hamlets

Mulberry Place

5 Clove Crescent

London, E14 2BE

Dear Ms Driver,

RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

We write to make a representation regarding the above Application for a Variation of the Premises Licence at the Ferry House public house.

At the outset, we wish to make it fully clear that we do not have an objection to there being a restaurant on the first floor of the Ferry House public house subject to good management control over its operation.

However, the Ferry House public house has a history of causing noise problems for people living in the vicinity due to its very close proximity to residential premises. This has been verified by Officers from the Council. In addition, since the transfer of the lease/ownership of the Ferry House public house, there has been a serious escalation in crime and disorder on the street. The effects of these problems have caused serious distress to local residents. Especially since the Ferry Street, Felstead Wharf and Lockes Wharf area is occupied by families, many with young children.

To prevent misuse of the licence at the first floor level, the sale of alcohol must be ancillary to the sale of food and the customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony). Relocating these customers to the pub garden will not only reduce the noise and disturbance, but will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

We object to the use of the balcony for any purpose due to the close proximity of residential premises. Patrons on the balcony are loud, very disturbing and whilst smoking in this area cause smoke to enter our bedrooms. Furthermore, patrons have been observed throwing cigarette butts over the balcony into the street below which is extremely unpleasant and quite dangerous for passers-by.

We are very concerned about the playing of recorded music indoors and outdoors. In the past we have been subjected to loud music and Karaoke from the ground floor of the Ferry House public house into our bedrooms (quite often doors are left open whilst playing music - clearly in breach of the current licence). Previous experience suggests that the same level of music from the first floor would also be clearly audible and a nuisance. Naturally this would not be acceptable to us.

Furthermore, the current opening hours are already too long for a residential area and we believe that a more reasonable terminal hour for the pub and restaurant should be 23.00hrs. Additionally, we request that you add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - to prevent private parties as the applicant has a history of inviting friends to stay behind after closing time. We regularly suffer noise from the commotion of people leaving the premises in the early hours of the morning, hanging around outside talking, shouting, cars revving and taxis hooting.

Finally, we note that the applicant has put comments on the application form. Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Disappointingly, we note that none of these are additional steps. These measures represent the bare minimum that any responsible landlord should already have in place. There are no additional steps offered nor are there any steps that could be considered as a means to promote the licensing objectives.

If the applicant does not offer any steps then the guidance set out in the Licensing Act 2003 suggests that the application should be refused.

Yours sincerely,

Harry Yuen

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 18

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 16 July 2014 10:38
To: Mohshin Ali
Subject: FW: Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

From: [REDACTED]
Sent: 16 July 2014 10:35
To: Kathy Driver; Licensing
Subject: Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

Kathy Driver
Principal Licensing Officer - Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London, E14 2BE

Dear Ms Driver,

RE: Licensing Act 2003 and Ferry House Pub 26 Ferry Street, London E14 3DT Variation (TSS/LIC/076606)

We write to make a representation regarding the above Application for a Variation of the Premises Licence at the Ferry House public house.

At the outset, we wish to make it fully clear that we do not have an objection to there being a restaurant on the first floor of the Ferry House public house subject to good management control over its operation.

However, the Ferry House public house has a history of causing noise problems for people living in the vicinity due to its very close proximity to residential premises. This has been verified by Officers from the Council. In addition, since the transfer of the lease/ownership of the Ferry House public house, there has been a serious escalation in crime and disorder on the street. The effects of these problems have caused serious distress to local residents. Especially since the Ferry Street, Felstead Wharf and Lockes Wharf area is occupied by families, many with young children.

To prevent misuse of the licence at the first floor level, the sale of alcohol must be ancillary to the sale of food and the customers must order, consume and pay for a meal in the restaurant. Customers should also be prohibited from removing open containers from the restaurant. Ideally the consumption of alcohol outside of the premises should be restricted to the pub garden and no other area (particularly the pavement area to the front of the premises and the first floor balcony). Relocating these customers to the pub garden will not only reduce the noise and disturbance, but will reduce the number of beer bottles/pint glasses that appear in our gardens overnight from customers in the street.

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We are very concerned about the playing of recorded music indoors and outdoors. In the past we have been subjected to loud music and Karaoke from the ground floor of the Ferry House public house into our bedrooms (quite often doors are left open whilst playing music - clearly in breach of the current licence). Previous experience suggests that the same level of music from the first floor would also be clearly audible and a nuisance. Naturally this would not be acceptable to us.

Furthermore, the current opening hours are already too long for a residential area and we believe that a more reasonable terminal hour for the pub and restaurant should be 23.00hrs. Additionally, we request that you add a condition that requires the whole premises to be vacated outside licensing hours (except the staff) - to prevent private parties as the applicant has a history of inviting friends to stay behind after closing time. We regularly suffer noise from the commotion of people leaving the premises in the early hours of the morning, hanging around outside talking, shouting, cars revving and taxis hooting.

