

# Appendix 1

**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 Michelle Lovric

(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, if none, ordnance survey map reference or description</b> (Silver Sockeye, AKA The Terrible Thames) Wapping Pier King Henry's Stairs Wapping High Street	
<b>Post town</b> London	<b>Post code (if known)</b> E1W 2NR

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Tamara Kamur Woods River Cruises Ltd Exchange at Somerset House Victoria Embankment London WC2R 1LA
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<b>Number of premises licence or club premises certificate (if known)</b> 29450
------------------------------------------------------------------------------------

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) **an individual**, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

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

Please tick ✓ yes

Mr

Mrs

Miss

**Ms**

Other title  
(for example, Rev)

**Surname**

Lovric

**First names**

Michelle Ruth

Please tick ✓ yes

**I am 18 years old or over**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

London

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Tower Hamlets LIcensing
Telephone number (if any)
E-mail address (optional)

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

Please tick one or more boxes ✓

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

**Please state the ground(s) for review** (please read guidance note 2)

Please note that I coordinate the River Residents Group, which ranges widely up the metropolitan Thames. However, we are not officially incorporated yet, and so I make this application as an individual.

The Terrible Thames boat provides a welcome educational experience for children on the Thames. However, the noise of amplified screaming actors caused misery for residents up and down the Thames throughout their 2021 season. They are about to start again on April 2, 2022. Our multiple requests for an improvement have not had any tangible result.

With many more people working at home, the effects all day, seven days a week, are particularly damaging. The river amplifies all noise (see attached explanation).

It conforms with the definition of nuisance that people who work and live along the Thames must remain sealed inside their homes, with windows closed, to try to avoid the amplified singing and screaming of the Licensees' performers three or four times an hour. As the weather gets warmer, this becomes more painful and unhealthy for us.

It is against the terms of the licence for this vessel to use amplification on deck:

*"11. Loudspeakers shall not be located in the entrance doors or outside area of the boat."*

And yet this is the precise problem.



The actors are miked up like this, and the words they scream and sing are broadcast along the river. (Screenshot from the Terrible Thames website).

It would be possible to use earbud technology that would stop this problem (and put the Licensee in compliance with the Licence), and we have repeatedly suggested this to the Licensee.

The River Residents Group has developed a Google reporting tool to record statistics on the most problematic boats. (Most are no problem at all, but a few disco boats cause problems.) The Terrible Thames is the most reported boat on the river for noise nuisance, accounting for 20 percent of the complaints that are reported each time via the form to

1. The LPHA
2. The relevant riparian council's EPT.

The reports may be substantiated with the LPHA, which is in charge of noise nuisance on the river.

Between 29/5/2021 and 26/2/2022 there were 104 complaints of disturbance by Terrible Thames (1 in 5 of all complaints received)

Most complaints referred to screaming or shouting actors using amplified sound systems.

On every occasion people who lodged a complaint said they had to close their windows or move to another room.

At least 9 complaints also stated that work was disrupted as a result of the disturbance and 2 complaints stated that their children had been disturbed.

The disturbances began at 10 am and continued throughout the day until 5pm every half hour.

We are very concerned that in less than a month the Terrible Thames will be back on the river and that nothing will have been done to deal with the problem in a tangible way, despite numerous attempts on our part to seek the cooperation of the Licensee.

I reiterate that we warmly support the objectives of a new educational and entertaining experience for children. But it costs too much needless misery and indeed health issues for too many residents – who include children – as things stand now. The technology exists to resolve the problem – all that we ask is that the Licensee takes the problem seriously and does something about it, as indeed their Licence prescribes.

We would far prefer to conciliate this problem than go all the way to Review and this is the way I normally deal with such issues. It is indeed a shame that things had to go this far. We very much hope that the Licensee will regard this as an opportunity to deal with the problem in a timely and tangible way, before the new seasons starts.

.

**Please provide as much information as possible to support the application** (please read guidance note 3)

I attach

1. The Terrible Thames (Silver Sockeye) Licence showing that they are not allowed to amplify on deck.
2. Correspondence with Woods (the Licensee) repeatedly requesting an intervention
3. Correspondence with Tower Hamlets EPT
4. Correspondence with Tower Hamlets Licensing
5. Correspondence with Southwark Licensing
6. LPHA policy on river noise
7. An explanation of the way the Thames amplifies noise into the homes of residents
8. An explanation from a health professional about the health ill-effects of noise coming from the river.
9. Excel records showing the Terrible Thames complaints accruing from the Google Reporting Tool of the River Residents Group

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

See attached documentation showing various attempted interventions with Woods, the Licensee and also correspondence with Tower Hamlets and Southwark EPTs and Licensing.



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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature Michelle Lovric

.....

Date 2.3.22

.....

Capacity individual

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**Post town**

**Post Code**

**Telephone number (if any)**

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

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

# Appendix 2

**Page 1**  
**Of Supporting Evidence**

**(Silver Sockeye)**  
Wapping Pier  
King Henry's Stairs  
Wapping High Street  
London  
E1W 2NR

**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 Tolle**   
**Head of Environmental Health & Trading Standards**

**Date: 3<sup>rd</sup> December 2019**



**Part A - Format of premises licence**

**Premises licence number**

**29450**

**Part 1 - Premises details**

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

**(Silver Sockeye)**  
Wapping Pier  
King Henry's Stairs  
Wapping High Street

**Post town**  
London

**Post code**  
E1W 2NR

**Telephone number**



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

N/A

**Licensable activities authorised by the licence**

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

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

**The sale by retail of alcohol – On sales only**

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

**The provision of late night refreshment – indoors**

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

**The provision of regulated entertainment – Indoors and outdoors**

(Live music and recorded music)

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

**The opening hours of the premises**

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

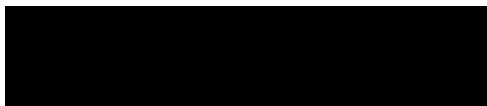
**Where the licence authorises supplies of alcohol whether these are on and/ or off supplies**

On sales only

**Part 2**

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

Woods River Cruises Ltd  
Exchange at Somerset House  
Victoria Embankment  
London  
WC2R 1LA



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

1131553

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

Tamara Kamur

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

## **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
- 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**

None

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

(Licensing Sub-Committee Hearing of 3<sup>rd</sup> December 2019)

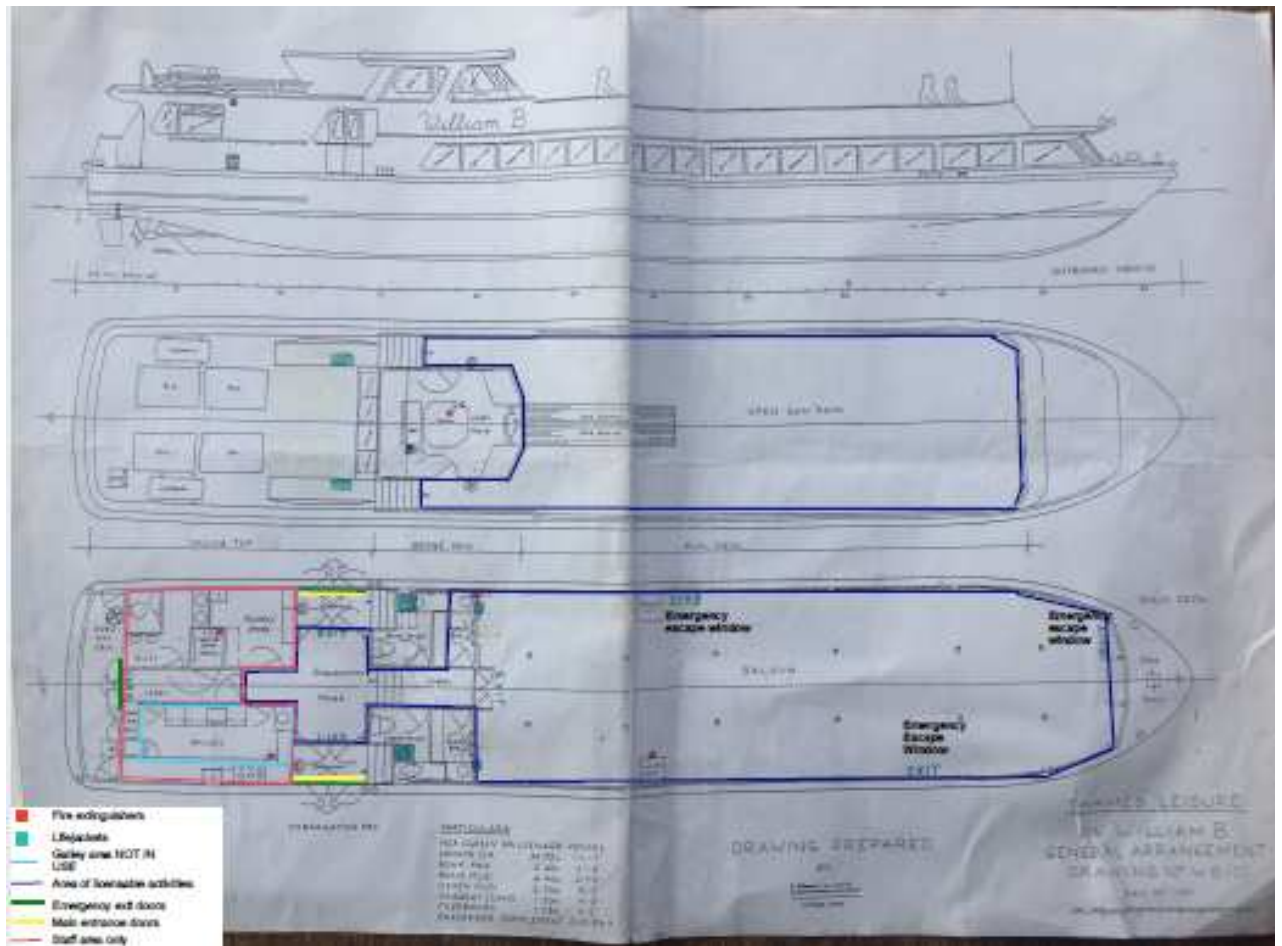
1. Guests shall not embark or disembark the premises from the Wapping Pier address. All guests shall be picked up and dropped off at other Central London piers. Only staff will arrive or leave from this pier.
2. Alcohol will only be sold for consumption by persons on a pre-booked event and/or private function not to the general public.
3. Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the licensing objectives.
4. The premises shall sign up to the Best Bar None scheme.

