

Appendix 1



FOR OFFICE USE

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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

On-Line payments can be made at:

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

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

CITY OF PARIS LIMITED

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
74 BONNER STREET	
Post town	Post code
LONDON	E2 0QP



Telephone number at premises (if any)

Non-domestic rateable value of premises £14,250.00

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

B) OTHER APPLICANTS

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

Name – CITY OF PARIS
Address – 355A BARKING ROAD LONDON E6 1LA
Registered number (where applicable) - 08613286
Description of applicant (for example partnership, company, unincorporated association etc) PRIVATE LIMITED COMPANY
Telephone number, if any [REDACTED]
E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
2	1	0 7 2 0 1 4

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

Day	Month	Year

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

--

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

THE PREMISES IS SITUATED ON A CORNER PLOT ADJOINING RESIDENTIAL ACCOMODATION AND IS SITUATED ON 74 BONNER STREET LONDON E2 0QP. THE PREMISES HAS AN INDIAN RESTAURANT. LICENSABLE ACTIVITIES WILL INCLUDE THE SUPPLY AND CONSUMPTION OF ALCOHOL AND RECORDED MUSIC.

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

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) THE PLAYING OF RECORDED MUSIC BY A SOUND SYSTEM		
Mon	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Tue	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Wed	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Thur	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Fri	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Sat	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
Sun	12:30 PM	14:30 PM			
	17:30 PM	23:00 PM			
			State any seasonal variations for playing recorded music (please read guidance note 4) NONE		
			Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		

I

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						

J

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	Y	
Day	Start	Finish		Off the premises		
Mon	12:30 PM 17:30 PM	14:30 PM 23:00 PM	Please give further details here (please read guidance note 7)	Both		
Tue	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Wed	12:30 PM 17:30 PM	14:30 PM 23:00 PM		State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Thur	12:30 PM 17:30 PM	14:30 PM 23:00 PM				
Fri	12:30 PM 17:30 PM	14:30 PM 23:00 PM	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	12:30 PM 17:30 PM	14:30 PM 23:00 PM		NONE		
Sun	12:30 PM 17:30 PM	14:30 PM 23:00 PM				

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

Name

SAJUL ISLAM

Address

[REDACTED]

Personal Licence number(if known)

[REDACTED]

Issuing Licensing authority (if known)

LONDON BOROUGH OF TOWER HAMLETS

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)

NONE

M

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

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

- 1) Staff will be trained at regular periods on licensing issues.
- 2) Staff will be trained to adhere to any crime prevention initiative operated by the Police.
- 3) The premises has CCTV throughout the building.

b) The prevention of crime and disorder

- 1) A CCTV system is at present installed and can be updated to comply with the requirements of the Police should that be necessary.
- 2) The Premises has always adequate lighting.
- 3) The Premises Licence Holder will from time to time risk assess the need for door supervision and will provide door supervisors in accordance with the requirements of the risk assessment.
- 4) There will be visible notices in the premises stating that no drug use will be tolerated inside or outside the premises.
- 5) Staff are trained to ensure that alcohol will not be sold to any under-aged person.

c) Public safety

- 1) The Premises Licence Holder will comply with all relevant Health & Safety legislation.
- 2) First Aid equipment is available at the premises.

d) The prevention of public nuisance

1. Music will be kept to a reasonable noise level, bearing in mind particular regard will be taken into account of the noise levels.
2. The hours for music is restricted.

e) The protection of children from harm

1. Strictly no alcohol will be served to anyone under the age of 21 years. Staff will reserve the right to ask for proof of identification to prove age.
2. There will be visible notices in the property to state that no alcohol will be served to anyone under the age of 21 years.

