

Appendix 25

**108 Cyprus Street
London
E2 0NN**

FAO: Kathy Butler

Licensing Section
Mulberry Place (AH)
P O Box 55739
5 Clove Crescent
E14 1BY

14th July 2008

Dear Madam

Habana's Wine Bar, 74 Bonner Street, London E2 (the "Pub")

I am writing to object to the application made by the owner of the Pub for a licence for late night drinking, music, dancing and other entertainment. My objections are very similar to those I raised in 2005 to the previous application under the Licensing Act 2003 (see my letter to John Cruse of 8th August 2005), namely, that granting the licence would breach the following objectives:-

The prevention of crime and disorder

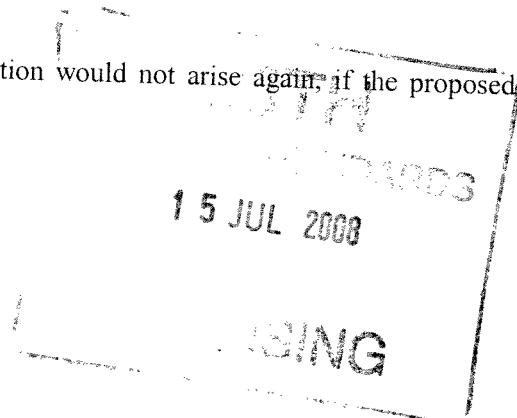
The Pub, when it was open, attracted largely non-local all-day drinkers who often arrived in cars and motorbikes. Vehicles were parked illegally, that is:

1. without residents' parking permits when necessary;
2. blocking access from the kerb to the road on Bonner Street; and
3. creating dangerous access onto the Old Ford Road.

Some young drinkers, who congregated in the Pub forecourt and on the pavement to drink, then drove motorbikes at speed and often without helmets up and down Cyprus Street until and beyond closing time.

There have been noisy fights and criminal actions following residents' attempts to have the Pub's noise volume reduced (acid poured over the car of a neighbour who had asked for a noise reduction is one example).

There is no reason to believe that the former situation would not arise again, if the proposed licence were granted.



Public Safety

The Pub, I understand, becomes very hot because of the lack of adequate ventilation. The doors were often left open with the drinkers then spilling out into the Pub's forecourt. The atmosphere was highly intimidating: the drinkers were often loudly abusive.

There is no reason to believe that the former situation would not arise again, if the proposed licence were granted.

Prevention of Public Nuisance

The Pub is set in a quiet, residential neighbourhood consisting largely of families with young children. The windows in Cyprus Street are not double-glazed and do not have front gardens to give any shelter from the noise made by the Pub's clientele.

The Pub marketed itself to encourage non-local people to become very drunk and the owners made no attempt to ensure a reasonable level of noise during opening hours or to ensure that their drinkers left the Pub quietly and did not urinate against walls in Cyprus Street.

As my previous objection in 2005 made clear, when the Pub has its doors open, loud music can be heard in my house even with all of the windows closed. Like most of my neighbours, my partner and I work and our 5 year old attends the local school: we should not be forced to tolerate loud music until midnight during the week and until 2am at the weekends.

There is no reason to believe that the former situation would not arise again, were the proposed licence granted.

The Protection of Children from Harm

As mentioned above, my daughter old is 5. Were the licence to be granted, it would harm her because:

1. her sleep would be disrupted by music played at the Pub until midnight during the week and until 2am at the weekends;
2. she would suffer the swearing and shouting as drunken people leave the Pub throughout the night;
3. she would have to negotiate the potentially abusive and always intimidating groups of drinkers on the forecourt on her way to Victoria Park;
4. cars and motorbikes would, once again, block the pavements and access to the roads meaning crossing the roads would become hazardous.

I am aware that the Human Rights Act 1998 places a clear duty on public authorities to respect private and family life: in this case, the Act must operate in the context of your need to safeguard my family's right to the quiet enjoyment of our home and our neighbourhood and our right to sleep at a reasonable time.

