

Committee: Licensing Sub-Committee	Date:	Classification: UNRESTRICTED	Report No. <i>LSC027/809</i>	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Jackie Randall Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Beach Blanket Babylon 19-23 Bethnal Green Rd London E1 6LA. Ward affected: Weavers
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1.0 Summary

Name and Address of premises:	Beach Blanket Babylon 19-23 Bethnal Green Rd London E1 6LA
Licence under review:	Licensing Act 2003 <ul style="list-style-type: none"> ▪ Sale by retail of alcohol ▪ Regulated entertainment ▪ Late night refreshment
Representations:	Environmental Protection Planning Police Local Residents

Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Jackie Randall 020 7364 5109

- 2.0 Review Explained**
- 2.1 This is an application for a review of the premises licence for Beach Blanket Babylon, 19-23 Bethnal Green Road, London, E1 6LA
- 2.2 The Licensing Act 2003 was described by the Government at the time as “light touch” but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) “Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review could result in the modification of the licence, its suspension, or ultimately, revocation.”
- 2.3 The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 1**. It is available on the Government’s website, www.culture.gov.uk. It was substantially revised on the 28 June 2007.
- 2.4 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the DCMS advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 2.5 In relation to its advice on representations in its revision of the 28 June 2007 the DCMS has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems.
See Appendix 2.
- 2.6 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 3**. The Pool Conditions in the Policy are the same as the Government’s.
- 2.7 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 4**.
- 2.8 The DCMS has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and

responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”

- 3.0 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident or business).

This review was triggered by local residents. The review application is in **Appendix 5**, the residents have submitted video evidence which will be made available for exhibition at the hearing.

- 3.1 The review is supported by the Planning Department. See **Appendix 6** The Department for Sport, Culture and Media Affairs has issued guidance under Section 182 of the Licensing Act 2003 in relation to Planning and Building Control this can be found in **Appendix 7**.
- 3.2 The review is also supported by local residents who signed a petition as listed in **Appendix 8**. The residents suggest a remedy as contained in **Appendix 9**.

Appendix 10 contains an individual representation, this person has also signed the petition (Appendix 8).

- 3.3 The review is further supported by Metropolitan Police. See **Appendix 11**.
- 3.4 The review is also supported by the Council’s Environmental Protection Department for which see **Appendix 12**. This also suggests a number of conditions for members to consider.
- 3.5 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The team leader of licensing Mr. John Edward Cruse is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 3.15 were considered before any representations were accepted for inclusion in this report.
- 3.6 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should not reject the grounds for a review because:
- The ground is not relevant to one or more of the licensing objectives

- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.
- 3.7 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.
- 3.8 The party that triggers the review must notify the licence holder and responsible authorities.
- 3.9 The procedure for a review can be summarised as follows:
- A review is triggered by a responsible authority or interested party
 - Consultation is conducted for 28 full days
 - Other responsible authorities or interested parties may join in the review
 - Members conduct a hearing
 - Members make a determination
 - All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).
- 4.0 **The Premises**
- 4.1 The premises licence was issued on 18th May 2006 and amended on 3rd October 2007 by way a variation application in August of the same year to include the first floor area with the existing licence. A copy of the current licence is contained in **Appendix 13**
- 4.2 The premises are shown in maps contained in **Appendix 14**.
- 5.0 **Representations**
- 5.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents, Environmental Protection, Planning Department and Police.
- 5.2 Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.3 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder.

- 5.4 The Solicitor acting on behalf of the premises licence holder TWOLINK LTD has made a representation for and on behalf of the licence holder
See Appendix15.

6.0 Licensing Officer Comments

- 6.1 The Governments advice in relation to reviews is contained in **Appendix 1**. Members must consider all the evidence and then decide from the following alternatives:

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

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

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

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

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

7.0 Legal Comments

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

8.0 Finance Comments

- 8.1 There are no financial implications in this report.

9.0 Appendices

Appendix 1	Guidance issued under Section 182 by the Department for Sport, Culture and Media Affairs for reviews
Appendix 2	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 3	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder
Appendix 4	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
Appendix 5	Review Application
Appendix 6	Representation of Planning Department
Appendix 7	Guidance Issued by the Department for Culture Media and Sport under Section 182 of the Licensing Act 2003 concerning Planning and Building Control
Appendix 8	List of residents making representations by way of a petition
Appendix 9	Petition
Appendix 10	Individual representation letters
Appendix 11	Representation of Metropolitan police
Appendix 12	Representation of Environmental Protection
Appendix 13	Copy of Current Premises Licence
Appendix 14	Maps and photos showing the premises and surrounding area
Appendix 15	Information on behalf of the licence holder

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

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

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

REVIEWS ARISING IN CONNECTION WITH CRIME

11.22 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law.

The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual, but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.23 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.24 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

- 11.25 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected; for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for unlawful gaming and gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.26 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.
- 11.27 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

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

Crime and Disorder Act 1998

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

Pool Conditions

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

Annex D

Conditions relating to the prevention of crime and disorder

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

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

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1. When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.
2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:
 - the nature and style of the venue;
 - the activities being conducted there;
 - the location; and
 - the anticipated clientele.

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

1. Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.
2. Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.
3. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

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

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

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

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

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

Door supervisors

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

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and
- maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

- the number of supervisors;
 - the displaying of name badges;
 - the carrying of proof of registration;
 - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

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

Bottle bans

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

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

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

Plastic containers and toughened glass

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

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

Open containers not to be taken from the premises

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

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

CCTV

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

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

Restrictions on drinking areas

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

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

Capacity limits

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

Proof of age cards

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

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

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

Crime prevention notices

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

Drinks promotions

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

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and

irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

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

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

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

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

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

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

Appendix 3

Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 Licensed premises, especially those offering late night/early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.

- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

Appendix 4

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

Licensing Policy

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

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.11)**.

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

The Environmental Protection Act 1990, Part 111 gives Environmental Health Officers the power to deal with statutory nuisances.

The Anti-social Behaviour Act 2003, Sections 40 and 41 give Environmental Health Officers the power of closure up to 24 hours in certain circumstances.

Appendix 5

This form should be completed and forwarded to:

London Borough of Tower Hamlets,
Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

+ WE THEOPHILOS CHRISTOU & GEORGINA CHRISTOU (Insert name
of applicant) apply for the review of a premises licence under section 51 ~~apply for the
review of a club premises certificate under section 87~~ of the Licensing Act 2003 for
the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description	
BEACH BLANKET BABYLON GROUND AND FIRST FLOOR 19-23 BETHNAL GREEN ROAD	
Post town	Post code (if known)
LONDON	E1 6LA

Name of premises licence holder or club holding
club premises certificate (if known)

TOWNLINK LIMITED

Number of premises licence or club premises
certificate (if known)

10854

Part 2 - Applicant details

I am
1) an interested party (please complete (A) or (B) below)

9

08 MAY 2003

Please tick yes



- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

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

Surname **First names**

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

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

Surname

CHRISTOU

First names

GEORGINA

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

17 BETHNAL GREEN ROAD

Post Town

LONDON

Postcode

E1 6LA

Daytime contact telephone number

0207 236 7111

E-mail address (optional)

christopher@swinmoore.com

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

[Empty box for Name and address]

Telephone number (if any)

E-mail (optional)

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

Please tick one or more boxes :

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review (please read guidance note1)

PLEASE SEE ATTACHED.

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

PLEASE SEE AMACHUGO.

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

Please tick yes

If yes please state the date of that application

Day		Month		Year	

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

PLEASE SEE ATTACHED.

GROUNDS FOR REVIEW

INTRODUCTION

Mr and Mrs Christou (the applicants) reside at 17 Bethnal Green Road, London, E1 6LA. They run a café on the ground floor, live on the first floor and run a bed and breakfast business on the second and third floors. Mr Christou is in his early 70s and Mrs Christou is in her mid 60s. The applicants have resided at 17 Bethnal Green Road since 1976.

The licensed premises in question trade under the name 'Beach Blanket Babylon' (BBB) it is located at 19 – 23 Bethnal Green Road, London, E1 6LA. The premises comprise a restaurant and bar on the ground floor and basement. The premises have also recently traded on the first floor.

The applicants live adjacent and adjoined to the premises to the left (See photograph 1). The applicants bedroom is at the front of the applicants building as shown in photograph 1.

The premises hold a licence authorising the supply of alcohol between 10:00 and 01:00 the following morning, Sunday to Wednesday. On Thursday to Saturday, the premises are licensed for alcohol sales from 10:00 to 03:00.

On no more than 12 occasions per calendar year, the premises are entitled to apply for an additional hour beyond the standard timing. This is subject to approval by the police.

The premises are licensed for late night refreshment to the same terminal hour. The premises are also licensed for live music, recorded music, the provision of facilities for making music and the provision of facilities for dancing from 01:00 to the same terminal hour set out above.

The premises are entitled to remain open to the public for an additional half hour after the terminal hour.

GROUNDS OF REVIEW

The applicants ask that the licensing authority review the premises licence. At the very least the applicants request that the authority:

- i. vary the hours for which the premises are licensed to impose a terminal hour for licensable activity of 01:00 at the latest
- ii. impose additional conditions on the licence to control the intolerably loud music

- iii. impose conditions to properly regulate the chaotic informal mini cab rank which operates outside the premises after closing time. The cabs, their customers and staff from BBB assemble directly below the applicants' bedroom window.
- iv. remove the "non standard timings" from the premises licence.
- v. limit the premises licence to apply to the ground floor and basement only: due to the increased noise nuisance caused to the applicants by use of the first floor and the fact that the premises are flouting their planning permission by trading above the ground floor.
- vi. restrict the hours when bottles and other rubbish are emptied into bins.

The applicants have repeatedly suffered nuisance from music at the premises since BBB began trading in October 2007. The music from the ground floor and basement is audible in the bedroom and the bass vibration can be felt there. In addition to this the music and vibration is also audible in the passageway of the applicants' premises leading from the first to the second floor and also on the second floor itself. The music continues late at night and in the early hours of the morning. Obviously this prevents sleep. The nuisance from music is a breach of condition 7 of the premises licences. This condition requires: "*..... any noise from music should be controlled as to be inaudible in neighbouring residences.*"

Customers from BBB also congregate on the doorstep of the applicants' premises even though the applicants have asked the door staff at BBB not to allow this. The applicants have since BBB began trading repeatedly suffered noise nuisance from customers leaving the premises late at night and from the BBB door staff directing the customers to mini cabs. Nuisance is also caused by customers smoking outside the applicants' premises. The applicants have found that cigarette smoke rises into their bedroom from under the canopy at the premises. The licensee is either unable or unwilling to control customers leaving the premises and its staff who deal with this issue.

The applicants have since BBB began trading repeatedly suffered noise nuisance from mini cabs parked outside the applicants' premises with engines running and horns signalling to customers. The mini cabs also carry out u-turns in Bethnal Green Road which are extremely dangerous. This noise nuisance is exacerbated by customers, staff, drivers and door staff noisily congregating around the mini cabs. This noise nuisance therefore occurs directly below the applicants' bedroom windows (See photograph 2). This is in breach of condition 3 of the premises licence: "*a dedicated taxi firm will be available to take patrons away from the premises quickly and quietly*".

Noise is caused very late by rubbish being noisily discarded. Nuisance is also caused by the mess around the premises' bins (See photograph 3). This nuisance has been witnessed by Environmental Health Officers from the Council on more than one occasion. BBB have been warned regarding the matter by the Council's Environmental Health Department but the position continues.

The premises have since trading flagrantly ignored the conditions imposed by the council's planning department.

Specifically the premises are in breach of condition 3 of the planning permission. Condition 3 requires noise insulation to be approved by local authority and made prior to the commencement of the use. At the moment the plans have not yet been submitted, far less the work completed.

The premises are also in breach of condition 2, namely that the use is allowed only during the hours of 08:00 to 00:00, Monday to Thursday, 08:00 to 01:00 Friday and Saturday and 09:00 to 00:00 on a Sunday.

The premises are also in breach of their planning permission as it applies only to A3 use on the basement and ground floor. The authorised use of the upper floors remains as a garment factory yet recently the first floor has been used for an art projection which caused an even greater noise nuisance as the event was directly opposite the applicants' bedroom (See white windows in photograph 1)

The applicants are well aware that planning matters per se are not relevant to the licensing authority's functions under the Licensing Act 2003. The applicants have carefully considered paragraphs 13.65, 13.65 and 13.66 of the revised DCMS guidance in this regard, and the parallel provisions of the Tower Hamlets statement of licensing policy.

The relevance of the repeated breaches of the planning permission is that the premises are trading unlawfully and as a direct result are causing public nuisance.

The DCMS guidance is clear that premises must not trade beyond their planning hours, even where the premises licence otherwise authorises such activity see guidance, paragraph 13.67.

The breach of planning is therefore relevant both as a direct form of crime and disorder, in relation to the prevention of public nuisance and as evidence of the premises general reluctance to trade lawfully. The breach of planning permission therefore directly impacts upon the licensing objectives. The applicants note paragraph 14.6 of the Tower Hamlets statement of licensing policy which states that premises should not "cut across" planning decisions or appeals. This is precisely what BBB are doing.

INFORMATION IN SUPPORT OF THE APPLICATION

Since BBB began trading, the applicants have suffered noise nuisance on a regular basis. This nuisance has taken the form of:

Music from the premises which is clearly audible with in the applicants' bedroom at 03:00 and beyond preventing sleep. The noise is intolerably loud and the vibrations from the bass music can at times be felt in the bedroom. This is caused by the premises breaching their premises licence, planning permission hours and planning conditions and breach of conditions.

Loud noise from BBB customers, BBB staff and cab drivers awaiting trade from BBB customers on the street directly below the applicants' bedroom from midnight to 04:00 and beyond, thus preventing sleep. This is caused by an inability or unwillingness on the part of the licence holder to properly manage dispersal from the premises in breach of the premises licence.

