

Committee: Licensing Sub-Committee	Date:	Classification: Unclassified	Report No.	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Licensing Officer	Title: Licensing Act 2003 Application for a variation of the Premises Licence for Beefeater at the Tower, Ivory House, St. Katherine's Dock, London E1W 1LB Ward affected: St. Katherine's and Wapping
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1.0 Summary

Applicant: **The Beefeater of St. Katherine's Dock Limited**

Name and **Beefeater at the Tower**

Address of Premises: **Ivory House**
St. Katherine's Dock
London
E1W 1LB

Licence sought: **Variation of premises licence under the Licensing Act 2003**

- **To remove all existing conditions to allow the full effect of the Licensing Act 2003, to simplify the Licence and the times for licensable activities**
- **Extending the hours for the sale of Alcohol and Late Night Refreshment on Sunday**

Representations: **Local Residents**

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and objections then adjudicate 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

File Only

Mohshin Ali
020 7364 5498

3.0 Background

- 3.1 This is an application to vary the premises licence for Beefeater at the Tower, Ivory House, St. Katherine's Dock, London E1W 1LB.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

The current standard timings are as follows:

Sale by retail of alcohol and late night refreshment:

- Monday to Saturday, from 10:00 hours to 00:00 hours
- Sunday, from 12:00 hours to 23:30 hours

The hours are restricted to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Regulated Entertainment - Music and Dancing (including Entertainment of the like kind):

- Monday to Sunday, until 00:00 hours

Non-standard timings

New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Hours premises are open to the public:

There are no restrictions on the hours during which this premises is open to the public

See **Appendix 1** for full details of the premises licence.

- 3.3 A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as follows:
- **To remove all existing conditions to allow the full effect of the Licensing Act 2003, to simplify the Licence and the times for licensable activities**

Although the applicant has described the nature of the variation as above, Members should note that that the application is also seeking the following:

- **Extending the hours for the sale of alcohol and Late Night Refreshment on Sunday**

3.5 The hours that have been applied for are as follows:-

Sale by retail of alcohol and Provision of regulated entertainment (Plays, Live music, recorded music, performances of dance, provision of facilities for making music and provision of facilities for dancing)

- Monday to Sunday, from 10:00 hours to 00:00 hours

Late Night Refreshment

- Monday to Sunday, from 23:00 hours to 00:00 hours

Non-standard timings

The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.

Hours premises are open to the public:

- Monday to Sunday, from 10:00 hours to 00:30 hours

Non-standard timings

The premises close 30 Minutes after the end of licensable activities where these are a non-standard time

3.6 A map showing the relevant premises in the area is included as **Appendix 3.**

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The policy was adopted by the Full Council on the 8 December 2004.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Government Minister, the Secretary of State for Culture, Media and Sport has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 The representation in this report has been considered by the relevant officer (Team Leader Licensing) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents.

- 5.11 Please see **Appendix 5** for the list of local residents making representations.
- 5.12 Please see **Appendices 6 to 12** for the representations of the local residents.
- 5.13 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.14 The application was required to be advertised in a local newspaper and by a blue poster. In addition, the Licensing Authority notifies local residents and businesses within 40m.
- 5.15 Only objections 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
- 5.16 Essentially, the application is opposed because the applicant has not explained how within the context of longer hours they will meet the licensing objectives, particularly:
- the prevention of public nuisance
- 5.17 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.0 Licensing Officer Comments

- 6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the licensing Act 2003

- ❖ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.10)
- ❖ Conditions may not be imposed for the purpose other than the licensing objectives.
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).
- ❖ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.”
- ❖ Mandatory conditions must be imposed (7.67) and censorship avoided (7.69).
- ❖ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (7.79). The Office of Fair Trading’s Advice also needs to be borne in mind.

- 6.3 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.4 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.
- 6.5 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.6 Members will find advice on the issues relating to conduct on the premises and egress as follows:

- Appendix 13** Licensing Officer comments on noise while the premise is in use
- Appendix 14** Licensing Officer comments on access and egress Problems
- Appendix 15** Planning
- Appendix 16** Licensing Policy relating to hours of trading

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any "noise nuisance."
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

- | | |
|---------------------------|---|
| Appendix 1 | A copy of the existing licence |
| Appendix 2 | A copy of the variation application |
| Appendix 3 | Maps of the area |
| Appendix 4 | Section 182 Advice by the DCMS concerning relevant, vexatious and frivolous representations |
| Appendix 5 | List of local residents making representations |
| Appendices 6 to 12 | Representation of the local resident |
| Appendix 13 | Licensing Officer comments on noise while the premise is in use |
| Appendix 14 | Licensing Officer comments on access and egress Problems |
| Appendix 15 | Planning |
| Appendix 16 | Licensing Policy relating to hours of trading |

Appendix 1



TOWER HAMLETS

Licence / Registration

Certificate Number

10324


(The Beefeater at the Tower)
 Ivory House
 St. Katherine's Dock
 East Smithfield
 London
 E1W 1BP

Licensable Activities authorised by the licence

The sale by retail of alcohol
 Regulated entertainment
 Late Night refreshment

See the attached licence for the licence conditions

Signed by

John Cruse 
 Team Leader Licensing

Date: 2 December 2005

FOR OFFICE USE	Receipt Number	CENSING Fee Paid	Licensing Fee Req	Date	Premises	Initial
	160251	£635		15/10/05		SC



Part A - Format of premises licence

Premises licence number

10324

Part 1 - Premises details

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

(The Beefeater at the Tower)
Ivory House
St Katherine's Dock

Post town

London

Post code

E1W 1BP

Telephone number

020 7480 5353

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
Regulated entertainment
Late Night refreshment

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol and late night refreshment:

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.

- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

For conditions re. "drinking up time" see Annex 1 Mandatory Conditions

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Entertainment Licence:

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 12 midnight.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

On and off supplies

Part 2

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

The Beefeater of St Katherines Dock Limited
Oliver House
27 East Barnet Road
Herts
EN4 8RN

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

3473118

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

Umberto Bernini
101 Westpole Avenue
Cockfosters
Barnet
EN4 0BA

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

Umberto Bernini (*personal licence details to be confirmed*)

Annex 1 - Mandatory conditions

The sale by retail of alcohol and late night refreshment:

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

On Sales

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the licensed premises;

- (e) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (f) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (g) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;
- (h) the taking of alcohol from the premises by a person residing there; or
- (i) the supply of alcohol for consumption on the premises to any private friends of a person residing there who are bona fide entertained by him at his own expense, or the consumption of alcohol by persons so supplied; or
- (j) the supply of alcohol for consumption on the premises to persons employed there for the purposes of the business carried on by the holder of the licence, or the consumption of liquor so supplied, if the liquor is supplied at the expense of their employer or of the person carrying on or in charge of the business on the premises.

Hot food and hot drinks may be sold for up to thirty minutes after the end of normal permitted hours.

Off Sales

Alcohol shall not be sold in an open container or be consumed in the licensed premises
The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces;

Children Certificate:

For Hours of 10am to 11pm Monday to Saturday and 12 noon to 10:30pm Sunday

No person under fourteen shall be in the bar of the licensed premises during the permitted hours unless one of the following applies:

- (1) He is the child of the holder of the premises licence.
- (2) He resides in the premises, but is not employed there.
- (3) He is in the bar solely for the purpose of passing to or from some part of the premises which is not a bar and to or from which there is no other convenient means of access or egress.
- (4) The bar is in premises constructed, fitted and intended to be used bona fide for any purpose to which the holding of the licence is ancillary.
- (5) (a) He is in an area shown on the plan attached to the licence
 - (b) Meals and non-alcoholic beverages are available for sale for consumption in that area.
 - (c) He is in the company of a person aged 18 or over.
 - (d) He is there prior to 9 p.m.

In this condition "bar" includes any place exclusively or mainly used for the consumption of intoxicating liquor. But an area is not a bar when it is usual for it to be, and it is, set apart for the service of table meals and alcohol is only sold or supplied to persons as an ancillary to their table meals

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Public Entertainment

Subject to the rules of the Council relating to the management of places of public entertainment and to the following additional conditions.

1. The hours of the licence are Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 12 midnight.
2. The maximum number of persons to be accommodated within these premises shall not exceed 340. (Note, subject to completion of works required by LFEP, this may be increased to 420 persons).
3. An attendant shall be on duty in the cloakroom whilst it is in use.
4. All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-Section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

Annex 2 - Conditions consistent with the operating Schedule

None

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

Not applicable

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:
15 Jul 2005



Part B - Premises licence summary

Premises licence number

10324

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
(The Beefeater at the Tower)

Ivory House
St Katherine's Dock
East Smithfield

Post town

London

Post code

E1W 1BP

Telephone number

0207 480 5353

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale by retail of alcohol
Regulated Entertainment
Late night refreshment

The times the licence authorises the carrying out of licensable activities

Alcohol and late night refreshment:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted

hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Alcohol may be sold or supplied for one hour following the hours set out above and on Christmas day between 3p.m. and 7 p.m. to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply

See full licence for drinking up time

Entertainment Licence:

Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 12 midnight.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

Name, (registered) address of holder of premises licence

The Beefeater of St Katherines Dock Ltd
Oliver House
27 East Barnet
New Barnet
Herts EN4 8RN

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

On and off supplies

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

N/A

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

Umberto Bernini

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

No restrictions

Appendix 2

Insert name and address of relevant licensing authority and its reference number (optional)

The London Borough of Tower Hamlets,
 Trading Standards and Environmental
 Health, Licensing Section, Mulberry
 Place (AH), PO Box 55739
 5 Clove Crescent,
 London E14 1BY

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

X/We THE BEEFEATER OF ST.KATHERINE'S DOCK LIMITED
 (Insert name(s) of applicant)

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

Premises licence number

10324

9 98 MAY 2008

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference, or description Beefeater at the Tower, Ivory House, St.Katherine's Dock, London E1W 1LB	
Post town London	Post code E1W 1LB

Telephone number at premises (if any)

0207-4805353

Non-domestic rateable value of premises

£ 157,500.00

Part 2 - Applicant Details

Daytime contact telephone number

0207-4805353

E-mail address (optional)

Current postal address if different from premises address

Post Town

Postcode

Part 3 - Variation

Please tick Yes

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

 /

If not do you want the variation to take effect from

Day		Month		Year	

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

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To remove all existing conditions to allow the full effect of the Licensing Act 2003, to simplify the Licence and the times for licensable activities.

