

Appendix 1



Lic No:
142897

(Studio Spaces Ltd)
110 Pennington Street
London
E1W 2BB

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment (Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description)
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

David Tolley
Head of Environmental Health & Trading Standards

Date: 19th December 2011

Variation 01st August 2017

Variation 30th November 2018

Variation following committee hearing – 5th December 2020

Minor Variation 22/11/21



Part A - Format of premises licence

Premises licence number

142897

Part 1 - Premises details

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

(Studio Spaces Ltd)
110 Pennington Street

Post town

London

Post code

E1W 2BB

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Sunday to Thursday, from 08.00 hours to 00.00 hours (midnight)
- Friday and Saturday, from 08.00 hours to 07.00 hours the following day

Late night refreshments Indoors

- Sunday to Thursday, from 23.00 hours to 00.00 hours (midnight)
- Friday and Saturday, from 23.00 hours to 07.00 hours the following day

Provision for Regulated Entertainment - Indoors

(Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.

- Sunday to Thursday, from 06:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 06.00 hours to 07.00 hours the following day

Non-standard timings

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:00hrs the next day.

Conditions for Garden area (outdoor space)

Sale of Alcohol

- Monday to Sunday 08:00 hours to 20:30 hours with half an hour drink up time until 21:00 hours.

Provision for Regulated Entertainment – Recorded Music Outdoors for garden area only

- Monday to Sunday 08:00 hours to 21:00 hours

Photographic Studio

A small indoor photographic studio area 120 meter squared to operate as per the existing hours permitted on the premises licence. **(NOT FOR USE BY THE PUBLIC DURING THE CORONAVIRUS REGULATIONS)**

The opening hours of the premises

- Sunday to Thursday, from 06:00hrs to 00:30hrs (the following day)
- Friday and Saturday, from 06.00 hours to 07.00 hours the following day

The opening hours of the outdoor space

- Monday to Sunday from 08:00 hours to 21:30 hours.

Non-standard timings

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:30hrs the next day.

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

On sales

Part 2

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

Studio Spaces Limited
19-20 Bourne Court
Southend Road
Woodford Green
Essex
IG8 8HD

Tel: [REDACTED]

Email: [REDACTED]

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

Limited Company: 06742938

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

Yuval Hen

[REDACTED]

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

Personal licence number: [REDACTED]

issuing authority: [REDACTED]

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

Films

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Annex 2 - Conditions consistent with the operating Schedule

- 1) No nudity or semi nudity permitted;
- 2) During the hours of operation there shall be no noise nuisance audible from the premises within 1metre from the façade of the nearest noise sensitive residential premises;
- 3) Signs shall be displayed to inform all customers that the premises operate a zero tolerance drugs policy;
- 4) The premises shall comply with the dispersal policy;
- 5) Any outside promoters seeking to use the venue for a mainstream disco/nightclub event shall require prior approval from the Licensing Officer at Tower Hamlets Police Service;
- 6) The premises shall provide a free phone linked to a licensed taxi firm for use by customers at the premises;
- 7) The premises shall cease the use of such taxi firms where they breach any of the below rules more than once:
 - a) Use the horn after 23:00 hours (except in an emergency) when collecting/delivering persons to the premises.
 - b) Leave their vehicles to collect patrons from the premises.
 - c) Double park their vehicles outside the premises.

Where rules are breached by APP based taxi firms (or ones not appointed by the premises) the licence holder will report breaches of a) and c) to TFL providing the registration and where available the taxi licence number.

Premises must designate a pick spot for taxi's to minimise the impact of any noise on residents.

- 8) The premises shall use all reasonable endeavours to prevent the use of unlicensed taxis by patrons leaving the premises;
- 9) The premises shall maintain and provide the details of a contact number for any local residents living within 100metres of the premises;
- 10)The premises shall discourage any attempt by organisers, artist or users of the premises to advertise by fly posting or using illegal placards;
- 11)Children aged 14 and under shall be permitted to the premises if accompanied by an adult;