5. The premises shall have a zero tolerance drugs policy in place.
6. An incident log shall be kept on the premises and shall be made available to the council or the police on request.
7. A record shall be kept detailing all refused sales of alcohol. The record shall include the date/time of the refused sale and the name of the member of staff who refused the sale. The record shall be available at the premises for inspection by authorised officers on request.
8. Bottles or glasses shall not be taken off the premises
9. The premises licence holder shall ensure that all waste and recycling is lawfully disposed of, subject to bottles and cans not being disposed of into open receptacles in the vicinity of Wapping Pier.
10. 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.
11. Loudspeakers shall not be located in the entrance doors or outside area of the boat.
12. Whenever the boat is moored at Wapping Pier, it will not have any customers on board.
13. Whenever the boat is moored at Wapping Pier, there will be no music played on board.
14. There will be no kitchen on board the boat.

## Annex 4 - Plans

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

5<sup>th</sup> September 2019 - Main Deck and Open Sun Deck (*dated October 2006*)





## Part B - Premises licence summary

**Premises licence number**

**29450**

### Premises details

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

**(Silver Sockeye)**  
Wapping Pier  
King Henry's Stairs  
Wapping High Street

**Post town**

London

**Post code**

E1W 2NR

**Telephone number**

None

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

**The sale by retail of alcohol – On sales only**

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

**The provision of late night refreshment – indoors**

- Monday to Sunday, from 23:00 hrs to 02:00 hrs the following day

**The provision of regulated entertainment – Indoors and outdoors**

(Live music and recorded music)

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

The opening hours of the premises

- Monday to Sunday, from 06:00 hrs to 02:00 hrs the following day

Name, (registered) address of holder of premises licence

Woods River Cruises Ltd  
Exchange at Somerset House  
Victoria Embankment  
London  
WC2R 1LA

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

On sales only

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

1131553

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

Tamara Kamur

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

Not restricted





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April 2022

MON	TUE	WED	THU	FRI	SAT	SUN
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

## SELECT A TIME

Saturday 02 April 2022

■ Excellent Availability   ■ Good Availability   ■ Limited Availability   ■ Unavailable

09:45

10:45

11:45

12:45

13:45

14:45



**Page 2**  
**Of Supporting Evidence**

## CORRESPONDENCE WITH TERRIBLE THAMES

Despite the below, the website shows that the Terrible Thames are accepting bookings for April 2, without having come up with a solution for the noise issues, despite months of requests. Screenshot taken from Terrible Thames website 2.3.22:

**HORRIBLE HISTORIES: TERRIBLE THAMES RIVER CRUISE**

Tower Bridge Quay (next to Tower Bridge), London  
To purchase gift vouchers for 2022 please [click here](#)

**SELECT A DATE**

April 2022						
MON	TUE	WED	THU	FRI	SAT	SUN
28	29	30	31	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	1

Dear Tamara Mon 28/02/2022 20:20

I haven't heard from you, and therefore I am under pressure from the residents to submit the Licence Review application.

Michelle

**From:** Tamara Kamur <[REDACTED]>  
**Sent:** 21 February 2022 08:00  
**To:** Michelle Lovric <[REDACTED]>  
**Subject:** Re: Licence Review Terrible Thames

Hi Michelle,

Everything is still very much in play, rehearsals have not even started yet and the show is being rewritten in places. We have an operational meeting on Thursday this week with Birmingham Stage Company, I'd be happy to fill you in after that.

Kind regards,  
Tamara

On Fri, 18 Feb 2022 at 19:13, Michelle Lovric <[REDACTED]> wrote:

I see that you are starting bookings on April 2<sup>nd</sup>, so I think I will have to start the Licence Review process now, as if you haven't decided what to do, if anything, it seems impossible that there will be any mitigations in place for the beginning of the season.

**From:** Tamara Kamur [REDACTED]  
**Sent:** 11 February 2022 18:59  
**To:** Michelle Lovric [REDACTED]  
**Subject:** Re: Licence Review Terrible Thames

Dear Michelle,

The vessel was only out this week because we have been nominated for an award for the show last year, so we reenacted the tour so that 2 people from the judging panel could see the show ahead of the awards.

All options are still under review for 2022 - you know that we have taken all your comments seriously; we have no desire to upset residents with a cruise that was meant to be a joy for kids of all ages.

Kind regards,

Tamara Kamur / General Manager  
[REDACTED]



On Tue, 8 Feb 2022 at 14:36, Michelle Lovric [REDACTED] > wrote:

Dear Tamara

I see that the actors are out rehearsing on the river today. Please advise what is going on about the sound issues.

I am under pressure from the river residents to launch a Licence Review because your licence says you should not be amplifying on deck – I really don't want to have to do that, so I hope you can reassure me that you have done something with earbud tech or similar to prevent a re-run of the upsetting events of last year. We really can't take it again, especially with so many of us working at home now.

If I don't hear from you by the end of the week, I'll have to get the process going, unfortunately.

Sincerely

Michelle Lovric

**From:** Tamara Kamur [REDACTED]  
**Sent:** 08 November 2021 13:51  
**To:** Michelle Lovric [REDACTED]  
**Subject:** Re: Licence Review Terrible Thames

Hi Michelle,

We submitted the report because I had been emailed by the council so needed to respond and have paid a substantial amount of money to have the report done - it just took a lot longer than anticipated and wasn't the easiest thing to read!

This is a venture with another company, Birmingham Stage Company so not all down to us in terms of planning - it must be mutually agreed. We have not had a meeting yet to discuss the make up of next year but any plans including the ear bud system will need to be discussed in conjunction with BSC. There is no intention not to use them, we just simply haven't discussed next year yet at all.

It's not that you are 'not allowed' to look at the report, I would assume the council may share it with you - it was recommended and I believe this may be due to the complex nature of it that may be more of a hindrance to try and interpret than not. If you would like a copy from us I will happily double check into this further. I have not dealt with the acoustics company directly.

Kind regards,

Tamara

On Mon, 8 Nov 2021 at 12:45, Michelle Lovric [REDACTED] wrote:

Dear Tamara

Thank you for getting back to me.

If there is any amplification on deck, it breaks your licence.

The fact that you have submitted a report indicates that you are planning for 2022 and we simply cannot keep going as in 2021.

I have to assume that you are not going to use the ear bud system, as otherwise I think you'd have told me the good news.

If your sound system is going to continue with amplification on deck, then we have to start the Licence Review procedure, as it takes a while

One thing that concerns me is that we've had to deal with acoustic reports before where inaccuracies have arisen because the engineers lack experience about waterborne noise and wrongly assert that sound dissipates over water when in fact it is amplified. It appears your engineer didn't ask to witness or record the noise in any residential properties, which means that the report does not offer a full picture, and does not address the reason for instigating it in the first place. Sadly, we've needed to challenge this kind of acoustic report twice in the last year. It seems strange to me that we are not allowed to look at the report, as such a report would not have been commissioned except for our problems, but come a Licence Review it would have to be shared, I guess.

I do not underestimate how difficult Covid has made life for your company and others. We want the good river boat companies to do well, and we've never had trouble with the Sturgeon or Barracuda or the Glass Room, which allow thousands to enjoy the Thames without bringing harm or distress to anyone. Indeed I myself was just looking at the website to see if I could take a party out over the Christmas period.

But the Terrible Thames has simply made money at the expense of the work and life of thousands of residents ... then we cannot let this continue. It's not just Public Nuisance. Our mental health as well as physical health has been affected by the Terrible Thames.

Do let me know if my assumption is wrong – if you are in fact going to use earbuds or some other tech to stop the amplified screaming on deck, as that would change the situation entirely for us.

If I don't hear from you this week, I'll assume you are not.

Kind regards

Michelle Lovric

**From:** Tamara Kamur [REDACTED]  
**Sent:** 08 November 2021 07:30  
**To:** Michelle Lovric [REDACTED]  
**Subject:** Re: Licence Review Terrible Thames

Dear Michelle,

I have tried to communicate with you as swiftly as possible, but I fear that it is hard for anyone not in this industry to quite understand what Covid has done and continues to do to event hospitality businesses such as ours.

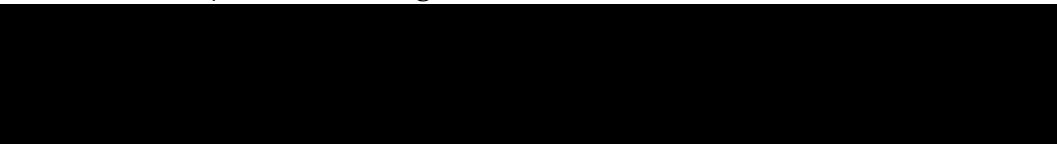
I have submitted the acoustics report to Tower Hamlets now as it is a lengthy report and the advice given to us was to submit directly to the council only. We have also in fact - at added expense - modified the sound system so that the sound can be lowered, although I note your experience states you have seen no improvement.

As mentioned to you previously in my email dated the 14th September, the tour ends/has ended at the end of October for 2021. We are in discussions about 2022 but no firm decisions have been made at all yet about how and when this might run.

We have not taken any comments or feedback lightly as I have said from the beginning; I will certainly keep you posted if I hear back from the council but also with information as discussions for 2022 progress.

Kind regards,

Tamara Kamur / General Manager



On Fri, 5 Nov 2021 at 07:53, Michelle Lovric [REDACTED] wrote:

Dear Tamara

Further to the chain of emails below since August, I am writing to let you know that licensing officers have invited me to submit an application for a Licence Review. Since it started, more than three months ago, the Terrible Thames has been breaking the terms of its existing licence and causing a significant public nuisance, one of the four licensing objectives. Substantial efforts have been made to mediate and there has been zero improvement.

