

Appendix 1



* required information

Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

* Is your business registered in the UK with Companies House? Yes No

* Registration number

* Business name If your business is registered, use its registered name.

* VAT number Put "none" if you are not registered for VAT.

* Legal status

LBTH
TRADING STANDARDS
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Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

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

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

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NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

Batty Langley's is a 29 bedroom privately owned boutique hotel. Our parent company Hazlitt's Hotel Limited have been operating in London for over 30 years with 2 other properties Hazlitt's Soho Limited and The Rookery Hotel Limited. www.hazlittshotel.com

Accommodation is spread over 5 floors (1st – 5th) with the ground floor occupied by the hotel reception and lounge / meeting areas, female and male WC's and an office. The basement comprises of back of house service and storage areas, staff changing and rest areas and a small plant room.

As a general rule the premises are only open to residents, their guests or invited persons attending meetings or events. We have 3 small lounge areas that can each be booked for small meetings or events for up to approximately 25 people

Continued from previous page...

maximum. In the evening or at times when the lounge areas are not booked for private functions they are open to residents and their guests. Beverages in these areas dispensed from a lockable cabinet located in the Tapestry Room.

Each guest bedroom room has a minibar and room service food will be available 24 hours, this includes a range of hot and cold meals. Where a child is staying in a room with no adult the minibar is emptied in advance.
We do not have a restaurant.

CCTV operates throughout the premises and is monitored from the reception and hotel office. The entrances to the premises are kept locked and access to the premises is controlled by the hotel reception with the use of a video intercom system. There is one guest entrance / exit via the main reception area which is supervised 24 hours a day.

Guests staying in the hotel will be a mix of corporate and high end leisure paying rates of between £200 and £900 per night for their accommodation.

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

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PROVISION OF PLAYS

Will you be providing plays?

- Yes No

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PROVISION OF FILMS

Will you be providing films?

- Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

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PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

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PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Continued from previous page...

Yes

No

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PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

Yes

No

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

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

Yes

No

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LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

SUNDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="23:00"/>	End	<input type="text"/>

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

- Indoors Outdoors Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

The provision of hot and cold meals and snacks in the guest bedrooms and in hotel lounges.

State any seasonal variations

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

N/A

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

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

N/A

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SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

TUESDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text"/>	End	<input type="text" value="01:00"/>
Start	<input type="text" value="10:00"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

N/A

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

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

New Years Eve, from end of licensed hours to commencement of licence hours on the following day

Continued from previous page...

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number
(if known)

Issuing licensing authority
(if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

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ADULT ENTERTAINMENT

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Opening hours are not restricted

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

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

Continued from previous page...

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LICENSING OBJECTIVES

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

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

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

The 4 licensing objectives will be promoted as part of our organisational policy and procedure and through staff training. There will always be a person present on site with the relevant training and with the permission of the DPS to authorise the sale of alcohol.

The primary function of our premises is to provide overnight accommodation and the licensable activities are very much secondary to this.

b) The prevention of crime and disorder

Access to our premises is limited to resident guests, their friends and those invited to attend small meetings or events held in our lounge / meeting room areas (max 25 persons). As such any individual present is linked to a registered responsible person.

There is one guest entrance to the premises this is locked at all times and entry is controlled by an intercom and electronic door release. Any persons entering or leaving the premises are required to pass through the hotel reception which is manned 24 hours a day.

The premises is covered throughout by CCTV with HD cameras covering the reception, entrances / exits and the approach in both directions along Folgate Street. The CCTV is recorded and can be monitored from the hotel reception and main office. The system has been professionally installed and there is a service / maintenance contract in place.

We do not operate any drinks promotions.

c) Public safety

The premises has recently undergone a full refurbishment and complies with all current building regulations.

The premises is staffed 24 hours.

There is a detailed fire safety policy which is reviewed annually. The building is fitted with an automated fire detection and alarm system. This is maintained / supported by a competent / qualified third party.

There is a detailed Health and Safety policy in place which is reviewed annually. All areas are subject to routine inspection throughout the day by a manager on duty and any defects are addressed immediately.

Staff training on Health, Safety and Fire procedures is carried out every 3 months.

d) The prevention of public nuisance

We will not be providing any entertainment that may cause noise disturbance.

As a general rule we are only open to residents and their personal guests.

Continued from previous page...

We work with local taxi operators and guests are requested to wait inside the premises until their taxi has arrived.

Staff are responsible for the removal of litter and regular cleaning of the pavement outside the premises.

Delivery of goods and collection of refuse have been scheduled to minimise disruption to neighbours, where possible we have selected suppliers / contractors already servicing the immediate area to minimise further impact on congested routes.

A daily report of any incidents occurring is maintained by the Duty Manager. In the event of a serious incident / accident or near miss a full incident report will be completed and will be reviewed by the Hotel Manager.

We do not consider that there will be any nuisance caused by light or smell from our premises.

e) The protection of children from harm

We do not accept accommodation reservations for persons under 18 years of age unless they are accompanied by an adult. No one under the age of 18 is to be sold alcohol. In line with the law if they look under 21 they will be asked to provide photo ID.

Where we have persons under the age of 18 in the hotel who are staying in a separate room to their parents the mini bar must be emptied of all alcoholic beverages. For rooms with parents and children staying in the same room we will ask the parents if they would like the mini bars emptied.

The authorised person on duty will ensure that adequate supervision is provided in the lounge areas and at any functions to ensure that the consumption of alcohol by persons under 18 years of age is prevented. If they believe anyone to be under the age of 21 they will approach them and ask for ID.

Approved forms of photo ID;

- A valid passport
- A UK drivers licence

Legal notices concerning the sale to and consumption of alcohol by underage persons will be displayed in the premises.

Section 19 of 19

PAYMENT DETAILS

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

Premises Licence Fees are determined by the non-domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 to £8700 £315.00

Band D - £87001 to £12500 £450.00*

Band E - £125001 and over £635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

Continued from previous page...