- 12) Signs shall be displayed stating that any person who appears to be under the age of 21 shall be required to provide appropriate proof of age;
- 13) The premises shall ensure consideration of given whether there should be an age restriction to music, dance, exhibitions, publication, multimedia, education and research projects being shown at the premises;
- 14) Signage shall be displayed asking patrons to leave the premises quietly;
- 15) CCTV. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority;
- 16) Use of incident book and refusal book to be followed as per the new security plan and ejection policy, entry policy, drug policy and dispersal policy mentioned in conditions 19-22.
- 17) A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and what the outcome was, i.e. if left with friends, taxi called etc. The record shall be available for inspection at the premises by a police or Authorised Council Officer all times whilst the premises is open.
- 18) All persons entering or re-entering the premises shall be searched by a SIA licensed member of staff while monitored by the premises CCTV system. The search shall include a metal detecting search using an arch or wand, followed by a physical search, and a full bag search.
- 19) The premises must have a detailed documented security plan that must include an ejections policy, which must be made available to police upon request.
- 20) A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- 21) A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises the premises

is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.

- 22) A written egress policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
- 23) The premises shall adopt the Central East Police Licensing Drugs Policy.
- 24) The premises will carry out a risk assessment into all artists and promoters appearing at the venue. The purpose of this is to identify any risks and measures that can be put in place to mitigate against them. Research will include but is not limited to contacting venues they have appeared recently and looking at their social media sites. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement. This risk assessment, including all identified risks and mitigating measures taken, must be documented and made available to Police upon request.
- 25) The premises shall use an ID scanner that uses photographic identification documents such as ID cards, passports etc, all persons entering the premises where regulated entertainment is provided, and or after 8pm shall have their ID scanned by this device. Weddings, film productions, photo shoots, product launches and corporate events shall be excluded from the requirements of this condition provided that the venue has a list of those attending the premises for such events.
- 26) The premises security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed every 6 months and the results made available to Police upon request.
- 27) A Cloakroom shall be in operation when events including regulated entertainment are taking place.
- 28) A Toilet attendant shall be in operation in all toilets when events which include regulated entertainment are taking place, or when internal risk assessments require it. This attendant must report any sightings or suspicion of drug use or dealing to a member of security immediately via radio link.
- 29) The customers leaving the venue will be guided via security staff from the venue to direct customer down Pennington Street and up Chigwell Hill and on to The Highway. The egress of these customers from the venue along this route this route must be managed effectively by venue Security Staff to minimise noise from the customers and deter NOx Sellers