Part 4 – Signatures (please read guidance note 10)

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

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

Signature

[Redacted Signature]

Date

05/06/14

Capacity - APPLICANTS SOLICITOR

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

Signature

Date

Capacity

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

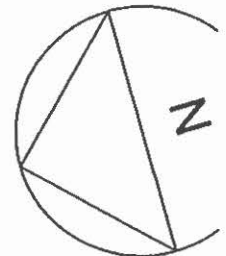
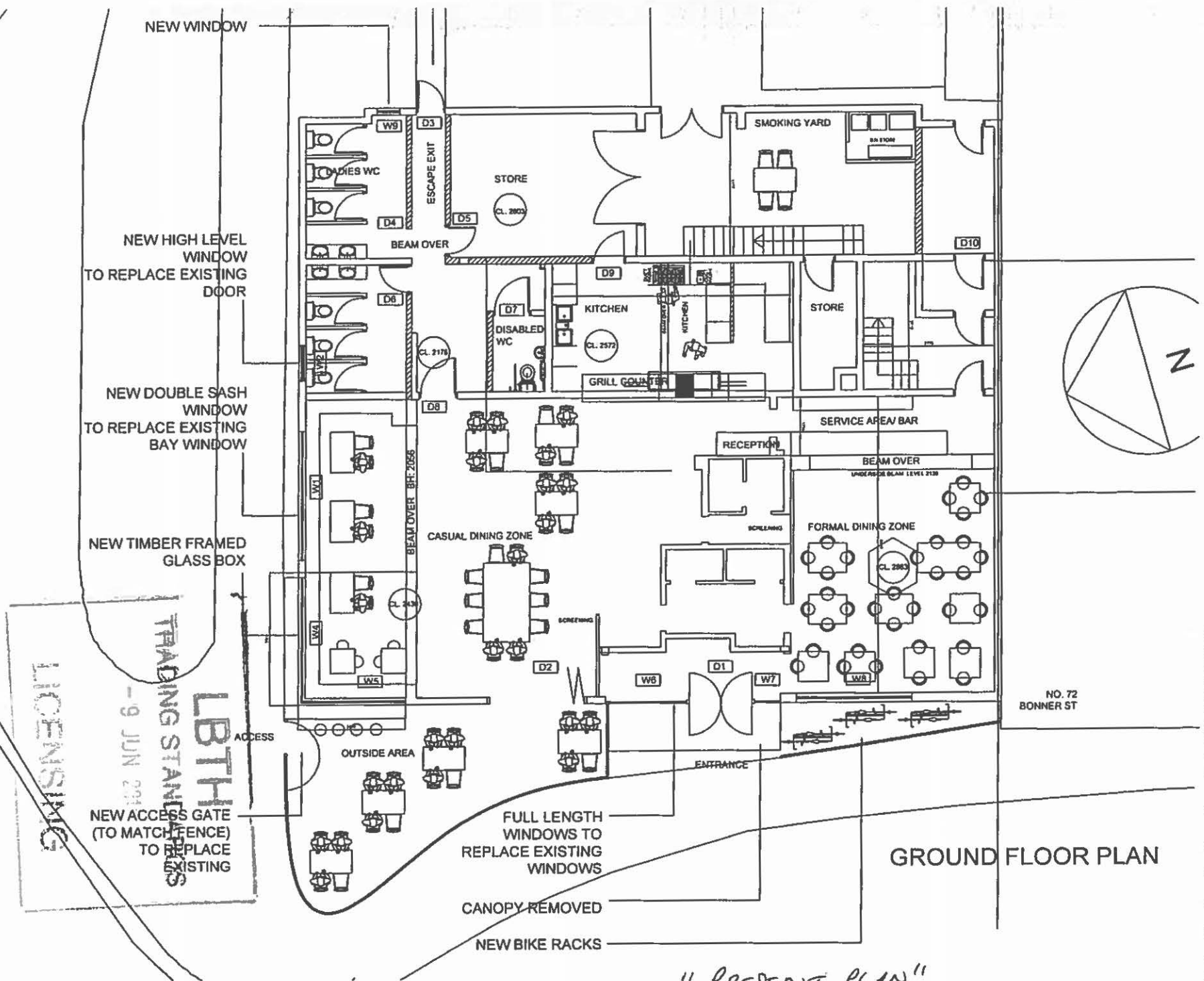
WATERFIELDS SOLICITORS
445 ROMAN ROAD

Post town LONDON

Post code E3 5LX

Telephone number (if any) – [Redacted]