Part 4 - Operating Schedule

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

Provision of regulated entertainment

Please tick Yes

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

 /

 /
 /
 /

Provision of entertainment facilities for:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

 /
 /

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

 /

Sale by retail 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	10.00	00.00	Please give further details here (please read guidance note 3) Magicians, jugglers, strongman, minstrels, contortionist, jousting and similar activities	Both
Tue	10.00	00.00		
Wed	10.00	00.00	State any seasonal variations for performing plays (please read guidance note 4)	
Thur	10.00	00.00		
Fri	10.00	00.00	Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.	
Sat	10.00	00.00		
Sun	10.00	00.00		

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films 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) N/A	Both
Tue				
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3) N/A
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 4)
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)
Day	Start	Finish	Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3) N/A
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)

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 ✓ (please read guidance note 2)	Indoors	/
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	Please give further details here (please read guidance note 3) Live music will be provided to patrons by singers, minstrels, live bands and similar	Both	
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	00.00	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) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		
Sat	10.00	00.00			
Sun	10.00	00.00			

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 ✓ (please read guidance note 2)	Indoors	/
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	Please give further details here (please read guidance note 3) Amplified recorded music will be provided for patrons to dance to /listen to.	Both	
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	00.00	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) The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		
Sat	10.00	00.00			
Sun	10.00	00.00			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors	/
Day	Start	Finish		Outdoors	
Mon	10.00	00.00	<p>Please give further details here (please read guidance note 3)</p> <p>Dancing is provided by performers for the entertainment of patrons and patrons are permitted to dance within the premises. Dancing is permitted anywhere within the licensed area.</p> <p>State any seasonal variations for the performance of dance (please read guidance note 4)</p> <p>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)</p> <p>The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.</p>	Both	
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	00.00			
Fri	10.00	00.00			
Sat	10.00	00.00			
Sun	10.00	00.00			

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	Will this entertainment take place indoors or outdoors or both - please tick ✓ (please read guidance note 2)	Indoors		
Mon				<p>N/A</p>	Outdoors	
Tue			Both			
Wed			<p>Please give further details here (please read guidance note 3)</p>			
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)</p>			
Fri			<p>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)</p>			
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 ✓ (please read guidance note 2)		Indoors <input type="checkbox"/> /
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon	10.00	00.00	There is a music system and speakers for the production of amplified music.		
Tue	10.00	00.00			
Wed	10.00	00.00	State any seasonal variations for the provision of facilities for making music (please read guidance note 4)		
Thur	10.00	00.00			
Fri	10.00	00.00	Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	10.00	00.00	The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		
Sun	10.00	00.00			

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both - please tick ✓ (see guidance note 2)		Indoors <input type="checkbox"/> /
					Outdoors <input type="checkbox"/>
					Both <input type="checkbox"/>
Day	Start	Finish	Please give a description of the facilities for dancing you will be providing		
Mon	10.00	00.00			
Tue	10.00	00.00	Please give further details here (please read guidance note 3)		
			Dancing is permitted anywhere within the licensed area.		
Wed	10.00	00.00			
Thur	10.00	00.00	State any seasonal variations for providing dancing facilities (please read guidance note 4)		
Fri	10.00	00.00			
Sat	10.00	00.00	Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
			The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		
Sun	10.00	00.00			

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 N/A			
Day	Start	Finish	Will the entertainment facility be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)	Indoors		
Mon				Outdoors		
				Both		
Tue				Please give further details here (please read guidance note 3)		
Wed						
Thur				State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or J (please read guidance note 4)		
Fri						
Sat				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)		
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 <input checked="" type="checkbox"/> (please read guidance note 2)			Indoors		
Day	Start	Finish	Please give further details here (please read guidance note 3) Hot food and drinks for consumption on and off the premises.			Outdoors		
Mon	23.00	00.00				Both	/	
Tue	23.00	00.00						
Wed	23.00	00.00				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23.00	00.00						
Fri	23.00	00.00				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23.00	00.00				The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.		
Sun	23.00	00.00						

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption please tick ✓ (please read guidance note 7)	On the premises
				Off the premises
Day	Start	Finish		Both /
Mon	10.00	00.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	
Tue	10.00	00.00		
Wed	10.00	00.00		
Thur	10.00	00.00		
Fri	10.00	00.00		
Sat	10.00	00.00		
Sun	10.00	00.00		
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)	
			The finish time for licensable activities on New Years Eve will be extended to the start time for licensable activities on New Years Day.	

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)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) * - the following day
Day	Start	Finish	
Mon	10.00	00.30 *	<p>Non standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> <p>The premises close 30 minutes after the end of licensable activities where these are a non-standard time.</p>
Tue	10.00	00.30 *	
Wed	10.00	00.30 *	
Thur	10.00	00.30 *	
Fri	10.00	00.30 *	
Sat	10.00	00.30 *	
Sun	10.00	00.30 *	

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

All existing conditions on the Licence can be removed.

