

# Appendix 1



This form should be completed and forwarded to:

London Borough of Tower Hamlets  
Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 2BG

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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

**I PC Mark Perry 1748CE.....** *(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**

<b>Postal address of premises or club premises, or if none, ordnance survey map reference or description</b>	
Oval Space 29 – 32 The Oval	
<b>Post town</b> London	<b>Post code (if known)</b> E2 9DT

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

**Oval Venues Limited**

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

27029

**Part 2 - Applicant details**

Please tick  yes

I am

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

<b>Surname</b>	<b>First names</b>
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick  yes

<b>Current postal address if different from premises address</b>	<input type="text"/>
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<b>Post Town</b>	<input type="text"/>	<b>Postcode</b>	<input type="text"/>
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<b>Daytime contact telephone number</b>	<input type="text"/>
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<b>E-mail address (optional)</b>	<input type="text"/>
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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC Mark Perry 1748CE Central East Police Licensing, Metropolitan Police 1 <sup>st</sup> Floor, Stoke Newington Police Station, 33 Stoke Newington High St, London N16 8DS
Telephone number (if any)

E-mail (optional) mark.j.perry@met.police.uk

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

Please tick one or more boxes

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

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

Central East Police Licensing request the review of Oval Space at 29 – 32 The Oval, for failing to uphold the licensing objectives of preventing crime and disorder, public nuisance, public safety protecting children from harm.

At around 2:10am on Saturday 26<sup>th</sup> June 2021 Police were called to the Oval Space venue to reports of a fight where the informant was stating that a male had been stabbed and was outside the venue in relation to CAD 949/26JUN21 refers.

Police officers attended the area where we were directed to the outside area of the Oval Space and immediately were flagged down by members of the public directing officers to a male, victim 1 who had suffered a stab wound to his left leg. A second victim later self-presented himself to officers at the scene with a stab wound to his stomach that he had also sustained in the same incident as VIW1.

Members of the public and VIW1 friends were hostile and anti-police, aggressive and preventing officers from administering first aid, officers however persevered and first aid was given. Members of public on scene did not come forward with information nor provide statements to Police when requested.

From investigation it appears that An altercation has ensued between a group of males, which escalates into a fight, fists can be seen being thrown between males, before one of them utilises a hammer and another a machete, where the two victims are stabbed by the male with a machete, one in the stomach and one in the leg.

CCTV shows the victims leaving Oval Space carrying another male who appears to be so heavily intoxicated he needs support. Later CCTV shows what appear to be the victims retrieving weapons including a hammer, in an Audi A4 vehicle parked on Emma St, and equipping themselves before returning to Oval St to others involved in the later affray where the fight takes place.

CCTV also shows the man a few minutes later who is carrying the believed machete as one of four individuals in the same group that leave the scene together. Two of these individuals get into a vehicle on Emma St before driving off from Oval St, while the individual equipped with the machete runs off with another down Emma St changing his clothing as he does so.

Given the very serious nature of the fight that took place I and Pc Barry Leban from Central East Police Licensing visited the venue and met with the manager Mr Jo Splain. When we met Mr Splain I asked him for the incident logs of the venue so we could go over them. Mr Splain appeared very uncomfortable with this request and said that the security manager had taken them home with him. I asked Mr Splain why the security manager would do this and he said he thought the manager was updating them.

We then went to the office and I asked to see the previous incident book. Mr Splain was unable to produce them, or offer an excuse as to why they were not there. Given that the venue had been open during the various lifting of restrictions I was concerned that there were no incident logs at all.

On the desk we found a box and a folder containing SIA signing in sheets which were very concerning. We examined dozens of these sheets and on all of them there were SIA signed in to work at the venue who had not put down their SIA badge numbers. On looking at the CCTV footage from several dates the venue was open, including the night of the double stabbing security could be seen operating at the venue without their SIA badges on display. We believe that this shows that the

venue is hiring staff to operate as security who are not SIA registered. This is incredibly serious and in our opinion shows that the venue is not only badly run, but also a risk to those who attend. We will be reporting this to the SIA authority for them to investigate.

On these SIA reporting in sheets we also found notes of incidents that took place at the venue. This I believe demonstrates that the venue is not keeping an incident report book, a basic tenant of their security plan agreed with Police. I challenged Mr Splain on these records and put it to him that there were no incident books and that incidents were just recorded ad hoc on these SIA signing in forms, Mr Splain admitted that this was the case.

I then asked Mr Splain if I could see the alcohol refusal logs, he said they were kept in the office somewhere. I asked him why they were not kept behind the bar where they could be used when needed. We looked for the books in the office but could not find them. Mr Splain then said a member of staff had taken them home. I did not believe this and challenged Mr Splain as to why someone would take alcohol refusal logs home, he then admitted that they were not being kept.

I challenged Mr Spain as to how his venue could demonstrate that it was looking after its customers if there is no record of them refusing the sale of alcohol, and no record offering care like calling a taxi or giving water to customers who were drunk. Mr Splain said that their venue was doing this. I challenged this by saying in the double stabbing incident that one customer was so drunk that he had to be helped from the venue by his friends, and in a sexual assault allegation a few weeks prior the victim was also drunk. Mr Splain had no answer.

We then looked at the CCTV from the double stabbing incident to observe how security were managing the venue and the area outside, especially searching of customers and dispersal of customers after the venue closed. My colleague PC Leban has many years' experience in searching people having been trained by the



Police, Prison Service and the Army in searching people and I was keen to get his opinion. We viewed the CCTV and were both appalled by the level and quality of searching which was extremely poor. I refer the committee to PC Laban's statement. But suffice to say that we both believed that customers would have no trouble in getting either weapons or drugs into the venue undetected.

Mr Splain initially defended the searching but after the failures of security were pointed out to him admitted it was poor on that night, but that this was not representative of the security. He then showed us another example of the security team in action, but again the same poor searching and security procedures were shown.

We then looked at the dispersal of customers from the venue, Security and quiet marshals should be out in sufficient numbers to ensure customers do not loiter, as there is an increased risk of violent disorder if groups are allowed to hang around where arguments and disputes can occur, as it did on the night of the double stabbing. Dispersal is also important to keep the noise down so as not to cause noise nuisance to local residents.

On watching the CCTV it was clear that security were making no effort to move people way from the area, there were no quiet marshals in operation. Security staff were not wearing high visibility jackets and some did not have any SIA badge on display. There was little interaction with customers. Our fear is that this poor level of management and security and lead to the venue becoming known as a place with poor security, where it is easy to get drugs in to the venue, and therefore attracts drug users and dealers to the venue.