Noise is caused very late by rubbish being nosily discarded particularly bags of empty bottles. Nuisance is also caused by the mess and broken glass around the premises' bins (See photographs 3).

The applicants have tried repeatedly to deal with these problems by speaking with staff at the premises but to no avail. The applicants have worked throughout with the Council's Planning Department and Environmental Health Department but despite their assistance, the premises are unwilling to trade lawfully and unable or unwilling to trade without causing serious, sustained and repeated nuisance to the applicants.

This nuisance has been consistent and unrelenting. The nuisance is particularly bad on most Thursday, Friday and Saturday nights. Below is a selection of some of the incidents of noise nuisance and poor management from BBB. This is not intended to be a comprehensive list as it is impractical to set out every instance in which sleep has been disturbed and the applicants' enjoyment of their home seriously interfered with.

These instances provide ample evidence of how the premises repeatedly breach their premises licence and the conditions of planning permission as set out in the grounds of review.

The premises were granted a licence on 30.03.2007. No representations were made in relation to the application. The licence was varied on 02.08.07. The applicants were unaware of the application and no representation was made.

Problems began as soon as the premises commenced trading.

On 12.10.07, the applicants had cause to complain to the local authority as extremely loud music caused disturbance within the applicants' bedroom. The music was clearly audible within the applicants' bedroom and was preventing sleep. The music continued well into the early hours. Further disturbance was caused afterwards by customers leaving the premises and causing noise nuisance on the street. The applicants complained to the operators of the premises but were told that it was the opening night and there was nothing that could be done about the noise. A complaint was made to the Council's Environmental Health Department.

On 02.12.07 the premises caused noise which disturbed the applicants. In particular music was audible in the applicants' bedroom up to 03:00. Customers standing outside BBB and bottles being discarded caused particular disturbance in the early hours of the morning. This was reported to the Council's Planning Department.

On 08.12.07 the problems at the premises continued as ever. On this occasion, music was audible and preventing sleep in the applicants' bedroom up to 03:00. A Mr Morat from the Environmental Health Department of the Council attended and witnessed the usual chaos caused by the mini cabs servicing the premises. These vehicles caused a crowd of people to congregate in the recess under the applicants' bedroom window at ground floor level. The premises door staff exacerbated the noise by shouting on the street, specifically calling customers to cabs. This continued beyond 03:00.

Over the weekend of 15/16 December 2007, the applicants were disturbed by noise from the premises. The music was again audible within the applicants' bedroom and was intolerably loud. Environmental Health Officers attended but by 02:30, the music had been turned down. The officers did witness the ongoing problems with the mini cabs parked outside the premises. Officers also witnessed the noise nuisance caused by staff discarding bottles and spoke to the BBB staff in this respect.

On 20.12.07 a further complaint was made to the Council's Planning Department. Noise from the premises had been particularly bad the previous night. Music could be heard at 02:30 and the premises were open until 03:00.

On 06.01.08, noise from the premises was notably worse. The noise continued beyond 03:00. It was again so loud as to prevent sleep. Further noise was caused by customers leaving and rubbish being thrown loudly into bins by BBB staff. Again the Council were informed and asked whether enforcement action was to be taken against the premises.

On 27.01.08 the noise from BBB was very loud and audible in the applicants' bedroom preventing sleep. In desperation, the applicants had called their son, Mr Christopher Christou to come over. Mr Christopher Christou had been assisting the applicants in corresponding with the Council and in dealing with the premises. Mr Christou agreed to attend and film the premises so as to have evidence to present to the Council. Whilst filming the premises at 02:00, Mr Christou was approached and told to stop filming by BBB staff. Both he and his camera were pushed by BBB staff, resulting in a struggle in Sclater Street as staff from BBB attempted to stop Mr Christou from filming. Mr Christou has reported the matter to the police and to the Security Industry Authority as the BBB doormen do not have their SIA badges visible

and have refused to give out their names when asked. The noise nuisance was reported to the Council.

During the early hours of 03.02.08, the applicants were woken after 01:00 by very loud music audible in their bedroom. Mrs Christou asked a doorman if the music could be turned down. She was told in a rude manner to go back to bed. The noise continued until 03:00. The matter was reported to the Council.

On 14.02.08, BBB was open until 04:00 as part of the London Fashion Week and the applicants were disturbed. Again very loud music was played. Customers from the premises were outside in large numbers causing a commotion in the street queuing to get in from the entrance to BBB along a red carpet which ran past the applicants' premises. Complaint was made to the Council. The premises had requested permission to remain open later than permitted but this had been refused. The premises were visited that night by Mr Cain Duncan from the Council's Planning Department who witnessed the breach of conditions and the problems caused by the premises.

On 16.02.08, music was audible in the applicants' bedroom until 02:00. Music had been unacceptably loud beyond Midnight over that weekend.

In the early hours of Sunday 09.03.08, the premises were open beyond 02:00 and the applicants were disturbed. Christopher Christou was present on this occasion and he witnessed the disturbance. In addition to disturbance from music, an unruly crowd gathered outside the premises awaiting mini cabs. The drivers of these cabs continually activate their horns, despite the hour and make noise as they reverse, turn and drive off taking customers home as part of the piecemeal and disorganised dispersal from BBB.

These complaints were again forwarded to the Council.

On the weekend of the 15.03.08, the applicants were disturbed by the premises. The music was audible into the early hours of the morning in the applicants' bedroom. The same happened on the Sunday morning. The applicants understand that the Police were summoned to the premises as there had been a disturbance in the early hours. The matter was reported to the Council.

On the Thursday, Friday, Saturday and Sunday nights of March 2008 (27, 28, 29 and 30th March), music could be heard to a level that disturbed the applicants well after 23:00. The noise was turned down at around 02:00.

On 14.04.08, Mr Duncan attended at the premises on a visit. He noticed the noise caused by mini cabs tooting, customers shouting and waiting for taxis on the street and door staff shouting. This all occurred under the applicants' window and at around 01:30.

On 17.04.08 the disturbance to the applicants this time was mainly caused by the use of the first floor for an art projection. The applicants were informed by the catering staff at BBB that over 750 people had been invited to the event. The noise caused by the art projection itself was intolerable and this was followed by the usual fiasco with

the mini cabs. The noise went on well into the early hours and again the matter was reported to the Council.

Now that the weather is getting better the applicants have found that they have to leave their windows closed at night because of the nuisance which is being caused.

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick yes

I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature T. Christou G Christou

Date 8th MAY 2008

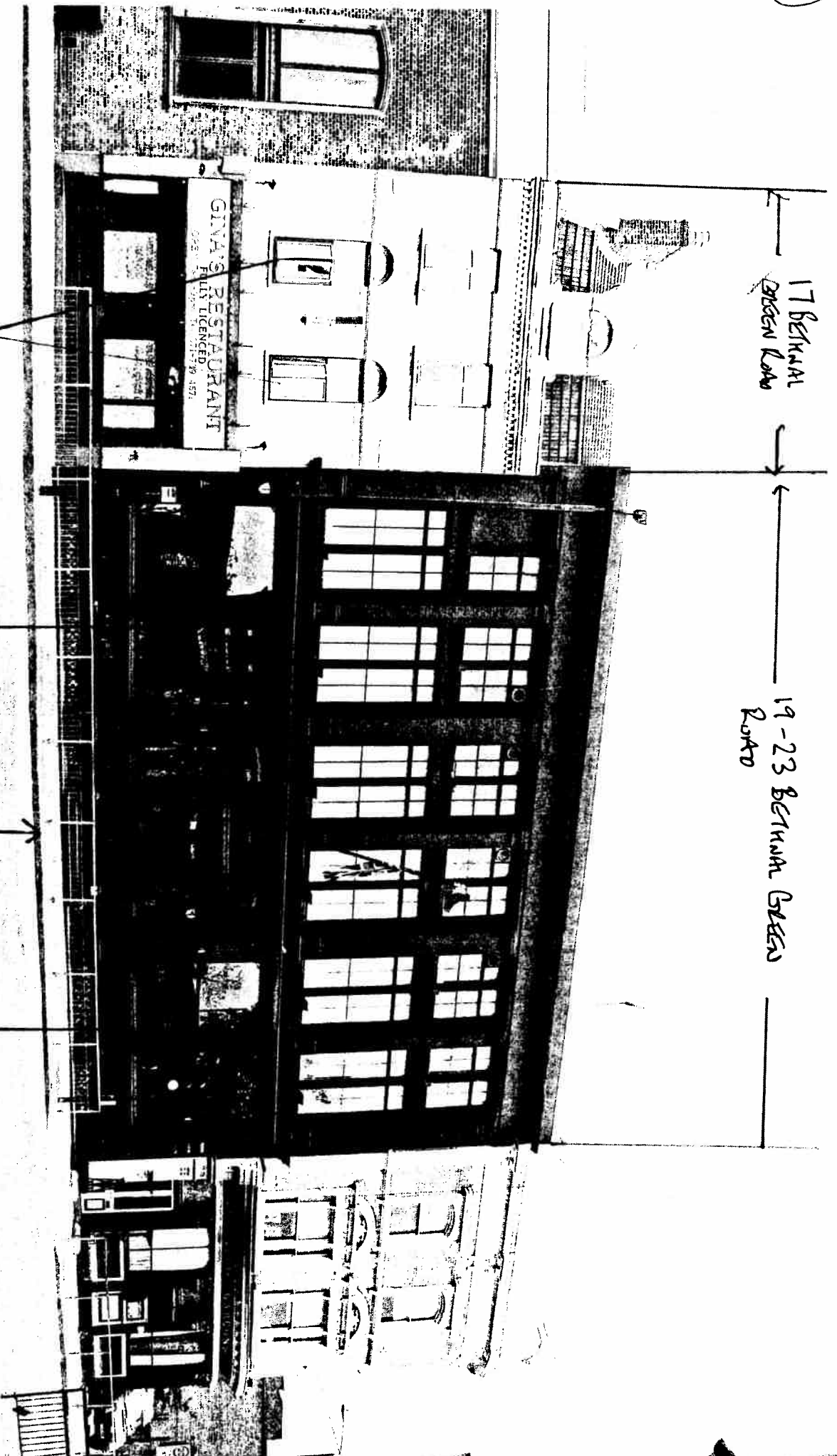
Capacity _____

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

(7)

17 BETWEEN
GREEN LANE

19-23 BETWEEN GREEN
LANE



BEDROOM

ENTRANCE

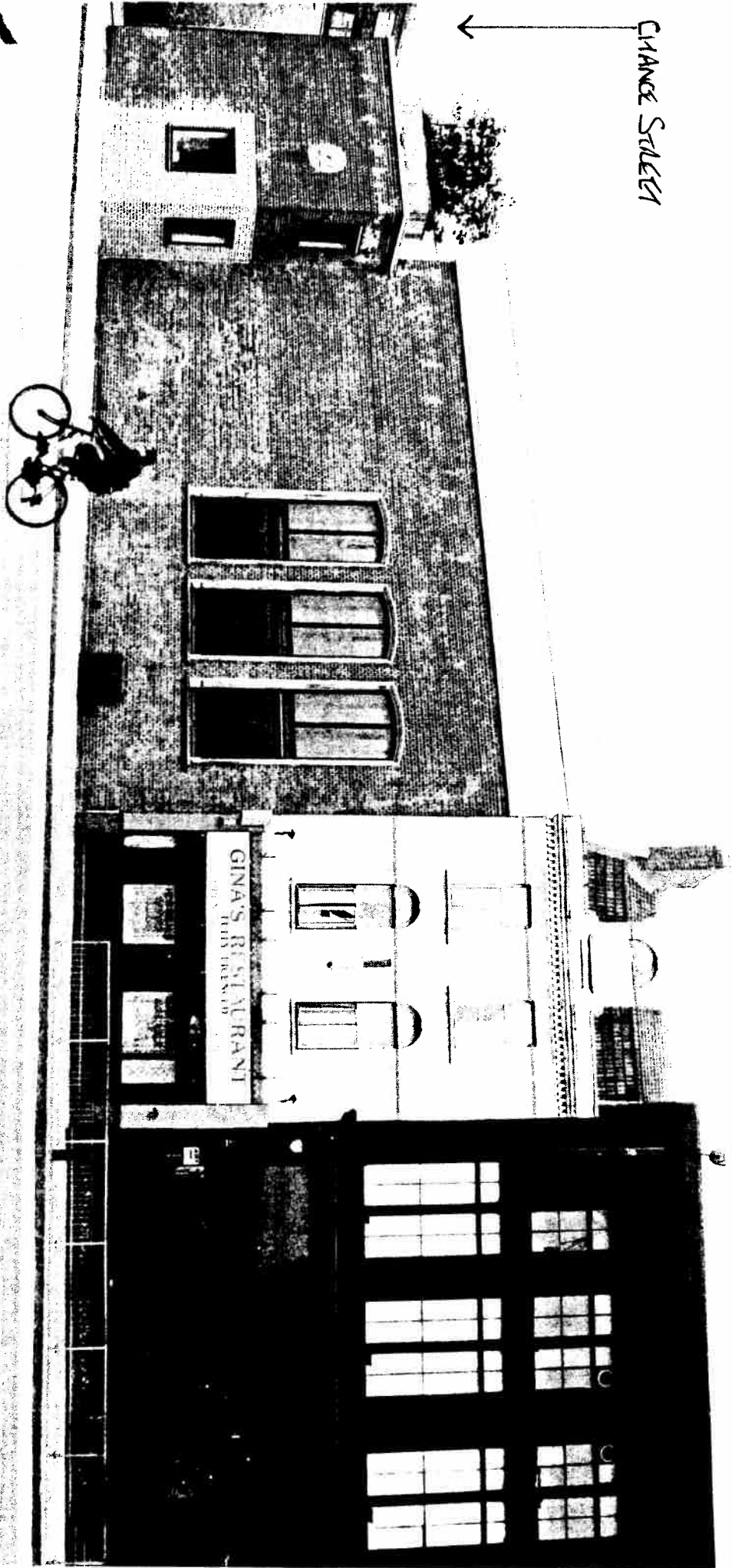
WINDOWS
FROM
BASEMENT

GINA'S RESTAURANT
FULLY LICENSED
SINCE 1957

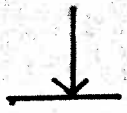
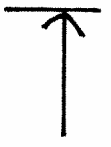
HEIGHT OF
GROUND FLOOR - (CANOPY ABOVE -
RET. FLOOR IN
THIS PHOTO)

2

CHANCE STREET



MINI CABS PARK OUTSIDE 15-17 BETWEEN GREEN ROAD AS FAR AS CHANCE STREET.