Please tick Yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

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

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

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

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

The premises operate as a Restaurant and Bar providing food and drink to patrons within the licensed area primarily trading in the evenings providing a medieval style banquet to patrons.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

No regulated entertainment is to be provided in the outside licensed area.

e) The protection of children from harm

Children under 16 years of age must be accompanied by adults on the premises.

Please tick ✓ Yes

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

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

Part 5 - Signatures (please read guidance note 10)

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

Signature *Drysdale*

Date 8/05/08

Capacity Solicitors for the Applicant

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

Signature

Date

Capacity

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

Drysdals
 Cumberland House
 24-28 Baxter Avenue
 Southend-on-Sea

Post town

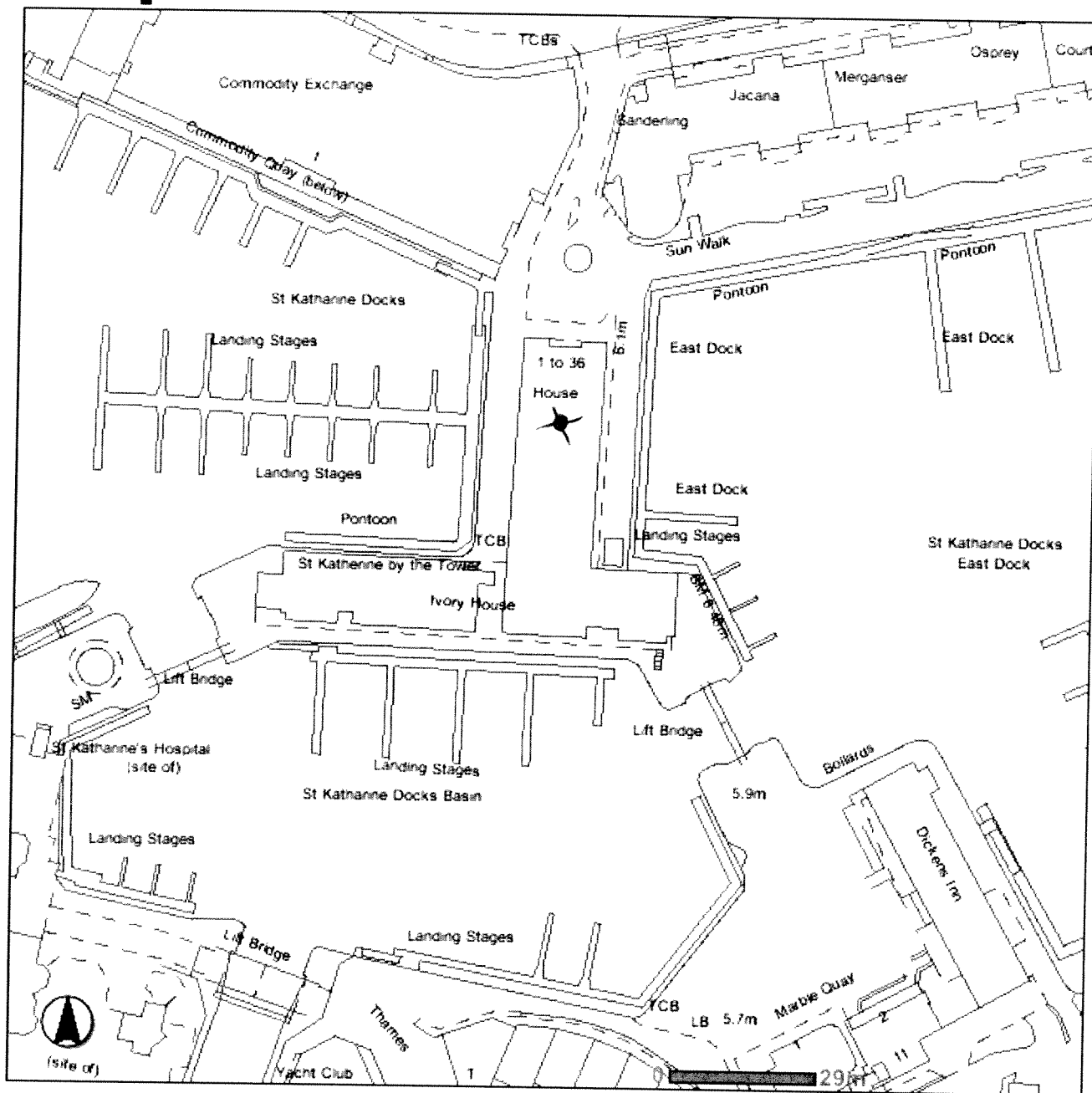
Post code SS2 6HZ

Telephone number (if any) 01702 423400

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

Appendix 3

Map



Scale 1:1250

Map of:

Beefeater

Notes:

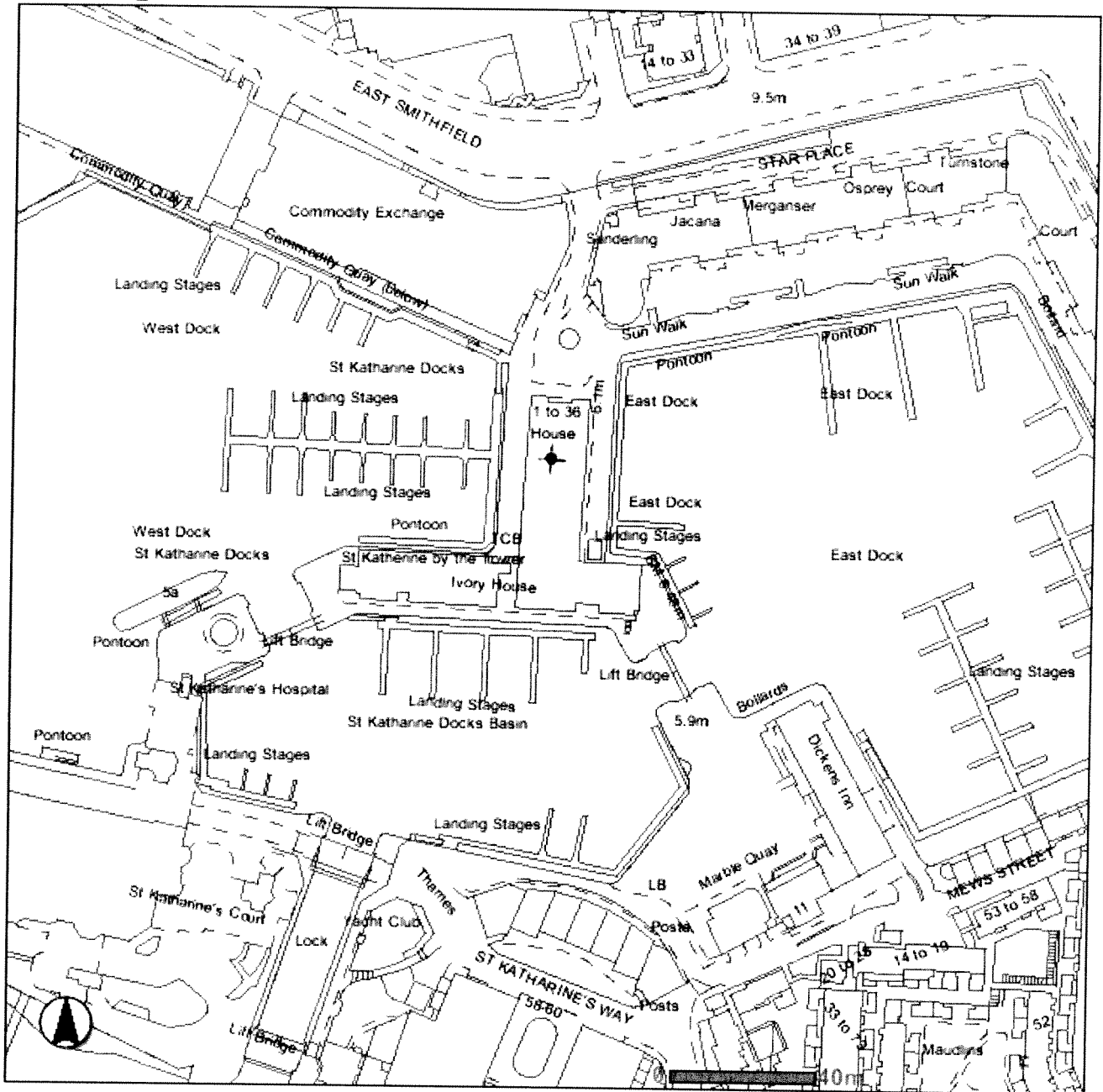
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Licence Number: LA100019288

Map



Scale 1:1750

Map of:

Beefeater

Notes:

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Appendix 4

Section 182 Advice by the DCMS

RELEVANT, VEXATIOUS AND FRIVOLOUS REPRESENTATIONS

- 9.8 A representation would only be “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 businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. 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, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the DCMS website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving 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 subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Secretary of State recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 5

Name	Address 1	Address 2	Address 3	Postcode	Appendix
Graham Lloyd-Brunt	14, Ivory House	East Smithfield	London	E1W 1AT	6
Manu Rao	33, Ivory House	East Smithfield	London	E1W 1AT	7
Simon Smith	35, Ivory House	East Smithfield	London	E1W 1AT	8
Richard Ruttie	11, Ivory House	East Smithfield	London	E1W 1AT	9
David and Sheila Suchet	17, Ivory House	East Smithfield	London	E1W 1AT	10
Michael Wilshire	1, Ivory House	East Smithfield	London	E1W 1AT	11
Heather Corben	1, Ivory House	East Smithfield	London	E1W 1AT	12

Appendix 6

14 Ivory House
East Smithfield
London E1W 1AT

Work telephone 020 7760 4979

23 May 2008

John Cruse
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Dear Mr Cruse

**Beefeater at the Tower, Basement of Ivory House, St. Katherine Docks, London
E1W 1AT - Premises licence number 10324**

An application has been submitted to Tower Hamlets by the operators of the themed restaurant in the basement of Ivory House to remove all existing conditions from their premises licence and allow those premises to operate longer hours.