I challenged Mr Splain about the shockingly bad levels of security that went against the security plan we had agreed. I reminded him that at a meeting we had in early May 2021 regarding the European Football Championships how important it was to have all the security plans in place, which we were assured would be. Mr Splain said

that he was aware that security and management was a problem, that he was overworked, and that he had tried to do something about it. I asked him what he had done but he was unable to give specific details.

I then said to Mr Splain that this was a venue in serious trouble and that it was dangerous. I said if it carries on like this there will be serious incident where someone would be injured and he agreed. I later asked him if he would feel safe letting a family member or friend attending Oval Space, Mr Splain replied he would not. This is a damning indictment of how poorly this venue is run and how it is totally incapable of running late night events.

We then asked to look at the drugs seizure book and the drugs seized. There was no drug seizure book, with only a few items of drugs seized being recorded. In the safe we found 118 bags of drugs, the vast majority of which were from the period 2020 – 2021 when the venue was only partially open due to lockdown restrictions. This is a staggering amount drugs, and in our opinion indicative of a venue where people go to take drugs. What is of even more concern is that 50 bags of drugs were found inside the venue and 42 at the door. The large numbers of drugs found inside the venue, more than was found at the door shows how poor the security and management of the venue are. The fact that some of the drugs bags were unsealed is even more concerning, why were they not sealed and why was there so few records of the seizure of drugs?

This venue has in the opinion of the Police become a place where drug taking is rife, where security and management are poor and as a result has attracted a drug using crowd that has in turn brought gangs associated with illegal drug use to the area. Sadly the management have proven that is not fit to run a late night event venue, both security and management are incompetent, and display a reckless and total disregard for their customer's safety and their responsibilities under the licensing act and premises license.

In order to remove the risk to members of the public and uphold the licensing objectives we ask that the hours of the venue are reduced to framework hours, which would allow new management to re-establish the venue as a premises not associated with crime and disorder, especially drug use. It would also allow staff, especially security to be properly trained and procedures to put in place to ensure that the venue is safe. We also ask that the following conditions are added to the license to ensure the safe running of the venue:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
3. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
4. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

5. On any occasion that regulated entertainment is provided, not less than 1 SIA registered door supervisors will be engaged per 100 customers.
6. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.
7. All persons entering or re-entering the premises shall be searched by a SIA licensed member of staff and monitored by the premises CCTV system.
8. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises.
9. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) Any visit by a relevant authority or emergency service.
10. In the event that a serious assault is committed on the premises (or appears

to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

11. There must be at the premises a lockable drugs box to which no member of staff, save the DPS and /or duty manager, shall have access. All controlled drugs (or items suspected to be controlled drugs or contain controlled drugs) found at the premises must be placed in this box as soon as practicable. Whenever this box is emptied, all of its contents must be given to the Police for appropriate disposal by calling 101 and arranging collection at least once a month.

12. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction to the public highway.

13. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

14. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the

premises by the police or an authorised officer at all times whilst the premises is open.

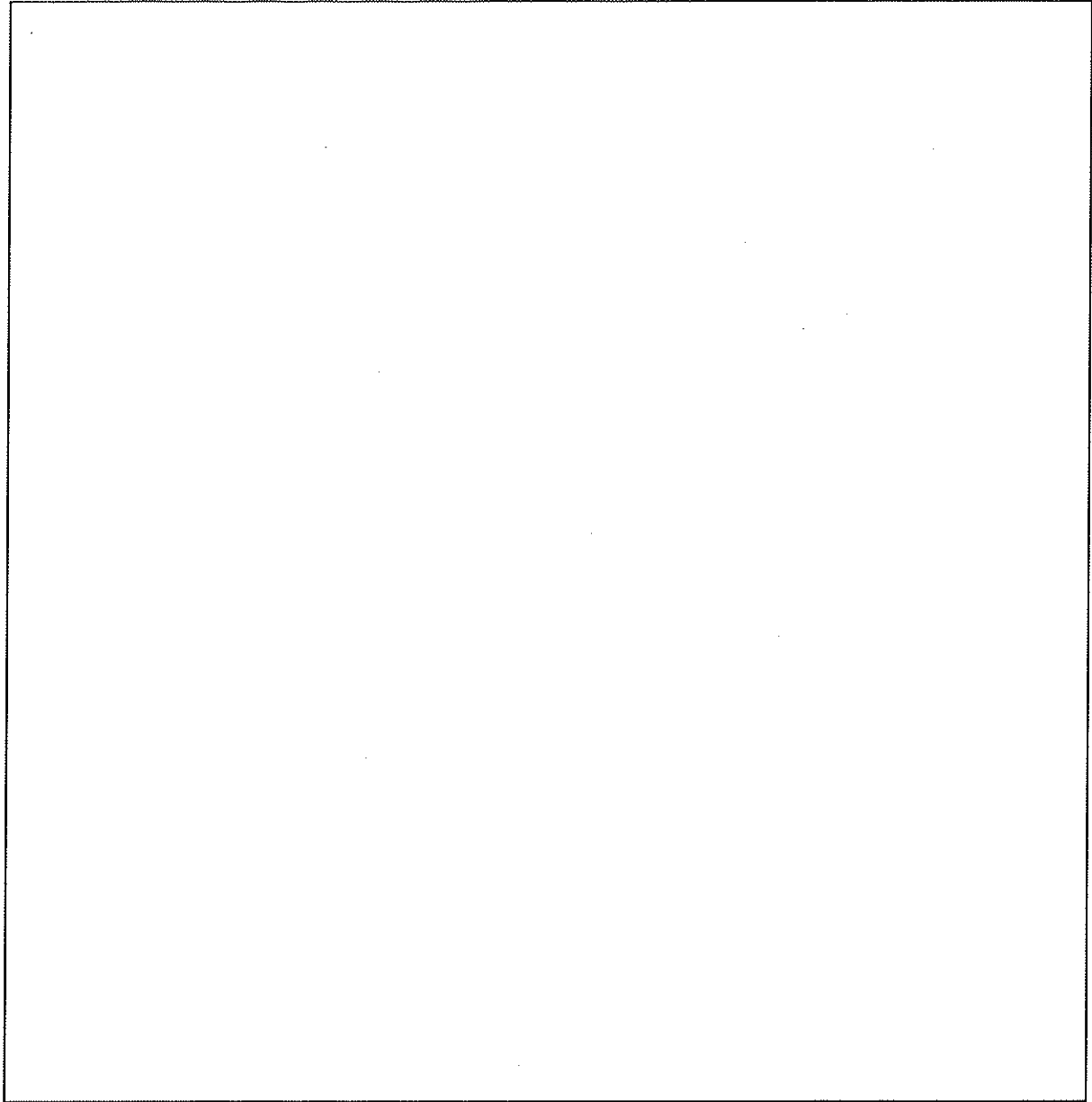
15. A written dispersal policy agreed by Central East Police Licensing annually shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

16. The premises shall adopt Central Easts Drug Policy

17. The premises management shall risk assess and plan for the safe running of each event. The risk assessments and plans shall be made available to Police upon request.