I believe that, by making this objection, the Pub's application will be referred to a licensing committee for determination and that a public hearing will be necessary. I look forward to receiving details of this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'KN - OS', with a long horizontal flourish extending to the right.

Kelly Noel-Smith

Appendix 26

Kathy Butler

From: Andrew Ridley [andrewridley@waitrose.com]
Sent: 21 July 2008 23:13
To: Kathy Butler
Cc: Clair Hawkins
Subject: Objection to Licence applicatoin for Habanas, 74 Bonner Street E2
Importance: High
Follow Up Flag: Follow up
Flag Status: Orange

Dear Kathy,

I am writing as a resident of Cyprus Street to object to the application for a late alcohol and entertainment licence at Habanas on Bonner Street, which is audible from my house at 114 Cyprus Street , E2.

I am concerned that when the bar was previously licenced it caused considerable public nuisance, with much noise emanating from inside and outside the premises, due to its poor structure and sound proofing, and having a "patio" area outside opposite residential dwellings.

When the bar was previously open it led to late night disturbance as people left the bar, with people urinating in Cyprus Street, where children play during the day.

I do not believe that the bar has undergone any structural change to make it adequately sound proofed or ventilated without opening the doors and windows, thereby guaranteeing that it will once again cause public nuisance. I am also worried about the potential disorder that a late licence would create - there is no local public transport at the proposed closing time, and I worry that people leaving at such times will cause nuisance and anti social behaviour.

The pub has a poor track record of noise management, and causing unnecessary disorder to the many local residents in the area.

I strongly object to the application and hope that LBTH will use its powers to turn down this latest application,

Yours sincerely

Andrew Ridley

Appendix 27

118 Cyprus Street
London E2 0NN
0208 980 5002
07976922271

The Licensing Manager
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London
E14 1BY

29 June 2008

Dear Sir/Madam,

Re: Habanos Wine Bar, 74 Bonner Street, London E2

I am writing to object to the application for a late licence at the above address.

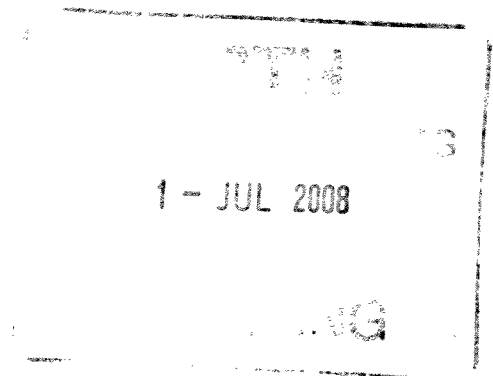
I live at 118 Cyprus Street which is approximately 50m from Habanos and the front rooms of my house have line of sight on the full front elevation of the wine bar. Habanos is currently out of use but when it was last active there were problems. I have two children under 5 and they sleep in the front room of our house. Amplified music and other noise from the wine bar sometimes prevented them from sleeping. At closing time patrons from the wine bar were noisy with regular shouting and swearing in the street and occasional urinating in our front doorway.

I am concerned that any extension of the licence will aggravate these problems and result in an increase in nuisance to us and disruption to my children.

Yours Faithfully,



Rod Heyes



Appendix 28

Kathy Butler

From: JANET WADE [wadejanetwade@btinternet.com]
Sent: 18 July 2008 15:25
To: Kathy Butler
Subject: Re: objection to licence application - Habanos
Follow Up Flag: Follow up
Flag Status: Red

Kathy

You will have received my objection letter that I e-mailed earlier. I am one of the residents on Cyprus Street that is very concerned with the recent licence application regarding Habanos.

I just had a long tel conversation with Harry Worth at the LFEPA. I think the conclusion was that as the premises is closed - they cannot get in to do an inspection to assess the current situation. They did have problems when they inspected last. But they will inspect again once it is open.

However, he did say that you, as licensing, could ask for them to specify the permitted number of customers for the premises + also for details of the fire protection installations in place (including commissioning and inspection certificates). These could then be put past the LFEPA. I wonder if you would be able to do this?