The Terrible Thames has kept its position as the most reported boat for nuisance on the river, superseding even the floating nightclubs.

Before I submit the paperwork, I thought it would be worth one more appeal to you to answer the questions about the acoustic review and to hear if you will be introducing earbuds for the boat's next outings, presumably for the Christmas holidays.

If I don't hear from you within next week, or if TT plans to continue as before, I will have no choice but to go ahead with the Review application.

I hope very much that you will answer this email and that a solution is forthcoming.

As I have always said, we riverside residents welcome an educational and entertaining experience on the Thames for children. But screaming amplified actors three times an hour - especially when solutions are possible – is causing considerable distress and disruption to people's lives.

Michelle Lovric

River Residents Group

**From:** Michelle Lovric

**Sent:** 22 October 2021 15:20

**To:** Tamara Kamur [REDACTED]

**Subject:** internal review?

Dear Tamara

It's been another couple of noisy weeks, and the Terrible Thames is currently raging up and down the Thames. How has your internal review progressed?

Are you increasing the number of boats for half term? The TT is still the most reported boat on the river for noise nuisance.

Michelle

**From:** Tamara Kamur [REDACTED]

**Sent:** 06 October 2021 12:20

**To:** Michelle Lovric [REDACTED]

**Subject:** Re: No communication?



Hi Michelle,

We have had the acoustics report back and are reviewing internally so will be back to you soon.

Kind regards,

Tamara

On Tue, 14 Sept 2021 at 16:33, Tamara Kamur [REDACTED] wrote:

Hi Michelle,

That is not what I said, I was just highlighting that the schedule is reduced and ending soon in case you did not know. I have always said that we need to see the results of the acoustics report before we know how best to action and that is all I have reiterated here.

Kind regards,

Tamara

On Tue, 14 Sept 2021 at 15:20, Michelle Lovric [REDACTED] > wrote:

So you are not planning to improve the situation before the end of October?

**From:** Tamara Kamur [REDACTED]

**Sent:** 14 September 2021 16:06

**To:** Michelle Lovric [REDACTED]

**Subject:** Re: No communication?

Hi Michelle,

I'm sorry to not have been in touch sooner - this is an exceptionally busy month for us and after being closed for 15 months its a rather difficult time scaling up. I have never refused engagement - I have been liaising with you directly, but I simply cannot guarantee response times right now.

We don't have the acoustics report yet but are expecting it imminently.

As you will no doubt know Terrible Thames is only running Thursday through Sunday at present so a heavily reduced schedule vs the school holidays. It is also due to finish at the end of October currently.

We will look at all options of course post acoustics report and I promise I will be in touch when there is something to report back on.

Kind regards,

Tamara

On Tue, 14 Sep 2021 at 13:00, Michelle Lovric [REDACTED] wrote:

Dear Tamara

I am currently discussing the situation with the LPHA and Tower Hamlets Licensing . It's now ten days since my last email to you and there has been no response. Part of asking for a licence review is making contact with the licensee, but if the licensee refuses to engage, then we have to go to the next step.

Michelle

**From:** Michelle Lovric

**Sent:** 04 September 2021 12:58

**To:** Tamara Kamur [REDACTED]

**Subject:** RE: FW: Terrible Thames

Dear Tamara

Is there any response about the acoustic consultation?

I have seen your actors this week unable to do their shouting and singing for two reasons: 1, helicopters and 2., the really noisy party boats like the Jewel, Pearl, Viscount or Royalty, whose parties go on all weekend and start in the afternoons on weekdays. If you adopted the earbud and wifi tech, your actors would be able to do their work uninterrupted by these events, and you would stop attracting complaints. It would also be healthier, covid-wise. And you would no longer be breaking the terms of your licence.

I just checked the stats and at the moment the Terrible Thames is attracting 21percent of all complaints about noisy boats on the Thames, and this in the context that your licence does not allow amplification on the deck or outside.

We cannot let this go – too many people are suffering as a result, so I hope to hear from you soon.

Sincerely

Michelle Lovric

**From:** Tamara Kamur [REDACTED]  
**Sent:** 25 August 2021 10:19  
**To:** Michelle Lovric [REDACTED]  
**Subject:** Re: FW: Terrible Thames

Dear Michelle,

As promised, here is an update on my email below. Re turning the sound down, this cannot be done any further without impacting the experience of the paying guests as the show won't be heard properly from certain areas/seats. However, an experienced acoustic consultant has been commissioned to undertake a comprehensive assessment of the noise impact and will provide recommendations for optimum mitigation. This survey will be carried out late this week or early next week. We will provide the results of this as soon as possible (I am trying to find out how long from survey to report too).

I'll update as soon as possible.

Kind regards,

Tamara

On Tue, 24 Aug 2021 at 14:58, Tamara Kamur [REDACTED] > wrote:

Hi Michelle,

I was off yesterday hence only responding now.

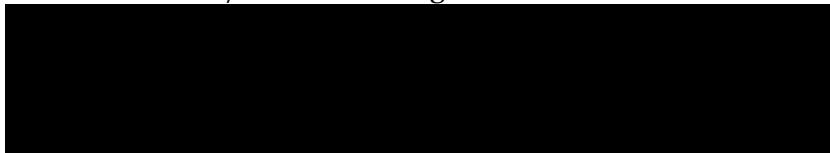
Being quite frank, there has been an internal mix up re communications from Customer Services so that is why you haven't been contacted yet re what is being done. Apologies for this. I am getting a download from the team where we are at and I will come back to you directly I promise. Just slightly hampered by various people also being away at the moment.

The show is the same daily act, I am no sound expert but I would expect wind direction and tides may make it sound louder on certain dates and times.

I will absolutely be in touch either later today or first thing tomorrow.

Kind regards,

Tamara Kamur / General Manager



On Mon, 23 Aug 2021 at 14:43, Michelle Lovric [REDACTED] wrote:

Far from anything being done, today is just about the loudest ever. The actors about today are even screechier than usual and they are getting the passengers to sing and clap too. You can hear the actors way before you can see them ... from more than a bridge away. I told the residents that something would happen, and they are asking 'when'?

Michelle

**From:** Tamara Kamur [REDACTED]  
**Sent:** 16 August 2021 07:35  
**To:** Michelle Lovric [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Terrible Thames

Dear Michelle,

Sorry for the delay in responding to you; our business was unable to trade for 15 months through the pandemic and we still have the majority of the team on flexi-furlough whilst we try and bring the business back to life. Thank you for your thoughtful and detailed email. The tour of course has no intention to bring disruption to anyone.

Please anticipate a response directly from the Terrible Thames' Customer Services on this as they are collating all of the relevant info centrally - they have your full email, as below. Please rest assured that we are taking this matter seriously.

With best wishes,

Tamara Kamur / General Manager

[REDACTED]



On Wed, 11 Aug 2021 at 16:27, Michelle Lovric [REDACTED] wrote:

Dear Tamara,

I write on behalf of the River Residents Group which includes people living from Blackfriars to Greenwich.

We are very happy to see an educational experience on the Thames with real cultural relevance to the city. However, I have written a few times to your company to beg for a reduction in the volume of the amplification on this boat. It passes thousands of river residents and offices twice an hour, causing a great deal of misery. The screaming and singing of the actors is amplified by the properties of the water.

I am very much hoping that you will answer this email as you are listed as the contact on the licence you have with Tower Hamlets.

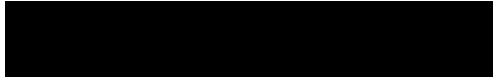
I note that the licence provides for *3. Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the licensing objectives.* These objectives include the prevention of Public Nuisance and Harm to Children. Adults and children who live along the river are currently experiencing harmful nuisance from the Terrible Thames.

The Licence also says, '*11. Loudspeakers shall not be located in the entrance doors or outside area of the boat.*' Yet even when the customers and actors are inside the boat because of rain, the noise is still amplified out on deck. I have previously asked if your customers can use earbuds. Clearly the tour is a huge success and we would hope that such a measure would be possible.

For your interest, I attach a report recently written by an occupation health physician about the medical effects of noise nuisance from boats. I would add that the exhaled aerosols of shouting actors would seem to present a Covid risk especially when most of your customers are young and therefore possibly not vaccinated.

Thanking you in anticipation

Michelle Lovric



Literary Agent: [Charlotte Atyeo at CCLA](#)

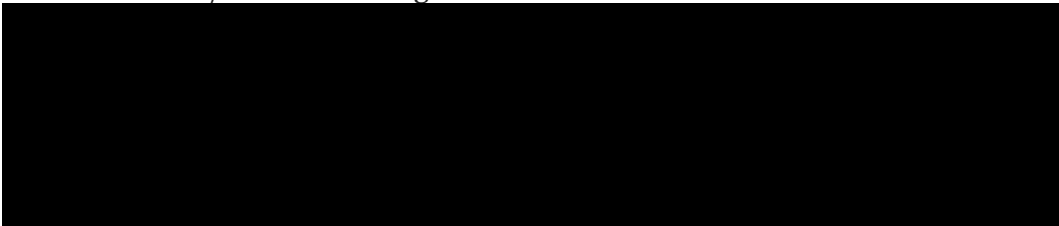
Michelle Lovric writes for [The History Girls](#)

Latest interview: with Sophia Bennett at [Prepublished](#)

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Tamara Kamur / General Manager



**Page 3**  
**Of Supporting Evidence**



TERRIBLE THAMES CORRESPONDENCE WITH TOWER HAMLETS LICENSING

Thank you for the below email and supportive documents. We will take necessary action.

**From:** Michelle Lovric [REDACTED]  
**Sent:** 13 August 2021 10:49  
**To:** Licensing <[REDACTED]>  
**Cc:** Environmental Protection [REDACTED]  
**Subject:** RE: Silver Sockeye: Terrible Thames boat: Licence issues

Thank you so much for this prompt and helpful response, Mr Hussain.