3



3



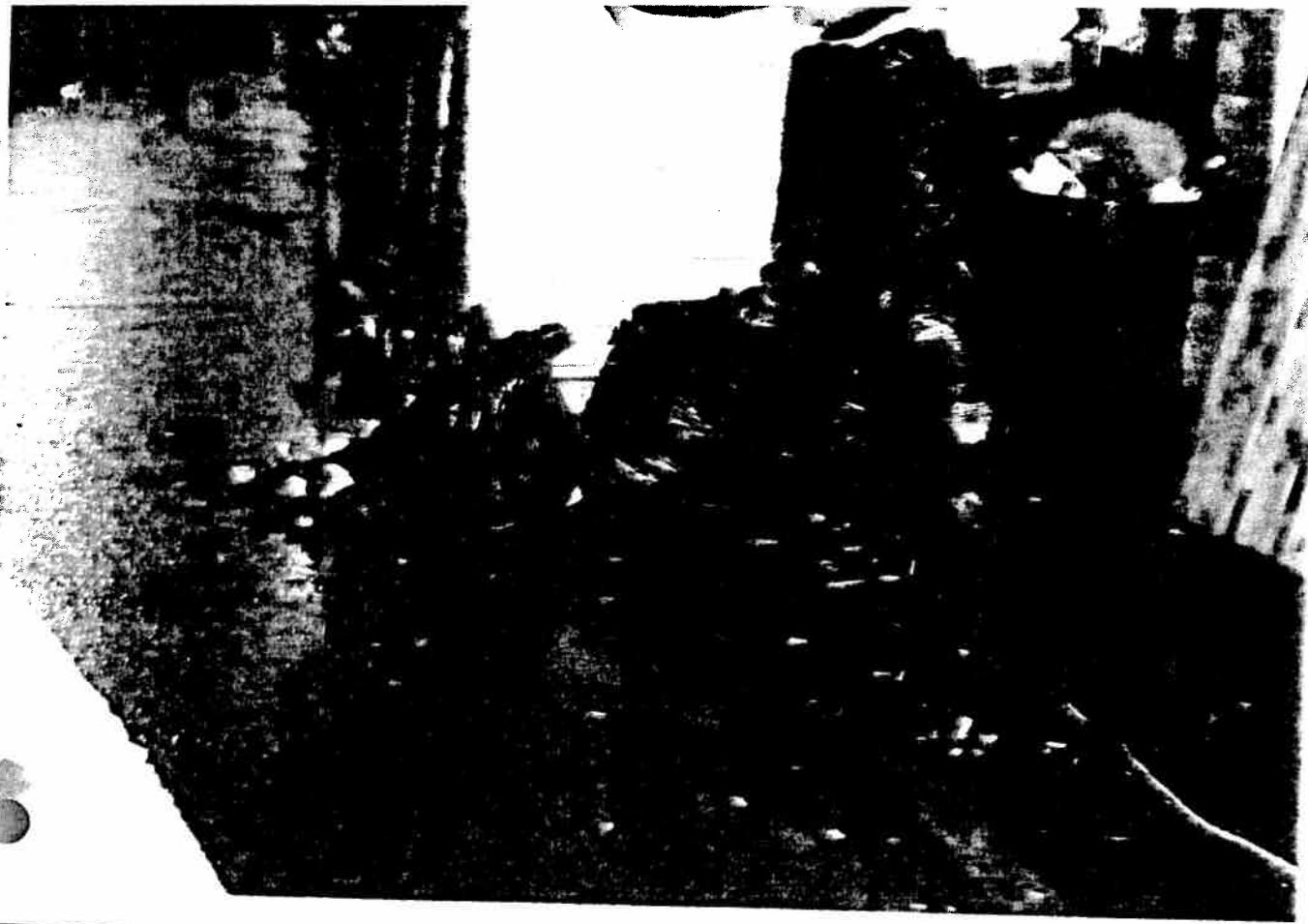
3



3



3



9/13/08

Appendix 6



TOWER HAMLETS

Memorandum

To Licensing Department
From Planning Enforcement
Contact Cain Duncan
Extension 3975
Date 23/05/08
Our Ref. ENF/07/00332
Your Ref.
Subject Licensing Review

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel 020 7364 3975
Fax 020 7364 5415
e-mail cain.duncan@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Licensing Review, Beach Blanket Babylon, 19-23 Bethnal Green Road, London, E1 6BJ

1. The Planning Department has been notified of an application by Mr and Mrs Christou to review the Premises Licence for Beach Blanket Babylon (BBB) at 19-23 Bethnal Green Road, London, E1 6LA. The Planning Department, in its capacity as a responsible authority, supports this review on the grounds of public nuisance.

Planning Permission

2. BBB were granted planning permission on the 8th February 2005 for the change of use of the premises from light industrial to A3 (restaurant/bar) use on the lower and upper ground floors only (Appendix 1). A number of conditions were attached to this planning permission to ensure the use of the premises as a bar/restaurant did not cause a public nuisance to surrounding residents and adjoining neighbours. Specifically, the following conditions were attached to the planning permission to protect the amenity of the area and prevent public nuisance:
 - Details of noise insulation measures for the premises, to prevent the transmission of noise and vibration between the approved A3 use on the ground floor and basement floors and adjacent occupiers, shall be submitted to and approved by the local planning authority before any work is commenced on the development or the use commences. Provision in accordance with the details thus approved shall be made prior to the commencement of the use and shall thereafter be permanently retained to the satisfaction of the Local Planning Authority.

29 MAY 2008

LICENSING

- Provision shall be made for the storage of refuse and recycling facilities in accordance with details to be submitted and approved by the Council prior to the commencement of the development. Such provisions shall be made prior to the occupation of the building and shall thereafter be made permanently available for the occupiers of the building.
 - The restaurant use hereby permitted shall not be carried out other than between the hours of 8.00am and 12 midnight Mondays to Saturdays and 9.00am to 11:30pm on Sundays (note this was subsequently changed in August 2007 to a closing time of 1.00am on Fridays and Saturdays)
3. On the 6th September 2005 Planning Permission was refused for the extension of the opening hours to allow a 2am closing every day (Appendix 2). The reason for refusal was that the proposed extension of the closing hours would cause a material increase in the degree of nuisance and disturbance at closing time, to the detriment of the living conditions of adjoining occupier and the amenity of the surrounding area generally.
 4. The above decision was appealed to the Secretary of State, who dismissed the appeal on the 6th March 2006 (Appendix 3). The main reason for the dismissal was that the proposal would entail a significant extension of the opening hours beyond that already permitted. During the period Monday-Friday this would considerably prolong the noise and disturbance for those residents living within the surrounding area, in the early hours of the morning. It would seriously erode their living conditions.
 5. The Inspector went on to state that while the applicant offered to provide a 'noise management plan' this would be unlikely to have any significant effect on limiting noise disturbance within neighbouring streets. In this instance, the benefit of a night time economy did not outweigh the harmful effect upon the living conditions of nearby residents.
 6. A further planning application to increase the premises opening hours to allow a 2am closing time on Friday, Saturdays and Sundays was refused on the 4th August 2006 (Appendix 4). Again the reason for refusal was that the proposed extension of closing hours would cause a material increase in the degree of nuisance and disturbance at closing time, to the detriment of the living conditions of adjoining occupier and the amenity of the surrounding area generally.
 7. The applicant again appealed this decision to the Secretary of State (Appendix 5) who dismissed the appeal on the grounds that the later closing time would cause harm to residential amenity. The inspector also noted that while there was one premises nearby

that opened until 2.00am on Saturday and Sunday mornings, the intensification of numbers of people on the streets would be significantly increased if this appeal was allowed. The inspector believed that it would make a noticeable difference to the noise climate at that time, and as a result, in his judgement, the longer opening hours would be likely to cause undue disturbance to residents.

8. A planning application was finally approved on 14th August 2007 allowing a 1 hour extension of the closing time of the premises to 1.00am on Fridays and Saturdays (Appendix 6).
9. The Planning Department has had to undertake a variety of enforcement measures to ensure compliance with the permitted opening hours, since BBB opened in October 2007. Despite repeated warnings about breaching the 1.00am closing time, the premises continued to trade until 3-4am on Saturday and Sunday mornings. Eventually the Planning Department issued a Temporary Stop Notice on the 21st December 2008 to insure the permitted hours were complied with. This had effect for 28 days over the Christmas and New Years period.
10. In relation to this review, a major concern is the fact BBB has failed to discharge any of the pre-commencement conditions of their 2004 planning permission, including the requirement to submit a noise report and implement its recommendations prior to the opening of the premises. To date no noise report has been received and as far as the Council is aware no additional noise insulation measures have been implemented to take into account the premises is now operating as a restaurant/bar/club.
11. On the 12th February 2008, in response to a request to host a private party for London Fashion Week, BBB contacted the Council's Planning Department to request an extension to their operating hours. This was discussed at length and a response emailed to Graham Rebak clearly stating that an extension of opening hours would not be granted due to the non-implementation of noise control measures, Secretary of State Appeal Decisions and the consistent breaches of the approved planning hours.
12. Despite the above email the premises was open until at least 1am on 14th February 2008 (being a weekday only permitted to open until 12.00am) which was verified via surveillance of the premises.
13. In light of the above and continued complaints that the premises was opening outside its approved hours the issuing of a Breach of Condition Notice was approved by the Planning Department. This dealt with the continued concerns about noise insulation

measures in the property, opening hours and a number of other issues not relevant to this Licensing Review.

14. An email was sent to Robert Newmark and Graham Rebak on the 18th February 2008 advising that the Council would be issuing a Breach of Condition Notice pertaining to 6 breaches of their planning permission. A response was received to my email from Julian Skeens of Jeffery Green Russell Law asking for an urgent meeting to discuss the issues raised. It was agreed not to issue the Breach of Condition Notice until after the meeting on the 27/02/08.
15. At this meeting it was agreed that details in relation to the outstanding conditions would be submitted within 14 days (other than the noise condition which would be discharged as soon as the required testing could be undertaken), also general agreement and a guarantee was reached on opening hours. With this confirmed in writing on the 29th February 2008, it was decided not to issue a Breach of Condition Notice.
16. Despite these assurances the Council has still witnessed breaches of the planning opening hours and as yet none of the planning conditions have been discharged. While it is acknowledged that the measurements required to give a greater understanding of the noise problems have been delayed, due to concerns from neighbours about their reliability, this was resolved and testing took place on the 21/04/08. To date and despite the concerns of residents and the Council an acoustic report has still not been produced or any additional noise insulation measures implemented.
17. The current situation is unacceptable; noise attenuation measures should have been agreed upon and implemented prior to the business opening, along with measures for adequate refuse storage which again appear wholly inadequate.
18. The Planning Department and Secretary of State have already determined that the area is not suitable for further late night entertainment venues and that the use of the premises as a bar until 3am causes an unacceptable level of noise and disturbance to surrounding residents. This has already been observed by the two residential neighbours of BBB who have been constantly disturbed by the operation of this business.
19. It should be noted that no planning permission exists for the use of the first floor of the premises as a bar/restaurant/gallery and as such no noise mitigation measures have been approved by the Council or installed on this floor. Regulating the use of this floor under the Premises License, without the above noise mitigation measures in place, will add to the noise problems already being experienced by surrounding residents.

Public Nuisance

20. The late night operation of BBB and the problems with inadequate noise insulation have already been detailed above. I have visited the premises on a number of occasions and undertaken four late night (after 12am) visits to the property, including witnessing audible music from BBB at number 17 Bethnal Green Road.
21. On the 09/12/07 at 0110 hours I witnessed a number of people outside BBB as well as people entering and exiting the premises. At approximately 0118 hours I entered the premises and proceeded to the basement bar. The noise levels in the lower ground floor were well above background levels to a point where you had to shout to be heard in a conversation. This was despite reassurances from Mr Newmark that they only played background music and that they were never open after 0100 hours. I purchased two drinks from the bar at 0123hrs and 0146hrs using my debit card.
22. On a subsequent phone call to Mr Newmark he again reassured me that the bar never opened after 1am, although from evidence already obtained this was clearly untrue.
23. A site visit was made to BBB on the 14/02/08 at 0030 hours, in order to monitor an event being held in connection with London Fashion Week. This was mainly to witness the breaches of planning opening hours (which were verified) but I also witnessed large numbers of cabs completely blocking off Whitby Street and people loitering around the rear exit of the building (Photos Appendix 7).
24. On the 22/02/08 a site visit was made to number 17 Bethnal Green Road with Andy Knowles and Neil Anderson of Andersons Acoustics. BBB claimed that the music in the bar was being played at a normal level, but inside the Christou's property the music was barely audible, even with your ear right beside the wall. Mr & Mrs Christou pointed out that usually the music was a lot louder and could be clearly heard in their room. They were concerned that the music had simply been turned down as BBB were aware the Council were present and a noise assessment was taking place.
25. On the 11/04/08 I made a further late night visit (2330hrs) to 17 Bethnal Green Road (complainant's property). This visit was unknown to BBB and was designed to try and determine if the initial noise assessment was in fact accurate. On this visit music from BBB was clearly audible in the front room (bedroom) of 17 Bethnal Green Road, however it was somewhat masked by traffic noise. It was clear from this visit that music from BBB is clearly audible in the front room and hallway of 17 Bethnal Green Road and that the

initial claims by BBB that the stereo system was at the normal volume on the 22/02/08 were false.