I have also spoken to environmental health who are proposing to object to the application. Could you please keep this in mind and chase if necessary?

Kind regards

Janet Wade

JANET WADE <wadejanetwade@btinternet.com> wrote:

FAO Kathy Butler

Please find attached a copy of my letter objecting to the licence application at Habanos wine bar (Old Ford Road/Bonner Street).

I have also sent this is in the post.

Can you confirm safe receipt?

Regards

Janet Wade

120 Cyprus Street
London
E2 0NN

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

FAO Ms Kathy Butler, Licensing Officer

15 July 2008

Dear Sirs

RE: HABANAS WINE BAR, CORNER OF BONNER STREET AND OLD FORD ROAD, E2

I understand the above premises has made an application to sell alcohol on the premises until midnight on week-days and 2am on week-ends. Also to have a range of entertainment and performance.

I am very concerned about this application as I feel it could have a serious impact on the amenity of the immediate neighbourhood. Although it is on the corner of two roads, it is in a residential area. It is directly adjacent to, and opposite, several noise sensitive dwellings.

The premises has been closed for approximately 12 months. However, the previous occupancy caused several problems to the neighbourhood. It regularly opened beyond its permitted licensing hours and caused a public nuisance. I understand this only stopped after the involvement of the council and the police.

I wish to object to the application on the grounds that approval will lead to an increase in *public nuisance* and will have an effect on *crime and disorder* and *public safety*. Examples of problems that have arisen before are as follows:

- Noise from a DJ playing amplified music was clearly audible beyond the site boundary and occasionally inside my house.
The glazing to the premises is single glazed and provides no sound insulation. In addition, although there are double doors to the premises, they too are single glazed and are often left open.
- People would often drink outside the boundaries of the premises, on the pavement and in the middle of Bonner Street and Cyprus Street. There would be shouting and laughing late at night, people would talk on their mobile phones and I saw men urinating at the back of the houses on the north side of Cyprus Street on more than one occasion. There would also

be the revving of engines, horns and noise from car stereos when customers left.

- The premises used to attract drinkers who used to arrive at about 11pm – after other pubs had closed. They would already be the worse after drinking elsewhere and would be excessively noisy when arriving and when using the premises.
- With late opening, there were a large number of cars parked in the immediate vicinity, including immediately on the corner of Bonner Street and Cyprus Street and resident parking bays. There would be no room for residents to park when returning home later on a Friday and Saturday night.
- The premises is clearly on the economic margins. There have been a number of different licensees over the past few years. Each time, the premises has been badly managed. There have often been breaches of licensing laws (e.g. selling alcohol past licensing hours), noise nuisance, general disturbance in the street, fights inside and outside the premises, threats of violence to the neighbours and alleged illegal activities. On one occasion with the last licensee, I asked the manager of the pub to close the door to reduce the noise emanating from the premises. She proceeded to follow me home and threaten me with violence. I had to call the police. That same evening a fight broke out where a customer was attacked by another customer using a broken bottle.

I have every reason to believe that these problems would occur again in the future.

It is generally a very quiet residential area in the evening, and loud noise from the pub, customers and cars will have a serious impact on the residents in the neighbourhood.

I look forward to hearing from you.

Yours faithfully

Janet Wade

cc. Cllr Clair Hawkins

Appendix 29

Mrs Sheila Stabb
3 Mace Street
Cranbrook Estate
Bethnal Green
London E2 0QS

04/07/08

To whom it may concern

Re: Late license application for public house on Cranbrook Estate/Bonner Street

I am writing to oppose the late license application for the above premises.

When it was trading previously, the pub was a source of constant stress for myself and other people living near to it. There was excessive noise late into the night from the music. Despite numerous phone calls to the local council, nothing was ever done. I would only be able to manage a few hours sleep and the constant thumping of the music would last to the early hours. There were numerous fights outside the pub, with customers screaming, shouting and swearing at the top of their voice. The pub was also a well known drug haven and customers would often be seen outside the pub selling – and also taking – drugs.