18. When running music events the venue shall operate an ID scanner for customers entering the premises.

19. All security, bar staff and management will ensure that yearly role specific industry recognised training is undertaken. Records of training to be kept and made available to Police upon request.



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

Additional evidence will be supplied to support this review.



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**

N/A

Please tick  yes

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

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

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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature



1760 CE

Date: 25/07/2021

Capacity: Police Licensing Officer

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

**Notes for Guidance**

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

# Appendix 2

The following visits have taken place to Oval Space since the review papers were submitted:

**26<sup>th</sup> September 2021**

Pc Perry and Pc Leban visited at around 01:00, the venue was not at capacity, there was a Bruce Springsteen Birthday Party event taking place. As we went up the stairs into the venue we observed two drunk males, one so drunk he walked into a wall before stumbling down the stairs nearly falling over. Another male was also clearly drunk, his speech was slurred and he was unsteady on his feet and he spent 5 minutes giggling while showing PC Leban pictures of his burnt down lorry as we waited for the manager.

We asked to see alcohol refusal log which showed 4 refusals in 3 months, 3 of which were from one event on the 1<sup>st</sup> of August. We pointed out to the manager that the refusals log was unacceptable as there were so few refusals it was simply not believable they had so few drunk people, especially given the two drunk people we had seen as we entered the venue.

We also looked at incident log which showed that at some events there were significant amounts of drugs still being found on customers inside the venue, after they had been through the searching at the entrance. We also found 3 bags of drugs on a clipboard with no details on them. We have no idea how long the drugs had been there, or if any of the drugs had been removed. They should have been stored in the safe. Told that these bags should be filled out and put in the safe immediately

**10<sup>th</sup> September 2021.**

PC Perry and PC Ward visited the venue around 2:30 am, the venue was at capacity as there was an after party for the "Body Movements Festival" taking place. We observed the crowd and there were a few intoxicated people who were unsteady on their feet, and their eyes were glazed and were clearly drunk. We pointed this out to the manager and told him our concerns as many of the customers would have been drinking at the Body Movements Festival earlier in the day, and therefore much more at risk of becoming vulnerable through drink and drugs, therefore much closer observation was needed.

We asked to see the refusals log, which showed only one new entry in the two weeks since our last visit, and that was dated for August 2021. We spoke to the manager about this who admitted that the refusal logs were still not being used despite visits by Police and a Licensing Review being instigated.

The manager said that he was working to bring the Oval Space up to standard but that there was lots of work to be done.

The following Crimes have taken place at the Oval, since November 2019. The reason we have gone back two years is twofold, firstly the venue has been closed for a period due to Covid legislation so we need to go back a reasonable amount of time to get a clear picture of crimes at the venue. Second, the crimes below will show a clear pattern of crime and disorder, especially violence taking place at Oval Space.

#### **4th June 2021 – Sexual Assault**

At about 10:45pm a female customer claimed that she was sexually assaulted by a male groping her breasts and that another male had then exposed himself to her. The woman was then followed into a toilet by the male who had groped her. Both the victim and a witness were to quote the venue staff “Quite Intoxicated”.

Although the venue staff did offer care to the victim, and get statements they did not inform Police until 2 days after the incident.

Crime report 4215945/21 refers.

#### **5<sup>th</sup> December 2020 - Assault**

At about 10:40 pm the victim states he was in the club when a male who he did not know came up from behind and grabbed him around the neck until he passed out. The victim regained consciousness lying on the floor. Moments later the same suspect did it again.

The victim complained to the premises manager who told him that both events were captured on the in premises CCTV. The victim states he is still experiencing chest and neck pain as a result of this assault.

The manager was contacted by Police and the CCTV supplied, which showed the offence taking place, but the CCTV is of poor quality and Police are unable to identify the suspect.

Crime report 4235346/20 refers.

### **14<sup>th</sup> November 2020 - Drugs**

Police were conducting mobile patrols when their attention was drawn to a vehicle parked up on The Oval. When Police pulled up along side the driver was seen to gulp furiously at water. In the E2 area this is common with drug dealers swallowing drugs to prevent Police recovering them.

Pc JORDAN 3701u approached male in the front passenger seat of the vehicle where there was an immediate smell of cannabis. The passenger also admitted to having cannabis on his person.

Three small bags of herbal cannabis were found in his jacket and he was given a Community Resolution.

Crime Report 4232463/20 refers

### **16<sup>th</sup> February 2020 – Stabbing**

At about 03:30 the victim has. He stated that he was in the middle of the dance floor when he felt two jabs to his back. He did not see who assaulted him or what implement was used. He then approached security and informed them that he felt like he had been stabbed and received two puncture wounds to his back. He was then taken out back to be treated and the London Ambulance Service (LAS) called. It was the LAS and not the venue who called for the police to attend.

Police arrived on scene first, were directed to where the victim was being treated. The victim told Police that he does not know why this has happened. He had not been involved in any altercation with anybody prior to being attacked. He was simply in the middle of the dance floor when he was stabbed. Staff were spoken to but no one appears to have witnessed the incident.

CCTV shows two suspects wearing puffer jackets and beanie hats walk across the dance floor of the club, they walk towards the top left of the CCTV and one of the males stabs at the victim three or four times. The two suspects then make off.

Crime Report 4204801/20 refers

### **16<sup>th</sup> November 2019 – GBH Assault**

At about 01:45am a large fight took place at Oval Space between two groups of customers which resulted in a male receiving a fractured eye socket (fractured in 2 separate places), a large lump to the

right side of his head, a concussion, a torn muscle under his right eye and a bleed under the eye, which has caused a swollen pouch under his right eye.