Monitoring the noise on board would be great. There is also the issue that the cold water of the Thames also amplifies the noise as it leaves the boat so it can be louder in our homes than it is aboard. In case it is helpful for the enforcement officer, I attach a diagram that explains how this works.

Kind regards

Michelle

**From:** Licensing <[REDACTED]>  
**Sent:** 13 August 2021 10:42  
**To:** Michelle Lovric [REDACTED]  
**Cc:** Environmental Protection [REDACTED]  
**Subject:** RE: Silver Sockeye: Terrible Thames boat: Licence issues

Dear Michelle Lovric

**Premises (Silver Sockeye), Wapping Pier**  
**King Henry's Stairs, Wapping High Street, London, E1W 2NR**

Thank you for contacting us regarding the loud noise nuisance from boats. I am extremely sorry that you are facing that issue. We will take further action ensuring the matter gets resolved soon.

From licensing team, I will be sending an enforcement officer to monitor if the premises continuing causing those issues mentioned below and we will write to the premises mentioning the above breach cannot continue without further action will be taken.

I have Cc'd this email to the Environmental Protection where officer will monitor regularly.

## Contact us

We work closely with residents, businesses, developers and regional partners to control levels of noise. To make a report to the Environmental Protection (Noise) Team, the daytime noise response is available from **9am to 5pm**.

The Out of Hours Noise Response Service is available from **Thursday to Sunday, (evenings only) - 8pm – 3.30am**

Please follow the prompts then hold while the call connects to the call handler. If the line is busy you will be asked to leave details on an answer phone. If you are affected by noise outside of these hours, then please inform us during daytime hours so we can ensure we record relevant details to consider future actions.

**Tel:** 020 7364 5000

**Email:** [environmental.protection@towerhamlets.gov.uk](mailto:environmental.protection@towerhamlets.gov.uk)

Please do feel free to contact me if you require any further information.

Kind regards

**Ibrahim Hussain**

Licensing Officer

Licensing and Safety Team

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

5 Clove Crescent

London

E14 2BG



Licensing Hotline 020 7364 5008

Licensing General Email: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

Please visit our web page for application forms and guidance at [www.towerhamlets.gov.uk/licensing](http://www.towerhamlets.gov.uk/licensing)

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

Follow us on:

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**From:** Michelle Lovric <[REDACTED]>  
**Sent:** 12 August 2021 17:46  
**To:** Licensing [REDACTED]  
**Subject:** Silver Sockeye: Terrible Thames boat: licence issues

**Dear Sirs,**

I represent the River Resident Group of people living from Blackfriars to Greenwich including at Tower Hamlets. We are logging noise nuisance from boats, and there have been numerous complaints about the screaming actors that pass our homes twice an hour, seven days a week, in the Silver Sockeye. Currently, the Silver Sockeye accounts for around 18% of all complaints logged by our group for boats on the metropolitan Thames. We welcome a new cultural experience on the river, but the Silver Sockeye has made life very difficult for thousands of residents who both live and work on the Thames.

The vessel's licence with Tower Hamlets is attached.

I note that the licence provides for 3. *Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the licensing objectives.* These objectives include the prevention of Public Nuisance and Harm to Children. Adults and children who live along the river are currently experiencing harmful noise nuisance from the Terrible Thames.

The Licence also says, '11. *Loudspeakers shall not be located in the entrance doors or outside area of the boat.*' The actors' voices – shouting and singing - are amplified on deck. (And, irritatingly, even when the customers and actors are inside the boat because of rain, the noise is still amplified out on deck.)

I have written three times to the company itself, in the meanwhile, as I know that engaging with the premises is the first stage in working towards a request for a licence review. So far, I have received no answer from the company. This is disappointing.

For your interest, I attach a report recently written by an occupation health physician about the medical effects of noise nuisance from boats. I would add that the exhaled aerosols of shouting actors would seem to present a Covid risk especially when most of the Terrible Thames customers are young and therefore possibly not vaccinated.

I hope that you will be able to intervene with the licensee, under the circumstances?

As I said, we don't want to stop children learning about the Thames or having the pleasure of tours. We don't want to halt a profitable new business, especially in these times. We just want to be able to keep our windows and doors open when we are at home. Given that the business is evidently a huge success, and given the clauses in their licence above, we would hope that they could invest in the simple and inexpensive technology of disposable earbuds for the passengers or some other device that would mean that Terrible Thames could exist in harmony with Thames dwellers.

We continue to log complaints to build up a picture of how people are affected as we are aware that this is also part of the licence review process, should it come that.

We'd be very grateful.

Kind regards,

Michelle Lovric

**Page 4**  
**Of Supporting Evidence**

TERRIBLE THAMES CORRESPONDENCE WITH TOWER HAMLETS LICENSING

Thank you for the below email and supportive documents. We will take necessary action.

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Kind regards

Michelle

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**Ibrahim Hussain**

Licensing Officer

Licensing and Safety Team

Environmental Health and Trading Standards

Place Directorate

London Borough of Tower Hamlets

2nd Floor, Mulberry Place

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

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**To:** Licensing [REDACTED]  
**Subject:** Silver Sockeye: Terrible Thames boat: licence issues

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We continue to log complaints to build up a picture of how people are affected as we are aware that this is also part of the licence review process, should it come that.

We'd be very grateful.

Kind regards,

Michelle Lovric

**Page 5**  
**Of Supporting Evidence**

## TERRIBLE THAMES CORRESPONDENCE WITH SOUTHWARK COUNCIL

Dear Michelle

I note that a further complaint has been received in respect of the operation of the Thames Party Boat. It is unfortunate that you still being disturbed by activity from the boat.

Please can you advise if you wish to submit a licensing review as per advice provided below.

Regards

**Richard Kalu – Licensing Enforcement Officer**

**Address:** Licensing Unit, Hub 1, Floor 3, 160 Tooley Street, London, SE1 2QH

**Switchboard:** 020 7525 5000

**Website:** [www.southwark.gov.uk](http://www.southwark.gov.uk)

**From:** Franklin, David <[REDACTED]>  
**Sent:** Wednesday, August 11, 2021 4:51 PM  
**To:** Michelle Lovric <[REDACTED]>  
**Cc:** Kalu, Richard <[REDACTED]>; Talbot, Martin  
[REDACTED] Newman, Paul <[REDACTED]>  
**Subject:** Thames Party Boats: Surveillance Report

Hi Michelle,

One of the outcomes of a review application can be to change or add new conditions to a licence, I doubt that there will be a condition not to cause a noise nuisance as that replicates existing legislation, however conditions such as a noise limiting device to keep the volume of amplified music to a reasonable level can be imposed as one of the outcomes by members of the Licensing Committee at the review hearing if the evidence supports it.

I am happy to discuss reviews in more detail if things do not improve with our intervention, give it a couple of weeks and let me know.

Regards

David

**David Franklin**  
**Team Leader Licensing**

**From:** Michelle Lovric <[REDACTED]>  
**Sent:** Wednesday, August 11, 2021 4:35 PM  
**To:** Franklin, David <[REDACTED]>  
**Cc:** Newman, Paul <[REDACTED]>; Talbot, Martin

[REDACTED]; Kalu, Richard [REDACTED]

**Subject:** RE: Thames Party Boats : Disturbance Report

Thank you so much for this explanation.

Very unfortunately the Silver Sockeye/Terrible Thames licence (attached) is one of the few modern ones that lacks a specific noise nuisance clause. However there are two clauses that they appear to be breaking.

I note that the licence provides for 3. *Effective training of staff to have understanding and awareness of the premises licence and the requirements to meet the licensing objectives*. These objectives include the prevention of Public Nuisance and Harm to Children. Adults and children who live along the river are currently experiencing harmful noise nuisance from the Terrible Thames.

The Licence also says, '11. *Loudspeakers shall not be located in the entrance doors or outside area of the boat.*' The actors' are amplified on deck. And, irritatingly, even when the customers and actors are inside the boat because of rain, the noise is still amplified out on deck.

I have written three times to the company itself, in the meanwhile, as I know that engaging with the premises is the first stage in working towards a request for a licence review. So far, I have received no answer.

I tried to talk to EPT at Tower Hamlets but they were not willing to engage and wanted me to talk to the Canal and Rivers Trust. It was a little bit hopeless there. I hope the Tower Hamlets licensing team is more proactive.

So in the meanwhile, we are logging to build up a picture of how people are affected as we are aware that this is also part of the review process. It is unfortunate that transient noise cannot by its nature be witnessed. So we must rely on documentation. Our form includes all the details required by the LPHA for correct logging at their end. Probably more detail than the land EPTs need or want, but we needed to cover all the bases as we were advised in March to report noise nuisance to both the LPHA and the boroughs.

Kind regards,  
Michelle Lovric

Michelle

**From:** Franklin, David [REDACTED]

**Sent:** 11 August 2021 16:08

**To:** Michelle Lovric [REDACTED]

**Cc:** Newman, Paul <[REDACTED]>; Talbot, Martin

[REDACTED] >; Kalu, Richard <[REDACTED]>

**Subject:** RE: Thames Party Boats : Disturbance Report

Dear Michelle,

The other person has confirmed that they made an error on the form and it was in the afternoon.

From a licensing perspective we can only try to address concerns with regards to boats licensed by Southwark, if a particular boat or company is causing frequent disturbances, despite our attempts to engage with them, then it is possible for both Southwark residents, and residents living in other Boroughs, to apply for a review of the premises licence under one or more of the four Licensing Objectives, prevention of public nuisance seems the most appropriate in this case but others may also be relevant. We can explain more about the review process should problems persist and a resident wishes to apply.

With regards to the Terrible Thames, residents can apply for a review of a premises licence to Tower Hamlets Licensing Team, <https://www.towerhamlets.gov.uk/lgnl/business/licences/licences.aspx>, however residents may want to make a complaints of public nuisance to the team first to see if they will engage with the licence holders.