**Annex 3 - Conditions attached after a hearing by the licensing authority-
Attached since 5th December 2020**

Conditions as per Operating Schedule for garden area

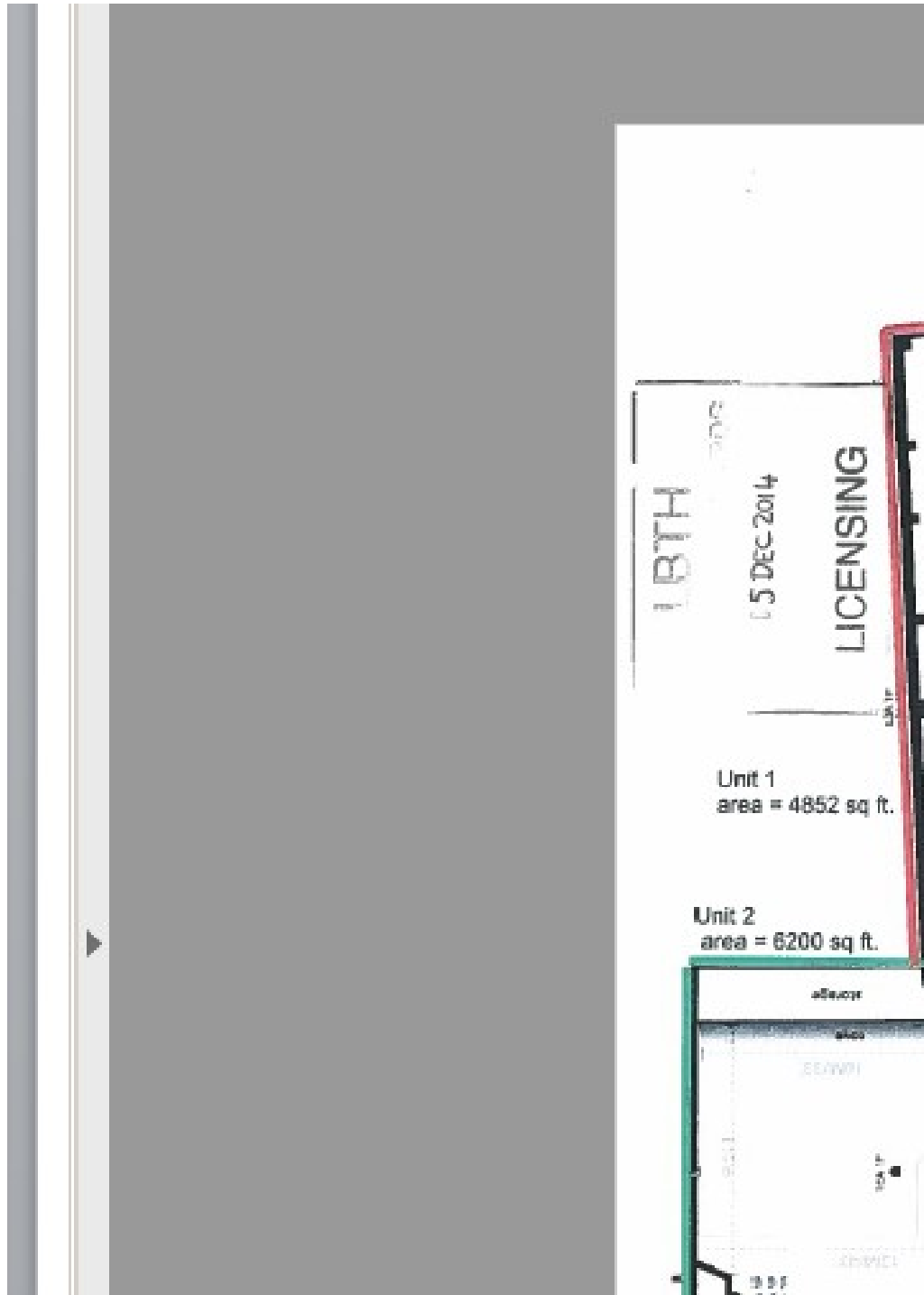
1. Staff training will be given in responsible sales of alcohol and health & safety regulations.
2. Regular monitoring of all area of the premises shall take place by management.
3. Notices asking customers to leave quietly shall be displayed
4. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
6. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
7. A minimum of 1 SIA licensed door supervisors per 100 customers shall be on duty at the premises at all times whilst it is open for business.
8. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;

- f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
9. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. All drinking vessels used in the venue shall be polycarbonate. All drinks in glass bottles are to be decanted into polycarbonate containers or polycarbonate carafes prior to being served. Customers shall not be permitted to leave their table carrying any such glass bottles or drink directly from the bottle.
11. 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.
12. Sound system for outside use to be controlled by sound limiter and all music noise to be inaudible at residential premises.

Annex 4 - Plans

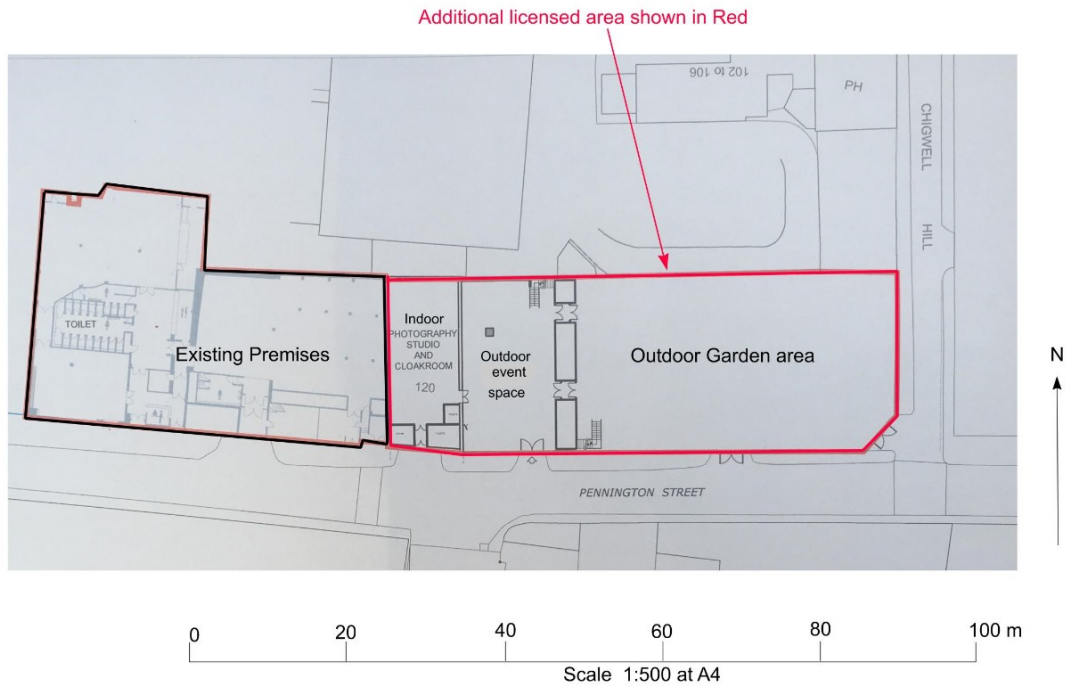
The plans are those submitted to the licensing authority on the following date:

5th December 2014 - Ground Floor (*Units 1 and 2*)



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

9th July 2020 – Plan of the outdoor licensed garden area, including new layout for indoor photographic studio



Proposed Layout plan of total premises area, with new additional area to licence, including indoor photography studio and outside space "E1 Garden", at 110 Pennington Street E1W 2BB.

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Acoustic Consultants Ltd.
www.shaunmurkett-acoustics.co.uk
June 2020

Part B - Premises licence summary

Premises licence number

142897

Premises details

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

(Studio Spaces Ltd)
110 Pennington Street

Post town

London

Post code

E1W 2BB

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment (Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description)
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

Sunday to Thursday, from 08.00 hours to 00.00 hours (midnight)
Friday and Saturday, from 08.00 hours to 07.00 hours

Late night refreshments Indoors

Sunday to Thursday, from 23.00 hours to 00.00 hours (midnight)
Friday and Saturday, from 23.00 hours to 07.00 hours

Provision for Regulated Entertainment – Indoors

(Plays, Films, Live Music, Recorded Music, Performance of Dance and Anything of a Similar Description.)

Sunday to Thursday, from 06:00 hours to 00:00 hours (midnight)
Friday and Saturday, from 06.00 hours to 07.00 hours the following day

Non-standard timings

- Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:00hrs the next day.

Garden area only: (outdoor space)

Sale of Alcohol

Monday to Sunday 08:00 hours to 20:30 hours with half an hour drink up time until 21:00 hours.

**Provision for Regulated Entertainment – Recorded Music
Outdoors for garden area only**

Monday to Sunday 08:00 hours to 21:00 hours

Photographic Studio

A small indoor photographic studio area 120 meter squared to operate as per the existing hours permitted on the premises licence. **(NOT FOR USE BY THE PUBLIC DURING THE CORONAVIRUS REGULATIONS)**

The opening hours of the premises

Sunday to Thursday, from 06:00hrs to 00:30hrs
Friday and Saturday, from 06:00hrs to 07:30hrs the following day

Non-standard timings

Licensable activities, from the beginning of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and on all days preceding a Bank Holiday until 07:30hrs the next day.

The opening hours of the outdoor space only:

Monday to Sunday from 08:00 hours to 21:30 hours.

Name, (registered) address of holder of premises licence

Studio Spaces Limited
19-20 Bourne Court
Southend Road
Woodford Green IG8 8HD

Where the licence authorises supplies of alcohol

On sales

Registered company number

Limited Company: 06742938

Name of designated premises supervisor

Yuval Hen

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

Children aged 14 and under shall be permitted to the premises if accompanied by an adult.

Appendix 2



Scale 1:200 at A4

LBTH
5 DEC 2014
LICENSING

Unit 1
area = 4852 sq ft.

Unit 2
area = 6200 sq ft.