Police recovered the CCTV from the Oval Space, the footage shows a large melee take place involving what appears to be two groups of males who are fighting each other. Due to being unable to see any faces, it is difficult to identify who the victim is. With the large numbers of people involved on both sides, it is also incredibly difficult to identify who out of the large group assaulted him to cause the injury the victim sustained. As a result the case cannot be progressed.

Crime Report 4235459/19 refers.

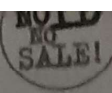
What the above crimes demonstrate is a venue that was failing to maintain order, and protect its customers prior to Covid, a trend that has sadly continued after lockdown ended. Following the stabbing on the 16<sup>th</sup> February 2020, the second serious violent attack to take place at Oval Space in the period of a couple of months Police held a meeting with the management of Oval Space.

At that meeting on the 21<sup>st</sup> February 2020 the management of Oval Space admitted that they knew they needed to improve, and said they would put measures in place to improve security. Despite the ample opportunity presented to them there has been no effective review of how Oval Space keeps its customers safe.

Since Lockdown ended it has been clearly evidenced in both the crimes that have taken place and visits by Police Licensing that there has been no improvement in the venue. Serious crimes are still taking place involving Oval Spaces customers, security are still failing to prevent drugs entering the venue, customers are still becoming drunk. By looking at the photographs of the alcohol refusal logs since the review was submitted we can see that the venue have failed to manage the basics like stopping its customers becoming drunk and storing drugs in clearly marked bags in a safe, not left in unmarked bags on a clipboard.

# CHALLENGE 25

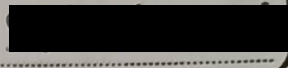
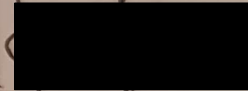
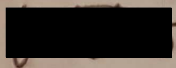
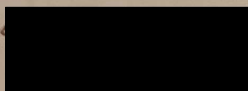
## Record of Refusals



No. 0001

DATE/TIME	PRODUCT	PERSON REFUSED	ASKED FOR ID	COMMENTS	REFUSED BY
DATE: 1/8/21 TIME: 3:05 AM: <input checked="" type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: 5'7, Blonde, freckles, AGE: 27-37 HEIGHT: 5'7 BUILD: Petite	YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	Looks very distant, stumbling, heavy eyes	NAME: Shari SIGNED:
DATE: 1/8/21 TIME: AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: ORANGE T-SHIRT T-SHIRT. AGE: 22 HEIGHT: 5'9 BUILD: SKINNY	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	out of service. CAN'T RECOGNIZE HIS CREDIT CARD forgot his NAME	NAME: GANDIL SIGNED:
DATE: 1/8/21 TIME: 01 AM: <input checked="" type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: High	MALE: <input checked="" type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: ICI male, <del>grey shirt</del> blonde hair AGE: mid twenties HEIGHT: 5'11 BUILD: average	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>	Refused service and provided with a can of water. Barteam informed	NAME: MARIA SIGNED:
DATE: 26/09/21 TIME: AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: blonde lady with <del>brunette</del> friend AGE: mid 30'S HEIGHT: BUILD: slim	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	blonde friend was v/drunk and defensive about drinking water. brunette also	NAME: Thomas SIGNED:
DATE: 10/08/21 TIME: 1:35 AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input checked="" type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input checked="" type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: V/ Drunk male, Told to drink water AGE: 35 HEIGHT: 6.3 BUILD: Medium	YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	compliant to drink water and came back later	NAME: Thomas J SIGNED:
DATE: TIME: AM: <input type="checkbox"/> PM: <input type="checkbox"/>	ALCOHOL: <input type="checkbox"/> TOBACCO: <input type="checkbox"/> LOTTERY: <input type="checkbox"/> OTHER: <input type="checkbox"/>	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: AGE: HEIGHT: BUILD:	YES: <input type="checkbox"/> NO: <input type="checkbox"/>		NAME: SIGNED:



PRODUCT	PERSON REFUSED	ASKED FOR ID	COMMENTS	REFUSED BY
HOL: <input checked="" type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: 5'7, Blonde, freckles, AGE: 27-37 HEIGHT: 5'7 BUILD: Petite	YES: <input type="checkbox"/> NO: <input checked="" type="checkbox"/>	Looks very distant, stumbling, heavy eyes	NAME: Shari SIGNED: 
HOL: <input type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: ORANGE TSI TSHIRT. AGE: 22 HEIGHT: 5.9 BUILD: SKIVY	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	out of service. CAN'T RECOG NIZE HIS CREDIT CARD forgot his NAME	NAME: SANDIL SIGNED: 
HOL: <input checked="" type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input checked="" type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION: IC1 male, <del>had</del> Grey shirt + blonde hair AGE: mid twenties HEIGHT: 5'11 BUILD: average	YES: <input checked="" type="checkbox"/> NO: <input type="checkbox"/>	Refused Service and provided with a can of water. Barteam informed	NAME: MARIA SIGNED: 
HOL: <input checked="" type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input checked="" type="checkbox"/> DESCRIPTION: blonde lady with <del>brunette</del> <del>brunette</del> friend AGE: mid 30'S HEIGHT: BUILD: Slim	YES: <input type="checkbox"/> NO: <input type="checkbox"/>	blonde friend was v/ drunk and defensive about drinking water. brunette also	NAME: Thomas SIGNED: 
HOL: <input type="checkbox"/> CCO: <input type="checkbox"/> ERY: <input type="checkbox"/> R:	MALE: <input type="checkbox"/> FEMALE: <input type="checkbox"/> DESCRIPTION:	YES: <input type="checkbox"/> NO: <input type="checkbox"/>		NAME:

# Appendix 3

**(Oval Space)**

29 –32 The Oval  
London  
E2 9DT

**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**



**David Tolley** \_\_\_\_\_  
**Head of Environmental Health & Trading Standards**

**Date: 4<sup>th</sup> September 2012**

**Minor Variation 22/7/16**



**Part A - Format of premises licence**

**Premises licence number**

139740

**Part 1 - Premises details**

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

**(Oval Space)**

29 – 32 The Oval

**Post town**

London

**Post code**

E2 9DT

**Telephone number**

██████████

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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

## **The times the licence authorises the carrying out of licensable activities**

### **The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))**

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

### **The provision of regulated entertainment**

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

### Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

### **The provision of late night refreshment – Indoors and outdoors**

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: “All outdoor events to cease at 21:00hrs”.

### Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

## **The opening hours of the premises**

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

### Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

**Part 2**

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

Oval Venues Ltd  
71 Fanshaw Street  
London  
N1 6LA

████████████████████

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

08501737

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

Archie McIntosh

████████████████████  
████████████████████  
████████████████████

**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 No.**14035  
**Issuing Authority:** Central Bedfordshire

## 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

1.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and



- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

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

1. No nudity or semi nudity permitted;
2. For a period of 3 years from 1st February 2014, Oval Space agree not to apply to vary the number of late night events beyond 40 occasions per annum. Oval Space also agrees that after this date, to enter into consultation to involve the Lithuanian Church and a relevant responsible authority before any variation to this condition would be submitted;
3. Oval Space and the Lithuanian Church representatives to also have a meeting each quarter to discuss issues arising from licensed activities.
4. No music or other amplified sound shall be played within the premises and/or external areas so as to cause a nuisance from any affected residential facade;

Conditions for the allocation of 6 events (maximum) in the external areas per calendar year (of which there is a maximum of 4 on a Sunday):

5. The music noise level (MNL)\* should not exceed the background noise level\*\* by more than 10 dB(A) over a 15 minute period;
6. Low frequency level should not exceed the background noise level\*\* by more than 10dB @ 63Hz at any affected noise sensitive residential facade;
7. The events to cease by 9pm;
8. The static noise monitoring position to be at Imperial Wharf, which is to be maintained, calibrated and monitored by Oval Space;
9. The background noise level to be agreed by EH/EP prior to 28 days prior to the first event;
10. All noise data for each of the (up to) 6 events to be sent to Tower Hamlets Environmental Protection within 14 days from the end of each event;
11. The Oval Space to notify EH/EP, Licensing and local residents 7 days prior to each event of the maximum 6 events allocation.
12. The Oval Space shall have security in place that has been agreed with the Police Licensing. The policy shall be agreed annually.

\* *The LAeq of the music noise measured at a particular (agreed) location with EH/EP.*

\*\* *The value used should be the arithmetic average of the hourly LA90 measured over the last four hours of the proposed event if scheduled to last for less than four hours*

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

Conditions attached following the Licensing Subcommittee hearing of the 4<sup>th</sup> September 2012:

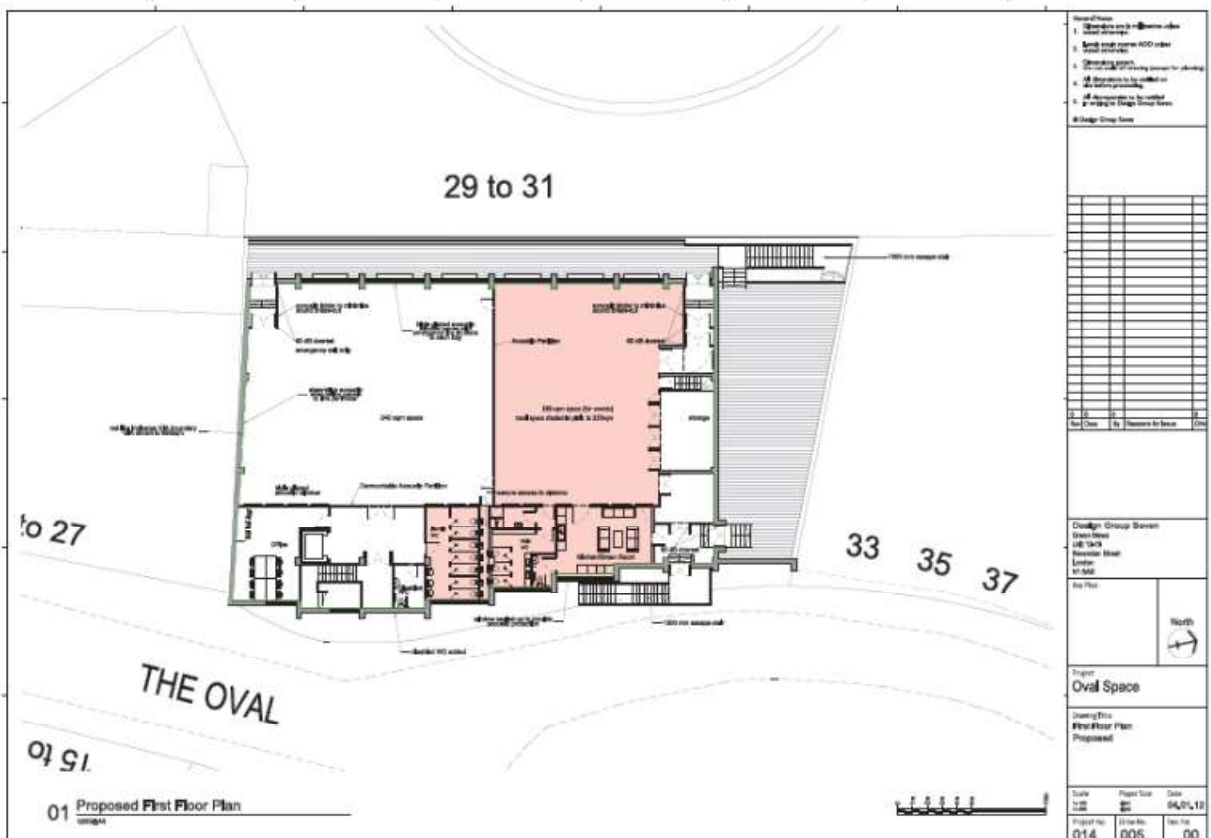
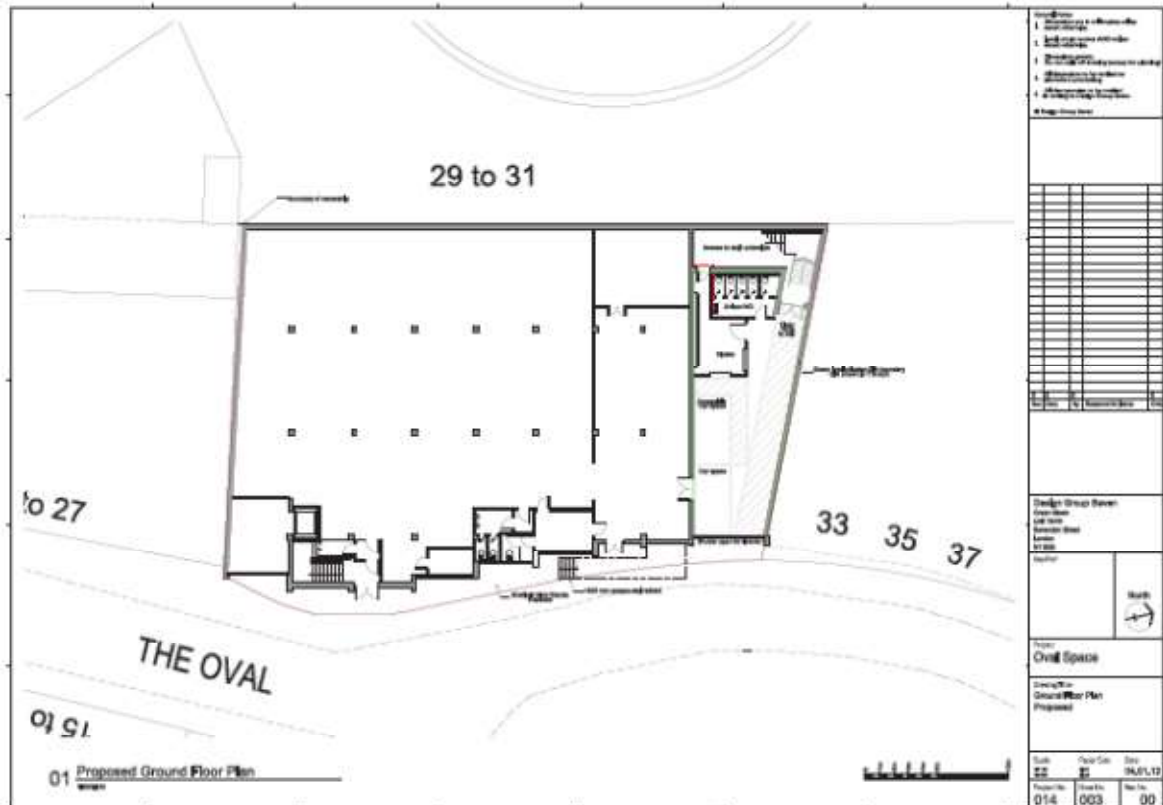
1. "Quiet marshals" shall be employed during late events due to the close proximity of the church to recognise the function of the clergy;
2. That Holy Saturday [Easter Eve], Christmas Eve, Maundy Thursday, Good Friday, Easter and Christmas Days shall be excluded for any licensable activities.