26. I contacted the Council's noise officer, Paul Rainbow, who also attended the site to make observations on whether the music coming from BBB could be classified as a statutory noise nuisance. He pointed out that the noise from taxi's waiting to collect people (from BBB) and the BBB doorman yelling down the street, in his opinion caused as much of a noise nuisance as the music from BBB.
27. I left 17 Bethnal Green Road at approximately 0045hrs and maintained surveillance outside the property until 0140 hours. During this period I observed lines of taxi's parked directly outside number 17 window and further west down Bethnal Green Road (Photos Appendix 8). On numerous occasions the door man or taxi co-ordinator from BBB walked down the street shouting at cab drivers, directly outside the window of a known residential property. Cabs also signalled to the doorman by blasting their horns, as a way of asking if there was anyone to pick up.
28. As the premises shut down people exiting the venue sheltered under the door way of number 17 Bethnal Green Road, yelling to people across the road and smoking. After about 10 minutes they got into a taxi outside number 17 Bethnal Green Road and left the area. There was no attempt from staff at BBB to contain people within the venue or move them on from outside a known residential location.
29. At 0135 hrs the Head of Security from BBB came over to our vehical and noted down the registration number. I exisited the car and showed him my ID, he confirmed he knew who we were from my previous visits to the site and that the DPS (Designated Premises Supervisor) would be over shortly. I met with the DPS (not the DPS listed on the premises license) inside BBB at approximately 0150 hours. I informed her of my concerns regarding the closing of the premises and the actions of door staff shouting down the street and encouraging cabs to blast their horns to indicate whether jobs were available. She agreed to look into this further.
30. The actions of certain BBB staff on this night showed a high level of disregard for the community they work in. Door staff should be well aware of the concerns of the residents of 17 Bethnal Green Road and on this night their actions, in my opinion, did nothing but add to the noise and disturbance problems to residents in the area.

31. My last visit to BBB was with Andersons Acoustics' on the 21/04/08 to undertake detailed sound testing. Neither Mr Newmark nor any of the owners showed up for this visit, and it took nearly an hour to figure out how the sound system worked. After a considerable delay the sound system was turned on and testing was undertaken.
32. Despite the need for urgency on this matter no acoustic report has been submitted to the Council nor have any noise insulation measures been put in place (to the knowledge of the Council). It is clear even from a layman's point of view that there are areas in the building that could be improved, such as the open stairwell at the rear of the building, the lift shaft and simple measures such as installing air conditioning to prevent windows needing to be opened in the summer.

Premises License Holder

33. The Premises Licence Holder is Townlink Ltd of 41 Knowsley Street, Bury, BL9 0ST. The company directors are Robert Kenneth Newmark and Mr Allan Cyril Mendelson. It should be noted that Mr Newmark was disqualified from acting as a director of a company for 5 years on the 22nd February 2001 due to his activities as director of Launchexcept Limited. An application by Robert Newmark to renew a licence for Mundo in the London Borough of Westminster was also refused on the 9th October 2000 on the basis that he was not a fit and proper person and would be unlikely to comply with his License conditions.

Conclusions

34. BBB has been in constant breach of its planning permission since it opened in October 2007. Despite numerous promises and reassurances from the Licence Holders there are still no noise attenuation measures, approved by the Council, installed at the premises. This is resulting in music from the premises being audible in neighbouring properties, despite Condition 7 of the Premises License which prohibits this.
35. The conduct of BBB's staff in the early hours of the morning is questionable at best, with door staff shouting down the street for taxis, an informal arrangement whereby taxis toot at the door staff to inquire if there is any business and the failure of door staff to move people away from areas that have been consistently identified to them as areas where noise needs to be kept to a minimum. Further to this, on my last visit to the premises there were still no signs in place asking for people to leave the venue quietly.

36. The Local Planning Authority in its role as a responsible authority recommend that BBB's Premises Licence be temporarily suspended until appropriate noise insulation measures have been approved by the Council and installed and that the hours of operation are brought back to 1am in line with the Secretary of State rulings that any later time is likely to cause significant disturbance to surrounding residents. Further to this, additional conditions need to be applied to the Licence to control people leaving the venue and the actions of BBB staff in dealing with cabs along Bethnal Green Road.
37. The first floor should be removed from the Premises Licence as it has no planning permission to be used as a bar/gallery and as such no noise insulation measures have been implemented to prevent public nuisance as a result of the use of this floor.



Cain Duncan
Planning Enforcement Officer

25/05/08



Jerry Bell
Applications Manager



Your ref: IL/0621/planetter003
My ref: PA/04/01868

Development & Renewal
Town Planning
41-47 Bow Road
London E3 2BS
www.towerhamlets.gov.uk

8 February, 2005

Icente Designs Ltd
1 Lamb Lane
Redbourn Herts
AL3 7BP

Enquiries to: Mark Keane
Tel: 0207 364 5354
Fax: 020 7364 5415
TH: 2902

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Development Procedure Order) 1995

Dear Sir/Madam,

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, 41-47 Bow Road, E3 2BS (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

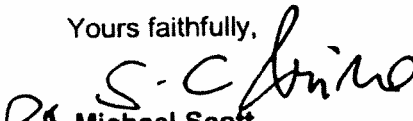
2) Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully,


Michael Scott

Acting Head of Development and Building Control



2004-2005
Supporting Social Care Workers
2003-2004
Community Cohesion

Corporate Director
Development and Renewal
Emma Peters

- 08:00 Hours to 13:00 Hours on Saturdays]

You must not carry out the required building works on Sundays or Bank Holidays. Noisy operations shall not take place outside these hours unless the Council has agreed that there are exceptional circumstances, for example to meet police traffic restrictions, in an emergency or in the interests of public safety

Reason

To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of the following policies in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

DEV50 Noise

HSG15 Preservation of Residential Character

- 3 Details of noise insulation measures for the premises, to prevent the transmission of noise and vibration between the approved A3 use on the ground and basement floors and adjacent occupiers, shall be submitted to and approved by the local planning authority before any work is commenced on the development or the use commences.

Provision in accordance with the details thus approved shall be made prior to the commencement of the use and shall thereafter be permanently retained to the satisfaction of the local planning authority.

Reason

To safeguard the amenity of adjacent occupiers by preventing noise and vibration nuisance.

- 4 Provision shall be made for the storage of refuse and recycling facilities in accordance with details to be submitted to and approved by the Council as local planning authority prior to the commencement of the development. Such provision shall be made prior to the occupation of the building and shall thereafter be made permanently available for the occupiers of the building.

Reason

To protect amenity and ensure adequate provision for the storage of refuse

- 5 Extract Duct. Cooking smells
Details of the means of ventilation for the extraction and dispersal of cooking smells, including details of its method of construction, appearance and finish shall be submitted to and approved by the Council as local planning authority before the use hereby permitted commences.

The development shall not be carried out otherwise than in accordance with the details thus approved.

Reason

To safeguard the amenity of the occupiers of adjoining properties by preventing noise disturbance and to ensure a satisfactory appearance.



Your ref: JB/3640
My ref: PA/05/01128

6 September, 2005

Aidan McLernon
Cunnane Town Planning
67 Strathmore Road
Teddington Middlesex
TW11 8UH

Development & Renewal
Town Planning
41-47 Bow Road
London E3 2BS
www.towerhamlets.gov.uk

Enquiries to: Mark Keane
Tel: 020 7364 5354
Fax: 020 7364 5415
TH: 2902

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Development Procedure Order) 1995

Dear Sir/Madam,

REFUSAL OF PLANNING PERMISSION

In accordance with the Act mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to REFUSE permission for the development referred to in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of planning permission.

(1) APPEAL TO THE SECRETARY OF STATE

If you are aggrieved by the decision to refuse permission for the proposed development, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice (for applications received prior to 5th September 2003) or within three months (for applications received after 5th September 2003), using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) PURCHASE NOTICE

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) COMPENSATION

In certain circumstances compensation may be claimed from the Council of the London Borough of Tower Hamlets if permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Yours faithfully,



Michael Scott
Acting Head of Development and Building Control



2004-2005
Supporting Social Care Workers
2003-2004
Community Cohesion

Corporate Director
Development and Renewal
Emma Peters



Appeal Decision

Site visit made on 22 February 2006

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

06 MAR 2006

Appeal Ref: APP/E5900/A/05/1193112

19-23 Bethnal Green Road, London, E1 6LA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Leisurestyle London Limited against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref. PA/05/01128, dated 28/6/05, was refused by notice dated 6/9/05.
- The application sought planning permission for a change of use from light industrial (garment industry) to A3 use for lower & upper ground floors only without complying with a condition attached to planning permission Ref. PA/04/01868, dated 8/2/05.
- The condition in dispute is No. 8 which states that: the restaurant use hereby permitted shall not be carried out other than between the hours of 8:00am and 12:00 midnight Mondays to Saturdays and 9:00am and 11:30pm on Sundays.
- The reason given for the condition is: to safeguard the amenity of the adjoining premises and the area generally in accordance with Unitary Development plan policy HSG15.

Summary of Decision: The appeal is dismissed.

Main Issue

1. The main issue is the likely effect of the proposed increase in opening hours (until 02:00 hrs) upon the living conditions of neighbouring residents.

Planning Policy

2. The development plan includes the Tower Hamlets Unitary Development Plan (UDP) adopted in 1998. Policy DEV2 includes a requirement to protect the amenity of residential occupiers from the effect of pollution. Under policy DEV50 noise from development is identified as a material consideration in determining applications. Policy ART1 supports proposals that provide entertainment facilities where, amongst other things, it would not cause unacceptable disturbance or nuisance in a residential area or otherwise seriously damage environmental conditions in the surrounding area. Policy HSG15 relates to predominantly residential areas and seeks to protect the amenity of such areas.
3. The appellant has drawn my attention to the Council's UDP 1st Deposit Draft, which was published in 2004. That Plan however was withdrawn by the Council in December 2005. I consider it is not determinative to this appeal.

Reasons

4. The appeal site lies on the northern side of Bethnal Green Road. The basement and ground floor of these former business premises are currently being adapted for use as a restaurant. The premises form part of a row of buildings that lie between Club Row, Chance Street and

Whitby Street. This row and the surrounding area include a mixture of uses that contains public houses/bars, offices, light industry, restaurants and some residential accommodation. The latter includes the upper floors of the adjoining restaurant at 17 Bethnal Green Road, and flats in Club Row and along Redchurch Street (between Chance Street and Club Row).

5. Given the mixed-use nature of the area I consider that UDP policy HSG15 is not determinative to this appeal. I note that the Council has not relied upon that policy in refusing permission. Other relevant UDP policies however, including those supporting entertainment facilities, require consideration to be given to the noise impact of proposals.
6. From the information supplied by the appellant there is variation in the opening hours of the bars/public houses and restaurants in the area. An adjoining public house opens until midnight and two other bars in Redchurch Street and Whitby Street open until 02:00 hours and 01:00 hours on Friday and Saturday respectively. From what I saw during my site visit and from what I have read, residents living within the surrounding area already experience some noise disturbance during the late night/early morning as a consequence of patrons making their way to and from these establishments and the clean up operations that occur after the premises have closed. I also note that the Council's Environmental Health Officer has objected to the proposal.
7. I consider that during the week this noise disturbance in the area bounded by Bethnal Green Road/Redchurch Street/Chance Street and Club Row is likely to greatly reduce once patrons have started to make their way home (or have moved onto other establishments further a field that remain open beyond midnight) and after clean up operations have ceased. The proposal would entail a significant extension of the opening hours beyond that already permitted. During the period Monday-Friday this would considerably prolong the noise disturbance for those residents living within the surrounding area into the early hours of the morning. It would seriously erode their living conditions.
8. If the proposal were permitted, it is not unreasonable to assume that other neighbouring bars and restaurants would also seek to extend their opening hours during the week. In my opinion, the development would make it difficult for the Council to resist similar proposals in respect of adjacent establishments. Cumulatively, this would exacerbate the noise disturbance experienced by residents.
9. Planning Policy Guidance 24 'Planning and Noise' advises that planning conditions can be used to control or reduce noise levels. The harm that I have identified could not however be overcome by soundproofing the building. Furthermore, the appellant's offer of a "Noise Management Plan" would be unlikely to have any significant effect on limiting noise disturbance within the neighbouring streets. The public music and dancing licence already granted by the Council in respect of the appeal premises provides a separate system of regulation that I am not bound to follow. In this instance, the benefits to the night time economy do not outweigh the harmful effect upon the living conditions of nearby residents.
10. I therefore conclude that the proposed increase in opening hours (until 02:00 hrs) would unacceptably harm the living conditions of neighbouring residents. It would conflict with the aims and objectives of UDP policies DEV2, DEV50 and ART1.



Your ref: JB/3640
My ref: PA/06/00923

4 August, 2006

Aidan McLemon
Cunnane Town Planning
67 Strathmore Road
Teddington
Middlesex
TW11 8UH

Development & Renewal
Town Planning
Mulberry Place (AH) Anchorage House
PO Box 55739
5 Clove Crescent
London
E14 1BY
www.towerhamlets.gov.uk

Enquiries to: Nathan Te Pairi
Tel: 020 7364 2503
Fax: 020 7364 5415
TH: 2902

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Development Procedure Order) 1995
Dear Sir/Madam,

REFUSAL OF PLANNING PERMISSION

In accordance with the Act mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to REFUSE permission for the development referred to in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of planning permission.

