

Appendix 3



**Section 182 Advice by the Home Office
Updated on March 2015**

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 4

Kathy Driver

From: [REDACTED]
Sent: 13 June 2015 20:55
To: Licensing
Subject: Objection to RPS 66 East Smithfield - additional license - prior to cut of deadline on 19th June 2015
Attachments: Scanned from a Xerox Multifunction Device.pdf; View 1 - RPS open balcony - View from private living quarters Royal Mint.jpg; View 2 - RPS open balcony -View from private living quarters Royal Mint.jpg; View 3 - RPS open balcony - View from private living quarters Royal Mint.jpg

Dear Team,

This is being sent to you as I understand that Mr Alex Lisowski is on annual leave until the 22nd June 2015.

He has advised me that objections to RPS application for a license to serve alcohol, hire out their building for private functions, have amplified music (I have attached the their application as sent to me by Mr Lisowski) has to be submitted by the 19th June 2015.

I am submitting this objection in advance of that date.

Kind Regards,

Ms H De Feo

Email sent to Mr Lisowski on 13/06/15:

Dear Mr Lisowski,

Thank you for your information and email below.

From that information, I am writing to you and requesting that you accept this as my formal complaint against RPS being granted permission for the following:

- 1: That they should be given a licence to use amplified music.
- 2: That this permission allows them to use this amplified music from 8am to 11pm for seven days a week throughout the year.
- 3: That they are allowed to hire out the venue for private functions at any time during this period throughout the year as well as run their own events during this time schedule.
- 4: That they are allowed to provide alcohol to either their own internal events or external events at any time during the week or weekend, throughout the year.
- 5: That at no time were the residents of this estate consulted to advise them that RPS intended to make an application that suggests that they will be having parties, with loud music and alcohol (either their own or private events) that would significantly interfere with our lives here.

You advised that when they submitted the application plan, you had no idea that there was an open balcony as the plans that they submitted to you by RPS seemed to omit this bit of information. You requested that I confirmed the siting of this balcony.

Or that this balcony on the 4th floor in any way overlooked the Royal Mint Estate (note an example of attached photographs that show the close proximity and invasion of privacy of residents of this estate).

This license is highly likely to:

- 1: Increase anti-social/and possibly contribute to crime or disorder in this area.
- 2: Increase public nuisance to those of us living here.
- 3: Potentially contribute to reducing residents safety - mainly from an anti-social/public nuisance point of view.
- 4: We have a large number of young children living on this estate. They attend nurseries and schools. It is only fitting that the estate children's rights are taken into account when considering issuing RPS with this license. Part of the children's basic right is to have regular, adequate rest & recuperation during the evenings and

weekends. This crucially provides them with the conditions that enable them to thrive, learn and grow. Sleep is an essential part of that. The license request infringes these rights.

Future fears concerning this license are as follows:

- ***Increased car/people traffic:*** the road and pavement areas are relatively narrow and predominantly used by residents on Royal Mint and Peabody Estate. It is highly probable that the increased volume of car traffic/parking and visitors for either RPS or private events during evenings & weekends will create significant congestion in this area. There have already been substantial altercation between residents from both estates during works carried out by Paragon. Residents were no longer able to park their cars in this street during these major works during the day/evenings/weekends. A number reported having to find alternative off street parking as their usual spaces were taken up. This was a high cost to them. Regular private functions will contribute to further alienate residents.
- ***Amplified music and onsite alcohol:*** It is highly likely that the provision of permission to play amplified music during the specified time span will not only disturb residents (***with particular reference to young children on this estate***) but will also alienate residents because of the additional disturbance from the music when patrons leave the premises at 11pm, congregating outside the buildings entrance, getting in/out of their cars, congregating in groups, potentially further escalated due to the influence of alcohol (***contributing to noise disturbance, anti-social behaviour, possible disorder***).
- ***Open balcony:*** This in itself promotes the anti-social behaviour and noise disturbance as patrons will have license for the music to be played in this area further disturbing residents and young children.

S106 Gain:

We had generally anticipated that the local community would have benefitted in some significant way from the S106 Gain but sadly RPS

has not contributed in anyway towards enhancing the local communities life by their presence.

A further essential consideration must be that should the license go ahead given the nature and extent of the disturbance, it would therefore be reasonable and practicable that Tower Hamlets is made responsible for providing all residents with high quality sound proofing via double glazed windows minimizing noise disturbance to residents.

As mentioned, please take this an objection to RPS being given the above mentioned license and note that it has been submitted before the closing deadline (19th June 2015). Residents are being notified of RPS's request.

With Kind Regards,

Ms HDe Feo









Appendix 5

From: [REDACTED]
Sent: 18 June 2015 15:19
To: Licensing; Kathy Driver; Alex Lisowski; Beth Eite
Subject: RPS Licensing Request - 66 East Smithfield - Residents Petition
Attachments: RPS-Residents Petition June 2015.PDF

Dear Licensing Team, Mr Lisowski and Ms Driver,

Attached is the petition signed by some Royal Mint Residents and some Peabody residents living on John Fisher Street. Not all residents were available to contact before the deadline. Your contact details have been provided to as many residents as was possible to follow this up for themselves should they feel inclined.

