

Committee: <b>Licensing Sub-committee</b>	Date:	Classification <b>Unclassified</b>	Report No. LSC018/ 809	Agenda Item No.
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Report of: <b>Colin Perrins Head of Trading Standards and Environmental Health (Commercial)</b>  Originating Officer: <b>Mohshin Ali Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a variation of the Premises Licence for Victoria, 110 Grove Road, London E3 5TH</b>  Ward affected: <b>Bow West</b>
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## 1.0 Summary

Applicant: **Charles Wells Ltd**

Name and Address of Premises: **Victoria  
110 Grove Road  
London  
E3 5TH**

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

- **Extending the hours for the sale of alcohol**
- **Extending the hours for the provision of regulated entertainment (also addition of licensable activities)**
- **Extending the hours for the provision of late night refreshment**
- **Removal of certain embedded restrictions**

Representations: **Environmental Protection  
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		<b>Mohshin Ali 020 7364 5498</b>

### 3.0 Background

- 3.1 This is an application for a variation of the Premises Licence for Victoria, 110 Grove Road, London E3 5TH.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.

#### **The current standard timings are as follows:**

##### **The sale by retail of alcohol:**

- Monday to Saturday from 11:00 hours to midnight
- Sunday from 12:00 hours to 23:30 hours

##### **Regulated Entertainment consisting of:**

##### **Live music (maximum two performers) and Recorded Music**

- Monday to Saturday from 11:00 hours to midnight
- Sunday from 12:00 hours to 23:30 hours

##### **Late Night refreshment**

- Monday to Saturday from 23:00 hours to midnight
- Sunday from 23:00 hours to 23:30 hours

##### **Non-standard timings**

- Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays, 24<sup>th</sup> December, 26<sup>th</sup> December, 1<sup>st</sup> January hours extended until midnight
- 25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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:**

- Monday to Saturday from 11:00 hours to 00:30 hours the following day
- Sunday from 12:00 hours to midnight

#### Non-standard timings

- Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays, 24<sup>th</sup> December 26<sup>th</sup> December, 1<sup>st</sup> January opening hours extended until 00:30 hours
- 25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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.

3.3 A copy of the application is enclosed as **Appendix 2**.

- 3.4 The applicant has described the nature of the variation as follows:
- Extending the hours for the sale of alcohol
  - Extending the hours for the provision of regulated entertainment (to add films, making music and dancing to the licensable activities)
  - Extending the hours for the provision of late night refreshment
  - Remove embedded restriction on live music from 'maximum two performers' to allow more than two performers to allow bands.

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

#### **Sale of Alcohol (on and off sales)**

- Sunday to Wednesday, from 10:00 hours to midnight
- Thursday to Saturday, from 10:00 hours to 01:00 hours the following day

#### Non-standard timings

- From finish time on New Years Eve to start time in New Years Day

#### **Regulated Entertainment - Indoors**

##### Films.

Live Music (remove embedded restriction on live music from 'maximum two performers' to allow more than two performers to allow bands).

Recorded music and anything of a similar description.

Provision of facilities for making music, provision of facilities for making dancing and provision of facilities for entertainment of a similar description.

- Sunday to Wednesday, from 10:00 hours to midnight
- Thursday to Saturday, from 10:00 hours to 01:00 hours the following day

#### Non-standard timings

- New Years Eve extended to 01:00 hours on New Years Day

### **Late Night Refreshment**

- Sunday to Wednesday, from 23:00 hours to midnight
- Thursday to Saturday, from 23:00 hours to 01:00 hours the following day

### **Hours premises are open to the public:**

- Sunday to Wednesday, from 10:00 hours to 00:30 hours the following day
- Thursday to Saturday, from 10:00 hours to 01:30 hours the following day

### Non-standard timings

- From finish time on New Years Eve to start time in New Years Day

3.5 A map showing the situation of premises in the local 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](http://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 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
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents and Environmental Protection.

- 5.12 Please see **Appendix 5** for the representations of 33 residents in the form of petitions.
- 5.13 Two of the residents from the petition also submitted individual representations. Please see **Appendix 6** for the representation of M Deering. Please see **Appendix 7** for the representation of S Mapstone.
- 5.14 Please see **Appendix 8** for the representation of Environmental Protection.
- 5.15 The application was required to be advertised in a local newspaper and by a blue poster. Due to failure of advertising the application correctly, the consultation period was extended to 5<sup>th</sup> June 2008.
- 5.16 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
- 5.17 Essentially, Environmental Protection and the residents oppose the application because the applicant has not explained how within the context of the application they will meet the licensing objectives, particularly:
- the prevention of crime and disorder
  - the prevention of public nuisance
- 5.18 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.” (10.20)

6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.