## Annex 4 - Plans

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

25<sup>th</sup> June 2012 – Ground floor (Draw No. 003, dated 04.01.12)

First floor (Draw No. 005, dated 04.01.12)



**Part B - Premises licence summary**

**Premises licence number**

**139740**

**Premises details**

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

**(Oval Space)**

29 – 32 The Oval

**Post town**

London

**Post code**

E2 9DT

**Telephone number**

██████████

Where the licence is time limited

Not applicable

Authorised Licensable activities

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

The times the licence authorises the carrying out of licensable activities

**The sale by retail of alcohol (On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times))**

- Monday to Wednesday, from 18:00hrs to 00:00hrs (midnight)
- Thursday from 18:00hrs to 02:00hrs (the following day)
- Friday to Sunday, from 12:00hrs to 00:00hrs (midnight)

**The provision of regulated entertainment**

Plays and Films (indoors). Provision of anything similar to live music, recorded music or performance of dance (indoors and outdoors). Provision of facilities for making music (indoors). Provision of facilities for entertainment of a similar description to those provided for making music or dancing (indoors). Provision of facilities for dancing. Performance of dance. Provision of facilities for making music (indoors and outdoors)

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

Live music, recorded music – indoors and outdoors

- Friday to Wednesday, from 12:00hours to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:00hrs (the following day)

**The provision of late night refreshment – Indoors and outdoors**

- Monday to Sunday, from 23:00hrs to 00:00hrs (midnight)

Note: "All outdoor events to cease at 21:00hrs".

Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

The opening hours of the premises

- Friday to Wednesday, from 09:00hrs to 00:00hrs (midnight)
- Thursday from 09:00hrs to 02:30hrs (the following day)

Non-standard timings

On 40 occasions in the year falling on a Friday, Saturday, Sundays and Bank Holidays, sale by retail of alcohol shall extend until 05:00hrs (the following day), the provision of regulated entertainment shall extend until 06:00hrs (the following day), and the provision of late night refreshment shall extend until 03:00hrs (the following day). 4 Non-standard timing events per year to extend alcohol sales to 07:00hrs (the following day) and Regulated Entertainment to 08:00hrs (the following day).

Name, (registered) address of holder of premises licence

Oval Venues Ltd  
71 Fanshaw Street  
London  
N1 6LA

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

On sales, however, off sales applies on events finishing before 00:00 (midnight) (Standard times)