I do not believe that it is acceptable to have a pub/club, which closes in the early hours of the morning, in the middle of a completely residential area surrounded by houses and flats. Have you no thought for the people who live in the vicinity?

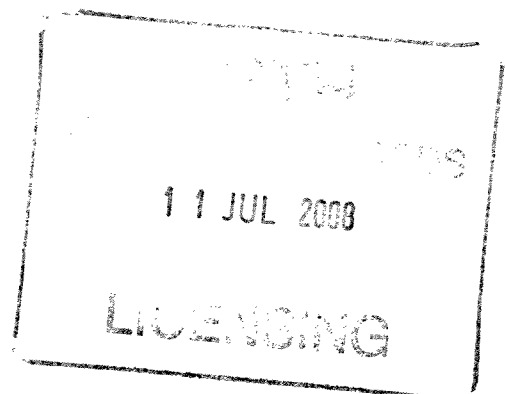
Even in the day time, large groups of people used to hang around outside the pub and were extremely intimidating to anyone walking past, often drunk and swearing and shouting. I know that this sort of behaviour can go on anywhere and not necessarily just outside a pub, but allowing a pub to open until late into the night will inevitably mean that the residents of Cranbrook Estate will have to put up with loud music until all hours and drunken customers leaving the premises, shouting and swearing.

It really does seem that you are giving no thought to the residents of Cranbrook Estate by allowing this to go ahead. Instead of doing this, you should be focusing on how to make the estate a more pleasant place for people to live, not making it worse. Would you be giving this license if it was on your own doorstep?

Yours Sincerely



Mrs Sheila Stabb



Appendix 30

10-7-08

5 MACE ST
CRANBROOK EST.
LONDON E.2. 095

Dear Sir or Madam,

Re the application licence
for Habanos wine bar, 74 Bonnet St E2.
Please Please don't grant this licence
I live just behind these premises, and from
past experience, our lives were made hell
The place is much too small for all these
facillities, also area outside, where they accumulate
when the premises close in the early hours.
The past was a complete night mare,
My worry, is so many new neighbours have
moved in, and don't realise the havoc
that's been in the past. I can't see them
take time to object

Please I beg don't grant this licence
I've lived here 20 years so know what I'm
taking about

Yours Sincerely
Margaret Parkes.

Appendix 31

Kathy Butler

From: marion lesage [marion@lesage.co.uk]
Sent: 16 September 2008 09:40 Rec'd 17/07/08 09:40
To: Kathy Butler
Subject: Licensing application: Habana's, 74 Bonner St.E2

Follow Up Flag: Follow up
Flag Status: Red

Dear Ms Butler

I have recently heard of the licensing application made on behalf to Habana,s. 74 Bonner St. E2 OQP.

In the hope that I am in time to lodge an objection to the proposed hours to sell alcohol, I am objecting on the following grounds:

1. This is a densely populated residential area with very limited parking, the premises are on a busy corner and client's parking for the Habana has made crossing the road here dangerous in the past.
2. Clients leaving the premises in a happy mood late at night causes disturbance in such a residential area.

For the above reasons I would ask that if a licence is granted the opening hours for the sale of alcohol be restricted to no later than midnight at weekends, and consideration be given to the parking problems which are particularly accute after 6pm when cars may park on the single yellow lines.

Yours sincerely

Marion Lesage (Mrs)
126 Old Ford Road
Bethnal Green
E2 9PW

This was received on 17th July 2008 at 09:40

Appendix 32

Kathy Butler

From: STEPHEN STAFFORD [stafford717@btinternet.com]
Sent: 11 July 2008 10:44
To: Kathy Butler
Subject: re; Habanas licence

Dear Ms Butler, I would like to express my objection to the application for a late night drinking, music, dancing and entertainment license for Habanas wine bar, 74 Bonner St, E2.

I have been a resident of this area for over twenty years and in the last few years that this bar has been open there has been a real problem with drug dealing from cars and late night noise both from the drinkers outside the premises and from the competing sound systems from the many cars pulling up outside to deal drugs from. I understand that the application is for the serving of alcohol until 12.30 weekdays and 2am Saturday and Sunday, with an additional half hour drinking up time which would mean potentially drunken people leaving the premises around 1.30am weekdays and 3.00am Saturday and Sunday morning.