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.
- 6.6 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)
- 6.7 The Council's licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 Members will find advice on the issues relating to conduct on the premises and access/egress as follows:
- Appendix 9** Licensing Officer comments on noise while the premise is in use
  - Appendix 10** Licensing Officer comments on access/egress problems
  - Appendix 11** Licensing Officer comments on crime and disorder on the premises
  - Appendix 12** Licensing Officer comments on crime and disorder from patrons leaving the premises
  - Appendix 13** Planning
  - Appendix 14** 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 premises licence application
- 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** Representations of 33 residents in form of petitions
- Appendix 6** Representation of M Deering
- Appendix 7** Representation of S Mapstone
- Appendix 8** Representation of Environmental Protection
- Appendix 9** Licensing Officer comments on noise while the premise is in use
- Appendix 10** Licensing Officer comments on access/egress problems
- Appendix 11** Licensing Officer comments on crime and disorder on the premises
- Appendix 12** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 13** Planning
- Appendix 14** Licensing Policy relating to hours of trading

# Appendix 1



# TOWER HAMLETS

Licence / Registration

Certificate Number

10406

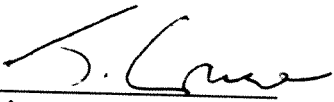
**Victoria PH  
110 Grove Road  
London  
E3 5TH**

**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: 16/11/05**

M:\LICENSING\Word97\2003 Licensing Act certs & lics\2003\Issued Premises Licences\GroveRd110.lic.doc

**FOR OFFICE USE**

Receipt Number 15473 Fee Paid ~~£140~~  
£60

Fee Req.

Date 21.6.05 Initial SJS



**Part A - Format of premises licence**

Premises licence number

10406

**Part 1 - Premises details**

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

(Victoria PH)  
110 Grove Road

**Post town**

London

**Post code**

E3 5TH

**Telephone number**

020 8980 6609

**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 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, Thursday, Friday, Saturday from 11:00 hours to midnight  
Sunday from 12:00 hours to 23:30 hours

**Regulated Entertainment consisting of:**

**Live music (maximum two performers) and Recorded Music**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight  
Sunday from 12:00 hours to 23:30 hours

**Late Night refreshment**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday until midnight  
Sunday until 23:30 hours

In addition to above: Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays,  
24<sup>th</sup> December, 26<sup>th</sup> December, 1<sup>st</sup> January hours extended until midnight  
25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 00:30 hours  
the following day  
Sunday from 12:00 hours to midnight

In addition to above: Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays,  
24<sup>th</sup> December 26<sup>th</sup> December, 1<sup>st</sup> January opening hours extended until 00:30 hours  
25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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.

**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 Bernard Micallef and Mr Charlie Magri  
Victoria PH  
110 Grove Road  
London  
E3 5TH

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

N/A

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

Kenneth Ian Maude  
Victoria PH  
110 Grove Road  
London  
E3 5TH

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

Kenneth Ian Maude – DH/PER/298/2005  
Issuing Authority – Dartford Borough Council

## **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

### **The sale by retail of alcohol:**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight  
Sunday from 12:00 hours to 23:30 hours

### **Regulated Entertainment consisting of:**

#### **Live music (maximum two performers) and Recorded Music**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight  
Sunday from 12:00 hours to 23:30 hours

### **Late Night refreshment**

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday until midnight  
Sunday until 23:30 hours

In addition to above: Bank Holiday weekends on Fridays Saturdays Sundays and Mondays, 24<sup>th</sup> December 26<sup>th</sup> December, 1<sup>st</sup> January hours extended until midnight  
25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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.

## **Annex 2 - Conditions consistent with the operating Schedule**

Maximum of two performers for live music

Customers shall be requested to leave the premises in orderly and quiet manner.

Children under 16 to be accompanied by a responsible adult.

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

The rear doors to the garden be closed to patrons and only used for emergency access/egress from 23:00 hours Monday to Sunday.



**Annex 4 - Plans**

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

21 June 2005



## Part B - Premises licence summary

Premises licence number

10406

### Premises details

**Postal address of premises, or if none, ordnance survey map reference or description**  
(Victoria PH)  
110 Grove Road

**Post town**  
London

**Post code**  
E3 5TH

**Telephone number**  
020 8980 6609

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 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, Thursday, Friday, Saturday from 11:00 hours to midnight  
Sunday from 12:00hours to 23:30 hours  
**Regulated Entertainment consisting of:**  
**Live music (maximum two performers) and Recorded Music:**  
Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to midnight; Sunday from 12:00 hours to 23:30 hours  
**Late Night refreshment:** Monday, Tuesday, Wednesday, Thursday, Friday, Saturday until midnight; Sunday until 23:30 hours

The opening hours of the premises

In addition to above: Bank Holiday weekends on Fridays Saturdays Sundays and Mondays, 24<sup>th</sup> December 26<sup>th</sup> December, 1<sup>st</sup> January hours extended until midnight; 25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours.

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.

Monday, Tuesday, Wednesday, Thursday, Friday, Saturday from 11:00 hours to 00:30 hours the following day  
Sunday from 12:00 hours to midnight

In addition: Bank Holiday weekends on Fridays Saturdays, Sundays and Mondays, 24<sup>th</sup> December 26<sup>th</sup> December, 1<sup>st</sup> January hours extended until 00:30 hours; 25<sup>th</sup> December from 11:00 hours to 12:00 and 15:00 hours to 19:00 hours

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.