With regards to noise nuisance, that is dealt with by the Environmental Protection Team and the Council's Noise and Nuisance Team. The Noise Team will log your complaints, however there may be little they can do from a legal perspective if they are unable to witness a statutory nuisance due to the limited duration. The Noise Team does send any complaints regarding Southwark licenced vessels to us in licensing as we can intervene informally and give advice to residents on the review process.

I have copied the team leaders from these teams into the email in case they can provide any further advice.

Regards

David

**David Franklin**  
**Team Leader Licensing**

**From:** Michelle Lovric [REDACTED]  
**Sent:** Wednesday, August 11, 2021 3:35 PM  
**To:** Franklin, David [REDACTED]  
**Subject:** RE: Thames Party Boats : Disturbance Report

Dear Mr Franklin

I suspect that you may be getting quite a lot of complaints about the amplification levels on these City boats now. They have become quite unreasonable. Unfortunately my working space is near the river and I am in despair about them. I am taking far more paracetamol than is healthy because I have work deadlines and cannot simply go somewhere else. Our group of river residents are quite upset about the situation.

It could be that the other complaint might have made a mistake and meant 13.25? I am not aware of these amplified commentaries during the night.

The other boat that causes disturbances at least twice an hour is the Terrible Thames on which screaming actors run up and down the boat at high volumes. Even when everyone goes inside to avoid the rain, they still amplify the screaming up on deck. I have tried to take this up with Tower

Hamlets Environmental Protection, where the boat is registered, but to no avail. I have now appealed to the councillors with environmental and mental health portfolios. Tower Hamlets advises me that as I live in Southwark, I must talk to Southwark EPT about it ...

Meanwhile, I wondering if you were present at the multi-agency meeting in March about the issues of boat noise? Where it was confirmed that the Boroughs where residents were affected do have a duty of care towards them?

Sincerely  
Michelle Lovric

**From:** Franklin, David <[REDACTED]>  
**Sent:** 11 August 2021 15:27  
**To:** Michelle Lovric <[REDACTED]>  
**Subject:** RE: Thames Party Boats : Disturbance Report

Thank you, it was just that we had a similar complaint that said it was at 03:25 in the morning, I have ask them to confirm the time as well.

Kind regards

David

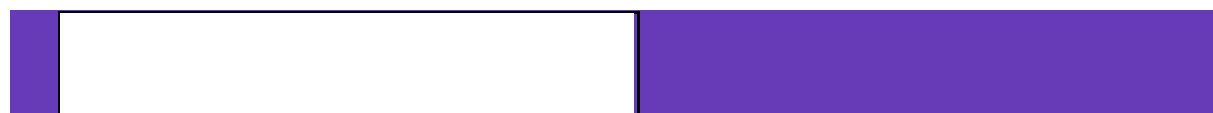
**David Franklin**  
**Team Leader Licensing**

**From:** Michelle Lovric <[REDACTED]>  
**Sent:** Wednesday, August 11, 2021 3:19 PM  
**To:** Franklin, David <[REDACTED]>  
**Subject:** FW: Thames Party Boats : Disturbance Report

Dear Mr Franklin, further to your email, I attach the complaint that gives the time and date.

**From:** Michelle Lovric  
**Sent:** 10 August 2021 16:59  
**To:** Noise and Nuisance <[REDACTED]>  
[REDACTED]  
**Subject:** FW: Thames Party Boats : Disturbance Report

**From:** Google Forms <[forms-receipts-noreply@google.com](mailto:forms-receipts-noreply@google.com)>  
**Sent:** 10 August 2021 16:55  
**To:** [REDACTED]  
**Subject:** Thames Party Boats : Disturbance Report



Thanks for filling in [Thames Party Boats : Disturbance Report](#)

Here's what was received.

[Edit response](#)

## Thames Party Boats : Disturbance Report

Please use this form to log disturbances from party boats. This report is automatically logged on the Thames River Residents Antisocial Boats database. After you have submitted your report you will receive an email copy of this form. Please forward that copy to your local noise and nuisance team and to the Port of London Health Authority. Details of your local noise team and the Port Health Authority are included at the end of this form.

Email \*



Your name

Michelle Lovric

Name of the boat \*

Use this drop down menu to identify the offending boat. If the boat is not listed here, tick 'Other' and enter the name in the next box

City Alpha (City Cruises)

If you ticked 'Other' please enter the name of the boat below

Time of the disturbance

Enter the time (hh/mm) when you experienced the disturbance; e.g. 23.30 (24 hour clock)

Time

15

:

25

Date of the disturbance \*

DD

10

/

MM

08

/

YYYY

2021

Direction of travel \*

Is the boat going downstream (ie. eastwards) or upstream (i.e. westwards)

Downstream/East

Place where the nuisance was experienced \*

Between Cannon Street and London Bridge

Type of nuisance/behaviour observed \*

Tick all that apply

Excessively loud music

Thumping bass beat

DJ shouting over the music

Partygoers screaming over the music

Partygoers screaming at illuminated river bridges

Loud football chanting

Hate crime behaviour (e.g. Nazi salutes)

Dangerous behaviour e.g. fighting, leaning out of windows

Music playing at the pier

Rowdy disembarkation

Other

☒ Other: Amplified commentary way too loud. Could hear every word.

Effect on me

Tick all that apply

Woken up

Children disturbed

☒ Had to close my windows

☒ Had to move to a different room

Other:

Your location \*

Please identify the local authority in which you live. A copy of this form will be sent to the email address you entered above. It is very important that you send a copy of that email to the relevant noise and nuisance team in your local authority and to the Port health authority at [porthhealth.denton@cityoflondon.gov.uk](mailto:porthhealth.denton@cityoflondon.gov.uk). Only by doing this will your noise report be recorded by the local authority.

Southwark ([noiseandnuisance@southwark.gov.uk](mailto:noiseandnuisance@southwark.gov.uk))

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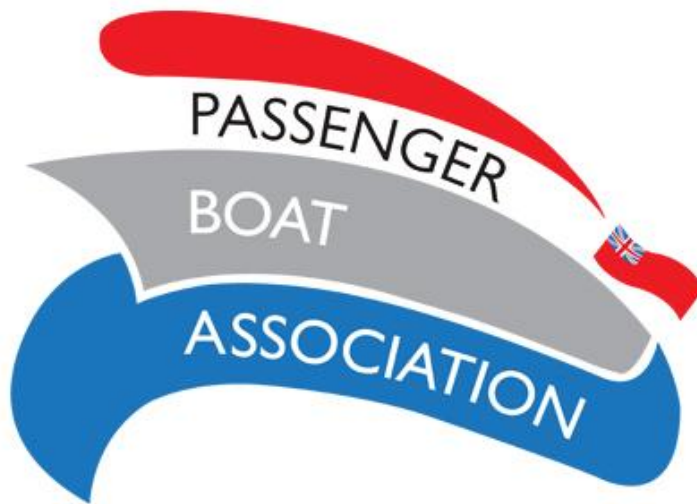
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**Of Supporting Evidence**

# Passenger Boat Association



## Guidance for Control of Charter Cruise Noise on the Tidal River Thames

FINAL DRAFT

ISSUE 1 – May 2014

Prepared by the River Noise Control Stakeholders

## Version Control

Version	Date	Change Details	Author(s)
1	19 Oct 2013	Initial DRAFT Document	Roger Flitter
2	6 Dec 2013	Internal Review	Roger Flitter/Chris Livett/Scott Neicho
3	28 Feb 2104	Update from SG1 Meeting	Roger Flitter/SG
4	26 Mar 2014	Update from SG2 Meeting	Roger Flitter/SG
5	15 Apr 2014	Further Comments from SG	Roger Flitter/SG
Issue 1	19 May 2014	Final DRAFT fr Issue	Noise Control Steering Group

## Distribution

Organisation
London Port Health Authority
Port of London Authority
TfL London River Services
London Borough of Lambeth
London Borough of Westminster
London Borough of Southwark
London Borough of Greenwich
London Borough of Tower Hamlets
London Borough of Richmond
Maritime and Coastguard Agency
MP Marine Policing Unit
PBA London Operators
British Marine Federation

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## **1. Introduction and Background**

During the summer of 2013 a number of ad hoc complaints were made to the City of London Port Health Authority, Riparian Authorities and MPs regarding alleged excessive noise emitting from passenger vessels undertaking charters.

Despite meetings and enquiries it has proved difficult to attribute and quantify the problem to any particular operator and/or vessel. Complaints received could not be quantified but were indicative of a problem.

The document serves as a vehicle for providing awareness to waterfront residents of the scope of a variety of navigational activities on the River Thames emanating from many sources. Nevertheless, on the assumption that there is a problem to one degree or another, the stakeholders, including the passenger vessel industry, have agreed to produce, as a constructive alternative to formal action, guidance to operators aimed at self imposed control of noise levels on party boats.

Mindful of the commitment to produce this Guidance Document, it must also be recognised that the River Thames is a major UK tourist attraction for many millions of visitors and the businesses meeting the demands directly and indirectly employ many people and contribute to London's status in the world. It has always been a major highway for London, used for both commercial and leisure purposes.

## **2. Stakeholders**

The following organisations are identified as stakeholders in addressing the problem and seeking a solution:

London Port Health Authority  
Port of London Authority  
Metropolitan Police Marine Policing Unit  
TfL London River Services  
London Borough of Lambeth  
London Borough of Westminster  
London Borough of Southwark  
London Borough of Greenwich  
London Borough of Tower Hamlets  
London Borough of Richmond  
Maritime and Coastguard Agency  
The Passenger Boat Association

### **3. Circumstances When Noise Complaints are Prevalent**

Noise emitting from vessels on the river are most likely to occur in the following circumstances

- Warm/hot summer evenings
- Direction and strength from prevailing wind
- Prevailing tide state, high or low
- Design and layout of the vessel
- Music type and volume level, particularly bass settings
- General passenger chatter
- Design of buildings and infrastructure (i.e. bridges and/or 'canyons' between buildings)

Because many of the above factors are variable, there are no fixed measurable circumstances in which noise levels may be considered either excessive or unacceptable. Furthermore, such judgement is subjective.