I understand that objections have to be submitted to your department by midnight Friday 19th June 2015. This email has been sent along with the petition within that time frame. The petition has been set out as per your previous guidance. I trust that this will be acceptable.

- The concerns expressed relate to how wide and open ended the permission request appears to be.
- The community unersstands the concept of Corporate Events in terms of seminars, lectures, etc as being reasonable. However there is a particular worry about the specification that the premises is likely to be hired out for public and private events.
- Discrepancies relate very much to it being for Corporate use and then referencing public hire.
- What does '*private/public*' events actually mean? This is of greatest concern for residents. Could this be opening the arena up for private/public events such as future Wedding receptions, celebratory musical/ceremonial events given that it is a prime location for the group to take photographs in local tourist spots?
- What does 'permission for amplified music' mean?
- During events, Corporate or otherwise, will access to and from the building take place on the Dock Street side?

- Residents who have signed the petition are particularly concerned about the impact of additional car parking in a mainly residential area; the increase of noise and possible disruptive behaviour and the impact on their children's health and wellbeing.

Our understanding so far when contacting the Planning Dept was that this building was purely for office use.

It was a fluke that we contacted you and found out about this licensing request and the possible change of building purpose (as suggested by private/public hire). Up until now, residents had not been notified.

Residents that have signed the document have stated that they are happy for me to be the link person. I will pass on major information to those on the list.

With Kind Regards,

Ms H De Feo

PETITION BY THE ROYAL MINT ESTATE RESIDENTS

Petition to Tower Hamlets Licensing Department against
The Royal Pharmaceutical Society (RPS) 66 East Smithfield Street E1W 1AW.

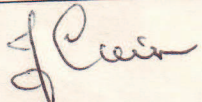
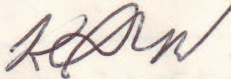
PARTICULAR CONCERNS RE PRIVATE HIRE/PUBLIC EVENTS.

We the undersigned wish to object to RPS being provided a license to:

1. Have access to amplified music for use for internal/external organisation events
2. That this license should allow this to take place from 8am to 11pm 7 days a week throughout the year
3. That this license allows the supply of onsite alcohol to such parties (internal/external)

We object on the grounds that this license is highly likely to contribute to:

- 1: Increased anti-social disorder and disruptive behaviour during these events and/or when leaving the premises at any time during, on or after 11pm (increased car parking in a mainly residential area; alcohol consumption, starting up cars, slamming car doors, etc.) (ALSO FROM 6-8pm - M-F)
- 2: Increased noise disturbances as a result of loud amplified music coming from these events in the RPS building/open balcony. Sound will travel in and around our adjacent residential estate during, on or after 11pm. Consumption of alcohol on RPS premises is likely to further contribute to noise disturbances.
- 3: Having a harmful impact on the development of the young children and adolescents living in this community. They have the basic right to be able to have regular, undisturbed sleep throughout the year in order to assist them with being & remaining healthy, staying safe, enjoying and achieving in their lives (**Every Child Matters**). This enables them to thrive and grow within their community and improve better access to learning and education. Disrupted sleep patterns that would be posed by providing this license will be harmful to their growth and development. (Refer again to points 1 & 2.)

No	Name - Print/Sign	Address or Post Code	Contact email address/Tel no: if wish to give info.
1	 14.6.15	[REDACTED]	
2	KASHIM AHMED  14.6.15.	[REDACTED]	[REDACTED]
3	N. Beer 14.6.15	[REDACTED]	[REDACTED]
4	John H. Cook 14.6.15.	[REDACTED]	[REDACTED]

OBJECTION TO RPS, 66, EAST SMITHFIELD, EUN HW
 APPLYING FOR AMPLIFIED MUSIC, EXTENDED HOURS FOR PRIVATE/
 PUBLIC EVENTS FROM (6AM) 8AM - 11PM 7 DAYS A WEEK.

5	PAUL BENNETT P. Bennett	[REDACTED]	[REDACTED]
6	KARE NSIAH	[REDACTED]	[REDACTED]
7	A. DASGUPTA H. DASGUPTA (parent)	[REDACTED]	[REDACTED]
8	J. Dasgupta.	[REDACTED]	[REDACTED]
9	P. Michaelides	[REDACTED]	[REDACTED]
10	A. Adani	[REDACTED]	[REDACTED]
11.	H. [REDACTED]	[REDACTED]	[REDACTED]
12.	J. D. Mason	[REDACTED]	[REDACTED]
13	A. MIAH	[REDACTED]	[REDACTED]
14	Jackie Meguire	[REDACTED]	[REDACTED]
15	JOSEPHINE BORG	[REDACTED]	[REDACTED]

To be sent to: MR ALEX LISOWSKI OR HIS TEAM (TOWER HAMLETS LICENSING DEPARTMENT)
 EMAIL: licensing@towerhamlets.gov.uk Tel: 020 7364 7446 Hotline: 0207 364 5008

PARTICULAR CONCERNS RE: PRIVATE HIRE / PUBLIC EVENTS.