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



NEW WINDOW

NEW HIGH LEVEL WINDOW TO REPLACE EXISTING DOOR

NEW DOUBLE SASH WINDOW TO REPLACE EXISTING BAY WINDOW

NEW TIMBER FRAMED GLASS BOX

LICENSING
 -9 JUN 2011
 TRADING STANDS
 LBTH
 ACCESS

NEW ACCESS GATE (TO MATCH FENCE) TO REPLACE EXISTING

FULL LENGTH WINDOWS TO REPLACE EXISTING WINDOWS

CANOPY REMOVED

NEW BIKE RACKS

GROUND FLOOR PLAN

"PRESENT PLAN"

These drawings are for a full Regulatory submission, and if approved by the local authority, the Contractor is responsible for ensuring compliance with the Building Regulations. It is the Contractor's responsibility to ensure that all work is carried out in accordance with the Building Regulations. If a Co. of drawings has been given as responsible for ensuring the work is completed.

All setting out must be checked during any work. Any errors or omissions are the responsibility of the architect to be rectified.

PLANNING

Makespacearc

0415 84 8400
 100 100 100

WICKI PARK LTD

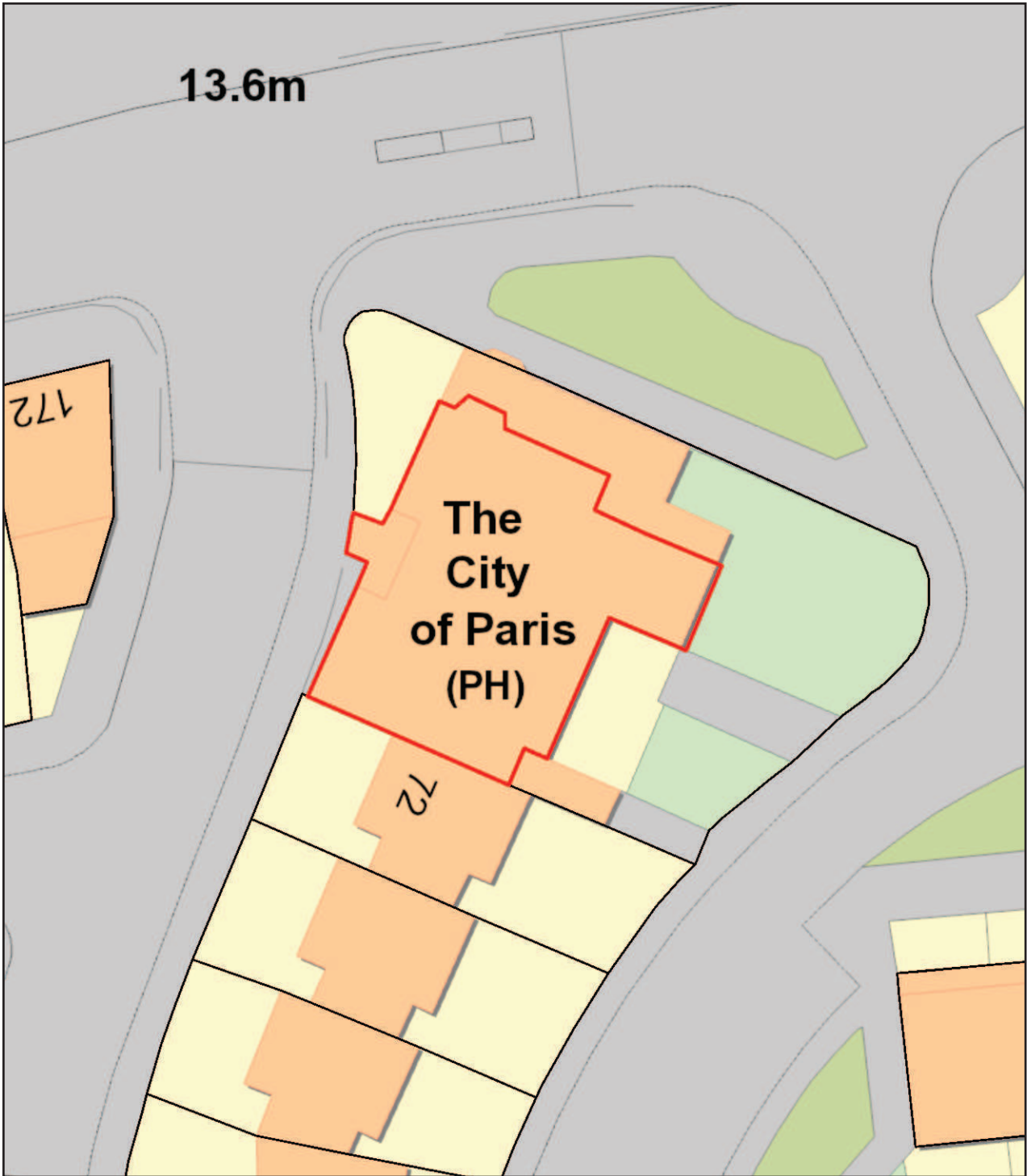
74 BONNER RD
 BETHNAL GREEN E

PLANNING PERMISSION
 PLAN PROPOSED

1147 26 100

SCALE
 1:100@A3

Appendix 2

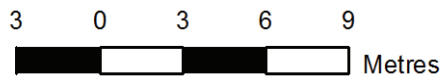


74 Bonner Street

Map 1



Scale 1:334



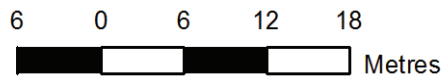


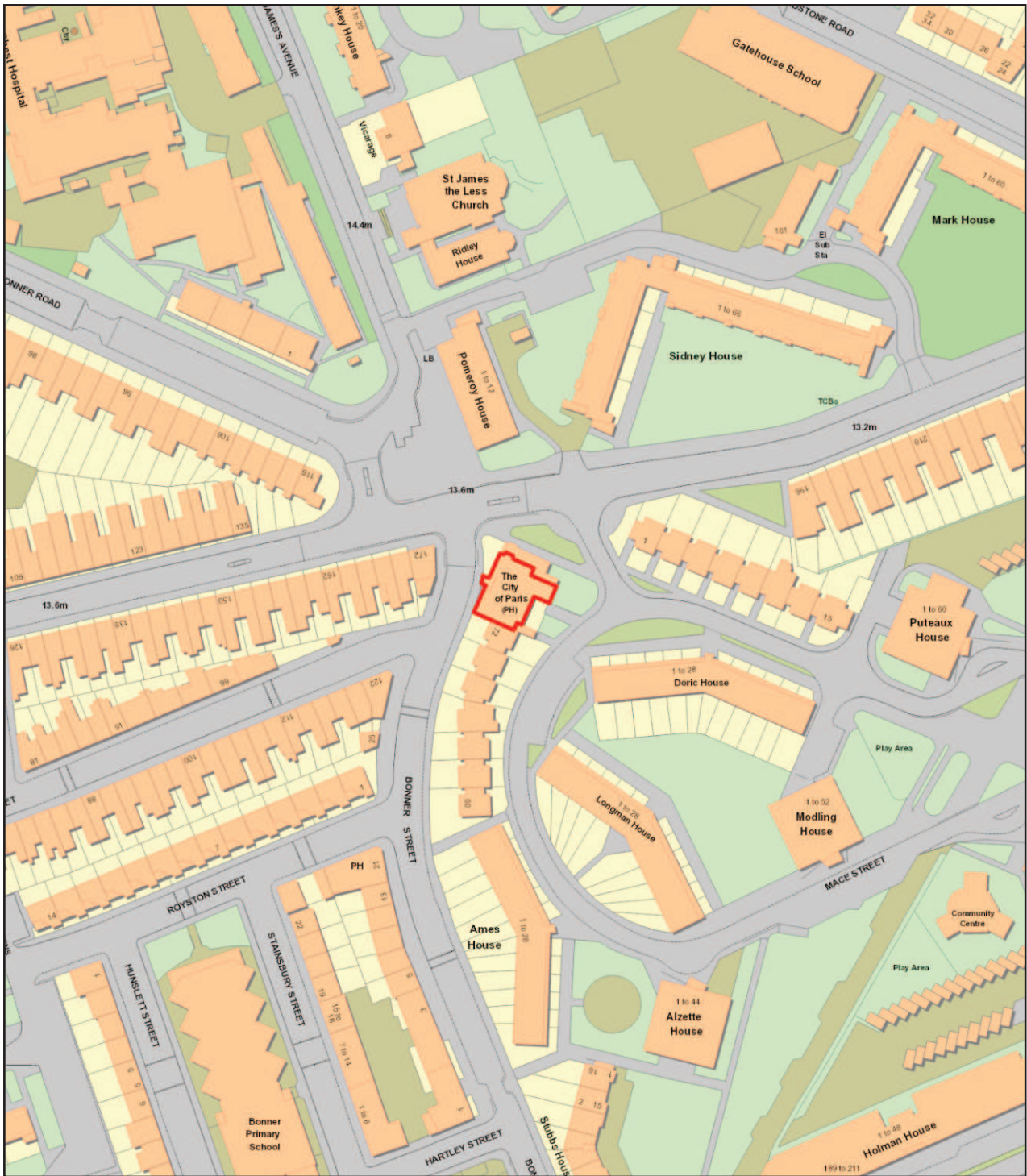
74 Bonner Street

Map 2



Scale 1:668



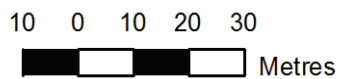


74 Bonner Street

Map 3



Scale 1:1669



Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

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.

