

Committee: Licensing Sub-Committee	Date:	Classification: UNRESTRICTED	Report No.	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial)	Title: Licensing Act 2003
Originating Officer: Mohshin Ali Licensing Officer	Application to Review the Premises Licence for Laughing Buddha, 653 Commercial Road, London E14 7LW
	Ward affected: St. Dunstons and Stepney Green

1.0 Summary

Name and	Laughing Buddha
Address of premises:	653 Commercial Road London E14 7LW
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none"> ▪ Sale by retail of alcohol ▪ Regulated Entertainment ▪ Late Night Refreshment
Representations:	Environmental Protection Planning Local Resident

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application for review and then adjudicates accordingly.

LOCAL GOVERNMENT 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Mohshin Ali 020 7364 5498

3.0 **Review Explained**

- 3.1 This is an application for a review of the premises licence for Laughing Buddha, 653 Commercial Road, London E14 7LW. The review was triggered by Environmental Protection.
- 3.2 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 3.3 The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix A**. It is available on the Government’s website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 3.4 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 3.5 In relation to its advice on representations in its revision of the 28 June 2007 the DCMS has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix B.**
- 3.6 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix C**. The Pool Conditions in the Policy are the same as the Government’s.
- 3.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix D**.

- 3.8 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 3.9 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).
- 3.10 This review was triggered by Environmental Protection (See **Appendix E**).
- 3.11 The review is supported by the Planning Department (See **Appendix F**). The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to Planning and Building Control (See **Appendix G**).
- 3.12 The review is also supported by a local resident (See **Appendix H**)
- 3.13 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The team leader of licensing Mr. John Edward Cruse is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 3.14 were considered before any representations were accepted for inclusion in this report.
- 3.14 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should not reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives
 - In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.
- 3.15 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

- 3.16 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders at a later date and consequently the consultation period was increased to the 2nd May 2008.
- 3.17 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

4.0 **The Premises**

4.1 The premises licence was issued on 26th April 2007. A copy of the current licence is contained in **Appendix 2** of Environmental Protection representation.

4.2 The premises are shown in maps contained in **Appendix I**.

5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Environmental Protection, Planning Department and a local resident.

5.2 Only representations that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

5.3 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

5.4 The applicant has forwarded further documents following the review (**See Appendix J**).

6.0 Licensing Officer Comments

6.1 The Governments advice in relation to reviews is contained in **Appendix A**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so
- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
- Suspend the licence for a period
- Revoke the licence completely

6.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.

6.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.

6.4 In all cases the Members should make their decision on the civil burden of proof that is "the balance of probability."

6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

7.0 Legal Comments

7.1 The Council's legal officer will give advice at the hearing.

8.0 Finance Comments

8.1 There are no financial implications in this report.

9.0 Appendices

Appendix A	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix B	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix C	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix D	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
Appendix E	Representation of Environmental Protection
Appendix F	Representation of Planning Department
Appendix G	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Planning and Building Control
Appendix H	Representation of local resident
Appendix I	Maps and photos showing the premises and surrounding area
Appendix J	Documents submitted by the applicant following the review

Appendix A

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.

- 11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.
- 11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.
- 11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for unlawful gaming and gambling; and
- for the sale of smuggled tobacco and alcohol.

11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix B

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

Crime and Disorder Act 1998

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

Pool Conditions

Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
 - the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - any police instructions/directions are complied with whenever given;
- and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
 - keeping out individuals excluded by court bans or by the licence holder;
 - searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
 - maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:
 - the number of supervisors;
 - the displaying of name badges;
 - the carrying of proof of registration;
 - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
 - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);
- In appropriate circumstances, the condition could include exceptions, for example, as follows:
 - but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sitting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

Appendix C

Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

Appendix D

London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance

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).**

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 12.11).**

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

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 E

20 MAR 2008

20 MAR 2008

LAUGHING BUDDHA

**653 COMMERCIAL ROAD,
LONDON,
E14 7LW**

**APPLICATION FOR REVIEW OF
PREMISES LICENCE**

Application for the review of a premises licence or club premises certificate 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 ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description LAUGHING BUDDHA 653 COMMERCIAL ROAD,	
Post town LONDON	Post code (if known) E14 7LW