### **4. Localities Where Noise Complaints are Prevalent**

The complaints received tend to occur in the area from Southwark to Greenwich. Over the years this stretch of river has seen many old established buildings converted into riverside flats with balconies. Further many more new properties with similar river outlooks are emerging, many with connecting piers, encouraging the use of water activities. This development is set to increase in the future because of further residential property developments.

In some cases where the river tends to be narrower and residential properties occur, 'canyons' can be created thereby tending to contain and amplify sounds from the river.

### **5. Process For Reporting Excessive Noise to PHA**

See ANNEX 'A'

## **6. Current Noise Control Regulations**

### **6.1 MCA Regulation For Noise Levels In Vessel Wheelhouses**

Maritime and Coastguard regulations require that noise in a vessel wheelhouse is limited to 75 decibels in order that the Master and crew of the vessel can clearly hear and communicate on the vessel VHF Radio.

### **6.2 2003 Licensing Act**

Vessels where the selling of alcohol occurs are required to comply with the 2003 Licensing Act. The Act is quite comprehensive in many respects and it does stipulate that noise control measures must be put in place through the use of noise limiting equipment.

### **6.3 Environmental Protection Act 1990**

[Environmental Protection Act 1990](#) which gives Local Authorities their Statutory Nuisance powers and is the legislation under which investigation of party boat noise would be conducted.

### **6.4 LRS NOISE LIMITING REQUIREMENTS (Extract from LRS Pier Licence Conditions)**

6.4.1 Boat operators shall take all necessary steps to ensure that the Master's attention is not distracted by excessive noise on the vessel. Any noise emitted from the vessel shall not exceed the requirements laid down by the Port Health Authority. Where necessary, operators shall fit suitable noise limitation devices and equipment required by the MCA.

6.4.2 Noise monitoring equipment, where fitted, must be tested at least annually and certificated as serviceable by a qualified acoustic engineer.

6.4.3 All boat operators wishing to hold entertainment after 0100 hours must ensure that any noise is contained within the boat and does not cause a nuisance to or annoy or disturb members of the public living nearby in houseboats or property adjacent to the river.

6.4.4 No entertainment shall take place within 100 metres of any terminal or en-route stopping Pier Facility. Quiet background music is permissible via the public address or entertainment systems within enclosed areas.

6.4.5 All boats must be equipped with a public address system which must be in working order and audible throughout. Loud hailers, loud speakers or other amplifying apparatus should not be used at or in the vicinity of Pier Facilities except for the purpose of communicating safety information.

6.4.6



## **7. Recommended Cruise Noise Control Measures**

In order to counteract the potential for noise to become intrusive to other river users and residents the following recommendations are made for which Masters of vessels together with party organisers should consider and implement prior to departure.

### **7.1 Potential Technical Solutions**

Employ simple technical noise limiting technology within the sound system in use. This may be a full cut out or a device which reduces and/or neutralises high volume and limits bass frequencies.

### **7.2 Windows, Doors and Speaker Positioning**

Speakers should be contained indoors or in such a position and location that noise is contained within the vessel, not broadcast externally.

### **7.3 Briefing DJs, Organisers and Passengers**

Consider noise level control as part of party booking contract terms and conditions Brief party organisers and DJs that there is a potential noise problem on the river and seek assistance and cooperation in vulnerable locations of the passage. Consider 23.00 as a suitable time to reduce noise to a minimum.

### **7.4 Transiting Residential Areas**

Plan to transit residential areas at a reasonable pace without loitering.

### **7.5 Embarking and Disembarking of Passengers**

Music should be turned off during these activities.

## **8. Other Sources of Noise on the River Thames**

There are other potential sources of noise on the river. These include:

Cruise Ships

Private vessel parties

River works activities (e.g. Thames Tideway Tunnel Project)

Commercial vessels

Moorings

Fretting of moored facilities on chains and piles e.g. piers, buoys etc

## **9. Periodic Review of Complaints**

The London Port Health Authority will be responsible for conducting a review of noise complaints twice per year. An appropriate attendance of stakeholders should be invited to attend this event.

This would not preclude the convening of a specific noise meeting should exceptional circumstances dictate the need.

## ANNEX 'A' Public Information For Lodging Noise Complaints

### Extract from London Boroughs Web Sites Message

#### Noise on the Tidal Thames

Issues regarding noise on London's navigable waterways include the powering of vessels; tourist and party boats, piers and moorings; wharves and boatyards. The scale and nature of issues and solutions can vary widely. Competing uses, such as leisure (tourism and party boats) and recreation, heritage, freight transport, infrastructure projects and regeneration, all need to be considered and balanced.

The tidal Thames must be regarded as a working, commercial river first and foremost. Over 8.5 million people travel on the Thames each year and the Mayor's River Action Plan seeks to ensure that we all make better use of the River Thames and other navigable waterways for freight as well as passengers. The River Thames is also a vital transport artery carrying freight to and from the city. The amount of freight moved on the Thames through the capital has trebled in the last four years. In 2013 over 11 million tonnes of cargo was moved by barge and boat - taking about 900,000 lorry movements off London's roads each year.

The Mayor also has a duty under the Greater London Authority Act of *"promoting and encouraging the use of the River Thames safely, in particular for the provision of passenger transport services and for the transportation of freight"* (section 41(5)(d)).

#### Regulating Noise on the Thames

The Maritime and Coastguard Agency requires the fitting of noise limiters for navigational safety purposes, notably to prevent interference with on-board communication. The London Port Health Authority undertakes launch-based patrols and works jointly with riparian local boroughs, the Passenger Boat Association, London River Services, the Port of London Authority and the Metropolitan Police to deal with noise on the tidal Thames. The London Port Health Authority has general powers to investigate complaints about excessive noise on the river. However, it is often difficult to establish a specific case of noise nuisance related to a boat moving on the river.

Due to the nature of marine operations, and the hours of work often relating to the tidal cycle, noise cannot be eliminated entirely from operations on the water, but there are a number of codes of practice available to operators and these should be followed to minimise noise as far as practicable. However should there be a persistent repeat noise nuisance, it is advisable to contact the local Council Environmental Health Department and copy the London Port Health Authority into that email. Below is a list of all the boroughs contact details, along with those of the London Port Health Authority.

When lodging a complaint it is important the following details are included:

- Name of vessel
- Date
- Exact Time
- Your exact location (include postcode to assist) and approximate location of vessel at time of noise complaint
- Description of vessel (e.g. colour, number of decks, position of wheelhouse, and if possible; description of staff/passengers)
- Description and approximate duration of the noise

Port Health Authority – [stuart.smith@cityoflondon.gov.uk](mailto:stuart.smith@cityoflondon.gov.uk)

London Borough of Havering	<a href="mailto:environmental.health@havering.gov.uk">environmental.health@havering.gov.uk</a>
London Borough of Bexley	
London Borough of Barking & Dagenham	<a href="mailto:3000direct@lbbd.gov.uk">3000direct@lbbd.gov.uk</a>
London Borough of Greenwich	<a href="mailto:noise.team@royalgreenwich.gov.uk">noise.team@royalgreenwich.gov.uk</a>
London Borough of Newham	<a href="mailto:Corporate.Complaints@newham.gov.uk">Corporate.Complaints@newham.gov.uk</a>
London Borough of Lewisham	<a href="mailto:noiseandnuisance@lewisham.gov.uk">noiseandnuisance@lewisham.gov.uk</a>
London Borough of Tower Hamlets	<a href="mailto:environmentalhealth@towerhamlets.gov.uk">environmentalhealth@towerhamlets.gov.uk</a>
London Borough of Southwark	<a href="mailto:noiseandnuisance@southwark.gov.uk">noiseandnuisance@southwark.gov.uk</a>
City of London	<a href="mailto:publicprotection@cityoflondon.gov.uk">publicprotection@cityoflondon.gov.uk</a>
London Borough of Westminster	
London Borough of Lambeth	<a href="mailto:noise@lambeth.gov.uk">noise@lambeth.gov.uk</a>
London Borough of Kensington & Chelsea	<a href="mailto:environmentalhealth@rbkc.gov.uk">environmentalhealth@rbkc.gov.uk</a>
London Borough of Wandsworth	<a href="mailto:esd@wandsworth.gov.uk">esd@wandsworth.gov.uk</a>
London Borough of Hammersmith & Fulham	
London Borough of Richmond upon Thames	
London Borough of Hounslow	<a href="mailto:pollution@hounslow.gov.uk">pollution@hounslow.gov.uk</a>

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**Of Supporting Evidence**

## How the River Thames amplifies the noise of music from party boats

In most cases of party noise on land, there is an 'attenuation' of noise over distance. But the river has the known effect of magnifying noise, which also bounces off the hard surfaces of the office buildings. Jackie Seroka, of the LPHA which monitors Thames party boat noise, said on July 1<sup>st</sup> 2019, 'Unfortunately ... particularly at low water or when there is little or no wind, the noise becomes louder the further away it gets from the source due to geometric spreading and surrounding high buildings can also contribute by causing the noise to canyon between the buildings.'