Name, (registered) address of holder of premises licence

Mr Bernard Micallef & Mr Charlie Magri  
110 Grove Road  
London  
E3 5TH

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)

N/A

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

Kenneth Ian Maude

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

No restrictions

# Appendix 2

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.

I/We Charles Wells Ltd

*(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

<b>Premises licence number</b> 10406
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Part 1 – Premises Details

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Victoria 110 Grove Road			
<b>Post town</b>	London	<b>Post code</b>	E3 5TH

<b>Telephone number at premises (if any)</b>	
<b>Non-domestic rateable value of premises</b>	£16500

Part 2 – Applicant details

<b>Daytime contact telephone number</b>	
<b>E-mail address (optional)</b>	
<b>Current postal address if different from premises address</b>	18
<b>Post Town</b>	
<b>Postcode</b>	

**Part 3 - Variation**

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

Please tick yes

If not do you want the variation to take effect from

Day	Month	Year

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

Extend terminal hour for all licensable activities to:

Sunday - Wednesday 10.00 am - 00.00

Thursday - Saturday 10.00am - 01.00

Extend opening hours to thirty minutes after finish time for all licensable activities allowing a winding down period.

Add films, making music and dancing to the licensable activities.

Remove embedded restriction on live music from Max of 2 performers to allow more than 2 performers to allow bands.

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

## 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)  | <input type="checkbox"/>            |
| b) films (if ticking yes, fill in box B)  | <input checked="" 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 checked="" 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 checked="" type="checkbox"/> |

### Provision of entertainment facilities:

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

### 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	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<b>Please give further details here</b> (please read guidance note 3)		
Tue			<b>State any seasonal variations for performing plays</b> (please read guidance note 4)		
Wed			<b>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</b> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					



**B**

Films Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	10.00	00.00	<b>Please give further details here</b> (please read guidance note 3) Moving pictures shown to support Karoke		
Tue	10.00	00.00			
Wed	10.00	00.00	<b>State any seasonal variations for the exhibition of films</b> (please read guidance note 4)		
Thur	10.00	01.00			
Fri	10.00	01.00	<b>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</b> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sat	10.00	01.00			
Sun	10.00	00.00			

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b><u>Please give further details</u></b> (please read guidance note 3)
Day	Start	Finish	
Mon			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 4)
Tue			
Wed			
Thur			<b><u>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</u></b> (please read guidance note 5)
Fri			
Sat			
Sun			

**D**

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				<b>Please give further details here</b> (please read guidance note 3)	
Wed			<b>State any seasonal variations for boxing or wrestling entertainment</b> (please read guidance note 4)		
Thur					
Fri			<b>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</b> (please read guidance note 5)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>Please give further details here</b> (please read guidance note 3) Remove embedded restriction on live music from Max of 2 performers to allow more than 2 performers to allow bands.		
Mon	10.00	00.00			
Tue	10.00	00.00	<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Wed	10.00	00.00			
Thur	10.00	01.00	<b>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</b> (please read guidance note 5)  New Years Eve extended to 01.00 hours on New Years Day		
Fri	10.00	01.00			
Sat	10.00	01.00			
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 <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	10.00	00.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	10.00	00.00			
Wed	10.00	00.00	<b>State any seasonal variations for the playing of recorded music</b> (please read guidance note 4)		
Thur	10.00	01.00			
Fri	10.00	01.00	<b>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</b> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sat	10.00	01.00			
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	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 5)		
Sat					
Sun					

**H**

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the type of entertainment you will be providing</u></b>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	00.00		Outdoors	<input type="checkbox"/>
Tue	10.00	00.00	<b><u>Please give further details here</u></b> (please read guidance note 3) Karoke	Both	<input type="checkbox"/>
Wed	10.00	00.00			
Thur	10.00	01.00			
Fri	10.00	01.00	<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 4)		
Sat	10.00	01.00	<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sun	10.00	00.00			

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b><u>Please give a description of the facilities for making music you will be providing</u></b>	
			<b><u>Will the facilities for making music be indoors or outdoors or both – please tick</u></b> (please read guidance note 2)	
	Indoors	<input checked="" type="checkbox"/>		
	Outdoors	<input type="checkbox"/>		
	Both	<input type="checkbox"/>		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3) Karaoke	
Mon	10.00	00.00		
Tue	10.00	00.00	<b><u>State any seasonal variations for the provision of facilities for making music</u></b> (please read guidance note 4)	
Wed	10.00	00.00		
Thur	10.00	01.00	<b><u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day	
Fri	10.00	01.00		
Sat	10.00	01.00		
Sun	10.00	00.00		