Registered number of holder, for example company number, charity number

08501737

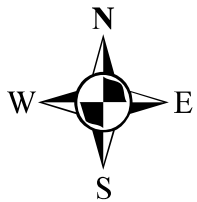
Name of designated premises supervisor

Archie McIntosh

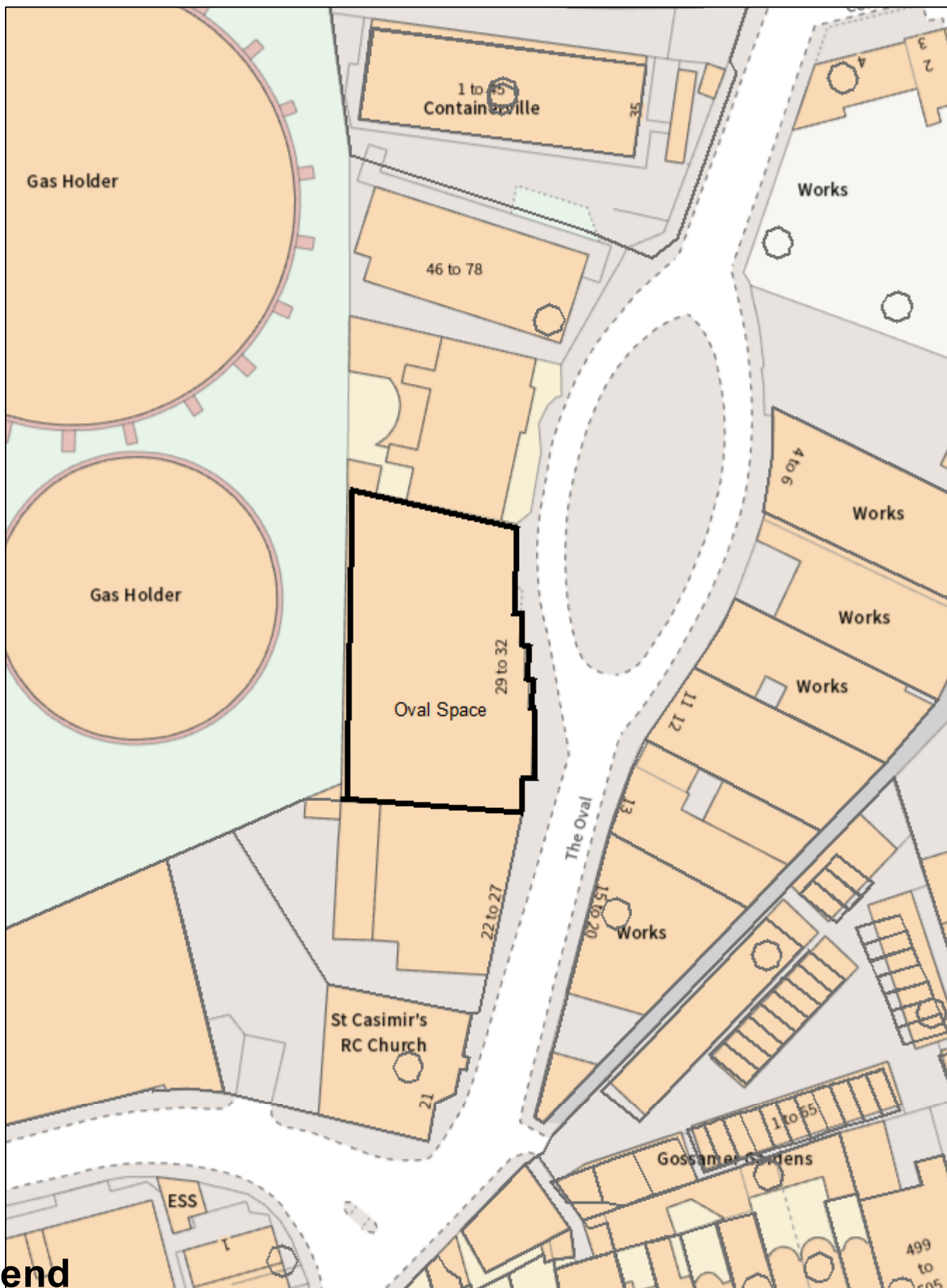
State if children, premises access restricted

Not restricted


# Appendix 4




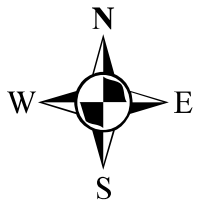
# Oval Space, 29-32 The Oval



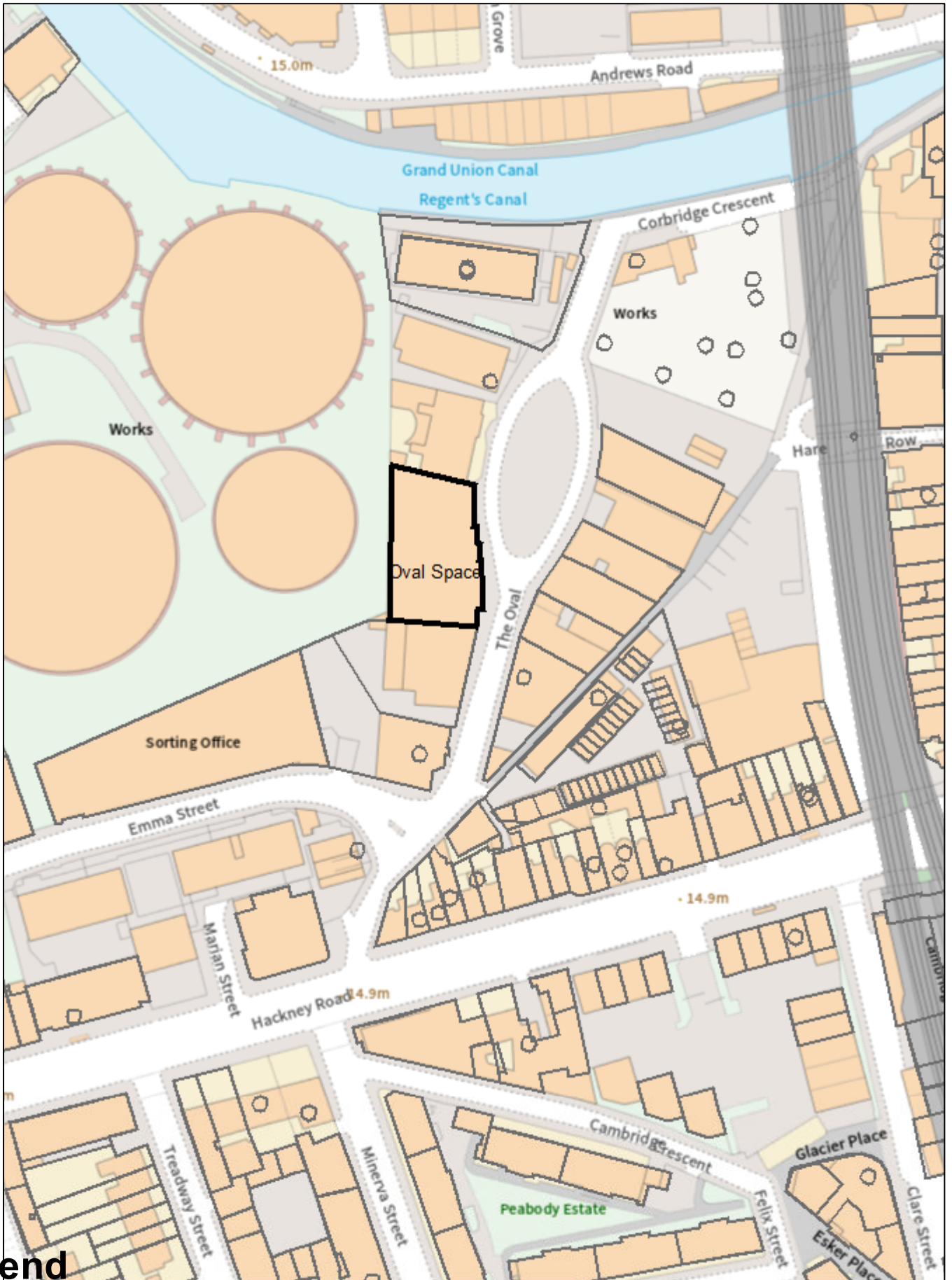
## Legend

 Local Land and Property Gazetteer


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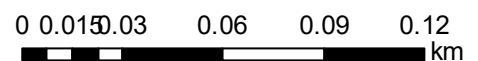