Finally, we note that the applicant has put comments on the application form. Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Disappointingly, we note that none of these are additional steps. These measures represent the bare minimum that any responsible landlord should already have in place. There are no additional steps offered nor are there any steps that could be considered as a means to promote the licensing objectives.

If the applicant does not offer any steps then the guidance set out in the Licensing Act 2003 suggests that the application should be refused.

Yours sincerely,

Conor Funston

[Redacted signature block]

[Redacted address block]

[Redacted contact information block]

[Redacted block]

[Redacted block]

Appendix 19

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 12.4**).

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 12.5**).

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (Annex D).

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

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.37) 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 (2.39).

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 20

Access and egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See 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 12.4**).

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 12.5**)

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 pool of conditions, adopted by the council is recommended (Annex G). The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.33).

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.37).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.39)

Appendix 21

Crime and disorder on the premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

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 22

Crime and disorder from patrons leaving the premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity “vertical consumption” premises (10.41).

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

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

Licence conditions should not duplicate other legislation (1.17).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises (2.37) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.39). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.37)

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 23

Safety problems

General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Pool of Conditions relating to public safety. (See Appendix 3 Annex E, F and J of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The public safety objective is the physical safety of the people using the relevant premises,” not public health (2.19).

It is permissible to require certificates or checks provided this does not duplicate other legislation. Responsible authorities should make their expectations clear to applicant’s (2.26).

“Safe capacities “ should only be imposed where necessary for the promotion of public safety or the prevention of disorder.” (2.27). So conditions of a fire certificate must not be reproduced.

Other Legislation

The Health and Safety at Work Act 1974, and various regs.
The Regulatory Reform Order (Fire Safety) 2005.

Other Guidance

Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance

The Event Safety Guide

Managing Crowds Safely

5 Steps to Risk Assessment

Safer Clubbing

Safety Guidance for Street Art etc.

Various BS and ISO standards

Appendix 24

Underage drinking or other harm to minors

General Advice

If Members hear evidence that gives them cause for concern in relation to the licensing objective of protecting children from harm, and provided it is proportionate they should consider a licence condition that all under 18 year olds are excluded, and that a registered door supervisor is employed to check the age of all customers. This should be done where the activities to be carried on, previous history or lack of effective management justifies it.

There are also other licensing conditions that may be appropriate, as explained below. This may be appropriate where the premises may have children present and it is not primarily a place for consuming alcohol. For example a restaurant or a Cinema.

Of course, it is not necessary to restate the existing law in relation to any licensing conditions.

Licensing Policy

The policy recognises that children need to be protected (**See Section 9 of the Licensing Policy**).

The Licensing Policy expects applicants to have sought appropriate advice from the Area Child Protection Agency. (**See 9.3**).

The following are examples of premises that will raise concern:

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
- With a known association with drug taking or dealing
- Where there is a strong element of gambling on the premises
- Where entertainment of an adult or sexual nature is provided
- Where irresponsible drinking is encouraged or permitted

(**See 9.4**).

The Licensing Authority expects all applicants who are supplying alcohol to have addressed the issues relating to the protection of children from harm. and to have robust measures in place to protect children. (**See Section 9.9**)

The policy expects all licence holders to comply with the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin. (**See Section 9.8**).

The Licensing Authority will consider attaching conditions to protect children and these may include Conditions drawn from the Model Pool of Conditions

relating to Protecting Children from Harm. (**See Appendix 2 Annex H of the Licensing Policy**). In particular Members may wish to consider the following: (this list is not exhaustive):

- Restricting access to premises where heavy or binge or underage drinking is a problem
- Restricting access where significant gambling, or adult entertainment is an issue
- There is a general presumption that where the public are allowed on a premises after 11pm children under 12 will not be allowed unaccompanied by an adult (for example a supermarket)-the applicant can however rebut this
- Restrictions may be applied at particular times, for example when adult entertainment takes place or “happy hours”
- Age restrictions that apply to cinema performances
- Age restrictions for theatres where the entertainment is “adult”
- Conditions relating to the safety of children at performances, or as performers-such as venue, fire safety, special effects and dangerous equipment
- The Portman Code relating to the naming, packaging and promotion of alcoholic drinks

Licensing Act 2003 (Part 7)

The Licensing Act 2003 only permits under 16 years olds onto premises exclusively or primarily used for the supply of alcohol when accompanied by adults.

Children under 16 years old must be accompanied by an adult to be present between midnight and 5am on all premises supplying alcohol.

Restaurants may serve wine, beer or cider for consumption to 16-18 year olds with a meal-this is the only significant exception to the prohibition of selling alcohol to minors, and the purchase itself must be by an adult..

The Licensing Act 2003 makes it a criminal offence to serve alcohol to minors (there is however a defence of due diligence). Applicants are always free to exclude minors if they wish to do so.

Other Legislation

The Children (Performances) Regulations 1968 sets out the requirements for protecting child performers

Appendix 25

Planning

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

Appendix 26

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 hours to 23:30 hours
- Friday and Saturday 06:00 hours to midnight
- Sunday 06:00 hours to 22:30 hours

(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

(see 12.9 of the licensing policy)