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Appendix 4

[REDACTED]

John McCrohan,
Trading Standards and Licensing Services Manager,
London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH),
PO Box 55739,
5 Clove Crescent,
London, E14 1BY.

19th June 2014

Dear Mr. McCrohan,

Re: Licensing Act 2003 and the City of Paris Limited, 74 Bonner Street, London, E2 0QP.

I would like to strongly oppose the decision to award a licence for the above property. As an elderly tenant living [REDACTED] I have experienced antisocial behaviour from previous owners over the last 10 years.

If the license is granted it would cause increased noise levels, I have had various items thrown or left in my front garden e.g. dirty underwear, vomit, etc. I have been frightened by the shouting and loud music playing. I will not be able to sleep or feel safe in my own.

My home is connected to the above property by a single adjoining wall, so you will understand my serious concerns regarding the noise levels.

Yours sincerely,

[REDACTED]

Mrs. Eileen Legon

LBTH
TRADING STANDARDS
33 CLOVE CRESCENT
LICENSING

Appendix 5



Mr J & Mrs K Bramley



23rd June 2014

Attn Kathy Driver
Licensing Section
Mulberry Place (AH)
P O Box 55739
5 Clove Crescent
London
E14 1BY

Dear Ms Driver

Re:-Licensing Act 2003 and The City Of Paris 74 Bonner Street E2 0QP New Application

Regarding the above application we wish to object to the application for the Supply of Alcohol and playing of recorded music. I see the application states for a "New Application" but as the premises are currently used as a restaurant and following a telephone enquiry to your office I understand the application is for Alcohol and background music in conjunction with the restaurant business.

If it allows the applicant to use the premises as a Public House then our concerns would be even more of concern. Therefore I have listed below objections that I raised in 2009 when an application was made.

The reasons for objecting is any approval will certainly lead to alcohol fuelled anti-social behaviour, which is becoming seriously worse which we have experienced in the past decade.

These premises are completely surrounded by residential properties and in close proximity to the London Chest Hospital, of which, this applicant must been aware of.

We have suffered before with noise from these premises.

Due to smoking restrictions within public premises and the inevitable consequence of people coming outside to smoke I do not believe they will be able contain any noise from within the premises with the only doors to the premises being continually opened/closed.

I have experienced in the past urinating in the close proximity of the premises and bottles being left in the adjoining front gardens and patrons drinking outside the premises after hours.

In the past I have experienced confrontation when challenging people to try and stop them from carrying out such behaviour. Obviously I suspect this concern would only be more dangerous and be even more worrying to many of the elderly neighbours who live immediately in the adjoining premises in Bonner Street.