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

- Capacity 5000-9999 £1,000.00
- Capacity 10000 -14999 £2,000.00
- Capacity 15000-19999 £4,000.00
- Capacity 20000-29999 £8,000.00
- Capacity 30000-39000 £16,000.00
- Capacity 40000-49999 £24,000.00
- Capacity 50000-59999 £32,000.00
- Capacity 60000-69999 £40,000.00
- Capacity 70000-79999 £48,000.00
- Capacity 80000-89999 £56,000.00
- Capacity 90000 and over £64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address


Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

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

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

* Full name	<input type="text" value="MATHEW HEARNE"/>	
* Capacity	<input type="text" value="Hotel Manager"/>	
Date (dd/mm/yyyy)	<input type="text" value="24/11/14"/>	




Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

FOLGATE STREET



-  Fire exit route
-  Emergency light
-  Fire detector





LBTH
 TRADING STANDARDS
 25

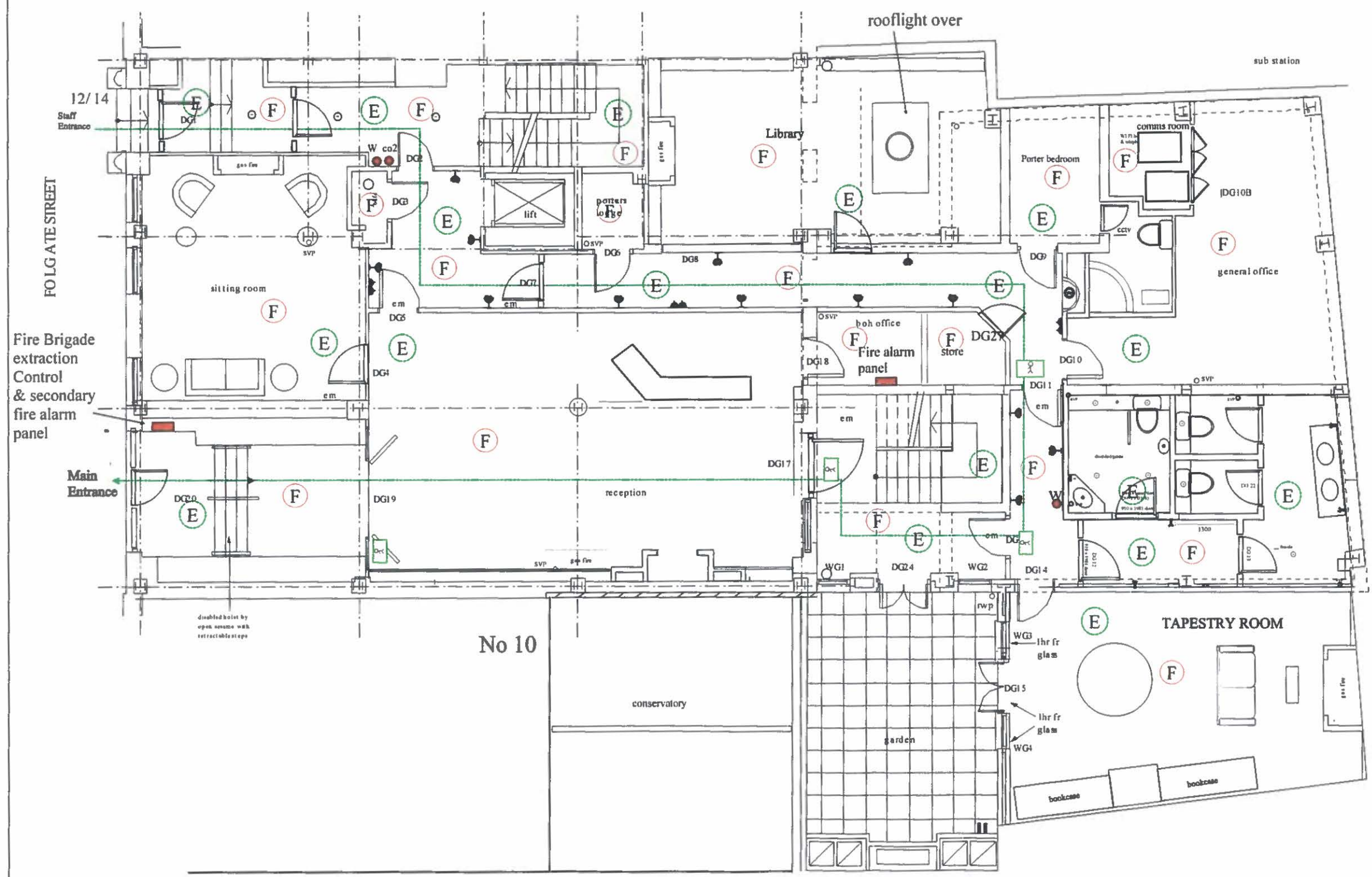
Scale: 1:100 Date: 17.11.2014

Basement GA

Dwg No; F 401

Batty Langleys Ltd
 Project Team
 12-14 Folgate Street
 London, E1 6BX
 0207 539 1952

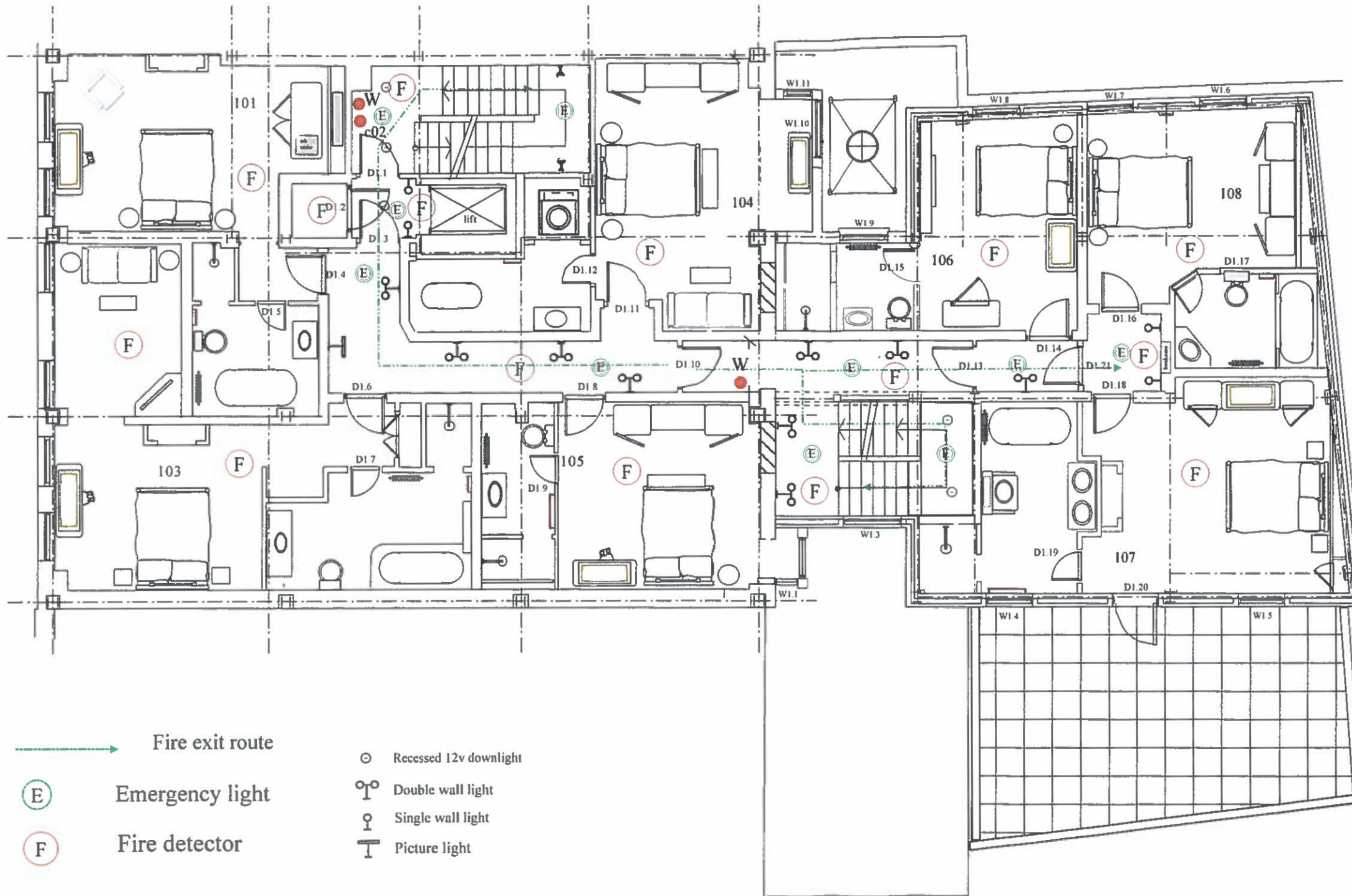
-  Fire exit route
-  Emergency light
-  Fire detector
-  Illuminated exit sign