Were the application successful it would allow acting, live music, amplified recorded music, the production of amplified music, dancing and the consumption of food and alcohol to continue until midnight seven days a week and require that the public only vacate the premises by 0030 hours seven days a week.

I wish to object to the application that has been submitted as it would be unreasonable for the existing conditions to the premises licence to be removed or varied because:

- Customers of these premises congregate outside the lobby entrance to Ivory House smoking when they have been consuming alcohol.
- Ivory House is a steel framed building and noise travels easily.

Yours sincerely



Graham Lloyd-Brunt



27 MAY 2008

Appendix 7

May 27, 2008

Mr M. Rao
Flat 33, The Ivory House
East Smithfield
London
E1W 1AT

John Cruse
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

REF: Premises Licence Number: 10324

Mr Cruse,

I write in reference to the above quoted license number as it pertains to the Beefeater at the Tower ("Medieval Banquet") and their application to remove all existing conditions of their premises licence.

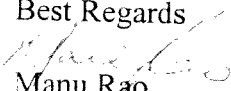
I write to voice my stringent objections to any changes to their existing licence as a resident of The Ivory House and one who is already suffering from the noise and general annoyance created by the premises and its guests.

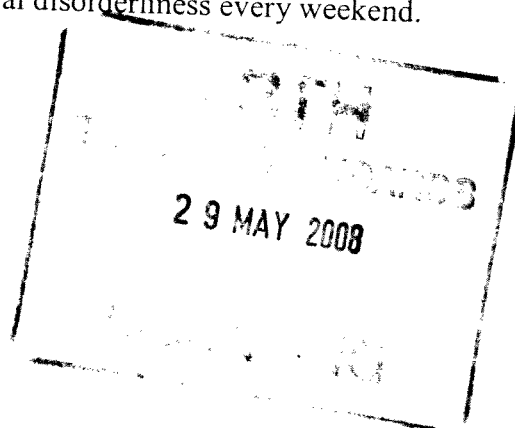
On the evenings they are open, we (which includes my partner and my 3 month old daughter) are subject to the loud carrying's on of the guests of the restaurant which at times are merely annoying and at other times becomes threatening when guests decide to fight after drinking themselves into a stupor. Further, my partner feels terribly threatened when she attempts to come in the front door of The Ivory House in the evenings as drunken guests cavort near the entrance and in their state can be quite intimidating. Further, the pile of cigarette butts found on Sunday mornings outside of our entrance has become quite tiresome.

I would urge you to deny any change to their premises licence and give some comfort to the residents of The Ivory House and other properties in the area that we will not be subject to loud music, loud visitors and general disorderliness every weekend.

I thank you in advance.

Best Regards


Manu Rao



Appendix 8

Flat 35
Ivory House
London
E1W 1AT

29 May 2008

John Cruse
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clover Crescent
London E14 1BY

Dear Mr Cruse

Licensing Act 2003/ Beefeater at the Tower, Ivory House E1W Licence no.10324

I would like to formally object to any change to the existing conditions to the premises licence at the above.

Ivory House is a successful mix of residential and commercial use. However, any change of use would be to the detriment of residents.

As a metal framed building, music already travels within the building. There is considerable noise when groups of guests leave the building and wait around for taxis to pick them up. Whilst there is a particular problem with large groups of guests sheltering in the overhang by the front door to the residential and office accommodation. This area is used as an informal smoking area. Guests (who have consumed large quantities of alcohol) congregate here and have been quite intimidating to my family trying to access our flat. They have even tried to gain access to the Ivory House Reception area. No security is provided by the Beefeater to control their guests.

The proposals will exacerbate these issues to unacceptable levels. It is not appropriate for a mixed commercial and residential unit to allow amplified music and alcohol consumption until 00.30 each day. This will mean that residents will not be able to sleep as the noise travels within the building whilst noise outside will last until at least 1.00 am each day as they wait to be collected. In addition, the staff of the premises will be clearing up until the early hours of the morning emptying bottles and refuse into the recycling bins again disturbing the residents.

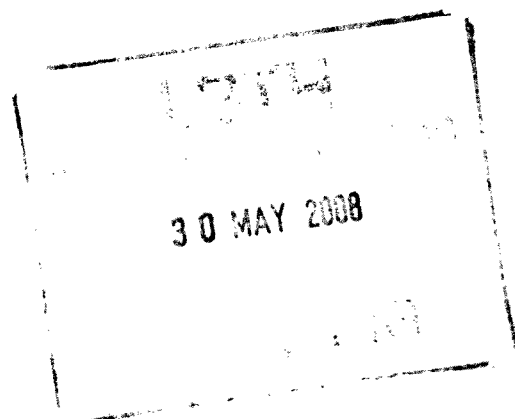
I believe that the proposals are such that it is unreasonable for them to be granted. It is already proposed to have further license premises adjacent to the Ivory House and this is a further unacceptable intrusion into the lives of residents.

Thank you for your help in this matter.