(1) APPEAL TO THE SECRETARY OF STATE

If you are aggrieved by the decision to refuse permission for the proposed development, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel. 0117 372 6372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it appears to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice, the Secretary of State does not refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

(2) PURCHASE NOTICE

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) COMPENSATION

In certain circumstances compensation may be claimed from the Council of the London Borough of Tower Hamlets if permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Yours faithfully,

Stephen Irvine
Development Control Manager



2005-2006
Promoting Racial Equality
Getting Closer to Communities
2004-2005
Supporting Social Care Workers
2003-2004
Community Cohesion



INVESTOR IN PEOPLE

Corporate Director
Development and Renewal
Emma Peters



Appeal Decision

Site visit made on 6 February 2007

by **Philip Major** BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for
Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail enquiries@planning-
inspectorate.gsi.gov.uk

Date: 22 February 2007

Appeal Ref: APP/E5900/A/06/2026842

19-23 Bethnal Green Road, London E1 6LA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Leisurestyle London Limited against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref: PA/06/00923, dated 12 June 2006, was refused by notice dated 4 August 2006.
- The application sought planning permission for the change of use from light industrial (garment industry) to A3 use for lower and upper ground floors only without complying with a condition attached to planning permission Ref: PA/04/01868, dated 8 February 2005.
- The condition in dispute is No 8 which states that: The restaurant use hereby permitted shall not be carried out other than between the hours of 8:00am and 12:00 midnight Mondays to Saturdays and 9:00am and 11:30pm on Sundays.
- The reason given for the condition is: To safeguard the amenity of the adjoining premises and the area generally in accordance with Unitary Development Plan Policy HSG15.

Summary of Decision: The appeal is dismissed.

Main Issue

1. The main issue in the appeal is whether the disputed condition is necessary and reasonable in order to protect the living conditions of nearby residents, with particular reference to noise and disturbance.

Planning Policy

2. The development plan includes the Tower Hamlets Unitary Development Plan of 1998 (UDP). Policy ART1 is supportive of entertainment uses, subject, amongst other things, to compliance with Policy DEV2 and the use not resulting in unacceptable nuisance in residential areas. Policy DEV50 explains that noise generation will be a material consideration in considering development proposals, and one of the objectives of Policy DEV2 is to protect the amenity of residential occupiers. These general objectives are being taken forward in the Preferred Options of the Core Strategy and Development Control Development Plan Document, though as this is at an early stage it can be given little weight. Policy T16 of the UDP, amongst other matters, indicates that in considering development proposals account will be taken of danger or significant inconvenience to pedestrians.
3. The London Plan is also part of the development plan and through Policy 3D.4 supports, where appropriate, night time entertainment activities. Policy 4A.14 encourages the

9. I recognise that one nearby establishment closes at that time on Saturday and Sunday mornings, but this appears to be the only one in the immediate vicinity. Consequently if the appeal premises remained open until 0200 on Saturday and Sunday mornings the intensification of numbers people on the streets around the site would be likely to be significantly increased. It seems to me that this would make a noticeable difference to the noise climate at that time, and as a result would, in my judgement, be likely to cause undue disturbance to residents. This would run counter to the objectives of UDP Policies ART1 and DEV2.
10. In short, therefore, I recognise that this is an area where some external night time noise might be expected, but I consider that the suggested time of 0200 would not be an appropriate closing time and would cause harm to residential amenity. Although the appellant has indicated a willingness to accept a condition of a 2400 closing time on Sundays, no time other than 0200 has been considered by the Council, or local residents, in relation to Friday and Saturday nights. Without such consideration I consider that it would be unwise to vary the extant planning permission in a manner which would fundamentally change the nature of the permission. Consequently, in view of my conclusion in the previous paragraph relating to the likelihood of harm being caused I do not consider that it would be acceptable to revise the current opening hours.

Other Matters

11. The Council is concerned that the proposed development would lead to difficulties outside the premises by causing congestion on the footway and interrupting flows of pedestrians. However, since the premises have a planning permission for the use I am not satisfied that simply altering the closing time of the premises would make any material difference to the situation outside in terms of congestion. It seems to me that customers would arrange to make their way home at whatever time they leave, and I acknowledge that this is an accessible location with transport options. In any case the footway outside the premises is wide and capable of taking high levels of pedestrian traffic. Consequently I do not find that the proposal would cause any material harm in this respect.

Conclusions

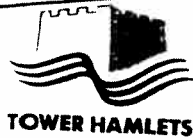
12. Although I have not found harm in terms of likely congestion, this does not outweigh the harm which would result from the extension of opening hours proposed. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

13. I dismiss the appeal.

Philip Major

INSPECTOR



TOWER HAMLETS

Your ref:
My ref: PA/07/01270

14 August, 2007

Ms L. Doran
Cushman & Wakefield
43-45 Portman Square
London
W1A 3BG

Development & Renewal
Town Planning
Mulberry Place (AH) Anchorage House
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5 Clove Crescent
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E14 1BY
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Enquiries to: Nathan Te Pairi
Tel: 020 7364 2503
Fax: 020 7364 5415
TH: 2902

Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Development Procedure Order) 1995
Dear Sir/Madam,

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Applicants are reminded of the need to comply with the provisions of Part II of the London Building Acts (Amendment) Act 1939 in order to obtain official postal addresses. This should be carried out at least one month prior to the completion of the exterior works. Details of the development, including site and block plans should be sent to the Assistant Director (Street Services), Mulberry Place (AH) Anchorage House, PO Box 55739, 5 Clove Crescent, London, E14 1BY.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within six months of the date of this notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

2) Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Your faithfully,

Michael Kiely
Head of Development Decisions



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



INVESTOR IN PEOPLE



Corporate Director
Development and Renewal
Emma Peters

2. You must only carry out the use allowed by this permission within the following times:-

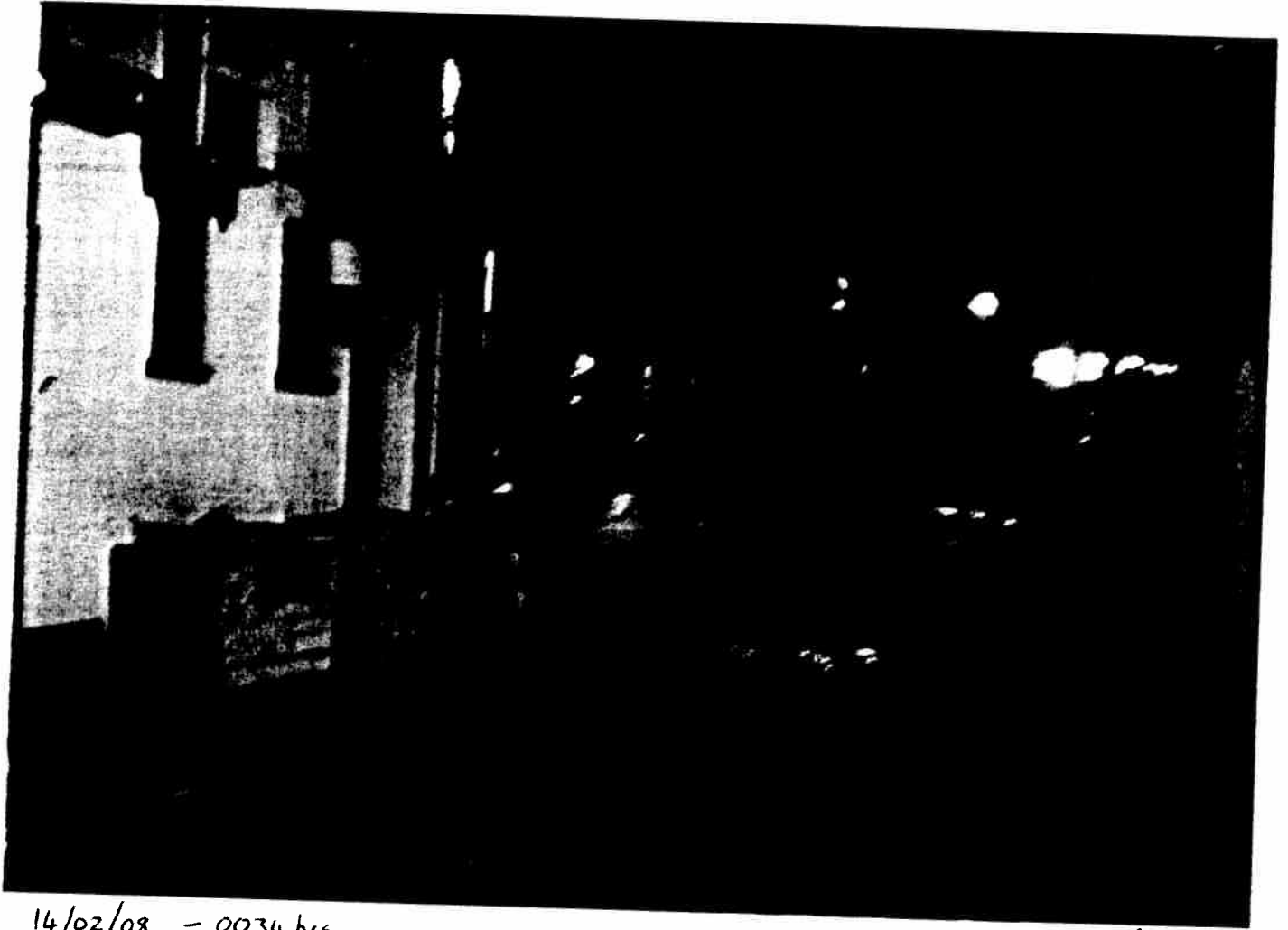
8.00am to 12.00 midnight on Monday to Thursdays;
8.00am to 1.00am on Fridays and Saturdays; and
9.00am to 12.00 midnight on Sundays.

To safeguard the amenity of adjacent residents and the area generally and to meet the requirements of policies DEV50 and DEV2 in the London Borough of Tower Hamlets Unitary Development Plan (adopted December 1998):

Informatives:

1. You are advised that the planning conditions attached to PA/04/1868, dated 08/02/2005 remains unchanged or affected by this variation of Condition 8 reference PA/07/1270 hereby approved.

Appendix 1



14/02/08 - 0034 hrs

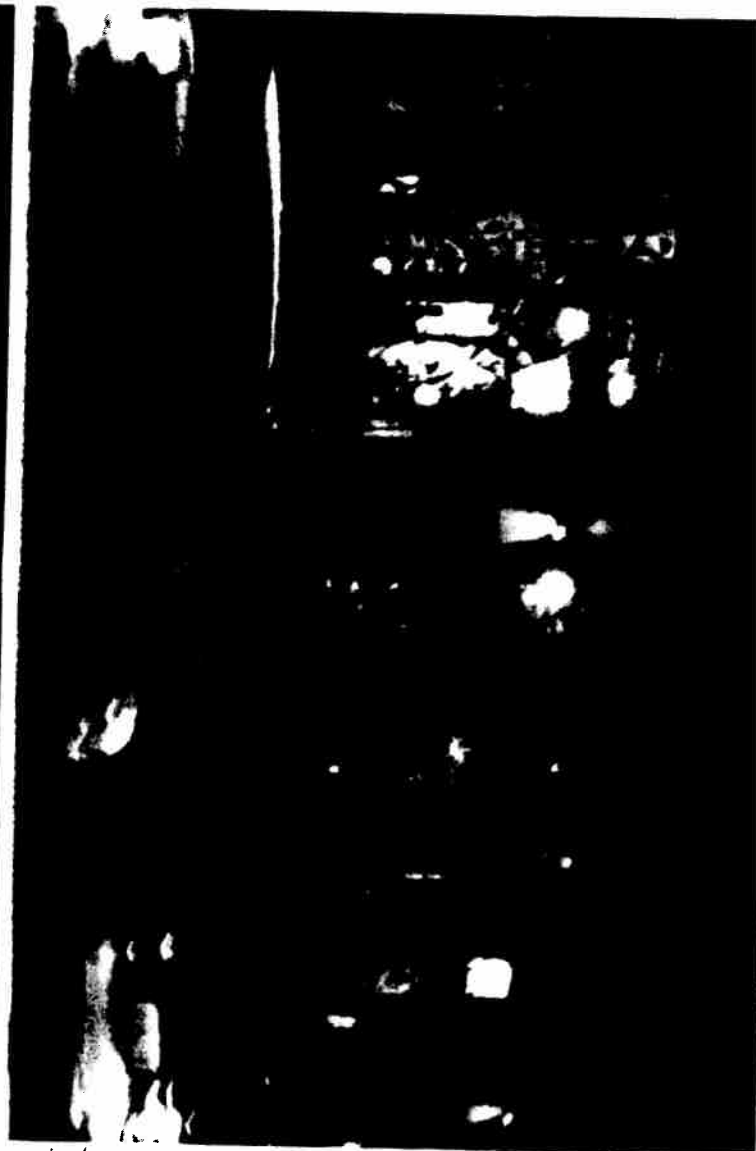
- *Alm*

Appendix 8



12/04/08 - 0120hrs

CAH



12/04/08 - 0134hrs

CAH



12/04/08 - 0058hrs

CAH

Appendix 7

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

PLANNING AND BUILDING CONTROL

- 13.64 The statement of licensing policy should indicate that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 13.65 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 13.66 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 13.67 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 13.68 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap. A planning authority may also make representations as a responsible authority as long as they relate to the licensing objectives.