LBT
 TRADING STANDARDS
 25 NOV 2014
 LICENSING

Scale: 1:100	Date: 17.11.2014
Ground Floor GA	
Dwg No; F 400	
Batty Langleys Ltd Project Team 12-14 Folgate Street London, E1 6BX 0207 539 1952	

FOLGATE STREET



LBTH
TRADING STANDARDS
25 NOV 2014
LICENSING

- Fire exit route
- (E) Emergency light
- (F) Fire detector
- Recessed 12v downlight
- ⊕ Double wall light
- ⊖ Single wall light
- ⊔ Picture light

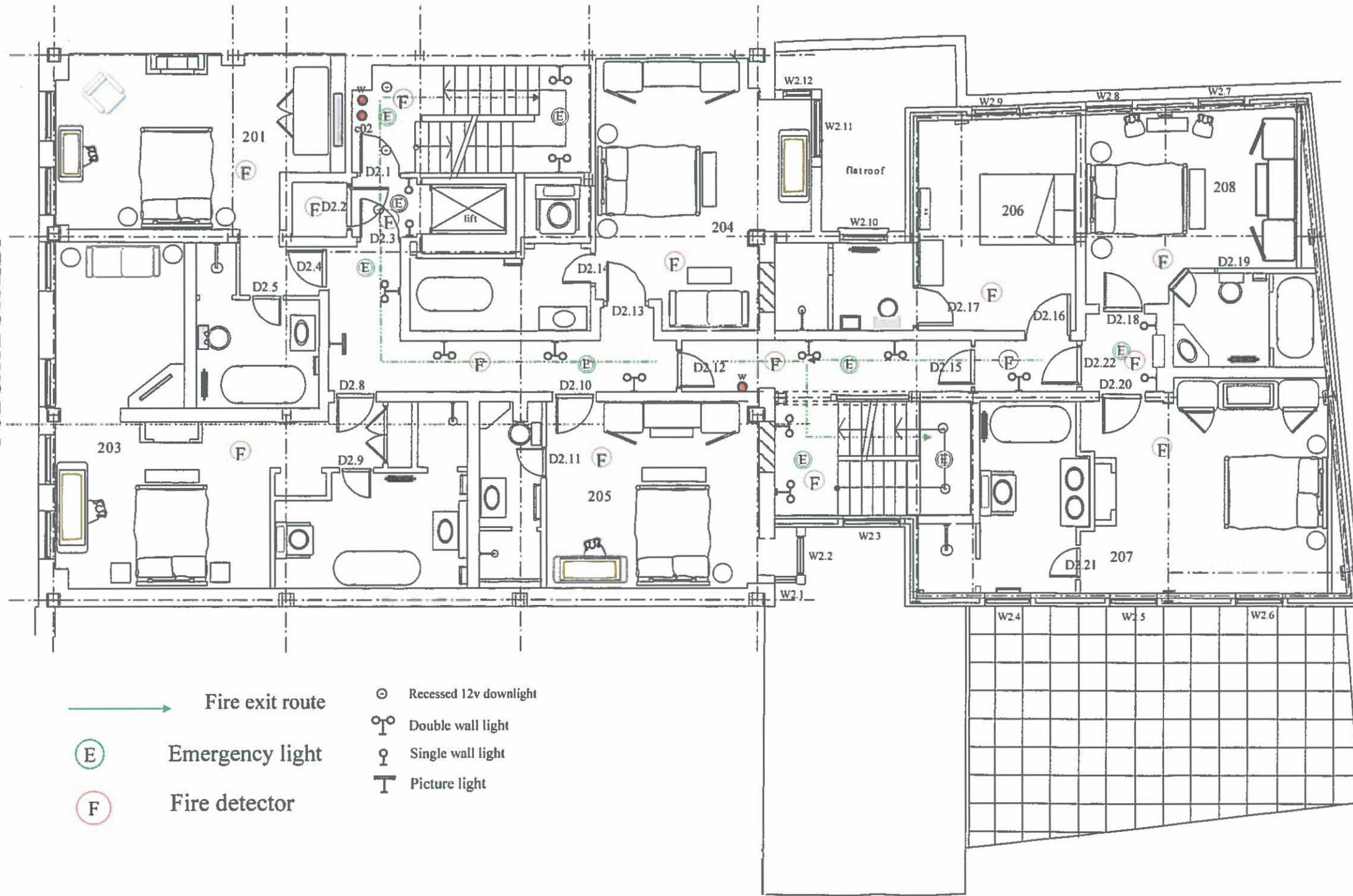
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First Floor GA