**J**

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b><u>Will the facilities for dancing be indoors or outdoors or both – please tick</u></b> (see guidance note 2)	Indoors <input checked="" type="checkbox"/>	
				Outdoors <input type="checkbox"/>	
				Both <input type="checkbox"/>	
			<b><u>Please give a description of the facilities for dancing you will be providing</u></b>  Provision for customer to dance to all forms of music played on the premises		
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 3)		
Mon	10.00	00.00			
Tue	10.00	00.00	<b><u>State any seasonal variations for providing dancing facilities</u></b> (please read guidance note 4)		
Wed	10.00	00.00			
Thur	10.00	01.00	<b><u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times to those listed in the column on the left, please list</u></b> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Fri	10.00	01.00			
Sat	10.00	01.00			
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		
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick</b> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Mon	10.00	00.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	10.00	00.00	<b>Please give further details here</b> (please read guidance note 3) Karaoke		
Wed	10.00	00.00			
Thur	10.00	01.00	<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</b> (please read guidance note 4)		
Fri	10.00	01.00			
Sat	10.00	01.00	<b>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</b> (please read guidance note 5) New Years Eve extended to 01.00 hours on New Years Day		
Sun	10.00	00.00			

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 – <u>please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23.00	00.00	<b>Please give further details here</b> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23.00	00.00			
Wed	23.00	00.00	<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur	23.00	01.00			
Fri	23.00	01.00	<b>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</b> (please read guidance note 5)		
Sat	23.00	01.00			
Sun	23.00	00.00			

**M**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)</b>	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Mon	10.00	00.00			
Tue	10.00	00.00			
Wed	10.00	00.00			
Thur	10.00	01.00			
Fri	10.00	01.00			
Sat	10.00	01.00			
Sun	10.00	00.00			
			<b>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)</b>		
			Finish time on New Years Eve to start time 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)**  
2 or less AWP machines

O

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 6)			<b>State any seasonal variations</b> (please read guidance note 4)
Day	Start	Finish	
Mon	10.00	00.30	<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 5)  Finish time on New Years Eve to start time on New Years day
Tue	10.00	00.30	
Wed	10.00	00.30	
Thur	10.00	01.30	
Fri	10.00	01.30	
Sat	10.00	01.30	
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

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Please tick yes

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  
It was sent to Council to change Licence name into Charles Wells

**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)**

Good management during extended hours and licensable activities ensuring compliance with the Licensing Act as at present.

**b) The prevention of crime and disorder**

Liason with local police and Licensing Authority.

**c) Public safety**

Promotion of public safety by effective management, provision of sufficient first aid boxes and accident reporting procedures.

**d) The prevention of public nuisance**

Customers requested to respect local residents and to leave premises in a quiet and orderly manner.

**e) The protection of children from harm**

Children under 16 to be accompanied by an adult. No sale of alcohol made to a person under 18 years of age.

Staff to request photographic ID from any customers if in doubt of age (to prevent under age sales).

- I have made or enclosed payment of the fee Please tick yes
- 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	<i>Hole Wosself</i>
Date	<i>11-4-08</i>
Capacity	LICENSING CO-ORDINATOR on behalf of 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)

Licensing Team  
 Charles Wells Pub Company  
 The Morewood Centre  
 Eastcotts Park  
 Wallis Way

Post town	BEDFORD	Post code	MK42 0PE
Telephone number (if any)	01234 279105		

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



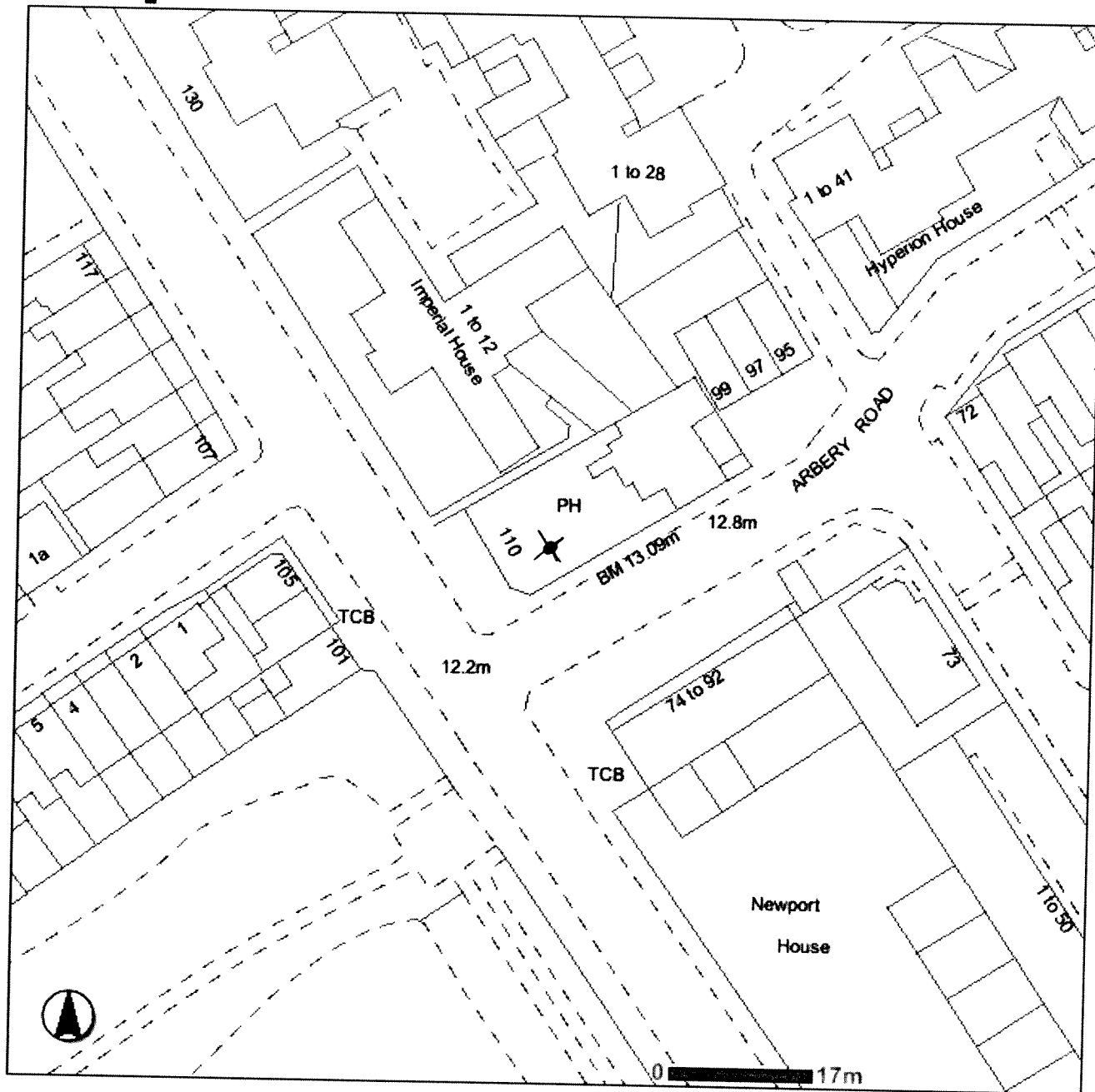
## Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