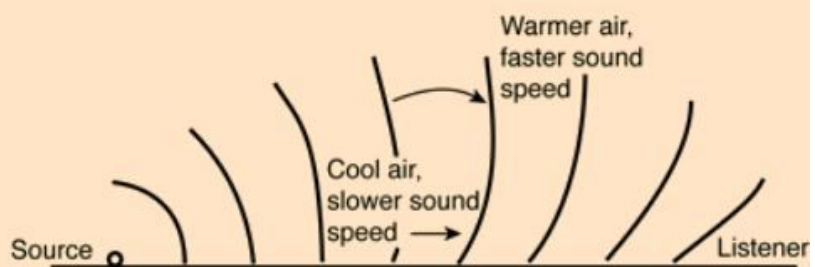
This effect is unpacked here by scientist Sedeer el-Showk on his [Inspiring Science](#) website:

*'When you make noise, sound waves travel away from you in every direction, making an expanding sphere. Since the air just above an open body of water is cooler than the air slightly higher up, the speed of sound is slightly lower above the water's surface ... The difference in speed causes the expanding sphere of sound to change shape, flattening into a wall or even focusing the sound downwards. That's why sound travels further over water: less is lost up into the air, meaning more of it ends up in your ears — or your neighbours.'*

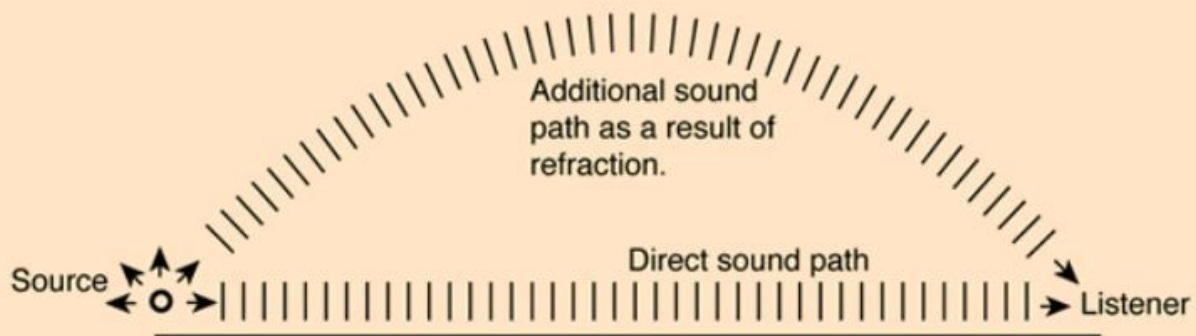
This diagram below illustrates exactly why noise from the party boats is naturally amplified by the river, creating such disruption to the lives of residents and workers on the Thames. (From <http://www.yyjsewage.com/>)

### Refraction of Sound

If the air above the earth is warmer than that at the surface, sound will be bent back downward toward the surface by refraction.



Sound propagates in all directions from a point source. Normally, only that which is initially directed toward the listener can be heard, but refraction can bend sound downward. Normally, only the direct sound is received. But refraction can add some additional sound, effectively amplifying the sound. Natural amplifiers can occur over cool lakes.



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**Of Supporting Evidence**

# Health Implications of Party Boats on the River Thames

Celia Palmer MB BS DA AFOM

Thank you for inviting me to join this debate.

My work as an Occupational Physician for over thirty years focussed on the interaction between work and health in a variety of public and private sector organisations including eight years with the Metropolitan Police. The risks to health included cross-infection and noise exposure. My brief is to outline the effects of those particular risks in the context of leisure craft operating on the River Thames following the emergence of Covid-19.

It is clear that Covid infections will never be eliminated completely: new variants will continue to emerge and revaccinations will be required periodically, just as for prevalent strains of influenza. Like the common cold, the main route of infection with these coronaviruses is by exhaled droplets and aerosols from infected individuals, which are inhaled by their contacts. All shared surfaces, such as door handles and handrails, may become contaminated and require regular cleaning. These routes of transmission were identified on cruise liners: in future the industry will be subject to new regulations to reduce the risk of cross-infection, which are likely to include Covid testing of staff and passengers, rigorous cleaning régimes and measures to minimise droplet spread and close social mingling. Thames leisure craft share some physical features of cruise liners on a smaller scale but the risk factors are the same.

A minority of the Thames leisure boats describe themselves as “floating nightclubs”: they transport party-goers on crowded open decks or leaning out of cabin windows: loud pop music pulses across the water as lights flash and a disc-jockey shouts into a microphone, encouraging the revellers to shout above the music and scream as they pass underneath the bridges, constituting ideal conditions for the spread of infections such as Covid. The sale of alcohol throughout the duration of the cruises leads to noisy, disinhibited, alcohol-fuelled, anti-social behaviour on embarkation and particularly on-board and during disembarkation in the small hours. These effects may be compounded by other drug misuse - where there is alcohol misuse, the use of “recreational” drugs of addiction frequently follows. A land-based nightclub would be required to control such risky, noisy, anti-social behaviour.

However, such river-based activity is unchecked and constitutes a serious level of environmental noise pollution. Sound waves are emitted from the boats in every direction. Some pass straight through the coolest layer of air directly over the water to reach the banks. Others pass up through warmer layers of air before being deflected back down towards the water and arrive on shore simultaneously with the sound waves which travelled through the cooler air, thus amplifying the volume of sound heard by shore-based listeners - a “double whammy”, if you will. Sound waves ricochet off buildings and other hard surfaces, increasing the audible noise even further.

What are the risks from this uncontrolled noise late at night?

On board, the crew and disc-jockeys are subjected to a combination of noise from disco music and shouting which almost certainly reaches levels harmful to hearing and over time may lead to noise induced hearing loss. This well-documented risk in the leisure and music industry leads to a pattern of hearing loss, which classically starts in the speech

frequency range at 4,000 hertz. Over time there is progressive and irreversible damage to the hearing mechanism in the inner ear(s), resulting in a permanent inability to hear speech clearly, thus compromising accurate verbal communication. Later effects may include sound distortion and tinnitus (ringing in the ears); disabling psychological effects may eventually follow, such as irritability, behavioural changes, lack of social confidence and feelings of isolation and depression.

Passengers aboard are also at risk of noise induced hearing damage. Hearing impairment due to repeated recreational noise exposure is being identified in younger patients who regularly frequent discos and listen to loud pop music through personal sound systems and headphones at high volumes. Again, this is progressive and irreversible, leading to poor speech discrimination and impaired verbal communication.

This on-board party-boat noise has also been found to constitute a potential risk to life. In 1989 the dredger Bowbelle collided with the party boat Marchioness, which sank with the loss of fifty-one lives. The formal investigation (the results of which were published in January 2015) highlighted the safety critical issues relating to the effects of noise on communication and concentration. The investigators found that it was possible that the Skipper of the Marchioness was less alert than usual as he was undertaking his second disco cruise of the evening and his concentration might have been adversely affected by the loud disco music on-board. It was also stated that there was no apparent explanation for the Skipper of the Marchioness failing to hear the broadcast information about the location of the Bowbelle on his cabin radio, which was set at full volume, other than the background noise of the disco music. In addition, the investigation found that, immediately before the collision, crew members of Bowbelle attempted to shout a verbal warning to the Marchioness, which was heard by a few passengers on the deck of Marchioness but not in the wheelhouse of either vessel: this was thought to be because of the loud noise of the disco music. The investigators reported that a number of observers on-shore had commented on the excessive volume of disco noise emanating from the Marchioness. The investigators also recommended that the noise limiters on disco equipment should be operational at all times. In summary, noise from the disco party on the Marchioness was thought to be a possible contributory factor to the collision.

For listeners on-shore there are also risks to health. The River Thames runs through the heart of historic London and the banks are lined by offices and residential properties; many of those offices are open every day over twenty-four hours and are occupied by shift workers required to concentrate on complex international financial transactions. More City employees, including those who work their shifts from home, occupy many of the residential properties and families also live beside the river. There are at least two hospitals adjacent to the Thames in which patients are recovering from major surgery, injuries and life-threatening illnesses like cancer and heart disease.

Those on-board have chosen to be there but the shore-based population cannot escape from the unwanted noise and that poses intrinsic risks to health. There are measures in place to control such noise on land; however, it would appear that to date there has been absolutely no effective way to control this river-based noise: this is immensely frustrating for those who do not wish to hear it and it is a pervasive cause of stress in an already stressful world. Excessive and uncontrollable noise makes people irritable and angry.

For those working in offices and homes by the river, such noise interrupts their concentration, leading to errors and impaired performance. Resulting irritation and anger lead to changes in behaviour, compromising relationships at work and in the home. Unwanted noise is stressful and stress is cumulative: people have many and varied



worries and anxieties; repeated interruption from noise can prove to be a tipping point into disabling mental health conditions such as anxiety and/ or depression.

Families and residents living by the Thames subject to river- based nocturnal noise are also at serious risk of harm from sleep disruption and deprivation - well recognised results of nocturnal noise pollution. There may be difficulty falling asleep and repeated waking from sleep, which disrupts normal cyclical sleep patterns. This results in a perception of unsatisfactory sleep, daytime irritability, impaired concentration and performance and eventual behavioural changes and psychological sequelae. Certain “vulnerable” groups are at particular risk from these sleep effects: children of all ages require undisturbed sleep for optimal growth and development: patients who are battling serious illness or recovering in hospital need undisturbed rest and sleep. Older members of society also require good quality sleep to remain well and independent and combat painful degenerative conditions. Much has been written in recent press reports about the damage done to physical and mental health by curtailed and disrupted sleep; the health effects of nocturnal noise exposure are serious.

Other health risks from environmental noise exposure include increased risk of cardiovascular diseases such as heart attacks, strokes and raised blood pressure and changes in digestive function, alterations on the levels of stress hormones and immunological markers which compromise the ability to tolerate stress and combat infections, including Covid-19.

The past year has been extraordinary in many ways, disrupting the normal pattern of our lives and curtailing our activities. The leisure industries have been particularly affected and this has greatly reduced the level of maritime activity on the River Thames. The working boats, the transport boats and the majority of the leisure boats ply the Thames without causing noise disturbance. Surely it is now time for everyone to come together and use the Covid situation as an opportunity to reappraise the risks to health from river-based activity, particularly from cross-infection and noise and to consolidate the many examples of good practice so that new standards and control mechanisms may be agreed, which minimise the risks to health and constitute a formal “levelling up” of existing best standards.