Name of premises licence holder or club holding club premises certificate (if known) FORID UDDIN AND ROB MIAH

Number of premises licence or club premises certificate (if known) 11796
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address ENVIRONMENTAL HEALTH, ENVIRONMENTAL PROTECTION, MULBERRY PLACE (AH), PO BOX 55739, 5 CLOVE CRESCENT, LONDON, E14 1BY
Telephone number (if any) 020 7364 5008
E-mail address (optional) environmentalhealth@towerhamlets.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Loud music has been witnessed emanating from the premises and causing a statutory nuisance to nearby residents. This is contrary to the licensing objective of the prevention of public nuisance.

Please provide as much information as possible to support the application
(please read guidance note 2)

In the original Premises Licence application - see Appendix 1, under Section F – Recorded music, it is stated that “The music will only be incidental to the business. It will be played as background music whilst the premise is open for business”. Also in the same application under Section P, subsection d – The Prevention of Public Nuisance it is further stated that, “The applicants are mindful of potential noise nuisance and will take adequate steps to alleviate any perceived disturbance. No loud events should be taking place at the premises”.
The original application showed the premises to be a restaurant with a front bar area, hence the need for only background music.

Since the issue of the Premises Licence - see Appendix 2, Laughing Buddha has ignored this condition and has basically traded as a night club. Our department has been contacted many times from the public and nearby residents to report noise disturbance - see Appendix 3.

The council's Out of Hours Noise service has received 12 complaints during 2007/2008 alleging the playing of excessively loud music at the premises - see Appendix 3.

The complaints were logged on the 14th April, 6th and 12th May, 3rd November (2 x complaints), 4th November and 10th November 2007, 7th January, 13th January, 19th January (2x complaints) and 3rd February 2008.

On the 19th April 2007 an officer from the Council's Out of Hours Noise Patrol Service visited the premises and spoke with Mr Forid Uddin and issued him with a verbal warning. This was followed up with a letter that was sent on the 20th April 2007, see Appendix 4.

Following complaints on the 6th and 12th May, an officer from this department contacted Mr Uddin by telephone on the 17th May. Mr Uddin confirmed that he had held an 'Elvis' night and also used the services of a DJ. Mr Uddin was further warned as to the consequences should he carry on having these type of events. Mr Uddin confirmed that this would not happen again and that he had cancelled all DJ's and live performers.

On the 3rd November we received a complaint alleging the playing of loud music at 00.30. Our officer contacted Mr Rob Miah by telephone and he agreed to turn the music down. We received a further complaint from another member of the public at 05.47. When our officer called the complainant back at 06.11 the music had been turned off, but reported noise from people exiting the premises.

On the 4th November at 04.01 we received a complaint alleging the playing of loud music at the premise. This request was cancelled at 04.20 by the complainant as the music had ceased.

On 5th November this department contacted Mr Uddin and informed him of the events over the weekend. Mr Uddin said he was unaware as to what has been happening during the last 6 weeks as he had not been at the premises due to personal reasons. Mr Uddin was again warned that if the business continues to disturb local residents then we would trigger a review of his premises licence. Mr Uddin asked for time so he could make enquiries and report back to us. To date we have not been received any further contact from Mr Uddin. Also on this day an officer attended the restaurant and spoke with two members of staff. Adverts were found on the floor outside the premises - see Appendix 5, and also cable tied to the traffic lights on Commercial Road near to the premises.

On the 10th November our out of hour's service received a complaint alleging the playing of loud music from The Laughing Buddha. Our officer agreed to visit the complainant and make an assessment. At 01.50 that officer witnessed a Statutory Nuisance and at 02.10 he served a S.80 Noise Abatement notice under the Environmental Protection Act 1990. See Appendix 6.