With reference to the prevention of public nuisance; The majority of the properties in this area are family houses which front directly on to the street which means that the resulting noise from drinkers leaving the premises at these early hours and possibly loitering around the area and from the increased number of cars would be intolerable for the residents, many of whom have young families, especially in the summer months when more people will be outside the bar smoking and the residents need to open their bedroom windows.

With reference to public safety; I understand that a previous request to extend the hours was rejected on the grounds that the property has inadequate sound insulation and fire protection, this must be of real concern to those residents whose properties are adjacent to the bar and for the safety of customers.

With reference to crime and disorder: There is very limited public transport in the early hours of the morning, no tubes and a handful of night buses, this would invariably lead to possibly drunken people loitering around the streets after 3.00am which would inevitably lead to the sorts of violent incidents which we see so graphically displayed in the media every day.

There is also the problem of traffic noise, we live within an area bounded by a fire station on Roman Rd, a police station on Victoria Park Square and the London Chest Hospital which has recently opened up an A & E department, which means that we are constantly bombarded with sirens especially in the early hours of the morning, if this premises was to be allowed to open late the residents would face the additional nuisance of police cars being called out and additional cars using the surrounding roads as a racetrack as some do at present.

I apologize for the length of this letter, but I really do feel strongly that the granting of a late license or an entertainment license for these premises would impact severely on the quality of life for the local residents, none of whom I suspect would use this facility.

Yours, Stephen Stafford
156 Old Ford Rd
E2 9PW

Appendix 33

162 Old Ford Road
Bethnal Green London
E2 9PW

Kathy Butler
The Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
E14 1BY

20th July 2008

Dear Ms Butler,

RE: Application for Licence for Late Drinking, Music, Dancing and Other Entertainment at Habanos Wine Bar, Bonner Street

I have lived with my young family at the above address for eight years and have experienced considerable anti-social behaviour during the periods when the above establishment has been open as a public house. It is because of this that I would like to raise my concerns regarding the above licence application.

1. Crime and Disorder

The premises have inadequate sound proofing which means that we can hear from within our home and be disturbed by music from the bar.

Because the premises are next to and adjacent to terraced houses then residents are regularly disturbed by the noise and anti-social behaviour when people leave the pub.

This is a residential area where many people work and there are a significant number with young families. I have concerns regarding the noise relating to the bar being open until midnight during the week and until 2am at the weekend when I have to be up at 6am for work and have two young children who need to be in bed by 8pm. My partner is a GP serving the local community. He frequently works weekends and often has clinics starting at 7am. It is imperative that he gets a good night's sleep to ensure he can make the sound clinical judgements required of him and by the patients of our local community.

2. Public Safety

There are no parking facilities for the bar and hence cars are parked wherever is available on Bonner Street, Cyprus Street and Old Ford Road often on the yellow lines and on the junction. This means that the street is blocked and does not provide a safe place to cross the road.

3. Public Nuisance

The back gate, which we use as the main entrance to our home, opens onto Cyprus Street. When the bar has been open we have been plagued by men using our back gate as a toilet. Not only is this a health hazard since the urine flows into our back garden where the children play, but also frightening to my children when they have opened the gate in the afternoon and have been confronted by men exposing themselves.

4. Protection of Children from Harm
Please refer to section 2 and 3 above.

It is because of these reasons and the genuine concerns I have over anti-social behaviour that I wish to make this representation.

Yours sincerely,

Julie Lees

Kathy Butler

From: Lees Julie (Queen Elizabeth Hospital NHS Trust) [julie.lees@nhs.net]
Sent: 22 July 2008 09:00
To: Kathy Butler
Subject: Habanos Wine Bar Licence Application

Follow Up Flag: Follow up
Flag Status: Orange

Attachments: Habanos Wine Bar 2008.doc



Habanos Wine Bar
2008.doc (26 ...