Yours sincerely



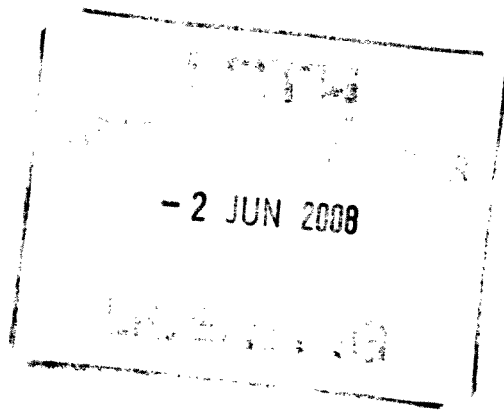
Simon Smith



Appendix 9

11 IVORY HOUSE
EAST SMITHFIELD
LONDON
E1W 1AT

29/05/2008



Dear Mr Cruise,

RE Beefeater at the Tower, Basement of Ivory House St Kathenes Doc
Premises LICENCE NUMBER 10324.

I understand that an application has been submitted to Tower Hamlets by the operators of the themed restaurant in the basement of the Ivory House to operate longer hours.

This establishment is already a nuisance with (relatively) late night music, shouting and at closing time a congregation of people talking shouting etc right underneath the apartments of the Ivory House. The noise is amplified by the nature of the building (steel frames) and it is very difficult to sleep while the restaurant is open.

For this reason, I submit that it would be unreasonable to the Ivory House residents for the existing conditions to the premises licence to be removed or varied. We should have some protection from late night revellers within the dock area as for many of us, its relative peace at night is one of the key reasons we moved here and pay significant services charges!

yours sincerely

Richard Kutt

Appendix 10

17 The Ivory House,
St Katharine Docks
London E1W 1AT

30th May 31, 2008

John Cruise,
Team Leader, Licensing
London Borough of Tower Hamlets
Mulberry Pl,
PO Box 55739
London E14 1 by

Reference: Premises Licence Number 10324
Beefeater at the Tower EIW

Dear Mr. Cruise,

We are writing to you concerning the application submitted to Tower Hamlets by the operators of the Beefeater By the Tower themed restaurant. We would like to express our objections to this application.

St Katharine Docks has a large residential community and the restaurants that are being put in place seem to have sensitive use of the licensing hours etc. but because of the nature of the Beefeater at the Tower being a "themed" restaurant the clientele it attracts are often large groups that tend to drink heavily and loiter outside Ivory House when wanting to smoke etc. The result of this can already be very intrusive and noisy and creates a litter problem that Beefeater seem unable to address. Also once the restaurant has closed large groups often wait across the main entrance to Ivory House, while waiting to disperse and as residents in this building this can be very intimidating. To extend the licensing hours can only make this situation worse. The amplified music is already intrusive as Ivory House is steel framed and noise travels easily through its structure.

The existing conditions and restrictions for this particular type of restaurant in its particular location seem reasonable and do not justify any change.

We are not by any means wishing to stop people enjoying themselves but the proximity of the two entrances does create problems. We do hope you will take all the above comments into serious consideration when making your decision.

Yours sincerely,


David and Sheila Suchet


- 3 JUN 2008

Appendix 11

Mohshin Ali

From: John Cruse
Sent: 04 June 2008 12:22
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

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

From: Michael Wilshire [mailto:wilshire@yahoo.com]
Sent: 03 June 2008 22:56
To: John Cruse
Subject: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

Dear Mr Cruse

Re: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

I am writing in relation to the application for an extension of the licence for the above premises, to which I wish to object. Based on the letter I have received from you, I understand that the application would remove all existing conditions from the current premises licence and allow those premises to operate for longer hours. This would, amongst other things, allow acting, live music, amplified recorded music, the production of amplified music and dancing. The consumption of food and alcohol would continue until midnight seven days a week, and would allow people to stay on the premises until 0030 am seven days a week. In addition, extensive provisions are being requested over the New Year period.

I am the owner of Flat 1, the Ivory House; which is one of a number of residential flats in the building. We previously made representations in relation to the proposed application by Zizzi for a premises licence and were able to agree reasonable conditions with the operator of those premises that will allow them to operate commercially, whilst we hope will protect the right of the residents in the building to a peaceful life. I strongly believe that similar conditions should be imposed on the Beefeater premises, as the arguments are very similar - and there is no justification for extending the licence in the way requested, which would inevitably lead to an unacceptable level of noise late into the night. In the past - and before the new limitations were agreed with Zizzi - we have experienced noise from licensed premises in the Ivory House, which has required us to involve the Environmental Noise Unit within Tower Hamlets. We are keen that reasonable licensing conditions be agreed in advance, so that this is unnecessary.

There is often late night noise already from the Beefeater restaurant, due to people congregating outside. This is partly due to the 'theme' nature of the restaurant, with its 'Mediaeval Banquet', which encourages large groups that descend en masse to the restaurant at the same time and who leave together, creating intrusive disturbance that can be heard from Flat 1, and which must be considerably worse for the flats immediately above. Any extension of the hours would greatly worsen this situation and would result in noise levels late into the night. Also, these people often smoke and talk loudly outside the restaurant after consuming considerable amounts of alcohol - and there is inevitably an additional risk of late night drunkenness in what is otherwise now a well managed mixed residential and commercial area.