Appendix 8

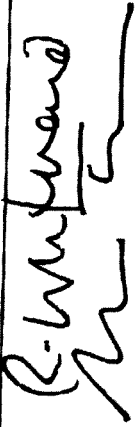
Name	Address	Postcode
J. Charlie,	81 Redchurch St	E1 6JT
Rachel Whitebread	2B Chance Street	E1 6JT
Marcus Taylor	2A Chance Street	E1 6JT
James Harkins	8 Moseley House, Camley	E1 7HA
Tim Noble	2-4 Chance Street	E1 6JT
Sue Webster	2-4 Chance Street	E1 6JT
Adam Dant	15 Club Row	E2
Hassan Abdulliah	25 Bethnal Green Rd	E1 6LA
Shaun Meikle	28-30 Bethnal Green Rd	E1
Alan Gilmore	28-30 Bethnal Green Rd	E1
Michel Lassarre	25a Bethnal Green Rd	E2 6LA

Appendix 9

**BEACH BLANKET BABYLON
 19-23 BETHNAL GREEN ROAD
 LONDON E1 6LA**

**REVIEW OF PREMISES LICENCE
 UNDER THE LICENSING ACT 2003**

I support the application by Mr and Mrs Christou dated 8th May 2008 to the London Borough of Tower Hamlets regarding the review of the above Premises Licence.

Name (PLEASE PRINT)	Address	Signature
RAUNEL WHITEHEAD CBE MARCUS TAYLOR	2-B CHANCE STREET E-1 6JT 2A CHANCE STREET E1 6JT	 CBE

**BEACH BLANKET BABYLON
19-23 BETHNAL GREEN ROAD
LONDON E1 6LA**

**REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003**



I support the application by Mr and Mrs Christou dated 8th May 2008 to the London Borough of Tower Hamlets regarding the review of the above Premises Licence.

Name (PLEASE PRINT)	Address	Signature
JAMES HARRIKINS	8 MOXESLEY HOUSE CAMLET STREET LONDON E12. T.H.A.	James Harrkins

BEACH BLANKET BABYLON
19-23 BETHNAL GREEN ROAD
LONDON E1 6LA

REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003


I support the application by Mr and Mrs Christou dated 8th May 2008 to the London Borough of Tower Hamlets regarding the review of the above Premises Licence.

Name (PLEASE PRINT)	Address	Signature
TIM NOBLE	2-4 CHANCE ST E1 6JT	
SUE WEBSTER	2-4 CHANCE ST LONDON E1 6JT	

**BEACH BLANKET BABYLON
19-23 BETHNAL GREEN ROAD
LONDON E1 6LA**

**REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003**



I support the application by Mr and Mrs Christou dated 8th May 2008 to the London Borough of Tower Hamlets regarding the review of the above Premises Licence.

Name (PLEASE PRINT)	Address	Signature
A DAM DANT	15 CLUB ROW E2	

BEACH BLANKET BABYLON
19-23 BETHNAL GREEN ROAD
LONDON E1 6LA

REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003


I support the application by Mr and Mrs Christou dated 8th May 2008 to the London Borough of Tower Hamlets regarding the review of the above Premises Licence.

Name (PLEASE PRINT)	Address	Signature
MICHEL LASSERRE	25 BETHNAL GREEN ROAD LONDON E1 6LA	
HASSAN ABDELLAH	25 Bethnal Green Road London E1 6LA	

**BEACH BLANKET BABYLON
19-23 BETHNAL GREEN ROAD
LONDON E1 6LA**

**REVIEW OF PREMISES LICENCE
UNDER THE LICENSING ACT 2003**

I support the application by Mr and Mrs Christou dated 8th May 2008 to the London Borough of Tower Hamlets regarding the review of the above Premises Licence.

Name (PLEASE PRINT)	Address	Signature
Shawn Meikle Alan Gilmore	28-30 Bethnal Green Rd (Plot 2) 28-30 Bethnal Green Rd (Plot 3)	

RE: 19-25 BETHNAL GREEN ROAD
TSS/LIC/037023

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

Please tick ? yes

If yes please state the date of that application

Day	Month	Year

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

PLEASE SEE ATTACHED.

M. K. M.

~~Atkin~~

Franklin Club Row

Don

Kellie

~~Don~~ (NAZAL) CALVERT AVENUE

Don
J. Church - 81 Redchurch St

Atkin

~~Atkin~~ Redchurch St

S. Hague

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

Please tick ? yes

If yes please state the date of that application

Day	Month	Year

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

PLEASE SEE ATTACHED.

M. L. M.

~~M. L. M.~~
P. L. M.

~~P. L. M.~~
L. L. M.

~~L. L. M.~~ (NAGAL).

~~L. L. M.~~
J. L. M.

~~J. L. M.~~
A. L. M.

~~A. L. M.~~
S. L. M.

Beach Blanket Babylon

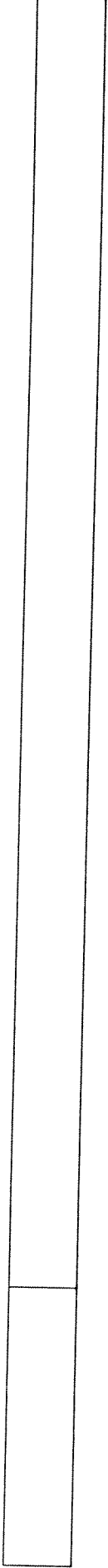
19-23 Bethnal Green Road, London, E1 6LA

NUISANCE	REMEDY
NOISE FROM MUSIC	<ul style="list-style-type: none">• Vary Premises Licence so terminal hour is 1.00 a.m.• There be no new admissions or re-entry to the premises, except for staff after Midnight. (If not – "drinking up" time of 30 minutes at 12:30 p.m.)• Premises Licence to exclude non-standard timings• No application shall be made for an Extended Hours Order or Special Hours Certificate unless application is made at least 3 weeks prior and neighbours notified• Vary the Licence so that it does not apply to the first floor including for the avoidance of doubt the terrace. (Premises details in current Licence do not refer to basement?)• No application shall be made to licence the whole or any part of the first floor of the premises or to use it as a public part of the business• Alcohol supplied in the basement should only be supplied to persons taking table meals for consumption as an ancillary to a meal

	<ul style="list-style-type: none"> • Noise and vibration must not be audible outside the premises at anytime • That in consultation with Environmental Protection a noise limiter be employed in a separate and remote (from the volume control) lockable cabinet and be fitted to the music amplification system in the basement and ground floors with noise levels set by a competent person / acoustician and set for inaudibility within adjacent properties; no supplementary sound system to be used without a full risk assessment and prior notice given to Tower Hamlets Environmental Protection Team • That only instruments that have the ability to be used through the sound limiter be allowed at the premises unless otherwise agreed in advance with Tower Hamlets Environmental Protection Department • Noise limiting devices, once set, cannot be reset or adjusted without consultation with Environmental Protection • The front doors of the premises must be kept closed except for access and egress. All windows must also be kept closed. Door staff must supervise to ensure that doors and windows are maintained closed so far as possible when public entertainment is taking place • That remedial works be undertaken to the building fabric to reduce airborne noise breakout within 2 months
OTHER NOISE	<ul style="list-style-type: none"> • Canopy be retracted no later than Midnight

<ul style="list-style-type: none"> • Not to allow patrons to queue up or congregate outside the frontage of Bethnal Green Road or Whitby Street • That measures be complemented to ensure that patrons cannot take glass or open containers outside the premises • That the amount of people going outside the venue to smoke shall be limited to no more than five at any one time and only for a maximum of ten minutes each with signage advising of this placed in a designated smoking area not near 17 Bethnal Green Road • That measures be implemented aimed to discouraging antisocial behaviour • That all instances of crime or disorder or nuisance are reported by the designated premises supervisor or responsible member of staff • That the Licence Holder ensure that the details of all complaints are recorded in an occurrence book • Taxi and mini-cab drivers and other drivers waiting to collect patrons from the premises shall be directed not to park in that part of Bethnal Green Road fronting 15 – 25 Bethnal Green Road, Chance Street. Whitby Street and Club Row • The sounding of car horns must also be discouraged • Clear and legible notices must be displayed at exits and other circulatory areas requesting patrons to leave the premises having regards to the needs of the local residents, in particular emphasizing the need to refrain from shouting and slamming car doors. (wider than existing condition) 	
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	<ul style="list-style-type: none"> • That there be a comprehensive CCTV system installed within 2 months that ensures that ALL AREAS for the licenced premises are monitored, including the frontage in Bethnal Green Road and the rear of the premises in Whitby Street, and all entry points and which enables formal identification of every person entering in any light condition, all cameras shall continually record whilst the premises are in operation and the recording shall be kept for a minimum of 31 days with time and date stamping recordings shall be made available to duly authorised Tower Hamlets Council Officer or a Police Officer together with facilities for viewing the recordings for the preceding 31 days shall be made available immediately on request • That the Designated Premises Supervisor provide the police and Tower Hamlets Environmental Protection Department with a disposal policy and comply with its contents to ensure that all patrons leave the premises and the vicinity quickly and quietly • That the Licence holder provide and maintain a dedicated telephone number of the Designated Premises Supervisor for use by any responsible authority or any person who may wish to make a complaint. This number shall be provided to the Licensing Authority, Police and Local Residents Association. The Licence holder shall ensure that any changes to these details are sent to all parties within seven days
RUBBISH DISPOSAL	<ul style="list-style-type: none"> • Refuse, including bottles or cans, shall not be deposited by staff outside the premises or collected from the premises between 22:00 and 08:00 • Wheelie bins to be kept on the pavement outside the rear of the premises and shall not be allowed to obstruct the roadway in Whitby Street



Appendix 10

Hassan Abdullah
1 Club Row
London E1 6LA

London Borough of Tower Hamlets
The Licensing Section
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY

London,
23rd May 2008

Dear Sir or Madam,

I am a resident who lives next to the premises of Beach Blanket Babylon and I would like to take the opportunity to write to the Tower Hamlets Licensing Section to voice my concern over the way the operators are running the venue.

BBB opened for trade in October 2007 and I am pleased to see that the operators have not been granted the late opening hours they hoped for by the Planning Office. They currently have the permission to open from 08:00am till 12:00 midnight Mondays to Thursdays, from 08:00am until 01:00am Fridays and Saturdays and from 9am till 12:00 midnight on Sunday from the Planning Department. Unfortunately your department has granted them a 03:00am license. It is really unfair to us residents that your department has not liaised with the planning department as now Beach Blanket Babylon feels they can open till whatever time they like. The residents have written to your office prior to the granting of the license about the fact that Robert Newmark and his son have both been disqualified and that they have been banned from holding a license in Westminster Council, but we were told that all this has no significance. Look at all the problems they are now causing. Tower Hamlets are willing to accept rejects from Westminster Council, it is a disgrace.

It is now a fact that the venue does not have a proper management of its clientele and its waste management.

Facts:

- The noise level has recently been increased by the fact Beach Blanket Babylon does not have air-conditioning at all. They open their windows at the rear of the main room overlooking Whitby Street and the noise is disturbing residents on Club Row and Redchurch Street.
- Their clientele gather outside for smoking creating a lot of noise right through the end of the night screaming and laughing without restraint. The clients block the public path and create an intimidating presence, forcing the public to use the busy road in order to pass by. An accident will be inevitable. The door staff has been approached several times as well as the management but has not shown any sympathy.

29 MAY 2008

PLANNING

- The minicabs are parking all over the street especially on zigzag lines and double yellow lines which slow the traffic and encourage the other drivers passing by to sound their horns to show their discontent or to prevent any accident.
- The minicabs are always arguing between themselves to get the most trade.
- The clientele from Beach Blanket Babylon is extremely loud and do not careless that they are in a residential area. They argue with cab drivers, they try to regroup themselves to move on to another venue to finish their night and that take a considerable amount of time and increase the noise level till very late.
- The rubbish taken out by the staff is often dumped on the back street regardless their bins are full or not and the noise of glass bottles emptied straight into the containers is unbearable.
- The police and an ambulance have been called several times to their premises to deal with drunken customers and many fights have broken out between clients and the staff. There was a lot of blood.
- The area is also suffering from all the party goers going from Hoxton to Brick Lane who are urinating and vomited on our door steps, fighting and screaming in the street until early hours in the morning and Beach Blanket Babylon is a main contributor to this.
- The Sunday market starts at 3am on Sunday mornings.
- The fish factory start trading at 4am Monday to Friday

I ask the Licensing Section to take into account the fact that Beach Blanket Babylon has shown no respect to the residents in the area since its opening; they are attracting a young drunk and boisterous crowd they cannot manage. All staff of Beach Blanket Babylon are as unhelpful as possible when approached by the residents or the local authorities and they have done nothing to solve or reduce the nuisance they cause.

Beach Blanket Babylon has open for 8 months now and is making a clear statement about how much they care for their environment. It is clearly not their concern and did not show they can handle their current licence.

Yours sincerely,



Hassan Abdullah

Hassan Abdullah
1 Club Row
London E1 6LA

London Borough of Tower Hamlets
The Licensing Section
Mulberry Place (AH)
PO BOX 55739
5 Clove Crescent
London E14 1BY

London,
05th June 2008

Dear Sir or Madam,

I have written to you on the 23rd May 2008 to make a representation for the review of the license of Beach Blanket Babylon; i was reading some reviews on Beach Blanket Babylon on www.mytowerhamlets.co.uk and came across the following reviews about the type of clientele they attract and **their clients who have witnessed the fights**. Please see the document enclosed herewith and i would like to add these reviews to my representation.