Dear Kathy,

Please find attached my representation for the application for a licence for the Habanos Wine Bar on Bonner Street, Bethnal Green.

I would be most grateful if you could acknowledge receipt.

I look forward to hearing from you.

With thanks

Julie Lees

162 Old Ford Road,
Bethnal Green,
E2 9PW

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NHS staff and volunteers who help shape the service, and celebrate their achievements.

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to: www.connectingforhealth.nhs.uk/nhsmail

Appendix 34

Mrs. E. Boyce
1 Royston Street
London
E2 0NG

28th June 2008

For the attention of the Licensing Manager
Licensing Section, Mulberry Place (AH)
PO BOX 55739,
5 Clove Crescent
London
E14 1BY

Dear Sir/Madam

RE: HABANOS WINE BAR, 74 BONNER STREET E2
OBJECTION OF APPLICATION FOR A LICENCE

As a long-standing resident and tenant, on behalf of my family and myself, we strongly oppose this application for a Licence.

Our house sits on the corner of Royston Street/Bonner Street, with a low perimeter wall, about 100 yards from the above premises. Past experience, has taught us, that nothing would change our minds in opposing this application.

Apart from the obvious concerns i.e.:- noise, safety, parking, anti-social hours, etc, our worries are more of a personal nature:-

- Overspill of clients onto pavement (especially Summer months)
- Our perimeter wall used as a seating area
- Our garden, back/front used as a dumping ground for cans/bottles, uneaten food and wrappings
- Drinking glasses left on perimeter wall
- Personal car damage
- Loud abusive language, leading to arguments/fights
- Drug paraphernalia strewn around
- Urinating up perimeter wall

All above points have been experienced by us, in the past.

Most incidents take place directly below our main bedroom window (at present not double-glazed). Our daughter and grandson (aged 2) live with us; she also has concerns over noise and disturbance, for her son.

We are working class, Law abiding, clean living citizens, proud of our surroundings.

Please take heed and not disturb our Peace.

Yours sincerely

E Boyce

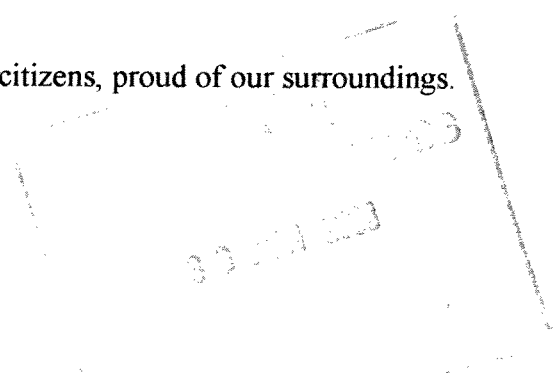
P Boyce

Mrs E. Boyce

Ms P. BOYCE

Ms C. BOYCE

C Boyce



Appendix 35

From: Calvert, Oriele [Oriele.Calvert@HCAHealthcare.co.uk]
Sent: 10 July 2008 10:10
To: Lorraine Husbands
Subject: FW: RE HABANOS WINE BAR APPLICATION FOR A LICENSE


Follow Up Flag: Follow up

Flag Status: Red

I am forwarding this letter to you as Clair Hawkins is away. I would be grateful if you could pass it on to the relevant sources.

Thank you.

Oriele Calvert

 Please consider the environment - try to avoid printing this e-mail.

From: Calvert, Oriele
Sent: 10 July 2008 10:06
To: 'cldr.clair.hawkins@towerhamlets.gov.uk'
Subject: RE HABANOS WINE BAR APPLICATION FOR A LICENSE

I am writing to you regarding the application for a license for this public house.

I am strongly against this application for several reasons.

I have lived in Old Ford Road for over ten years and when this pub was open it was nothing but trouble! If you look into the history of the pub you will see

that it has been shut down several times due to violence and more recently drug dealing. Dealers were openly selling drugs outside the pub at any time

of day and night. This is a very family oriented area and this sort of behavior is not acceptable.

I find it also distressing that if a license is given to this pub that this relatively crime free area will change due to drunkenness which usually extends in to


violence. Street crime is increasing shouldn't we be trying to stop it rather than encouraging it!!!