On the 13th November we were contacted by Mr Rob Miah who pleaded that this would not happen again, but unfortunately we had to explain that enough warnings had been given and that we intended to make an application to review the current premises licence.

On the 21st November 2007 we received a letter from Mr Miah's solicitors requesting that we do not request a review of the premises licence and that "...there will be no further noise nuisance or irregularities with his Licence". See Appendix 7.

After several telephone conversations with Mr Rob Miah, a meeting was agreed and held at Anchorage House on the 22nd November 2007. Ian Wareing and Iain Pendrigh from the Environmental Protection Team attended along with Mr Rob Miah and his brother. The general outcome of the meeting was that we would defer the review of the premises licence providing that certain works be undertaken. They were mainly that a full acoustic report be undertaken by a qualified acoustician within the next two weeks. That the report be submitted to the council's Environmental Protection Team. Any works highlighted by the report or subsequent requirements by the Environmental Protection Team be completed to our satisfaction. That a variation to the current premises licence be submitted to the Licensing Department immediately. That the premises have no DJ's, promoted events or 'club nights' until the variation has been granted. That the premises closes at midnight 7 days a week. Mr Miah was informed that Mr Uddin is the DPS at the premises and that if Mr Uddin has now left the business, alcohol cannot be served on the premises until there has been a new DPS installed. Mr Miah was also informed at the meeting that the premises does not have planning permission to trade after midnight - see Appendix 8 - current planning consent and hours.

We have had several discussions with Shaun Murkett (acoustic consultant) who was commissioned to complete the noise assessment, see Appendix 9, and we believe that the works highlighted in the noise report have been undertaken and completed although we have yet to be invited to the premises to inspect those works.

We have since still received complaints from local residents. On the 19th January 2008 an officer from the Out of Hours Noise Team witnessed a Statutory Nuisance from the playing of loud music at 653 Commercial Road - see Appendix 10 - Alkesh Solanki's witness statement. This constitutes a breach of the previous S.80 noise abatement notice and is currently under review for prosecution.

The acoustician involved informed me that there had been some discrepancy over money and that he had not released the calibration certificate for the noise limiter and that he believed that it was somehow being bypassed. We have since been given a copy of this certificate - see Appendix 9.

The Laughing Buddha - now known as 'Bar 653', continues to have unlicensed events on the premises - see Appendix 11 - and seems totally unwilling to conform to the Licensing Act 2003.

Mr Forid Uddin has been written to by Tower Hamlet's Licensing Department on several occasions about timings and unlicensed events, see Appendix 12.

In conclusion, the application for a Premises Licence when originally submitted centred on the premises trading mainly as a restaurant with a small bar for customers to use before and after dining. During the time that the restaurant has been trading the dynamics have somewhat changed. It now appears that the premise is being used for promoted events which include the playing of loud amplified music with a DJ. In fact during the visit on the 5th November it was noted that there was a quite sizeable 'DJ' setup in the middle of the restaurant. This consisted of large speakers, amplifiers, decks etc. The building is not designed to incorporate a 'nightclub' and should not be used as such. Furthermore this department believes that Mr Forid Uddin is no longer in day to day control of the premises and subsequently has no confidence in the management of the premises.

Due to the building also incorporating residential units directly above the business, and within the shared structure, it is wholly inappropriate for the restaurant to be holding these types of events with the playing of excessively loud music.

This department has issued several warnings over the last few months and taken appropriate action, yet the premises and the management involved seem unable to conform to their Licence and its enclosed conditions and as such it must be reviewed.

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 20th MARCH 2008

Capacity TECHNICAL OFFICER

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

LIST OF APPENDICES

APPENDIX 1 – Copy of Original Premises Licence Application.

APPENDIX 2 – Copy of Premises Licence for 653 Commercial Road.

APPENDIX 3 – List of Complaints Received.

APPENDIX 4 – Copy of Warning Letter.

APPENDIX 5 – Copy of Flyer.

APPENDIX 6 – Copy of Section 80 Noise Abatement Notice.

APPENDIX 7 – Copy of Letter from HSR Solicitors.