# Appendix 3

# Map



Scale 1:750

Map of:

## Victoria

Notes:

110 Grove Road

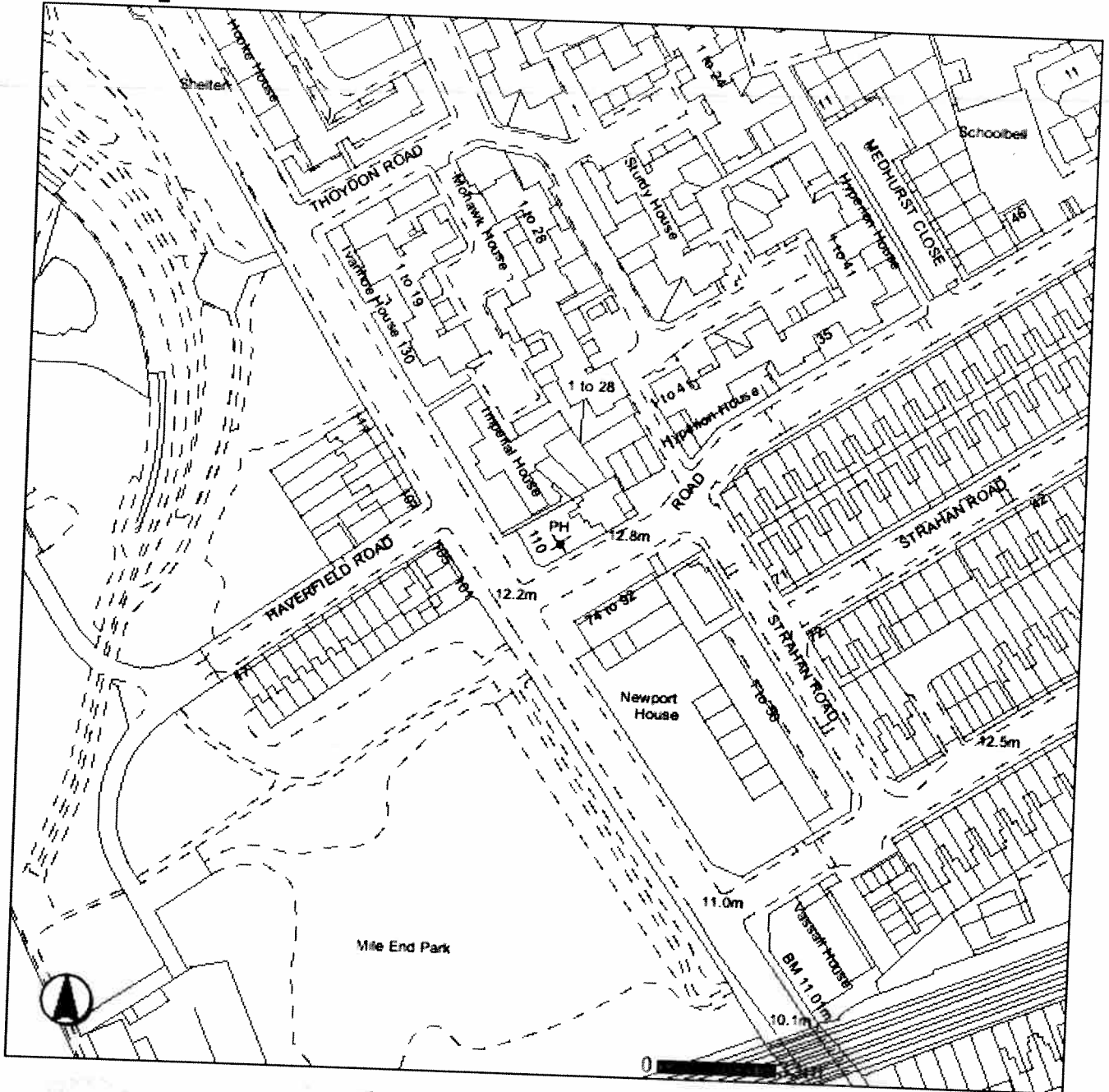
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Licence Number: LA100019288