Whilst these premises have been vacant, the area has been as it should be, with the noise level of cars and pedestrians in and around the area quieter.

Like a residential area the noise level at night has also been pleasant.

The premises are not detached and directly abut residential properties the music would be a disturbance to the adjoining properties and to the many other properties facing and to the rear of the premises. The location of the premises is not suited to a late night entertainment venue in the slightest.

There is already parking difficulties in the street and since the introduction of some resident's bays being taken away for "Club Car Share" directly outside the premises the parking has become even worse. The introduction of late night entertainment will undoubtedly make the situation worse.

I am aware, and your records will show, the last time an application was made for these premises and the late License the Local Authority received a record amount of objections and hopefully due to the summer holiday's residents do not miss their opportunity to reiterate their initial objections. I see no difference in this application and believe previous objections should also be taken into account.

Only the Licensing section can prevent the anti-social behaviour occurring fuelled by extended alcohol hours, which is becoming increasing a problem and I would therefore urge the Local Authority not to grant the license.

Notwithstanding the above I wish also to draw to the Licensing Authority attention to what we expect the applicant is attempting to create is a "Venue" for party's etc. All the above issues would then be again more of a problem. The applicant currently has advertised in their window;

Meetings

Engagement Parties

Anniversary Parties

Birthday & Private Parties

Conference & Meetings

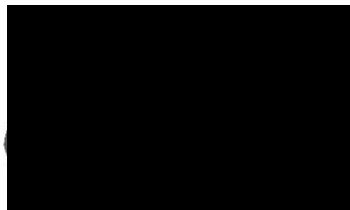
Venue for Hire separated into m3 Rooms

SEE ATTACHED PHOTO

All the above activities I would consider do not form the activities of a normal restaurant and expect the applicant will use the license for the premises as a banqueting venue and all the above would cause concerns as we listed above previously when the premises applied for a Alcohol License.

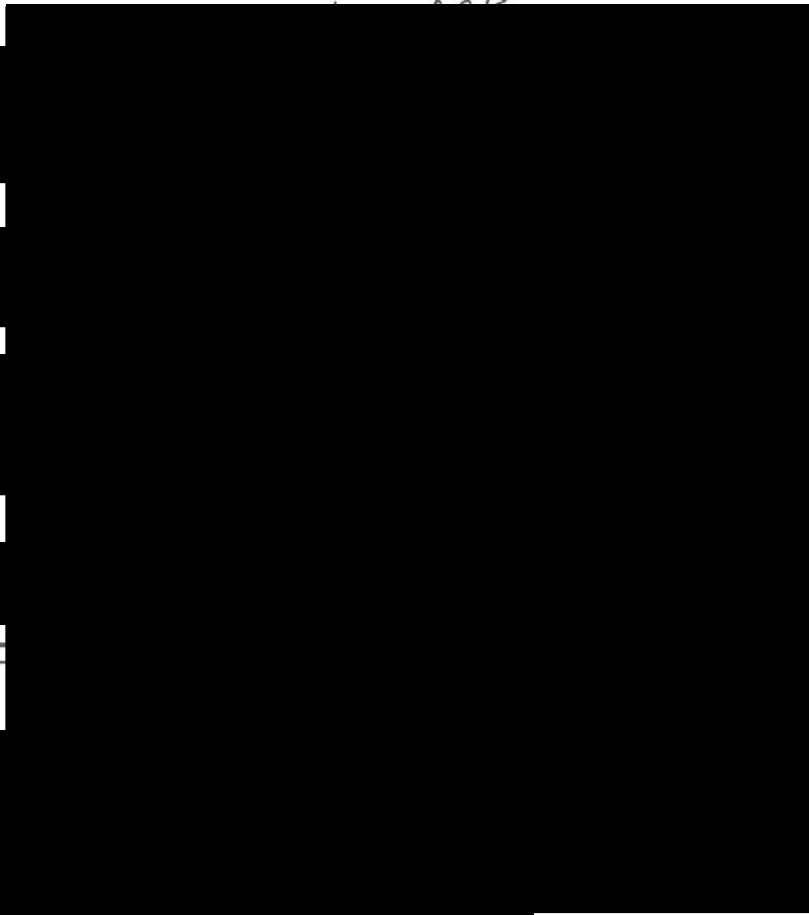
I have attached the premises current advertisement in the window.