APPENDIX 8 – Copy of Planning Permission.

APPENDIX 9 – Copy of Noise Report and Calibration Certificate.

APPENDIX 10 – Copy of Witness Statement.

APPENDIX 11 – Copy of Internet Website Adverts.

APPENDIX 12 – Copies of Warning Letters from Licensing Department.

APPENDIX 1



TOWER HAMLETS

LICENSING ACT 2003

FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

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

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) ROB MIAH & FORUDDIN

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	
LAUGHING BUDDHA 653 COMMERCIAL ROAD LONDON	
Post town	Post code <u>E14 7LW</u>

LBTH
TRADING STANDARDS
23 FEB 2007
LICENSING

Telephone number at premises (if any)

Non-domestic rateable value of premises



2007 - 2008
Investment and Settings Philip Le Desktop Licence premises Licence-form-07.doc
2003 - 2007
Winner of 5 previous
Beacon Awards

INVESTOR IN PEOPLE



Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick yes
- 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 yes
- 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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

UDOIN

First names

FORIO

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

52 BROCKMER HOUSE
CROWDER STREET
LONDON

Post Town

LONDON

Postcode

E1 0BJ

Daytime contact telephone number

07931 770 205

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

MIAM

First names

ROB

I am 18 years old or over

Please tick yes



Current postal address if different from premises address

40 663 COMMERCIAL ROAD
LONDON

Post Town

LONDON

Postcode

E14 7LW

Daytime contact telephone number

07956 466001

E-mail address (optional)

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
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc)
Telephone number, if any
E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
23	03	2007

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 WILL BE A THAI RESTAURANT AND BAR, SITUATED IN A BUSY MAINLY COMMERCIAL STREET

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

Provision of entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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 N, O and P

A

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

B

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

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both - please tick [X] (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both - please tick [X] (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3) <i>THE MUSIC WILL ONLY BE THAT INCIDENTAL TO THE BUSINESS. IT WILL BE PLAYED AS BACKGROUND MUSIC WHILST THE PREMISES IS OPEN FOR BUSINESS</i>		
Mon					
Tue			State any seasonal variations for playing recorded music (please read guidance note 4)		
Wed					
Thur			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)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place <u>indoors or outdoors or both – please tick <input type="checkbox"/></u> (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 performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)		
Sat						
Sun						

H

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

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	
			Indoor	
			Outdoor	
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 facilities for making music (please read guidance note 4)	
			Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing		
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fn					
Sat					
Sun			State any seasonal variations for the facilities for dancing (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing		
			Will the entertainment facility be indoors or outdoors or both – please tick <input type="checkbox"/> (please read guidance note 2)		Indoor <input type="checkbox"/>
					Outdoor <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or K (please read guidance note 4) Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

L

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				SEE PART M
Wed				
Thur				
State any seasonal variations for the provision of late night refreshment (please read guidance note 4)				
Fri				
Sat				
Sun			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)	

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick [Y] (please read guidance note 7)	On the premises
Day	Start	Finish		Off the premises
Mon	12-00	00-30	Please give further details here (please read guidance note 7)	Both
Tue	12-00	00-30		/
Wed	12-00	00-30		
Thur	12-00	03-00		
State any seasonal variations for the supply of alcohol (please read guidance note 4)				
Fri	12-00	03-00		
Sat	12-00	03-00		
Sun	12-00	03-00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	

Box M continues on the next page...

Box M continued

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

Name

FORD UODIN

Address

52 BROCKMER HOUSE
CROWDER STREET
LONDON
Postcode E1 0BJ.

Personal Licence number(if known)

Issuing licensing authority (if known)

LONDON BOROUGH OF TOWER HAMLETS

N

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

THE PREMISES DOES NOT PROVIDE ANY
ADULT ENTERTAINMENT OR SERVICES, OR
OTHER ENTERTAINMENT OR OTHER MATTERS
THAT MAY GIVE RISE TO CONCERNS IN RESPECT
OF CHILDREN. NO UNKID WILL BE SERVED
ALCOHOL