Dwg No; F 402

Batty Langleys Ltd
Project Team
12-14 Folgate Street
London, E1 6BX
0207 539 1952

FOLGATE STREET



LBTH
 TRADING STANDARDS
 25 NOV 2014
 LICENSING

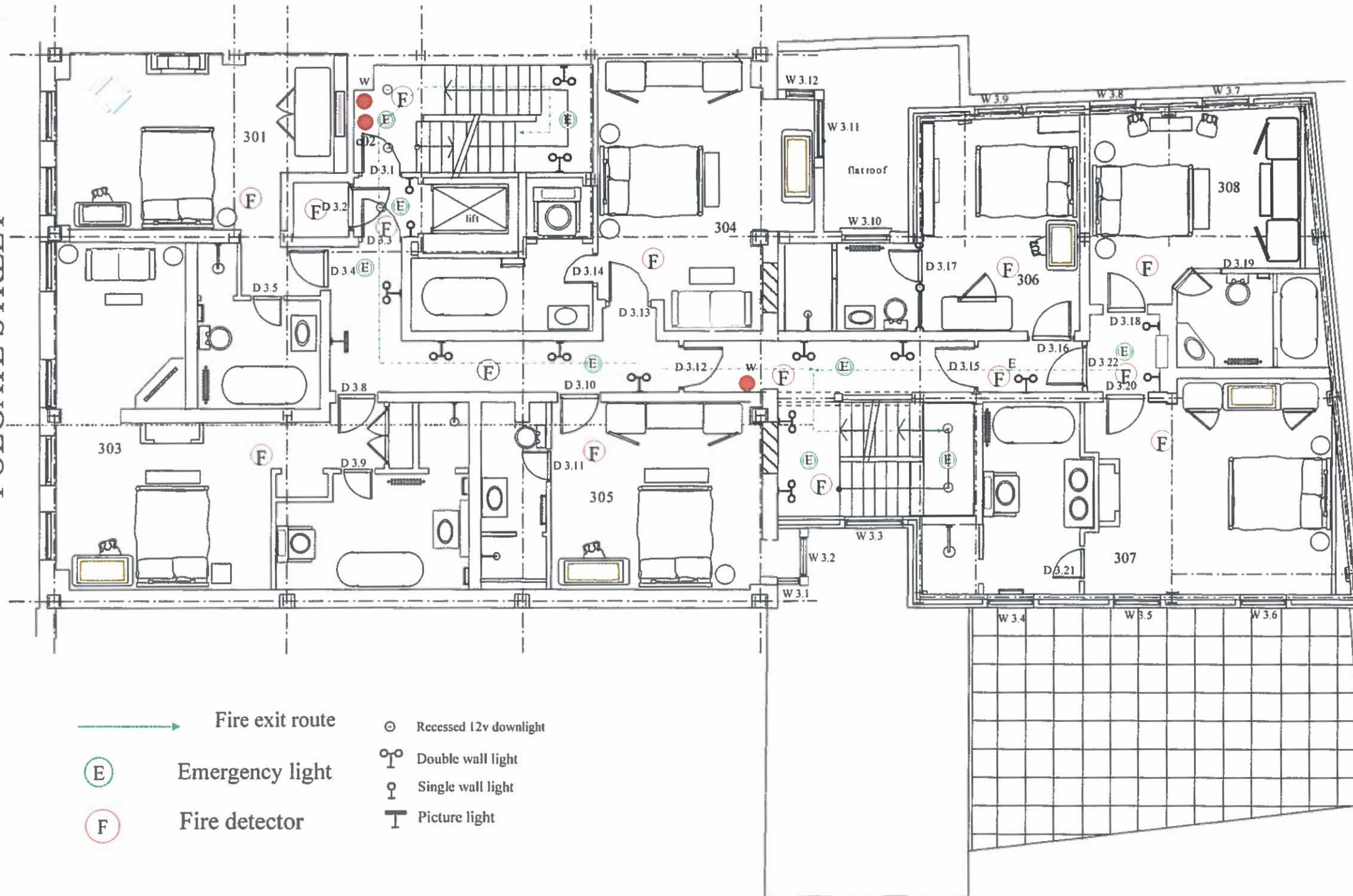
Scale: 1:100 Date: 17.11.2014








Second Floor GA

Dwg No; F403

Batty Langleys Ltd
 Project Team
 12-14 Folgate Street
 London, E1 6BX
 0207 539 1952

FOLGATE STREET



-  Fire exit route
-  Emergency light
-  Fire detector
-  Recessed 12v downlight
-  Double wall light
-  Single wall light
-  Picture light