The pub is also attached to several houses so is there enough sound proofing???? Are there adequate fire precautions???

If this pub is given ANY license it will change this pleasant neighborhood. If it is given a late license it will destroy it!!

Thank you for your time.

Oriele Calvert

 Please consider the environment - try to avoid printing this e-mail.

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John Cruse

From: Calvert, Oriele [Oriele.Calvert@HCAHealthcare.co.uk]
Sent: 26 August 2008 08:16
To: John Cruse
Subject: RE: habanas Objection

I have tried 4 times on Friday to e mail Kathy Burke!!

I live at 156 Old Ford Road but also have a property ay 242 Old ford Road.

Oriele Calvert

Superintendent Radiographer

 Please consider the environment - try to avoid printing this e-mail.

From: John Cruse [mailto:John.Cruse@towerhamlets.gov.uk]
Sent: 22 August 2008 17:08
To: jaynerussell@sky.com; Calvert, Oriele
Cc: Kathy Butler
Subject: habanas Objection

I am in the process of finalising my report re the above. Please urgently supply your address or I will not be able to accept it and include it in the report.

Thanks

John Cruse
Licensing Team Leader
Tower Hamlets Council
Mulbery Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

TEL: 020 7364 5024

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Web site : <http://www.towerhamlets.gov.uk>

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26/08/2008

Appendix 36

Kathy Butler

From: Jayne Russell [jaynerussell@sky.com]
Sent: 14 July 2008 01:34
To: Kathy Butler
Subject: Habanas Premises License.
Follow Up Flag: Follow up
Flag Status: Orange

Dear Ms Bulter,

I am writing to you in regards to a Licensing Application submitted for the premises Habana's at 74 Bonner St , Bethnal Green E2 0QP.

I would like to protest in the strongest possible terms to the granting of a license involving longer unsociable hours combined with entertainment both of a live and recorded nature.

My primary concern arises when considering the profile of the surrounding neighbourhood and the potential upset. Within 100metre of the premises down one street you will find families living in flat fronted terraces with childrens bedrooms facing the street. Any noise generated by the pub will cause issues with the quite sleeping environment for the children beyond a certain time of night.

On Cyprus St alone I can think of roughly 20 children under 8 years old within a short distance. That's 2 at 106, 1 at 108, 2 at 102, 3 directly opposite mine, 2 diagonally opposite closer to the pub, 1 and 2 diagonally opposite away from the pub, 2 at 116 I think, 2 at 92, beyond that door number become less precise. Then start walking 100metres down Bonner St and you find the same again more families with more young children living within eye and earshot of the premises.

It is not set away from housing nor is it in a shopping High St.

Previously the bar attracted drinkers that were not like the drinkers of some of the other pubs in the area. In the time it was open previously I witnessed various incidents of drug smoking in cars outside the pub often with their car stereos turned way up and listened to the drinkers shout abuse at the gay man whose door face the beer garden across the road.

As the pub has a beer garden with concrete fence I clearly witnessed legal aged drinkers inside the fence putting a pint down on the fence for their younger mate outside the premises to pick up and drink from. Those outside the fence hanging round on the path prevent free movement on the footpath in the daylight that includes using the path to cross in the direction of Victoria park.

Then comes the domestics started in the pub and inevitably finished with a huge shouting match under your open window. I would prefer that at 11pm not 2am

You can say that is the individual not the premises but should this place attract a similar drinker we would at least rest easier if we knew there were only limited hours in the night this would go on till. I can not stress enough that should you come here after a certain time of the early evening it is extremely quite in this area

I believe this could lead to an increase in incidents of groups of youths gathering to consume alcohol, with the potential for public nuisance, anti social behaviour, vandalism and increased criminal damage. There is also a significant risk to the health of children under age, consuming alcohol.

21/08/2008

I also believe any loud and aggressive alcohol fuelled behaviour as previous to be of greater offence to some of the strict muslim neighbours overlooking

Granting a license beyond what would be regarded as normal hours we believe efforts to enhance community safety working towards creating a community adults alike can feel safe, and where families can grow up without tension.