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12-00	00-30	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	12-00	00-30	
Wed	12-00	00-30	
Thur	12-00	05-00	
Fri	12-00	03-00	
Sat	12-00	05-00	
Sun	12-00	03-00	

P

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)

THE LICENSING POLICY OF TOWER HAMLETS HAS BEEN CONSULTED AND THE APPLICANTS WILL COMPLY WITH ANY REASONABLE CONDITIONS THE COUNCIL WISH TO IMPOSE WITH REGARD TO THE 4 LICENSING OBJECTIVES. THE APPLICANTS WILL COMPLY WITH ANY PLANNING RESTRICTIONS WITH REGARD TO THE PREMISES. THE APPLICANTS ALSO WELCOME ANY RECOMMENDATIONS THE POLICE AND ANY OTHER RESPONSIBLE AUTHORITY MAY MAKE.

b) The prevention of crime and disorder

THE APPLICANTS WILL COMPLY WITH ANY REASONABLE CONDITIONS IMPOSED BY THE POLICE AND WILL REFUSE TO SELL ALCOHOL TO THOSE POTENTIAL CUSTOMERS WHO MAY CAUSE ANY DISORDER OR COMMIT CRIME. ANY CRIME BEING COMMITTED ON THE PREMISES WILL BE REPORTED TO THE POLICE AND ANY CUSTOMERS CAUSING DISORDER WILL BE EJECTED FROM THE PREMISES. THE APPLICANTS WILL COMPLY WITH CONDITIONS IMPOSED BY THE LICENSING AUTHORITY IN THIS REGARD. THE ALCOHOL WILL BE STORED IN A DESIGNATED AREA INACCESSIBLE TO THE PUBLIC.

c) Public safety

THE PREMISES WILL HAVE AN ADEQUATE ESCAPE ROUTE IN CASE OF EMERGENCY (E.G. FIRE) AND THE APPLICANTS WILL COMPLY WITH FIRE REGULATIONS. THE PREMISES (SEE PLAN) WILL STOCK APPROPRIATE FIRE FIGHTING EQUIPMENT & SMOKE/HEAT ALARMS.

d) The prevention of public nuisance

X
THE APPLICANTS ARE MINDFUL OF POTENTIAL NOISE NUISANCE AND WILL TAKE ADEQUATE STEPS TO ALLEVIATE ANY PERCEIVED DISTURBANCE. NO LOUD EVENTS SHOULD BE TAKING PLACE AT THE PREMISES

e) The protection of children from harm

ALCOHOL WILL NOT BE SOLD TO THESE PERSONS UNDER EIGHTEEN YEARS OF AGE. SUITABLE ALTERNATIVE NON-ALCOHOLIC BEVERAGES WILL BE MADE AVAILABLE

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


CHECKLIST:

- Please tick yes
- I have made or enclosed payment of the fee
 - I have enclosed the plan of the premises
 - I have sent copies of this application and the plan to responsible authorities and others where applicable
 - I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable
 - I understand that I must now advertise my application
 - I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

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

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

Signature  STEPHEN JAMES HUNT

Date 22/2/07

Capacity SOLICITOR, NORMAN H. BARNETT & CO.

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  STEPHEN JAMES HUNT

Date 22/2/07

Capacity SOLICITOR, NORMAN H. BARNETT & CO.

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

STEPHEN HUNT
NORMAN H. BARNETT & CO.
397 BARKING ROAD
EAST HAM
LONDON

Post town _____ Post code E6 2JT

Telephone number (if any) 0208 471 2112

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
shunt@normanhbarnett.co.uk

APPENDIX 2

**(Laughing Buddha)
653 Commercial Road
London
E14 7LW**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

John Cruse _____
Team Leader Licensing

Date: 26th April 2007

**Part A - Format of premises licence**

Premises licence number

11796

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description**(Laughing Buddha)
653 Commercial Road**Post town**

London

Post code

E14 7HW

Telephone number

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licenceThe sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday, Tuesday, Wednesday from 12:00 hours until 00:30 hours the following day
Thursday, Friday, Saturday and Sunday from 12:00 hours until 03:00 hours the following day.