LBTH
 TRADING STANDARDS
 25 NOV 2014
 LICENSING

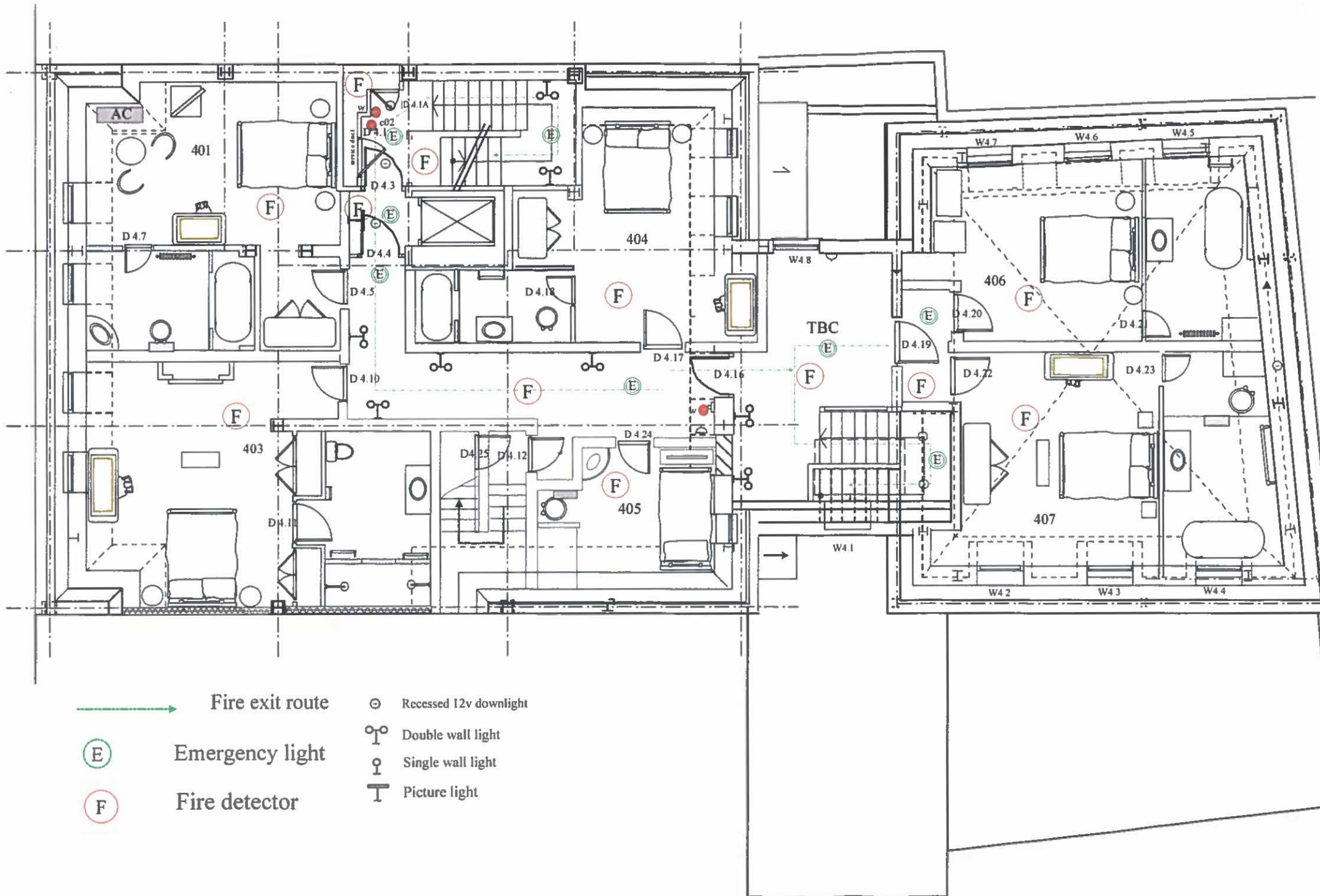
Scale: 1:100 Date: 17.11.2014








Third Floor GA

Dwg No; F 404

Batty Langleys Ltd
 Project Team
 12-14 Folgate Street
 London, E1 6BX
 0207 539 1952

FOLGATE STREET



-  Fire exit route
-  Emergency light
-  Fire detector
-  Recessed 12v downlight
-  Double wall light
-  Single wall light
-  Picture light

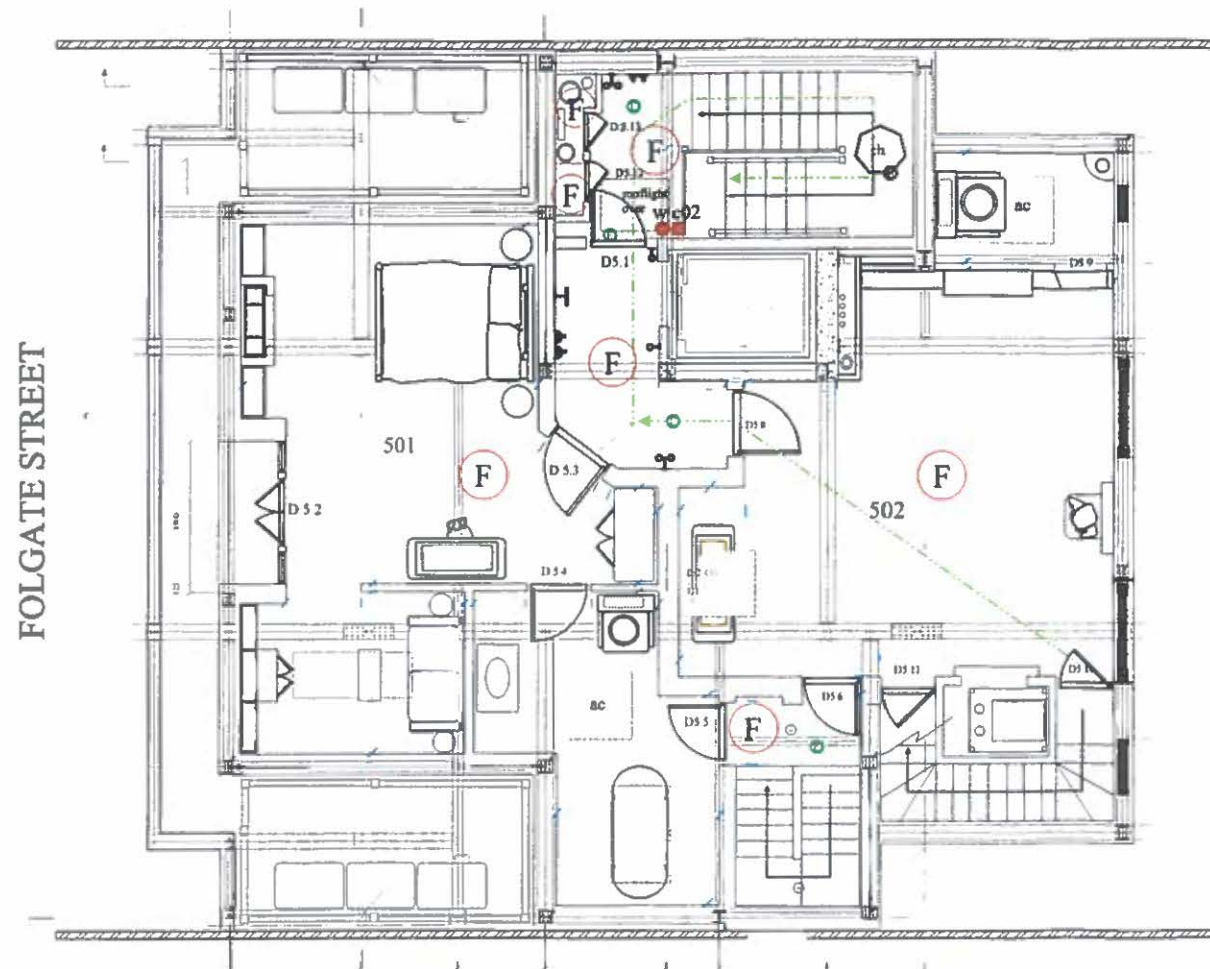
LBTH
 TRADING STANDARDS
 25 NOV 2014
 LICENSING




Scale: 1:100 Date: 17.11.2014

Fourth Floor GA

Dwg No; F 405

Batty Langleys Ltd
 Project Team
 12-14 Folgate Street
 London, E1 6BX
 0207 539 1952