Yours sincerely,



Hassan Abdullah

- 6 JUN 2008

REVIEWED BY WWW.BEACHBLANKET.CO.UK

Beach Blanket Babylon Shoreditch

Beach Blanket Babylon Shoreditch

19-23 Bethnal Green Road, Shoreditch, E1 6LA

T 020 7749 3540

www.beachblanket.co.uk

email: reservations@beachblanket.co.uk

* Opening soon

Book Beach Blanket Babylon Shoreditch Now

Reviews (71 in total) Write a Review

Patricia Holmes said on 04th June

★★★★★

"It was also there one of the nights there was a fight in Beach Blanket Babylon. It looked like the staff were really up for a fight. The clients were less than desirable and there were lots of dodgy things happening in the dingy toilets. This is certainly not a place that Shoreditch can be proud of. The food and drinks are dreadful and really overpriced. The worst thing though is the staff and the fight that ensued between clients and staff alike. Couple of my friends credit cards had money withdrawn from it after that night. It seems that its not the first time it has happened as I read the same incident occurred on another website dedicated to bbb. This place is an embarrassment to a once hip and trendy Shoreditch. Bbb is the beginning of the decline of the area its such a shame as there are many great places to go to in this area." agree disagree? post a comment or reply

Christophe Almagro said on 31st May

★★★★★

"I just wanted to say the same about the fight that happend at BBB on that sunday night a few weeks ago. We were grateful just to leave the place after all hell broke loose. There were chairs in the air and it seemed like a western movie but instead of a saloon filled with cowboys it was this place filled with Hooligans. There was no sign of security and from what I heard from the staff is that the management are cutting down on staff and security because of financial problems from the owners. What a shame! I feel sorry for Shoreditch. A place where I felt safe to go anywhere for years!" agree disagree? post a comment or reply

someone who got removed last time said on 25th May

★★★★★

"Rubbish rubbish rubbish

Worst place in england

Horrible people

Like Ben Appord & Sophie Knight

Read the reviews down below

These people dont exist

All the good reviews here are posted by management

Sad "

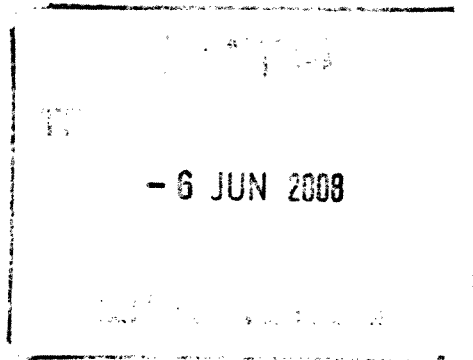
agree disagree? post a comment or reply

Olivia Reed said on 23rd May

★★★★★

Beach blanket is a truly awful place. The food fared no better than pub grub and the service is better in a motorway cafe. at least they smile there and don't think they are the center of the universe as the staff in beach blanket do. The worst thing for me besides the food and service were the bridge and tunnel clientele. As my meal neared its horrific completion, all hell broke loose as there was a huge fight. Everyone seem to be involved including the staff. I had never been so frightened in my life. We felt trapped and could not pass the entrance as the fight was in full swing there. The police was called thankfully. There were ambulances and police everywhere. I was just relieved to get out of there. The local council should really keep an eye on this place as the staff informed me that fights are frequent here. Needless to say, you will not be seeing me or my friends here ever again. Yucky mucky place "

agree disagree? post a comment or reply



Appendix 11

Your reference :

Our reference :

Date : 4th June 2008



Metropolitan Police Service
Tower Hamlets Division (HT)

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
London E2

Tel: (020) 8 217 4118

Fax:

Jackie Randall (Licensing)
London Borough of Tower Hamlets
Mulberry Place(AH)
PO Box 55739
5 Clove Crescent,
London, E14 1BY

Dear Madam,

Re: Review of Premises Licence
Beach Blanket Babylon, 19-23 Bethnal Green Road, E2

I write with reference to the above application.

The Metropolitan Police as a responsible authority have read the above application for review and would like to make the following representation on the grounds of prevention of crime and disorder and prevention of public nuisance.

History

On the 27th January 2008, an incident occurred outside Beach Blanket Babylon, whereby a resident alleged common assault by a door supervisor.

On the 2nd March 2008, police were called to an assault at the premises. Officers from the Community Safety Unit contacted the licensing unit regarding concerns that a door supervisors actions led to a female receiving a serious arm injury that needed hospital treatment. Investigating Officers also stated that there was no CCTV at the premises.

On the 10th March 2008, following the calls to police and the allegation that the premises was breaching a licence condition with regard to CCTV, police from the licensing office attended the premises to meet with the DPS Graham Rebak.

There was CCTV in place but was found to be inadequate. It did not cover the whole premises and was far too dark to be of any evidential use. The date was set at 21st September 2006. Mr Rebak was informed that it was a condition of his licence to have CCTV and that the system he had in place needed replacing. We agreed a completion date of the 20th March for a new CCTV installation.

Whilst at this meeting I questioned Mr Rebak regarding his management procedures. I was informed that there was no search policy at the premises, as he did not consider it necessary, as it was not "a Club". There was no premises licence displayed at the premises and when asked about an incident

book he could not produce one. A copy of the Metropolitan Safe and Sound Document was left with him to advise him re crime prevention measures.

Following this meeting, I wrote to Mr Rebak outlining my findings and advising him that his search/door procedures should be reassessed in light of the incident on the 2nd March.

On the 5th May 2008 police were called to a fight at the premises where three victims received cuts and bruises. This incident had occurred in the basement of the premises whereby glasses had been used in the offence. All victims were very drunk, the bar manager had not seen the incident occur.

Observations

The basement has a DJ booth and dance floor and contains a VIP area to the rear. The ground floor operates as a restaurant.

It would appear from speaking with management that the basement can be hired for parties but with a minimum spend of £500, not necessarily including food. People can go into the basement to drink, they do not have to eat in the restaurant.

Customers can only go onto the pavement in Bethnal Green Road to smoke, and at the end of the evening taxis are called from the front of the premises.

The premise only employs two door supervisors.

When the premises has been observed whilst on late licensing visits, there is usually a large crowd congregating at the front of the premises.

Recommendations.

CCTV

The premises was visited on the 27th May and the CCTV system had been installed. Further conditions relating to CCTV should be added to the licence (see attached)

Searching/Door Supervisors

The police attach a list of conditions that should be added to the premises licence to prevent crime and public nuisance. The premises does operate as "a club" in the basement and as such a search policy should be introduced at the premises. In order for this to be done, there should be an increase to at least four door supervisors. Two should be used for searching, one should be outside preventing public nuisance and the fourth should be used to patrol the basement area.

Hours

Due to the nuisance that has been caused and the previous calls to police, the terminal hour should be reduced.

Mon –Thurs and Sun to midnight

Friday and Saturday until 0100.

Dispersal

Management should look at the allocation of taxis. Customers requiring taxis should be kept inside until a taxi arrives. I believe the premises already have a cab marshal system in place but it needs to be properly managed so that it causes minimal disruption to residents.

Yours faithfully,

Louise Allen
Licensing Officer

Yours faithfully,

Louise Allen PC150HT
Licensing Officer.

Proposed licence conditions for Beach Blanket Babylon, 19 –23 Bethnal Green
Road, E2

1. Signs are to be prominently displayed inside and outside the premises warning customers that drug use on the premises will not be tolerated, there will be random searching on entry and the police may be called if drugs are found.
2. To support the written search policy at the premises, a secure drugs box is to be installed at the premises. Any confiscated items that are, or are believed to be drugs, are to be placed into this box. Any such seizures are to be entered into a drug seizures log, which is to remain in close proximity to the drugs box. This log will record the following details
 - Time/ date and location of the seizure.
 - Member of staff seizing the item.
 - Name or description of the customer from whom the item was seized.
3. The management of the premises will contact Police at least once every calendar month, for an officer to attend the premises, empty the drugs box, and sign the drugs log accordingly.
4. Any customer or member of staff found using, possessing or supplying illegal drugs (of whatever quantity) on the premises is to be permanently excluded from the premises. A record of such exclusions is to be entered into the incident book. All reasonable steps must be taken to ensure all staff (including door staff) are aware of the identity of excluded persons.
5. No person shall be allowed to leave the premises whilst in the possession of any drinking vessel or open glass bottle, whether empty or containing any beverage. Bottle bins shall be provided at the exit doors and staff shall prevent bottles and glasses being taken from the premises
6. A Premises Daily Register shall be kept at the premise. This register will be maintained and kept for a minimum of 12 months. This register should record the following;
 - Name of the person responsible for the premise on each given day.
 - All incidents in relation to the use of force by staff or Door Supervisors in the removal of persons from the premises. It shall record the time and date of the occurrence, name or brief description of the person removed, and details of the staff involved.

- Door Supervisors shall enter their full details at the commencement of work. (full name, home address and contact telephone number, SIA registration number and the time they commenced and concluded working) If the Door Supervisor was supplied by an agency, details of that agency will also be recorded including the name of the agency, the registered business address and a contact telephone number.
7. The premises will have door supervisors of both sexes on duty at all times when regulated entertainment is taking place. All Door Supervisors working outside the premises or whilst engaged in the dispersal of patrons at the close of business shall wear 'High Visibility Clothing'.
 8. All staff shall be trained in dealing with persons who are incapacitated through the use of drugs or the combined effect of drugs and alcohol.
 9. An adequate and appropriate supply of first aid equipment and materials shall be available on the premises. Notices detailing the availability of first aid equipment shall be prominently displayed and shall be protected from damage or deterioration.
 10. All members of staff at the premises shall seek "credible photographic proof of age evidence" from any person who appears to be under the age of 18 years and who is seeking access to the premises or is seeking to purchase or consume alcohol on the premises. Such credible evidence shall be in the form of a passport or photographic driving licence.
 11. The Licence Holder shall implement a written dispersal policy, to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall be approved in writing by the Licensing Authority and Tower Hamlets Police.
 12. A CCTV system shall be installed or the existing system maintained covering areas inside and outside of club. The system will incorporate a camera covering each of the entrance doors and be capable of providing an image that is regarded as 'identification standard.'
 - To obtain a clear head and shoulders image of every person entering the premises on the CCTV system, persons entering the premises should be asked to remove headwear, unless worn as part of religious observance.
 - CCTV is to comply with the Data Protection Act 1998 and is to be working and recording correctly when the club is open to the public.

- The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of one calendar month. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
- The positions of all CCTV cameras shall be clearly shown on a set of plans and any alteration to the system should only be carried out after consultation with and written approval of Tower Hamlets Police and the Licensing Authority.
- A staff member from the club that is conversant with the operation of the CCTV system will be on the premises at all times that the club is open to the public. This staff member will be able to show police recent data or footage with the absolute minimum of delay when requested. This data or footage reproduction should be almost instantaneous.

13. If external promoters are to be used for running events in the premises then Police risk assessment forms (Form 696) are to be fully completed before and after the event and emailed to the relevant police units, so that artists, DJ's, MC's and promoters can be checked. The forms will be completed and returned to the required police addresses electronically at least 2 weeks prior to the event taking place. A post event form will also be completed (F696a) and returned to the required police addresses. The management should act on police advice.

Appendix 12

From: Iain Pendrigh
Sent: 24 May 2008 15:56
To: John Cruse
Cc: Derrick Harrington
Subject: BEACH BLANKET BABYLON REVIEW

I write consequent to the review of the Premises License recently initiated by the residents living at 17 Bethnal Green Rd regarding the bar/club Beach Blanket Babylon at 19-23 Bethnal Green Road London E2.

Having examined our office-records and discussed this review with relevant colleagues, I am able to make certain comment which support of the 'application' and which might assist Members in determining this matter appropriately.

I can say that there have been occasions when the Licensing objective relating to 'Public Nuisance' has been compromised due to the operation of these premises; this includes:

Music played within the premises, on occasions, has been audible within residential premises very late at night.

Noise from the disposal of bottles has been audible in residential premises very late at night.

A considerable amount of noise-disturbance has been caused on occasions directly outside 'the premises' due to lack of effective management and control of clients either occupying the pavement outside the premises or leaving 'the premises' and awaiting transport for their journey away from the area.

Whilst I am aware that the License-holder has engaged an acoustical consultant to confirm what measures/works need to be employed/undertaken to enable 'the premises' to operate in a manner so as to avoid causing 'public Nuisance', I am particularly concerned that 'the premises' still is without air-conditioning. The absence of air-conditioning will lead, in periods of hot weather, to customers seeking respite outside, and doors and windows being opened to maintain comfort levels. The most recent noise-complaint made to our Service was due to windows/doors being open at the rear of the premises as a result of high temperatures within the building.

Measures that might be considered to address the above issues could include:

1. More robust management of the area outside the premises.
2. A 'holding' system to prevent clients leaving the building until transport has arrived.
3. Clients leaving on foot being instructed to depart the area as soon as they leave the premises.
4. Encouragement of clientele not to use mobile phones outside 'the premises'.
5. A change in the terminal hour of operation.
6. Installation of air-conditioning.
7. Prohibition of the opening of doors and windows.
8. Prohibition of use of the first floor balcony.
9. Restriction on hours removing bottles from the premises.

I hope this is of assistance.

With regards, Iain Pendrigh; Team Leader [Environmental Health]

28/05/2008

Appendix 13



TOWER HAMLETS

Licence / Registration

Certificate Number

12372

**Beach Blanket Babylon
Basement, Ground and First Floor
19 – 23 Bethnal Green Road
London
E1 6LA**

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: 18 May 2006

(as amended 3rd October 2007)

FOR OFFICE USE

d9972003 Lic Act, cons & licst Prem Licst Bethnal Green Rd 19-23.doc
Receipt Number 12372 Fee Paid £3.15 Fee Req.

Date 3.2.07 Initial SS

**Part A - Format of premises licence**

Premises licence number

12372

Part 1 - Premises details**Postal address of premises, or if none, ordnance survey map reference or description**Beach Blanket Babylon
Basement, Ground and First Floor
19 - 23 Bethnal Green Road**Post town**

London

Post code

E1 6LA

Telephone number

None

Where the licence is time limited the dates

Not applicable

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

The times the licence authorises the carrying out of licensable activities

Alcohol

Sunday to Wednesday, from 10:00 hours to 01:00 hours the following day
Thursday to Saturday, from 10:00 hours to 03:00 hours the following day

Alcohol non-standard timings

On no more than 12 occasions per calendar year, the terminal hours shall be one hour later than the standard timing shown above, following 10 working days notice to the Police and Licensing Authority and subject to the consent of the Police.