Late Night refreshment:

Monday, Tuesday, Wednesday until 00:30 hours the following day
Thursday, Friday, Saturday and Sunday until 03:00 hours the following day.

Recorded Music (Background music only)

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

The opening hours of the premises

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

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

On and off sales

Part 2

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

Mr. Forid Uddin
52 Brockmer House
Crowder Street
London
E1 OBJ
07931 770205

Mr. Rob Miah
663 Commercial Road
London
E14 7LW
07956 466001

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

Not applicable

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

Mr. Forid Uddin
52 Brockmer House
Crowder Street
London
E1 OBJ
07931 770205

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

London Borough of Tower Hamlets
No: 10061

Annex 1 - Mandatory conditions

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

None

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

None

Annex 4 - Plans

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

23rd February 2007



Part B - Premises licence summary

Premises licence number

11796

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(Laughing Buddha)
653 Commercial Road

Post town
London

Post code
E14 7HW

Telephone number
None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of late night refreshment
Recorded Music by means of background music only

The times the licence authorises the carrying out of licensable activities

Monday, Tuesday, Wednesday from 12:00 hrs until 00:30 hrs the following day
Thursday, Friday, Saturday and Sunday from 12:00 hrs until 03:00 hrs the following day.

The opening hours of the premises

Monday, Tuesday and Wednesday from 12:00 hours to 00:30 hours the following day
Thursday, Friday, Saturday and Sunday from 12:00 hours to 03:00 hours the following days

Name, (registered) address of holder of premises licence

Mr. Forid Uddin	Mr. Rob Miah
52 Brockmer House	663 Commercial Rd
Crowder Street	London
London	E14 7LW
E1 OBJ	

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

On and off sales

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

Not applicable

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

Mr. Forid Uddin

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

No restrictions

APPENDIX 3

List of Complaints Received 2007/2008

2007

14/04 – Complaint received at 00.45. Called complainant back and they stated that music ceased at 01.00.

06/05 – Complaint received at 00.22. Called complainant back and the noise had stopped.

12/05 – Complaint received at 00.25. Message was left with complainant.

03/11 – Complaint received at 00.30. Telephone call to Rob from Laughing Buddha – noise turned down.

03/11 – Complaint received at 05.47. Called complainant back at 06.11 and they stated that music has now been turned down, but there are still people outside the club talking etc. Complainant was told by the owner that the club would be only operating up to 03.00.

04/11 – Complaint received at 04.01. Whilst officer was en route to premises a call was received to state that the noise had ceased.

10/11 – Complaint received at 01.00. Officer visited complainant's premises at 01.50. Officer noted a large group of intoxicated young adults on pavement outside premises. In the household the officer notes 'very loud drum and bass type dance music audible throughout.....at a completely unreasonable level. Certainly would and does prevent tenant from sleeping. Definitely Statutory Nuisance'. At 02.10 the officer approached the door supervisors and introduced himself to them.

2007 continued...

He explained why he was there and that he needed to speak to the person in charge who he believed to be Rob Miah. A couple of individuals approached him indicating that they were in control of the premises and that, contrary to his assessment that Licensing conditions were being transgressed; only background music was being played. At this point an Asian man joined them and stated that he was the license holder Rob Miah. The officer had explained that he had witnessed a Statutory Nuisance and that Mr Miah was disregarding Licensing conditions. The officer explained to him that he had been warned by Environmental Health staff and Licensing Officers before and as he had ignored the warnings, a recommendation for review of his Premises Licence would be made on Monday. He then asked Mr Miah if he thought the music being played was background and he replied 'not really'. Mr Miah then pleaded with the officer not to report the matter. The officer warned Mr Miah that he must now face the consequences of non compliance. The officer added that if Mr Miah turned the music off now he might not have the abatement notice served on him. He promised to do so and the officer left. The officer then contacted the complainant 10 minutes later who stated that the music level was unchanged.