-  Fire exit route
-  Emergency light
-  Fire detector

LBTH
 TRADING STANDARDS
 25 NOV 2014
LICENSING

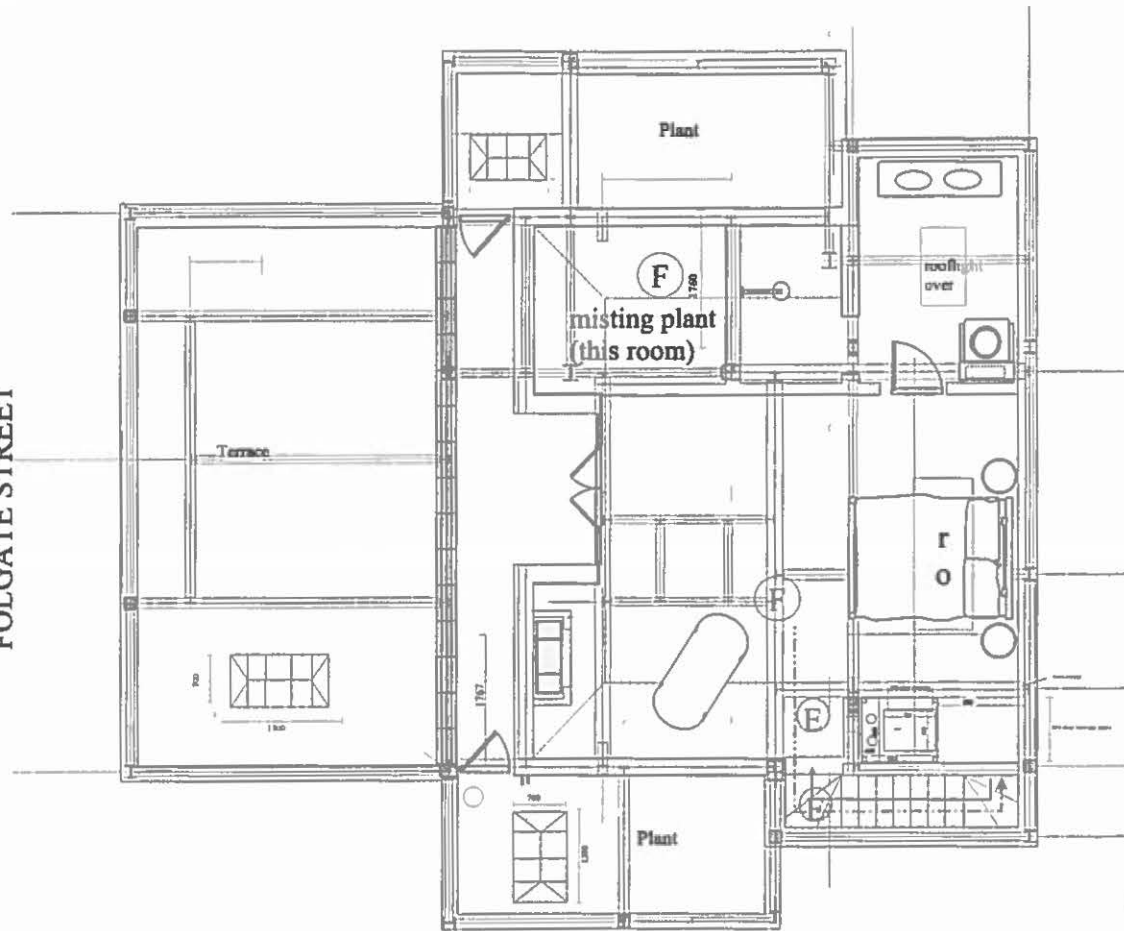
Scale: 1:100 Date: 17.11.2014

5th Floor Layout

Dwg No; F 406

Batty Langleys Ltd
 Project Team
 12-14 Folgate Street
 London, E1 6BX
 0207 247 7936

FOLGATE STREET



- Fire exit route
- ⓔ Emergency light
- ⓕ Fire detector

LBTH
TRADING STANDARDS
25 NOV 2014
LICENSING

Scale: 1:100 Date: 17.11.2014

6th Floor Plan

Dwg No; F 407

Batty Langleys Ltd
Project Team
12-14 Folgate Street
London, E1 6BX
0207 247 7936

Appendix 2

Andrew Heron

From: [REDACTED]
Sent: 07 January 2015 09:52
To: [REDACTED]
Cc: Andrew Heron
Subject: Batty Langley's - Folgate Street

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mathew

Thank you for your cooperation.

Andrew: please note our agreement

Best wishes

Alan

From: Mathew Hearne [REDACTED]
Sent: 06 January 2015 16:53
To: Cruickshank Alan D - HT
Cc: Andrew.Heron [REDACTED]
Subject: RE: Batty Langley's - Folgate Street

Dear Mr. Cruickshank,

Thank you for your email.

I can confirm the following in regards to the conditions you have requested;

1 – Install / Maintain CCTV

CCTV will be installed throughout the premises including internal HD cameras covering the guest entrance and goods entrance. 2 External HD cameras will cover both entrances, the front of the property and the approach from both directions on Folgate Street. The system incorporates a recording facility and recordings are securely stored for a minimum period of 31 days. The system will be audited on a weekly basis, in accordance with our internal operating policy, to ensure that it is operating correctly and an audit trail will be maintained. The system will comply with essential legislation including clearly displayed signage and as part of our internal operating policy the manager on duty will be trained to operate the system including the downloading of images. The system will be operational 24 hours.

I am more than happy to amend the wording of our application to incorporate these points.

I have attached the first draft of our internal policy for CCTV operations; if you have any suggested additions or amendments to ensure best practice they would be gratefully received.

2 – Non-standard timings

I would be willing to remove these from the application.


I hope this covers everything. Please do not hesitate to contact me if you require any further information.

Kind regards

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

www.rookeryhotel.com

HAZLITT'S
THE
ROOKERY

Best rate guaranteed – reservations 

From: [REDACTED]
Sent: 05 January 2015 13:37
To: Mathew Hearne
Cc: Andrew.Heron [REDACTED]
Subject: Batty Langley's - Folgate Street

Dear Mr Hearne

My apologies for the difficulty you have encountered in relation to your application.

Without wishing to restart the process, would you consider the following condition.