# Map



Scale 1:1750

Map of:

## Victoria

Notes:

110 Grove Road

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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

ObjectionsGroveRoad110.Vic.xls

Name	Address1	Address2	Address3	Postcode
E Barney		74 Arbery Road	London	E3 5DD
Janar Niyarli		78 Arbery Road	London	E3 5DD
Susan Pill	21 Mohawk House	4 Geron Road	London	E3 5DZ
The Occupier	24 Mohawk House	4 Geron Road	London	E3 5DZ
S Mapstone	11 Imperial House	120 Grove Road	London	E3 5TN
M Deering	3 Imperial House	120 Grove Road	London	E3 5TN
Ana Maria M Garcia	12 Imperial House	120 Grove Road	London	E3 5TN
T Magras	10 Imperial House	120 Grove Road	London	E3 5TN
S Neyman	8 Imperial House	120 Grove Road	London	E3 5TN
Jakril Hoque	9 Imperial House	120 Grove Road	London	E3 5TN
E Moughton	2 Imperial House	120 Grove Road	London	E3 5TN
Van dac Ha	4 Imperial House	120 Grove Road	London	E3 5TN
C Alexander		80 Arbery Road	London	E3 5DD
Mr Helal Uddin		84 Arbery Road	London	E3 5DD
Mrs P Gallivan		88 Arbery Road	London	E3 5DD
Mr Mrinal Kanti Sarkar		90 Arbery Road	London	E3 5DD
Mrs P Sarkar		90 Arbery Road	London	E3 5DD
Mrs Maria Salih		92 Arbery Road	London	E3 5DD
D Gallwan		88 Arbery Road	London	E3 5DD
Mr & Mrs Gallivan		88 Arbery Road	London	E3 5DD
Mr Shashi		90 Arbery Road	London	E3 5DD
Mrs Salih		92 Arbery Road	London	E3 5DD
A...		74 Arbery Road	London	E3 5DD
S A Barnes		74 Arbery Road	London	E3 5DD
Gabriel Hudak		76 Arbery Road	London	E3 5DD
Jan Niyazi		78 Arbery Road	London	E3 5DD
Nick Donovan		82 Arbery Road	London	E3 5DD
P Vogt		105 Grove Road	London	E3 5DD
Imran		103A Grove Road	London	E3 5DD
J Chapdjev		105A Grove Road	London	E3 5DD
E West		103 Grove Road	London	E3 5DD
G P Venieelos	1 Grand Union Terrace	Haverfield Road	London	E3 5EN
A Lingwood		109 Grove Road	London	E3 5RP



This Petition is to oppose the application to vary a premises licence at the Victoria, 110 Grove Road, E3 5TH

In a residential area, it's not fair to have a 1 o'clock licence (Thurs-Sat) with a half hour winding down period and also to allow more than 2 performers to allow bands, this will make more noise, as we have had to put up with in the past this is a "public nuisance"

Name

address

Signature

E.A. Barry

74 ARBERY RD E3

E.A. Barry

Jean Niggin

78 ARBERY RD E3

J. Niggin

SUSAN PILL -

21 MOHAWK HOUSE

Handwritten signature

MATTHEW GIBSON

Handwritten signature

24 Mohawk House

London E3 5DZ

This Petition is to oppose the application to vary a premises licence at the Victoria, 110 Grove Road, E-3 5TH

In a residential area, it's not fair to have a 1 o'clock licence (Thurs-Sat) with a half hour winding down period and also to allow more than 2 performers to allow bands, this will make more noise, as we have had to put up with in the past this is a "public nuisance"

Name	12 MAY 2008	address	Signature
S MAPSTONE		IMPERIAL	S MAPSTONE
m. Deering		3 Imperial Hse	T. Deering
Ana Maria Martinez Borcia		12 Imperial house	T. Deering
T. MAGRAS		10 IMPERIAL HOUSE	T. Magras
S. Jeynar		8 Imperial House	S. Jeynar
Sakril Hoque		9 Imperial House	T. Magras
E Moughton		2 Imperial House	E. Moughton
Shenpeit			Shenpeit
Van dac Ha		4 Imperial House	V. D. HA
ALEXANDER		80, ARBERY	A. Alexander
MR HELAL UDDIN		84, ARBERY - Rd.	H. Uddin
MRS P. Callinan		E3-5 DD	P. Callinan
Mr. MRINAL KANTI SARKAR		88 ARBERY RD	M. Sarkar
Mrs. Popy Sarkar		90 Arbery Rd.	P. Sarkar
MRS. WARIA SATHI		92 ARBERY RD	W. Sathi

The residents of 74-92 ARBERY ROAD would like to let you know the concerns about the Licensing Application of the Victoria pub 110 Grove Road. Over the years we have all been disturbed by loud music and people coming out of the pub making a noise while waiting for taxis that toot late at night we now get people talking outside while they have a smoke. Some of the residents have had bottles and glasses thrown in their gardens. In the summer some of the drinkers sit on the fences and can be heard talking. We have a baby and young children living in the block. The thought of having to put up with music until 1 .am in the morning is something we can no longer put up with. We do not think it is too much to ask to expect quiet evenings with no loud music and shouting when there is trouble and the police are called.