2008

07/01 – Complaint received at 10.33. Stated that there are Live DJ's Friday and Saturday starting at 11pm and finishing after 2am.

13/01 – Complaint received at 04.15. The complainant was called back at 04.15 and he confirmed noise was still on. Officer arrived at 04.32 and everyone had left the bar, but there were a lot of people outside the premises making substantial noise.

19/01 – Complaint received at 01.19. see Alkesh Solanki's witness statement.

19/01 – Complaint received at 02.05. see Alkesh Solanki's witness statement.

03/02 – Complaint received at 00.28.

APPENDIX 4

**Environmental Health, Environmental
Protection**

Mr Forid Uddin,
Laughing Buddha.,
653 Commercial Road,
London,
E14 7LW

Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Enquiries: Ian Wareing
Tel 020 7364 5007
Fax 020 7364 6831
Flare Ref: 74666
Your Ref:

E-mail : pestandnoise@towerhamlets.gov.uk

Dear Mr Uddin,

Date 20th April 2007

**Re: Environmental Protection Act 1990
Alleged Noise Nuisance From Loud Music
At Laughing Buddha, 653 Commercial Road, London, E14 7LW**

I am writing to inform you that the Council has recently received a complaint alleging excessive noise amounting to a nuisance coming from your business.

I realise that at this time of year it is necessary to open the external doors and windows of restaurants to improve ventilation in such premises. However, this can and often does lead to complaints from neighbouring residents regarding noise from music and social activity in and around the restaurant. I would therefore request you to consider reducing the noise level of music and social activity by taking the following measures:-

1. During the evenings when noise complaints are more likely, please limit the noise of music to an acceptable level.
2. Doors and windows should be closed at 22.00 every evening.
3. Regularly patrol areas outside the premises to control noise.

I should point out that if an officer from this department witnesses a noise nuisance coming from your premises, a noise Abatement Notice will be served under the Environmental Protection Act 1990. If the situation does not subsequently improve, legal proceedings may be considered which could lead to a fine upon conviction of up to £20,000.



2007 - 2008
School Improvement
2003 - 2007
Winner of 5 previous
Beacon Awards



INVESTOR IN PEOPLE



Corporate Director
Environment & Culture
Alex Cosgrave

IRON Environm NOISE NOISELET Commercial Rd 653.001.doc

Furthermore I will be taking appropriate measures to monitor the situation and I must warn you that if we consider that you or your premises are not giving due consideration to the licensing objective of Prevention of Public Nuisance, under The Licensing Act 2003, our department may decide to make a representation against your premises licence.

This complaint has also been copied to our Licensing department.

You may contact me on the above number if you wish to discuss this matter further.

Yours faithfully,

Ian Wareing
Environmental Protection Technical Officer (Licensing)

*Corporate Director
Environment & Culture*
Alex Cosgrave

APPENDIX 5

<< click here to see the other side of this flier >>

IT'S THE BIGGEST

REGGAE REVIVAL & RARE GROOVES Party

SATURDAY 10TH NOVEMBER 2007
AT BAR 653
653 COMMERCIAL ROAD LONDON E.14 7LW

PLAYING CLASSIC REVIVAL REGGAE & RARE GROOVES WILL BE:

CALVIN FRANCIS
GEMI MAGIC SOUND
DESI G & BARRY WHITE
THE TAG TEAM

ADMISSION £10.00

DRESS CODE SMART CASUAL (NO TRAMERS)

FOR TABLE BOOKINGS AND MORE INFO
CALL 07985 116 107

THIS IS ANOTHER NIGHT, FOR THOSE WHO HAVE:
WITH REAL RAVERS, TO REAL MUSIC. MAKE SURE YOU REACH!!
"YOU WON'T BE DISAPPOINTED."