1. Install / maintain CCTV

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

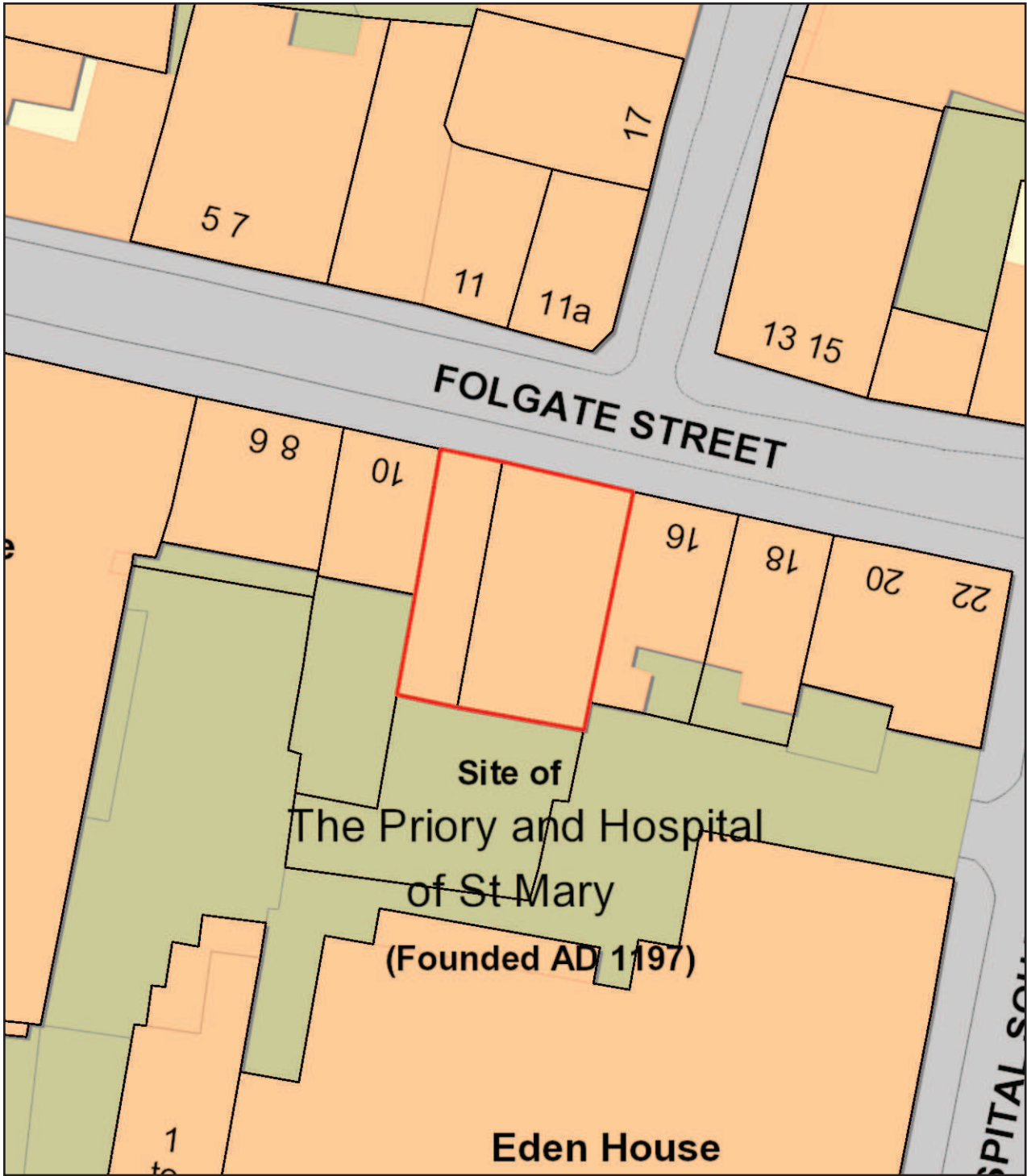
(Can one camera be placed o/s the entrance)

Secondly, I would like you to consider removing the non standard timings. NYE is one of our busiest periods. A Temporary Event Notice can be applied for nearer the time, where all such applications can be evaluated

Best wishes

Alan

Appendix 3

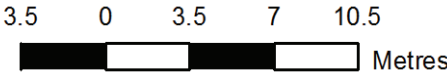


12-14 Folgate Street

Map 1



Scale 1:384



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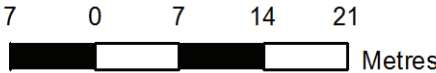


12-14 Folgate Street

Map 2



Scale 1:769



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12-14 Folgate Street

Map 3



Scale 1:1922

10 0 10 20 30

 Metres



Appendix 4

Section 182 Advice by the Home Office

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

Andrew Heron

From: Andrew Heron on behalf of Licensing
Sent: 01 December 2014 16:30
To: Andrew Heron
Subject: FW: License application 12/14 Folgate street

Batty Langley

-----Original Message-----

From: David Tolley
Sent: 01 December 2014 16:19
To: Licensing
Subject: FW: License application 12/14 Folgate street

David Tolley
Head of Consumer and Business Regulations Service London Borough of Tower Hamlets Mulberry Place PO Box 55739
5 Clove Crescent
London E14 1BY

██████████
██████████

-----Original Message-----

From: Olwen Evans ██████████
Sent: 29 November 2014 17:56
To: David Tolley
Subject: License application 12/14 Folgate street

Dear Sir

I live at number ██████████

I have just been informed via an e mail from a neighbour that the hotel next door to me has applied for a license to sell alcohol.

Unless this is simply for room service , I would strongly object to this license. There is a pub directly opposite which even though well managed generates noise and rowdiness in the street for up to an hour after closing time. This street cannot support another licensed premises.

The street is a residential street running between the bars in Brick Lane and those in Bishopsgate and the city . The area is saturated with licensed premises , and since there is apparently no kitchen or restaurant at the hotel , the prospect of a bar open to non residents is extremely concerning . Residents are already subject to noise , vomit in the streets (and defecation sometimes) and rowdiness late into the night as a result of people leaving bars and pubs drunk , or moving from one to another.

Why were the residents in the street not informed that the hotel was applying for a license ?

Please let me know when this application is to be considered .

Yours faithfully

Olwen Evans

Sent from my iPad

Andrew Heron

From: Olwen Evans [REDACTED]
Sent: 02 February 2015 12:15
To: Andrew Heron
Subject: Re: License application 12/14 Folgate street

Dear Mr Heron

I refer to your e mail below.

For the past few weeks I have been in correspondence with the Applicants in an attempt to resolve my concerns regarding the license and in particular I have asked them if they would be prepared to agree to two conditions being attached to the licence .