There is also a problem of sound being transmitted through the fabric of the building. The sound is already audible outside the restaurant and any extension of this - in the form of more amplified music, live music, dancing or other entertainment, would inevitably increase this substantially. If coupled with the proposed extended hours, this would result in increased and major disturbance until late into the evening/night and early morning. The solid nature of the building's construction and design, and in particular the metal pillars

between floors transmit music or any other loud noise upwards through the residential flats above. Also, the vaulted brickwork appears to exacerbate the problem as it acts as a 'lens' that amplifies and focuses the sound. The building is listed which restricts the ability to make structural changes, such as soundproofing to the ceiling of the licensed premises..

The flats were recently redeveloped by the main site landlord (REIT Asset Management) and sold during 2005-2006. In view of the mixed use (and primarily residential) nature of the Ivory House, and the previous history described above, and the need for sleep / freedom from noise disturbance of the adults and children in the flats above and adjacent to the Beefeater restaurant, I believe that it is appropriate to take measures that reduce the likelihood of noise in future. I therefore request that conditions be imposed in the licence, similar to those that have been agreed for Zizzi's restaurant.

I wish if possible to attend any hearing on this application.

Yours sincerely,

Michael Wilshire

Appendix 12

Mohshin Ali

From: John Cruse
Sent: 04 June 2008 12:22
To: Mohshin Ali
Subject: FW: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

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

From: Heather Corben [mailto:Heather.Corben@sjberwin.com]
Sent: 03 June 2008 23:27
To: John Cruse
Subject: FW: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

Dear Mr Cruse

Re: Licensing Act 2003 and Beefeater At The Tower, Ivory House E1W, Premises Licence 10324

I am writing in relation to the application for an extension of the licence for the above premises, to which I wish to object. Based on the letter I have seen from you, I understand that the application would remove all existing conditions from the current premises licence and allow those premises to operate for longer hours. This would, amongst other things, allow acting, live music, amplified recorded music, the production of amplified music and dancing. The consumption of food and alcohol would continue until midnight seven days a week, and would allow

people to stay on the premises until 0030 am seven days a week. In addition, extensive provisions are being requested over the New Year period.

I am the wife of the owner of Flat 1, the Ivory House, which is one of a

number of residential flats in the building. As well as adults, a number

of school age or younger children live at the Ivory House. We previously

made representations in relation to the proposed application by Zizzi for a premises licence and were able to agree reasonable conditions with

the operator of those premises that will allow them to operate commercially, whilst we hope will protect the right of the residents in the building to a peaceful life. I strongly believe that similar conditions should be imposed on the Beefeater premises, as the arguments

are very similar - and there is no justification for extending the licence in the way requested, which would inevitably lead to an unacceptable level of noise late into the night. In the past - and before the new limitations were agreed with Zizzi - we have experienced noise from licensed premises in the Ivory House, which has required us to involve the Environmental Noise Unit within Tower Hamlets. We are keen that reasonable licensing conditions be agreed in advance, so that this is unnecessary.

There is often late night noise already from the Beefeater restaurant, due to people congregating outside. This is partly due to the 'theme' nature of the restaurant, with its 'Mediaeval Banquet', which encourages large groups that descend en masse

to the restaurant at the same time and who leave together, creating intrusive disturbance that can be heard from Flat 1, and which must be considerably worse for the flats immediately above. Any extension of the hours would greatly worsen

this situation and would result in noise levels late into the night.

Also, these people often smoke and talk loudly outside the restaurant after consuming considerable amounts of alcohol - and there is inevitably an additional risk of late night drunkenness in what is otherwise now a well managed mixed residential and commercial area.

There is also a problem of sound being transmitted through the fabric of

the building. The sound is already audible outside the restaurant and any extension of this - in the form of more amplified music, live music,

dancing of other entertainment, would inevitably increase this substantially. If coupled with the proposed extended hours, this would result in increased and major disturbance until late into the evening/night and early morning. The solid nature of the building's construction and design, and in particular the metal pillars between floors transmit music or any other loud noise upwards through the residential flats above. Also, the vaulted brickwork appears to exacerbate the problem as it acts as a 'lens' that amplifies and focuses

the sound. The building is listed which restricts the ability to make structural changes, such as soundproofing to the ceiling of the licensed

premises..

The flats were recently redeveloped by the main site landlord (REIT Asset Management) and sold during 2005-2006. In view of the mixed use (and primarily residential) nature of the Ivory House, and the previous history described above, and the need for sleep / freedom from noise disturbance of the adults and children in the flats above and adjacent to the Beefeater restaurant, I believe that it is appropriate to take measures that reduce the likelihood of noise in future. I therefore request that conditions be imposed in the licence, similar to those that

have been agreed for Zizzi's restaurant.

I wish if possible to attend any hearing on this application.

Yours sincerely,

Heather Corben

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Appendix 13

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

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

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 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 14

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 15

Planning

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

Appendix 16

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