APPENDIX 6

81767

ABATEMENT NOTICE in respect of Statutory Nuisance
ISSUED BY THE LONDON BOROUGH OF TOWER HAMLETS

copy

ENVIRONMENTAL PROTECTION ACT 1990 PART III SECTION 80
AS AMENDED BY THE NOISE AND STATUTORY NUISANCE ACT 1993, SECTION 3

TO: Rob Miah
663 Commercial Road, London E14 7LW

1. Notice

THIS IS A FORMAL NOTICE issued by the LONDON BOROUGH OF TOWER HAMLETS ('The Council') because it is satisfied that a statutory nuisance is likely to recur at the premises known as 'Bar 653', 653 Commercial Road, London E14 7LW

within its area in that

excessive noise has been caused by the playing of loud amplified music

2. What You Are Required To Do

As the person responsible for the nuisance you are required to prohibit the recurrence of the nuisance forthwith from the date upon which this Notice was served upon you:

3. What Happens If You Fail To Comply

If without reasonable excuse you contravene or fail to comply with any requirement or prohibition of this Notice:

- 3.1 you will be guilty of a criminal offence and will be liable on summary conviction to a fine not exceeding level 5 on the standard scale, together with an additional fine for each day on which the offence continues after conviction; or
- 3.2 if the offence is committed on industrial, trade or business premises, you will be liable a summary conviction to a fine not exceeding £20,000;
- 3.3 in order to secure an abatement, prohibition or restriction of the nuisance, the Council may bring proceedings in the High Court and;
- 3.4 the Council reserve the right to execute the works specified in the Notice and recover from you any expenditure incurred.

4. Your Right Of Appeal

You may appeal to a Magistrates' Court against this Notice within 21 days, beginning with the date on which this Notice is served upon you.

5. Suspensions Of Notices

In the event of an appeal this Notice shall NOT be suspended until the appeal has been abandoned or decided by the Court as, in the opinion of the Council [the expenditure which would be incurred by any person in carrying out works in compliance with this Notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance].

Dated

10th November 2007

Signed

Authorised Officer ENVIRONMENTAL HEALTH OFFICER

This matter is being dealt with by Ian Wareing Environmental Health, Mulberry Place (AH),
PO Box 55739, 5 Clove Crescent, London E14 1BY Tel: 020 7364 5007

08.146

APPENDIX 7

Our Ref: HSR/Miah/2/22106
Your Ref: Ian Wareing
Date: 19th November 2007

HSR

solicitors

Victoria House
526 Commercial Road
London E1 0HY

DX 300715 Tower Hamlets

Tel: 020 7791 1111
Fax: 020 7791 2222

www.hrsolicitors.com
info@hrsolicitors.com

London Borough of tower hamlets
Enviromental Health
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

F.A.O: IAN WAREING

BY FAX & DX - 020 7364 6831

Dear Sirs,

LAUGHING BUDDHA
653 COMMERCIAL ROAD LONDON E1 7HW

We write further to our telephone conversation on Friday 16th November and confirm that we act for the above named.

Our client has forwarded us a copy of your Abatement Notice of 10th November 2007, together with copies of two notices dated 31st August 2007 and 5th November under the Licensing Act, the contents of which we note.

As discussed on the telephone, we confirm that we have strongly advised our client on the conditions of his Licence for the above premises. We understand that you were contemplating taking this matter to Court to review our client's Licence. However, we respectfully request you not to take this matter to Court, as our client now clearly understands all the conditions of his Licence. Our client assures us and wishes to assure you that there will be no further noise nuisance or irregularities with his Licence.

Our client wishes to formally apply for the variation of his Licence in due course and would obviously be willing to agree to any conditions you deem necessary, i.e. sound proofing etc.

In relation to the Planning Permission, we have requested our client to forward us any relevant documentation he may have. We would be grateful if you could forward us a copy of the Planning Permission, stating the actual timings he has planning permission for. Once again, if the Planning permission is only until 12am, then our client will also formally apply to vary the same in due course.

We thank you for your assistance and look forward to hearing from you.

Yours faithfully,


HSR Solicitors

Criminal
Defence Services



Partners: H.S.Rana LL.B(Hons) J.M.Rufai LL B(Hons) S.Wells BA(Hons)
Regulated by the Solicitors Regulation Authority

Community
Legal Service