I am not opposing in principle , the provision of alcohol to guests via the mini bar , or service in the lounge . However, there is a small courtyard immediately abutting my small back yard which is opened via French windows to the lounge , and it is there that any residents wishing to smoke (and drink if they wish) will be directed. I have witnessed the impact of smoking in this area over the last couple of years via the onsite builders , and even one cigarette is a nuisance . The applicants have tried to reassure me by saying that not many of their guests will smoke and the likelihood that this will cause a nuisance is small, but they are unwilling to voluntarily prevent guests from smoking and drinking there , or to agree that this should be a condition of their being granted a license. My other concern relates to a terrace adjoining a bedroom and again overlooking the back of my property (and other residential properties in Folgate Street) . I understand that normally this is a room with only two occupants , but as there is no reason why they could not in theory invite guests to join them , I have asked whether the Applicants would agree it being a condition that no alcohol is consumed on this terrace after 9.30 at night. Again the Applicant is of the view that it is unlikely that this will cause a nuisance , but feels they cannot agree to this being a condition of the license .

My issue is that these areas are extremely close to the back of my property . There is a potential for a serious nuisance and blight to my enjoyment of my very small outside space and use in summer of my sitting room . As my property is listed , I cannot install double glazing to minimise any late night noise, and in any event this is not helpful in summer when the Applicants outside areas are likely to be used more often. The hotel is non smoking and the Applicant concedes that people are more likely to smoke in the courtyard than outside (which also has drawbacks) . Although they insist that in their view very few people will actually do this. I cannot be so confident. There are 29 rooms and the reality is that there are still a significant number of people who still smoke , particularly with , for instance a glass of wine.

I have been informed today by Mr McKay of the Applicant company that although he understands my concerns , he is not prepared to bind the company by agreeing to my requested conditions . I will therefore be continuing with my opposition to the license , and will attend before the committee to argue my case . I look forward to being notified regarding the date of any hearing .

Yours sincerely

Olwen Evans (Mrs)

Sent from my iPad

> On 5 Jan 2015, at 13:47, Andrew Heron [REDACTED]

>

> Dear Mr Evans,

>

> Further to my email dated 3rd December 2014 I am writing to advise that the period for consultation is now complete. You are the sole objector against this application. I have passed your contact details to the application who intends to contact you to invite you to the premises so that you can have a personal tour of the business. Should you wish to withdraw your representation, please advise so in writing to this email address. Should you wish to continue with your objection, the application will go to a Hearing of the Tower Hamlets Licensing Sub Committee.

You would be invited to speak in order to make your representation in person. You will be written to by Democratic Services to be advised as to the time and date of the Hearing.

>
> I look forward to hearing from you.

>
>
>
> Andrew Heron
> Licensing Officer
>
> Licensing Section
> London Borough of Tower Hamlets
> Mulberry Place (TC)
> 6th Floor Mulberry Place
> 5 Clove Crescent
> London, E14 2BG

[REDACTED]
[REDACTED]
[REDACTED]

>
>
>
>
> -----Original Message-----

> From: Andrew Heron
> Sent: 03 December 2014 14:55
> To: [REDACTED]
> Subject: FW: License application 12/14 Folgate street

>
> Dear Mr Evans,
>
> Thank you for your email, the contents of which are noted.

>
> I note that you have not been written to. As part of LBTH policy, we will write to any business or residential address within a 40m radius of any premises applying for a licence. I have looked at the mail merge done and can see that correspondence advising of the application was sent to 'The Occupier, [REDACTED] via second class post 25th November 2014. You may have received it since you sent your email of 29th November. Unfortunately, due to cost restraints, this cannot be sent by recorded delivery, so I would not be able to provide a receipt of postage. All other addresses in Folgate Street were additionally written to. In addition, the premises has an obligation to advertise the application in the local press and via a blue notice at the premises.

>
> In regards to the type of application here, please look to our licensing register:
>
> http://alcohol-entertainment.towerhamlets.gov.uk/Civica-elr-3.2_live/s
> tart.aspx

>
> Simply type '12-14 Folgate Street' in the Address field. Please read the application carefully. You will see that this application is to licence minibars in the hotel rooms and provide a lounge for residents and their bona fide guests. There is a security door and no public access.

>
> I will retain a copy of your representation. At the end of the consultation I will forward it to the applicant. Please note that the applicant is entitled to a full, un-redacted copy of your objection. They may wish to contact you to mediate an amendment of their application, in order to address your concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to this email address.

>
> Alternatively, your representation will be added to the final Licensing Sub Committee report and you will be written to by Democratic Services to be advised as to the time and date of the Hearing, which you will be invited to

attend. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Committee in your absence, please advise Democratic Services directly.

- >
- > Regards,
- >
- >
- > Andrew Heron
- > Licensing Officer
- >
- > Licensing Section
- > London Borough of Tower Hamlets
- > Mulberry Place (TC)
- > 6th Floor Mulberry Place
- > 5 Clove Crescent
- > London, E14 2BG

[REDACTED]
[REDACTED]
[REDACTED]

- >
- >
- >
- > -----Original Message-----

- > From: Olwen Evans [REDACTED]
- > Sent: 29 November 2014 17:56
- > To: David Tolley
- > Subject: License application 12/14 Folgate street

- >
- > Dear Sir
- > I live at number [REDACTED]
- > I have just been informed via an e mail from a neighbour that the hotel next door to me has applied for a license to sell alcohol.
- > Unless this is simply for room service , I would strongly object to this license. There is a pub directly opposite which even though well managed generates noise and rowdiness in the street for up to an hour after closing time. This street cannot support another licensed premises.
- > The street is a residential street running between the bars in Brick Lane and those in Bishopsgate and the city . The area is saturated with licensed premises , and since there is apparently no kitchen or restaurant at the hotel , the prospect of a bar open to non residents is extremely concerning . Residents are already subject to noise , vomit in the streets (and defecation sometimes) and rowdiness late into the night as a result of people leaving bars and pubs drunk , or moving from one to another.
- > Why were the residents in the street not informed that the hotel was applying for a license ?
- > Please let me know when this application is to be considered .
- > Yours faithfully
- > Olwen Evans

- >
- > Sent from my iPad
- >

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

- >
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- >
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Appendix 6

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 10 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

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 15.5**).

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 10.2 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 Public Nuisance. (**See 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
- 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 (2.19).

Licence conditions should not duplicate other legislation (1.16)

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 7

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 10 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 10.2 of the Licensing Policy)**.

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 15.1)**.

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 15.5)**

The Council has adopted a set of framework hours **(See 15.8 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 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. (2.19).

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 8

Appendix 8

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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(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