Celia Palmer  
May 2021

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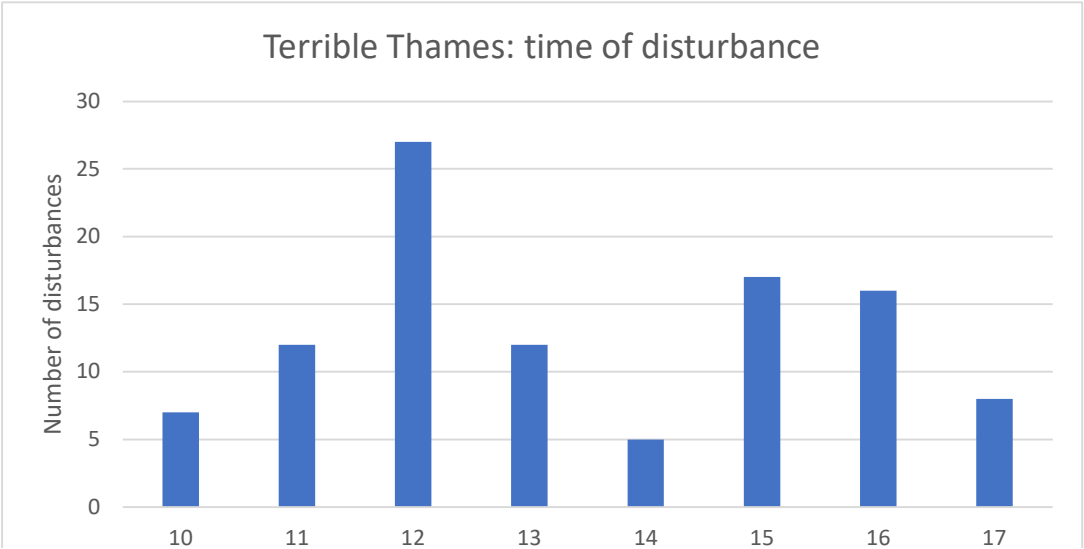
<i>Name of the boat</i>	COUNTA of Time of the disturbance	<i>Effect on me</i>	COUNTA of Effect on me
		Had to close my windows, Had to move to a different room	44
Terrible Thames	104	Had to close my windows	27
Pearl of London	90	Had to move to a different room	11
Jewel of London	56	Had to close my windows, Had to move to a different room, work disturbed	2
The Royalty	40	work disrupted	2
River Room (formerly the Harmony)	32	Children disturbed, Had to close my windows, Had to move to a different room	1
The Golden Flame	32	Children disturbed, Had to close my windows, Had to move to a different room, Had a child guest, who thought the noise was terrible	1
The Viscount	28	Had to close my windows, Cannot hear phone calls	1
Other	20	Had to close my windows, Disturbing the peaceful enjoyment of my home	1
City Alpha (City Cruises)	18	Had to close my windows, Had to move to a different room, can't work. Passing every 25 minutes. This is torture.	1
The Golden Sunrise	16	Had to close my windows, Had to move to a different room, cannot work in this din	1
The Pride of London	15	Had to close my windows, Had to move to a different room, concerned about aerosol covid risk with all this shouting at close quarters with young unvaccinated customers.	1
The Golden Jubilee	14	Had to close my windows, Had to move to a different room, Had to excuse myself from a zoom workshop until the boat was out of earshot	1
The London Belle	13	Had to close my windows, Had to move to a different room, unable to concentrate in my place of work	1
The Golden Star	5	Had to close my windows, Had to move to a different room, work impossible	1
Millennium City (City Cruises)	3	Had to close my windows, I cannot move to another room. This noise is very intrusive	1
Millennium Diamond (City Cruises)	3	Had to close my windows, It feels like a form of musical water boarding torture	1
Millennium of Time (City Cruises)	2	Had to close my windows, Right under my windows and about the sixth time today.	1

River Room	2	Had to close my windows, This is a serial interruption to quiet enjoyment of one's home but worse it means that my desk is not usable.	1
City Gamma (City Cruises)	1	Had to move to a different room, audible even with windows closed tight	1
Erasmus (City Cruises)	1	Had to move to a different room, impossible to work, disrupts the river three times an hour	1
Millennium of Peace (City Cruises)	1	impossible to work	1
Salient	1	Woken up, Had to close my windows, Severely disturbed peaceful enjoyment of life	1
The Dutch Master	1		0
The Royal Princess	1		
Wyndham Grand	1		
<b>Grand Total</b>	<b>500</b>	<b>Grand Total</b>	<b>104</b>

Time +B1+A1:B 50+A1:B5 1+A1:B50	Count
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10:20:00	2
10:25:00	1
10:50:00	3
11:16:00	1
11:20:00	3
11:21:00	1
11:25:00	1
11:50:00	1
11:51:00	1
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12:17:00	3
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13:15:00	2
13:19:00	1
13:20:00	6
13:43:00	1
13:50:00	1
14:00:00	1
14:15:00	2

Row Labels	Sum of Count
<00/01/1900	
10	7
11	12
12	27
13	12
14	5
15	17
16	16
17	8
Grand Total	104

Time	Number
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12	27
13	12
14	5
15	17
16	16
17	8



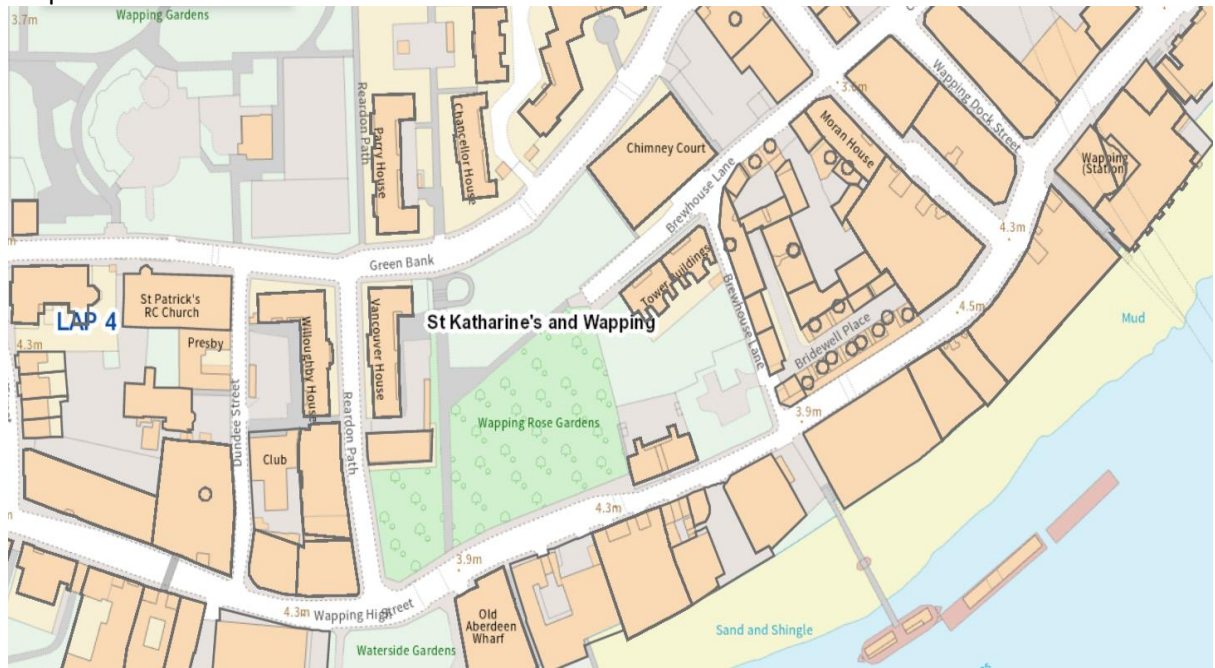
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16:20:00	6
16:50:00	1
16:55:00	4
17:15:00	5
17:16:00	1
17:17:00	2

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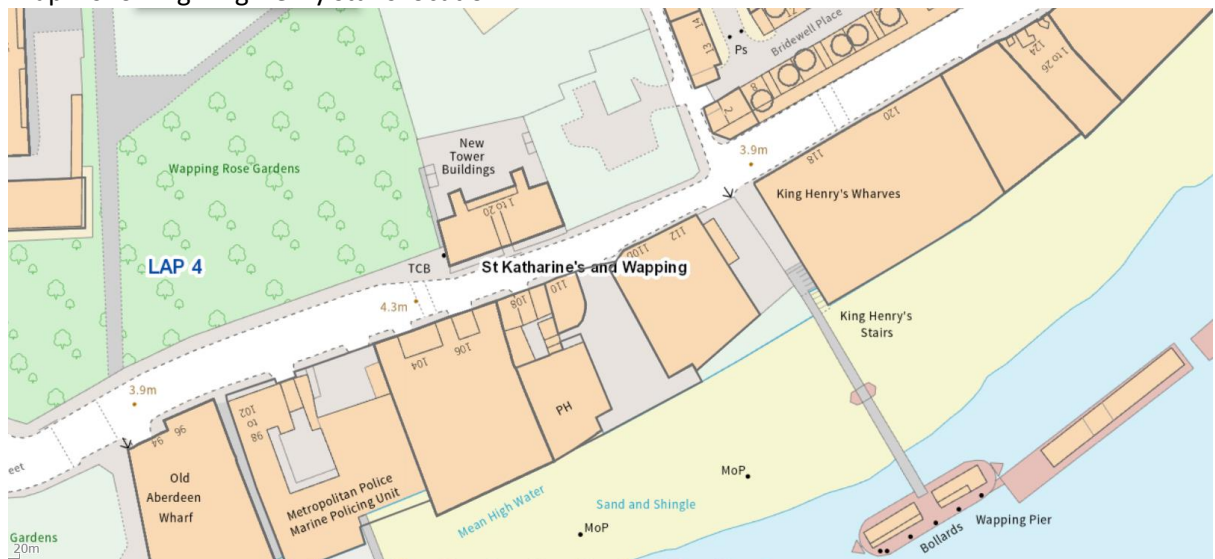
# Appendix 3

## Silver Sockeye Wapping Pier – Map of local area

Map 1



Map 2 showing King Henry stairs location





# Appendix 4

# 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 5



# **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 6

## 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.