# Oval Space, 29-32 The Oval



## Legend

 Local Land and Property Gazetteer





# Appendix 5

## Kathy Driver

---

**From:** Nicola Cadzow  
**Sent:** 20 August 2021 16:11  
**To:** Licensin  
**Cc:** [REDACTED]  
**Subject:** 139996 - Review of Oval Space 29-32 The Oval London

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing,

As an Environmental Health Officer in the noise team I have given due regard to the license review initiated by the Police with respect to Oval Space 29-32 The Oval London and consider the impact of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

**Since 31<sup>st</sup> July 2021 there have been four noise complaints from four individual residents relating to Oval Space 29-32 The Oval London**

### Three emails received:-

(1) Referred from Licensing 5/8/21

From a local resident to the venue Oval Space in E2 who complained about the level of noise coming from the club today, Saturday afternoon.

And I quote *"It is very very loud and thumping beats are reverberating off of all of the surrounding bullrings, making life in my home with my toddler pretty miserable. Have had to shut all the windows which isn't pleasant on a summer day. It's far too loud to be considered acceptable for a residential area"*

Warning letter was sent to the premise and a letter and diary sheets to the complainant. Also discussed with licensing.

(2) Referred from licensing team 5/8/21

Complainant reported a significant noise issue emanating from the Oval space, near the canal.

I quote *"Every Saturday there is incredibly loud dance/club music playing being played outdoors incessantly from around 4pm until late into the night. There are no attempts to moderate the noise, or to ensure that it is played indoors only. This is incredibly antisocial and disruptive to the noise and tranquility of the residents living along the canal. It makes it difficult to sleep or work or anything else"*.

Warning letter sent to premises and letter and diary sheets sent to the complainant

(3) Email received 31/7/21

Complaint received about the Oval Space at 29, 32, The Oval, Cambridge Heath, London E2 9DT holding events with loud music which start early afternoon on Saturdays and Sundays and continue into the night (past 11pm).

The complainant says the noise is so loud that and I quote *"I can still hear the bass and the music despite having all windows closed (which are double glazed). The noise is so loud that I doubt that the space has been sound insulated at all"*

Warning letter sent to premise and letter and diary sheet sent to complainant.

## Visit by the out of hours noise service (OOHNS)

(1) Out of Hours noise service visit 31/7/21 when the call handler received a call regards a noise complaint made against Oval Space, 29-32 The Oval, E2 9DT. Officers successfully liaised with the complainant at 21:24 who reported loud music coming from the nightclub. The complainant stated that the noise has been excessive since 15:00 and also mentioned a vehicle driving around playing loud music. Upon arrival officers could hear music from within the subject location. The area was clear of any pedestrian traffic and so officers approached the subject location to which they were greeted by an IC1 male stating he was the venue manager. The male acknowledged that at 21:00 as per license restrictions the outside of the venue is not to be in use and the rooftop terrace is to be closed which they were in the process of carrying out.

Due to the recent recorded history of noise complaints received, I do not believe that the licensing objective for the prevention of public nuisance is being adhered to, as complaints from local residents indicates that the premises known as Oval Space is playing loud music which is causing a noise nuisance to local residents.

In my opinion the Current License, as it stands, fails to comply with the objective of the Licensing Act 2003 relating to "public nuisance" for the following reasons:-

- Noise breakout from the venue affecting neighbouring residents.

## CONCLUSION

Environmental Protection supports the Police review of the license for Oval Space 29-32 The Oval London due:- (1) Recent history of noise complaints (2) Premise does not appear to be promoting the licensing objectives for the prevention of public nuisance.

Kind regards

### **Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG

  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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## Kathy Driver

---

**From:** Nicola Cadzow  
**Sent:** 22 October 2021 12:20  
**To:** Licensin Kath Driver  
**Cc:** [REDACTED]  
**Subject:** MAU 139996 - REVIEW OF LICENSE Supplementary Information Oval Space, 29-32 The Oval, London

Dear Licensing,

Please take this as supplementary information to my initial supporting representation of the 20<sup>th</sup> August 2021 in support of the review by Police Licensing of Oval Space, 29-32 The Oval, London

An email received by the noise team on the 27th September 2021 from a complainant reported loud music emanating from Oval Space and I quote " *Yesterday (26/9/2021) the music at the Oval Space was louder than it usually is. This has happened several times over the past couple of months. They appear to regularly exceed the volume threshold making it very difficult to do anything at home.*

On 30/9/21 a letter was sent to Oval Space advising of the noise complaint received.

Kind regards

**Nicola Cadzow**

Environmental Health Officer  
Environmental Protection Team  
Place Directorate  
London Borough of Tower Hamlets  
Mulberry Place Town Hall  
5 Clove Crescent  
London E14 2BG

[REDACTED]  
[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

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# Appendix 6

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 14 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

## **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or
  - representations which would have been made when the application for the premises

licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

## **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting 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 informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as 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 address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate. Similarly, licensing authorities may take into account any civil immigration penalties which a licence holder has been required to pay for employing an illegal worker.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:



- 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;
- 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)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 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 that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 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.

11.22 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 that impact upon the licensing objectives.

11.23 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 an appropriate means of promoting the licensing objectives or preventing illegal working. 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 appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

## Reviews arising in connection with crime

- 11.24 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, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 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 illegal 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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.

## **Review of a premises licence following closure order or illegal working compliance order**

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or an illegal working compliance order under section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than five working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

## **Review of a premises licence following persistent sales of alcohol to children**

11.29 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

# Appendix 7

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

# Appendix 8

## Licensing Policy, updated November 2018

### Crime and Disorder

- 7.1 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 and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.



7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 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 illegal 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 employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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 this 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.

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## **Smuggled goods**

7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
  - i. Seller's name and address
  - ii. Seller's company details, if applicable
  - iii. Seller's VAT details, if applicable
  - iv. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

## **Olympic Park – Football Ground**

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
  - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
  - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

# Appendix 9

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2018

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 10

## Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.