MR + MRS	Gallivan	38 ARBERY RD	12 MAY 2008 Callum
	Shaw	90 ARBERY RD	Shaw
MRS	SALIH	92 ARBERY RD	M Salih
		84 ARBERY RD	
		74 ARBERY RD	
		76 ARBERY RD	Alk
		78 ARBERY RD	P. Nuygen
		82 ARBERY RD	
		105 GROVE RD	
		107A GROVE RD	
		105A GROVE RD	J Chapman
		103 GROVE RD	

Mrs. S.A. Barnes  
 EABRIEL HLIDAK  
 JAN NUYAZI  
 Nick Deacon  
 P. Vogt  
 Mian  
 J CHAPDJEV  
 N. ...

C.P. VENIZELOS

1 GRAND LONDON TERRAZZES  
HAMPSHIRE RD 12D

*[Handwritten signature]*

T. Lingwood

107 GROVE ROAD  
CRSRP

*[Handwritten signature]*

# Appendix 6

12 MAY 2008

m. Deering  
 3 Imperial Hse  
 120 Grove Road  
 Bow E3 5TN  
 30.4.08

Dear licensing section (John Cruise)

R.E. Victoria, 110 Grove Road, E.3 5TH.

I am writing to oppose the application to vary a premises licence.

My garden wall is also the Victoria's beer garden wall, so we can hear everything, the beer garden is also used for smoking customers, the door to the beer garden is opening all the time so whatever entertainment is playing at that time blasts out constantly.

The Victoria is applying for more than 2 performers to allow bands "More Noise" also thursday-Saturday to 1 AM. Plus thirty minutes after finish time for a winding down period, that's at least 1.30 AM.

As a registered childminder I have to get up by 6.30 AM to work, if a 1 AM licence is allowed, I don't see how anybody can continue to work on less than 5 hours sleep.

This is a residential area, neighbours have babies and children of school age, who again would have their sleep disturbed. In the past this has been a big problem.

I myself am a single parent as are some of my neighbours, we have had problems with 'drunk' men knocking on our doors and going to the toilet in our front gardens in the early hours, after leaving the pub. We also have to put up with cabs sounding their horns at all hours outside the pub 'P'(d) The prevention of public nuisance.

Many Thanks  
m. Deering.

# Appendix 7



DATE 12 MAY 2008  
29/4/2008

11 IMPERIAL HOUSE  
GROVE ROAD  
BOW E3. 5. T.M.  
LONDON

MR JOHN CRUSE (LICENSING COMMITTEE)  
I AM WRITING TO YOU REGARDING  
APPLICATION LICENS FOR THE VICTORIA PUBLIC  
HOUSE 110 IN GROVE ROAD BOW E3. MY  
REASON FOR THIS IS WHAT THE LANDLORD  
IS ASKING FOR, WHICH ALL THE RESIDENTS  
WHO LIVE CLOSE TO THE PUB <sup>ARE</sup> OBJECTING  
TO

NOISE NUISANCE, SINGING LOUD, SHOUTING  
SCREAMING OPENING SHUTTING DOORS WINDOWS  
BLASTING MUSIC OUT, SMOKEING IN THE  
BEER GARDEN. NOISE AT TIMES HAS BEEN  
UNBEARABLE. LATE <sup>AT</sup> NIGHT 6-ONE MIDNIGHT  
THE PUB IS IN BREACH. PEACE ON NUMEROUS  
OCCASIONS THE POLICE AT TO BE CALLED  
OUT BECAUSE THINGS GOT OUT OF HAND.  
ALL SO ENVIRONMENTAL OFFICER  
WAS CALLED OUT. HAVING LIVE BAND  
PLAYING IS UNFORTUNATELY NOT GOING  
TO HELP MATTERS. HOW LIVES ARE GOING  
TO BE MADE HELL. PHYSICALLY MENTALLY  
IN THE PAST WE HAVE PUT UP WITH IT  
NOT NO MORE ITS GONE ON LONG  
ENOUGH. LANDLORDS GREEDY FOR MONEY  
NO RESPECT FOR THE RESIDENTS. WHAT  
SO EVER. MINING CABS PULLING UP  
BLASTING THEIR HORNS <sup>STROBING</sup> SOMEBODY CALL  
CABS