**Petition to Tower Hamlets Licensing Department by Residents of Royal Mint
Concerning The Royal Pharmaceutical Society (RPS)
66 East Smithfield Street E1W 1AW being granted application for amplified music, extended
hours for private/public events (6am/8am – 11pm for private and public events 7 days a week
throughout the year.**

PARTICULAR CONCERNS RE: PRIVATE HIRE/PUBLIC EVENTS

We the undersigned wish to object to RPS being provided a license to:

1. Have access to amplified music for use for internal/external organisation events
2. That this license should allow this to take place from 8am to 11pm 7 days a week throughout the year
3. That this license allows the supply of onsite alcohol to such parties (internal/external)

We object on the grounds that this license is highly likely to contribute to:

- 1: Increased anti-social disorder and disruptive behaviour during these events and/or when leaving the premises at any time during, on or after 11pm (increased car parking in a mainly residential area; alcohol consumption, starting up cars, slamming car doors, etc.)
- 2: Increased noise disturbances as a result of loud amplified music coming from these events in the RPS building/open balcony. Sound will travel in and around our adjacent residential estate during, on or after 11pm. Consumption of alcohol on RPS premises is likely to further contribute to noise disturbances.
- 3: Having a harmful impact on the development of the young children and adolescents living in this community. They have the basic right to be able to have regular, undisturbed sleep throughout the year in order to assist them with being & remaining healthy, staying safe, enjoying and achieving in their lives (**Every Child Matters**). This enables them to thrive and grow within their community and improve better access to learning and education. Disrupted sleep patterns that would be posed by providing this license will be harmful to their growth and development. (Refer again to points 1 & 2.)

No	Name – Print/Sign	Address or Post Code	Contact email address/Tel no: if wish to give info.
16	Cornelius Whitehead	[REDACTED]	
17	MARY LOONEY Mooney 16/6/2015	[REDACTED]	
18	H - Diakito 16/6/2015	[REDACTED]	
19	E Pitts 17-6-2015	[REDACTED]	
20	Pat Ayres 17/6/2015	[REDACTED]	
21	Salam Khan 17/06/2015	[REDACTED]	

**Petition to Tower Hamlets Licensing Department by Residents of Royal Mint
Concerning The Royal Pharmaceutical Society (RPS)
66 East Smithfield Street E1W 1AW being granted application for amplified music, extended
hours for private/public events (6am/8am – 11pm for private and public events 7 days a week
throughout the year.**

PARTICULAR CONCERNS RE: PRIVATE HIRE / PUBLIC EVENTS

We the undersigned wish to object to RPS being provided a license to:

- 4. Have access to amplified music for use for internal/external organisation events
- 2. That this license should allow this to take place from 8am to 11pm 7 days a week throughout the year
- 3. That this license allows the supply of onsite alcohol to such parties (internal/external)

We object on the grounds that this license is highly likely to contribute to:

- 1: Increased anti-social disorder and disruptive behaviour during these events and/or when leaving the premises at any time during, on or after 11pm (increased car parking in a mainly residential area; alcohol consumption, starting up cars, slamming car doors, etc.)
- 2: Increased noise disturbances as a result of loud amplified music coming from these events in the RPS building/open balcony. Sound will travel in and around our adjacent residential estate during, on or after 11pm. Consumption of alcohol on RPS premises is likely to further contribute to noise disturbances.
- 3: Having a harmful impact on the development of the young children and adolescents living in this community. They have the basic right to be able to have regular, undisturbed sleep throughout the year in order to assist them with being & remaining healthy, staying safe, enjoying and achieving in their lives (**Every Child Matters**). This enables them to thrive and grow within their community and improve better access to learning and education. Disrupted sleep patterns that would be posed by providing this license will be harmful to their growth and development. (Refer again to points 1 & 2.)

No	Name – Print/Sign	Address or Post Code	Contact email address/Tel no: if wish to give info.
22	NASIR <i>NASIR</i> 17-6-15	[REDACTED]	
23	ABUL AZI <i>ABUL AZI</i> 17-6-15	[REDACTED]	[REDACTED]
24	MARIA <i>MARIA</i> 17/06/15	[REDACTED]	
25	K. Coppenthwaite <i>K. Coppenthwaite</i> 18/6/2015	[REDACTED]	
26	<i>[Signature]</i> 18-6-2015	[REDACTED]	

Parent

Petition sent by residents on Royal Mint Estate

To be sent to: MR ALEX LISOWSKI OR HIS TEAM (TOWER HAMLETS LICENSING DEPARTMENT)

EMAIL: licensing@towerhamlets.gov.uk

Tel: 020 7364 7446

Hotline: 0207 364 5008

Appendix 6

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, 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 (S2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003
Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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 7

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 8

Access and Egress problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 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 Sections 8.2 of the Licensing Policy, and also Section 12.5**).

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Appendix 9

Planning

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

Appendix 10

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:

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(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