Late Night Refreshment - Indoors

Sunday to Wednesday, from 23:00 hours to 01:00 hours the following day
Thursday to Saturday, from 23:00 hours to 03:00 hours the following day

Regulated Entertainment - Indoors (live music, recorded music, provision of facilities for making music, provision of facilities for dancing)

Sunday to Wednesday, from 23:00 hours to 01:00 hours the following day
Thursday to Saturday, from 23:00 hours to 03:00 hours the following day

Licensable activities from New Years Eve until the start time on New Years Day for all of the above.

The opening hours of the premises

- Sunday to Wednesday, from 10:00 hours to 01:30 hours the following day
- Thursday to Saturday, from 10:00 hours to 03:30 hours the following day

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

On supplies

Part 2

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

Townlink Ltd
41 Knowsley Street
Bury
BL9 0ST

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

0541076

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

Mr Graham Rebak
3 Lyndhurst Terrace
London
NW3 5QA

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

Personal Licence Number: 00307
Issuing Authority: London Borough of Camden

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

Times

Alcohol

- Sunday to Wednesday, from 10:00 hours to 01:00 hours the following day
- Thursday to Saturday, from 10:00 hours to 03:00 hours the following day

Alcohol non-standard timings

On no more than 12 occasions per calendar year, the terminal hours shall be one hour later than the standard timing shown above, following 10 working days notice to the Police and Licensing Authority and subject to the consent of the Police.

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- Thursday to Saturday, from 23:00 hours to 03:00 hours the following day

Licensable activities from New Years Eve until the start time on New Years Day for all of the above.

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV to be provided in accordance with the wishes of the Metropolitan Police.
2. Notices will be displayed reminding patrons to leave quietly and respect the local residential amenity.
3. A dedicated taxi firm will be available to take patrons away from the premises quickly and quietly.
4. No under 16 year olds will be allowed to remain on the premises after 21:00 hours.
5. The external terrace is vacated by clients no later than midnight on Thursdays, Fridays and Saturdays and no later than 23:00 hours on Sunday, Monday, Tuesday, Wednesday and Thursday.
6. The terrace is closely supervised at all times by management to ensure the avoidance of excessive noise likely to be audible to neighbouring residents.
7. Licensable activities taking place on the terrace are limited to supply of alcohol; additionally any noise from music should be controlled so as to be inaudible in neighbouring residences.
8. The design of any lighting system should ensure that no nuisance is caused by light intrusion into residential premises.
9. The art gallery space as shown on plan as submitted on 3rd August 2007 is excluded from this licence.

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

Not applicable

Annex 4 - Plans

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

3rd August 2007

Part B - Premises licence summary

Premises licence number 12372

Premises details

Postal address of premises, or if none, ordnance survey map reference or description (Beach Blanket Babylon) Basement, Ground and First Floor 19 – 23 Bethnal Green Road	
Post town London	Post code E1 6LA
Telephone number None	

Where the licence is time limited the dates N/a

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

The times the licence authorises the carrying out of licensable activities

Alcohol:
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Thursday to Saturday, from 10:00 hours to 03:00 hours

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Name, (registered) address of holder of premises licence

Townlink Ltd
41 Knowsley Street
Bury
BL9 0ST

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

On supplies

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

0541076

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

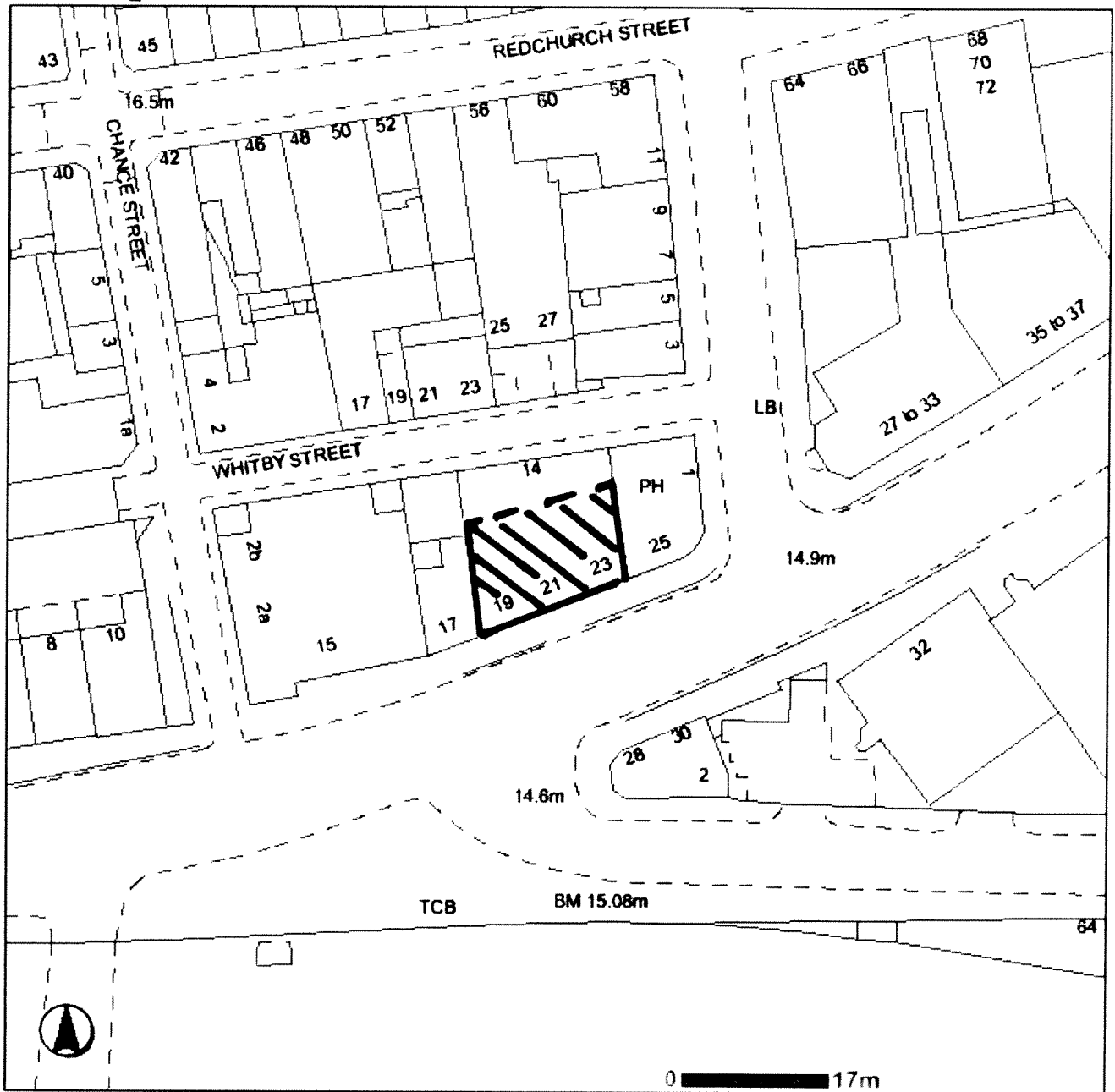
Mr Graham Rebak

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

No under 16 year olds will be allowed to remain on the premises after 21:00 hours.

Appendix 14

Map



Scale 1:750

Map of:

19-23 Bethnal Green Road

Notes:

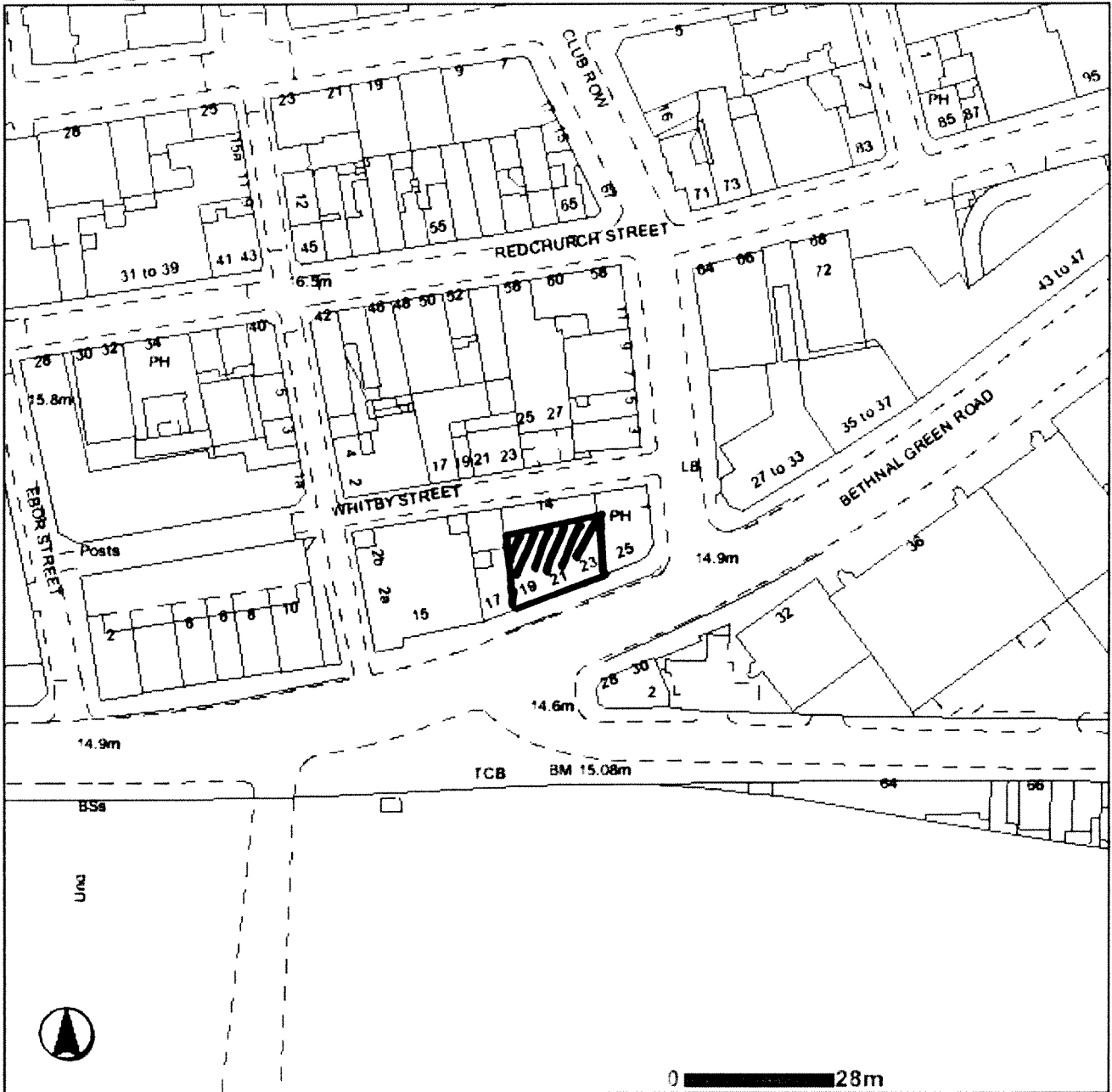
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Map



Scale 1:1228

Map of:

19-23 Bethnal Green Road

Notes:

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Appendix 15

Jacqueline Randall

From: Robert Sutherland [RDS@jgrlaw.co.uk]
Sent: 05 June 2008 19:44
To: Jacqueline Randall
Cc: Robert Sutherland; Marcus Lavell
Subject: beach blanket babylon - 19 -23 Bethnal Green Road - Review
Importance: High
Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms Randall Peltier

We have been instructed for and on behalf of the licence holder Townlink Ltd to represent them in respect of the proceedings commenced by Mr Christou and Mrs Christou. We should also be obliged if you would note us on your records as dealing with this matter and send through to us all correspondence and documentation in connection with the review proceedings.

We hereby make a representation in relation to the review for and on behalf of the licence holder.

We note from the application that the review concerns the licensing objective on the prevention of public nuisance and we do not accept that any incident has occurred in or around the premises or the operation of the premises is such so as to cause a public nuisance.

Noise from within the premises is controlled and does not create any nuisance. Acoustic evidence will be provided to support this.

Patrons standing outside the premises are controlled and systems are in place to ensure that a nuisance is not caused. Systems are also in place to prevent any nuisance being caused by patrons leaving the premises at night time and those being directed to awaiting cabs.

Measures are in place and are constantly under review to ensure that mini cabs from the dedicated taxi firm do not sound horns and do not allow their engines to idle for long periods of time.

Rubbish is now discarded in accordance with accepted practices in Tower Hamlets and is not discarded noisily. Staff are instructed at all times to operate in a manner which does not disturb the residents nearby.

The premises operate in line with their premises licence and it is not accepted that they have at any time or at all operated in breach of any licence condition.

Specific dates set out in the application will be referred to in subsequent evidence from the operators. Further reports will be provided covering the operation and addressing the allegations made in the application.

Such evidence will be called as is necessary to address the allegations made in the application and any subsequent allegation that may be made in due course.

Should you have any questions please do not hesitate to contact Mr Sutherland on

rds@jgrlaw.co.uk
direct line 0207 339 7201
fax 0207 307 0202
mobile 07831 130060.

Yours Sincerely

24/07/2008

Jeffrey Green Russell

Jeffrey Green Russell, Waverley House, 7/12 Noel Street, London W1F 8GQ.

DX : 44627 Mayfair. Member of the International Alliance of Law Firms www.ialawfirms.co.uk.

Philip Cohen Anthony Coles Robert Draper Steven Fullman Charles Gerada Susan Jarvis Michelle Moriarty Nicholas Nocton John O'Connell
Franklin Price Anna Rabin Simon Rees-Howell Julian Skeens Mark Spragg Clive Whitfield-Jones

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24/07/2008