# CRIME

I HAVE LIVED HERE FOR THE PAST 2-5 YEARS IT IS H EYE OPENER SURROUNDING THE PUB WHEN PEOPLE LEAVE AT CLOSING TIME THATS WHEN IT KICKS OFF. WHEN PEOPLE GET DRUNK THERES PUNCH UPS SWEARING THEN THERE ARE CERTAIN ONLS WHO DEAL DRUGS OUTSIDE AND INSIDE BEER GARDEN THEN THERE STABBING GOING ON WITH BLADES KNIVES BROKE BOTTLES. IN THE PAST THERE HAS BEEN SHOOTINGS WERE ONE LANDLORD THAT USE TO RUN THE VICTORIA PUB WAS SHOT. PEOPLE HAVE ALSO BEEN MUGGED OFF THEIR PHONES MONEY OR THE THINGS. ALSO THE STUDENTS ARE JUST BAD MUSIC DRUGS ALL NIGHT LONG ANTI SOCIAL BEHAVIOUR EVEN A ASBO ~~WOULDNT~~ WILL NOT STOP THEM. THIS IS FROM EXPERIENCE. THE STUDENTS THAT I AM TALKING ABOUT THAT LIVE AT THE BACK OF THE BEER GARDEN IN ARBERY ROAD.

WE HAVE A RIGHT TO PROTECT HOW CHILDREN FROM PEOPLE WHO EXPOSE THEMSELVES. WHEN USING THE NEIGHBOURS FRONT GARDENS HAS A TOILET THE PUB HAS TOILETS. SO THERE IS NO EXCUSE WHAT SO EVER. I ALSO NOTICE THAT THE FROSTED WINDOW IN THE BEER GARDEN WERE MENS TOILET. IS YOU CAN SEE EVERY THING THE LANDLORD SHOULD DO SOMETHING ABOUT. <sup>IT</sup> ALL FLATS SURROUNDING THE PUB HAVE LOTS OF CHILDREN LIVEING THERE. SOME PEOPLE THINK THEY CAN DO WHAT EVER THEY WANT SOME AGGRESSIVE WITH IT. IS IT ASKING TO MUCH FOR A BIT OF CONSIDERATION RESPECT GIVE HAS A BIT OF PEACE, WHEN WE COMPLAIN IT FALLS ON DEATH EARS.

YOURS S MHPSTONE

I WOULD LIKE  
MY ~~NAME~~ ADDRESS  
TO BE WITHHELD  
FROM PUBLIC VIEW

# Appendix 8

**Mohshin Ali**

**From:** Paul Johnson  
**Sent:** 13 May 2008 18:31  
**To:** Jacqueline Randall  
**Cc:** Mohshin Ali  
**Subject:** FW: Victoria - 110 Grove Road

Revised Comments

Premises License Number: 10406

Hi Jackie,

Environmental Health (EH) object to the above application to vary hours on the grounds of public nuisance.

Noise from customer access and egress and persons potentially congregating around premises up to the proposed times will potentially cause public nuisance to the surrounding residential, particularly residential above. Another factor is that of smokers creating potential noise odour nuisance up to the proposed times.

There are not details within application as to how applicant proposed to address the issue of public nuisance and that of containing the noise within the premises particularly when there is proposed live bands within.

There is a history of complaints from nearby residents re loud music, noise nuisance witnessed and non compliance by owner/manager when instructions were given to reduce level of music.

Paul Johnson  
Environmental Health Enforcement Officer  
Environmental Protection

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

Location Address  
Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617

**From:** Paul Johnson  
**Sent:** 13 May 2008 18:30  
**To:** Jacqueline Randall  
**Cc:** Mohshin Ali  
**Subject:** Victoria - 110 Grove Road

Premises License Number: 10406

Hi Jackie,

Environmental Health (EH) object to the above application to vary hours on the grounds of public nuisance.

Noise from customer access and egress and persons potentially congregating around premises up to the proposed times will potentially cause public nuisance to the surrounding residential, particularly residential above. Another factor is that of smokers creating potential noise odour nuisance up to the proposed times.

There are not details within application as to how applicant proposed to address the issue of public nuisance

22/05/2008

and that of containing the noise within the premises particularly when there is proposed live bands within.

There is a history of complaints from nearby residents re loud music and non compliance by owner/manager when instructions were given to reduce level of music.

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

Location Address  
Anchorage House, 2 Clove Crescent, London, E14 2BE

Telephone : 020 7364 6617  
Website : <http://www.towerhamlets.gov.uk>

# Appendix 9

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

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

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

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

### Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 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 10

## **Access and egress problems**

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

### Comment

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

### 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 11

## Crime and disorder on the premises

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003.

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

#### Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.43).

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices

#### Other Legislation

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

# Appendix 12

## Crime and disorder from patrons leaving the premises

### General Advice

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

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

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

### Licensing Policy

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

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy).**

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003.

The pool of conditions, adopted by the council is recommended (Annexe D). The key role of the police is acknowledged (2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

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

Conditions can be imposed for large capacity "vertical consumption" premises (10.43).

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

The pool of conditions, adopted by the council is recommended (Annexe G). 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). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

#### Other Legislation

##### Crime and Disorder Act 1998

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

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

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

# Appendix 13

## **Planning**

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

# Appendix 14

## 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