Yours Faithfully



Mr J & Mrs K Bramley

.....



Mr M Burns

.....

Mr & Mrs Burns

.....

MRS E WEGAN

MISS L. MORRIS

TY OF P

paris.co.uk



- * MEETINGS
- * WEDDING
- * ENGAGEMENT PARTIES
- * ANNIVERSARY PARTIES
- * BIRTHDAYS & PRIVATE PARTIES
- * CONFERENCES & MEETINGS

VENUE IS SEPARATED IN TO 3 ROOMS

CALL ON 020 8980 7614 for bookings



Appendix 6

Andrew Heron

From: Andrew Heron on behalf of Licensing
Sent: 07 July 2014 09:48
To: Andrew Heron
Subject: FW: Alcohol licence application - City of Paris - objection

Importance: High

From: Amy Whitelock Gibbs
Sent: 06 July 2014 22:42
To: Licensing
Cc: [REDACTED]
Subject: Alcohol licence application - City of Paris - objection
Importance: High

To whom it may concern

We are writing on behalf of our constituents to object to the application for an alcohol licence for City of Paris restaurant, 74 Bonner Street, E2. Please confirm this objection has been received and processed by the licensing team.

When the premises previously had an alcohol licence (as 'Habanos') there were significant problems with antisocial behaviour and noise disturbance. This is a densely residential area with properties adjacent to and above the premises on Bonner St / the Cranbrook estate, and very close by on Cyprus street and Old Ford road. When the premises last had an alcohol licence residents suffered serious problems with hours of opening (beyond hours allowed by the licence), poor management of persons leaving the premises, noise from persons leaving, urinating in neighbouring gardens and against house walls, parking causing obstruction, noise from cars leaving (horns, radios, engines running), groups smoking outside, and noise from the premises itself.

We therefore share our residents' concerns that granting an alcohol licence would breach the licensing objectives of preventing public nuisance and preventing crime and disorder.

We appreciate that the behaviour of the premises under previous management can not be regarded as grounds of refusing a new application under the Licensing Act. However, residents have reported to us that the current management of City of Paris is already causing problems which are impacting on the community, even without an alcohol licence. This is a good indicator of future behaviour and as such we are concerned the current management would be unable or unwilling to promote the licensing objectives around public nuisance, and crime and disorder.

In recent months the restaurant has had functions when there have been some problems of people gathering outside and cars and taxis waiting outside with engines running, and also large groups smoking outside. Egress has not been properly managed at these functions. The restaurant has also opened beyond 11pm (the closing time as stipulated in the lease), put up structures in the front without planning permission/building control approval, and also put up a neon sign without planning permission. These issues have all been raised with the council but as yet there has been no response as to enforcement action taken by officers. Customers also sit outside after 6pm (again this is the time stipulated in the lease that outside areas should not be used after).

These issues indicate potentially poor management, who are not averse to flouting the terms of their lease or

planning restrictions, and have shown little regard to the local community. As such, we are deeply concerned that the premises would be unable to manage the crime, disorder and public nuisance that can arise from having an alcohol licence.

We therefore urge the council to reject the application for an alcohol licence.

If the council are minded to permit the licence, we request at the very least that the following conditions are applied and enforced:

- reducing the hours alcohol can be served until, particularly given the hours applied for (11pm) are in line with the closing hours and therefore leave no drinking up time
- erecting and monitoring CCTV at entrances and making it available to licensing officers and police when required
- not permitting customers to sit outside after 6pm (in line with the current lease conditions)
- ensuring clear signage warns customers they are in a residential area
- adopting the Challenge 25 policy

Kind regards

Cllr Amy Whitelock Gibbs & Cllr Sirajul Islam

Bethnal Green ward

Appendix 7

Appendix 7

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

Other Legislation

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

Appendix 8

Appendix 8

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 6 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

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

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

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 9

Noise while the Premise is in Use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19)

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 10

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.

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.19).

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

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.