I would request a chance to be present at the hearing too.

Thank you again

Jayne Byrne 07976 428861

Ian Byrne

Roisin 6

Cormac 2

Jayne Russell

jaynerussell@sky.com

07976 428 861

John Cruse

From: Jayne Russell [jaynerussell@sky.com]
Sent: 24 August 2008 06:47
To: John Cruse
Subject: Re: habanas Objection

Hi there,
Have been on hols sorry.
I have forwarded to Kathy too but in case the details are....
Jayne Russell
106 Cyprus st
Bethnal Green
E2 0NN
02089834462
Jayne Russell
jaynerussell@sky.com
07976 428 861

On 22 Aug 2008, at 17:08, John Cruse wrote:

I am in the process of finalising my report re the above. Please urgently supply your address or I will not be able to accept it and include it in the report.

Thanks

John Cruse
Licensing Team Leader
Tower Hamlets Council
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Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

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Appendix 37

From: Paul Johnson
Sent: 16 July 2008 15:53
To: Jacqueline Randall
Subject: MAU 26786 - 74 Bonner Street - Habanas

Hi Jackie,

Environmental Health (EH) object to the above premises License on the grounds of public nuisance.

EH received 34 Complaints from surrounding residents from 3/5/2001 - 15/2/06. Residents from Cyprus Street, Bonner Street, Mace Street and St James have contacted the Out of Hours (OOH) noise service re loud music emanating from this venue. Statutory Noise nuisance was witnessed on several occasions and contraventions of the License that was held re opening times.

The applicant owned/managed the premises when the above occurred. EH has read the covering letter for this application from Gosschalks Solicitors stating that Wellington Pub Company intends to let premises out with different DPS once this New Premises License is processed. Wellington Pub Company did not address the previous noise issues that were outlined to them in writing in dealing with the complaints above. With the many noise sensitive properties surrounding premises, EH continue to object to this premises License.

EH feel that the hours proposed for regulated entertainment, opening hours and sale of alcohol are excessive considering the history of this particular premises. Further to this, EH feel that Live music is not suitable in this particular venue as residential shares a party wall with the premises where Statutory noise nuisance has been witnessed when recorded music was being played within premises.

Recommended times:

Regulated Entertainment times and opening times

21/08/2008

Sunday - Thursday: 11:00 till 23.00am

Friday – Sat: 11:00 till 00:00am

Sale of alcohol

Sun - Thursday: 11:00 till 22.30am

Friday – Sat: 11:00 till 23:30am

Live music - Nil

Requested Conditions

- Use of outside forecourt and yard restricted to 8pm for all licensable activity.
- The doors to the entrance lobby and windows shall not be kept in the open position whilst regulated entertainment is in progress. At no time whilst regulated entertainment is in progress is both doors to the lobby to be open at the same time. Either a member of staff or SIA qualified security to be employed controlling this.
- Noise limiter to be employed in a separate and remote (from the volume control) lockable cabinet must be fitted to the music amplification system. No supplementary sound systems to be used to the satisfaction of Environmental Health and noise levels set for inaudibility within adjacent residential premises.
- No drinks allowed outside the premises after 8pm.
- Notices shall be displayed internally at exits and also in key areas, requesting the public to respect the needs of the local residents by keeping noise to a minimum when using both the outside areas of the Premises, and when leaving the premises and the area, to do so quickly and quietly. All such signs must be in a permanent form, prominently placed and legible
- All reasonable steps and regular monitoring by the Landlord and his staff shall take place to ensure that customers entering and leaving the premises do so in an orderly manner so as not to cause disturbance to nearby residential properties or annoyance to people passing the premises.
- Waste materials shall no be placed in the external bins during the night hours (22:00 hours to 8:00 hours the following day)
- License not operable till all above conditions are met

Regards,

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
Website : <http://www.towerhamlets.gov.uk>

Appendix 38

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 39

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 40

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 41

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 Pool 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 42

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 43

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