Additional
licenced
area in red

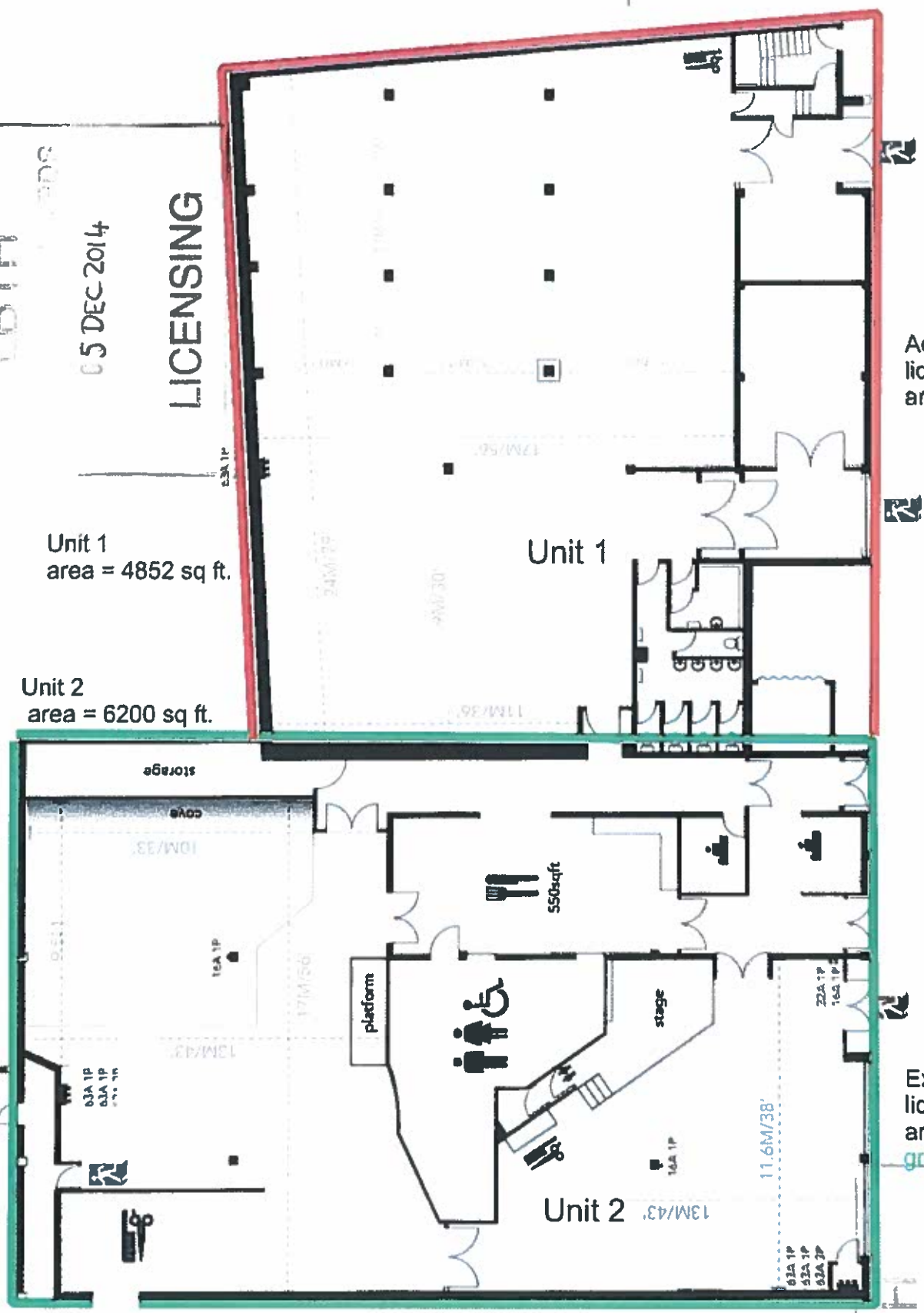
Pennington street

Existing
licenced
area in
green

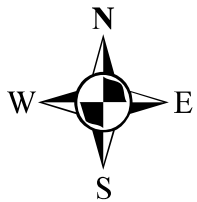
LBTH
TRADING STANDARDS
5 DEC 2014
LICENSING

Layout Plan of Studio Saces,
110 Pennington Street,
London E1W 2BB,
showing additional unit 1

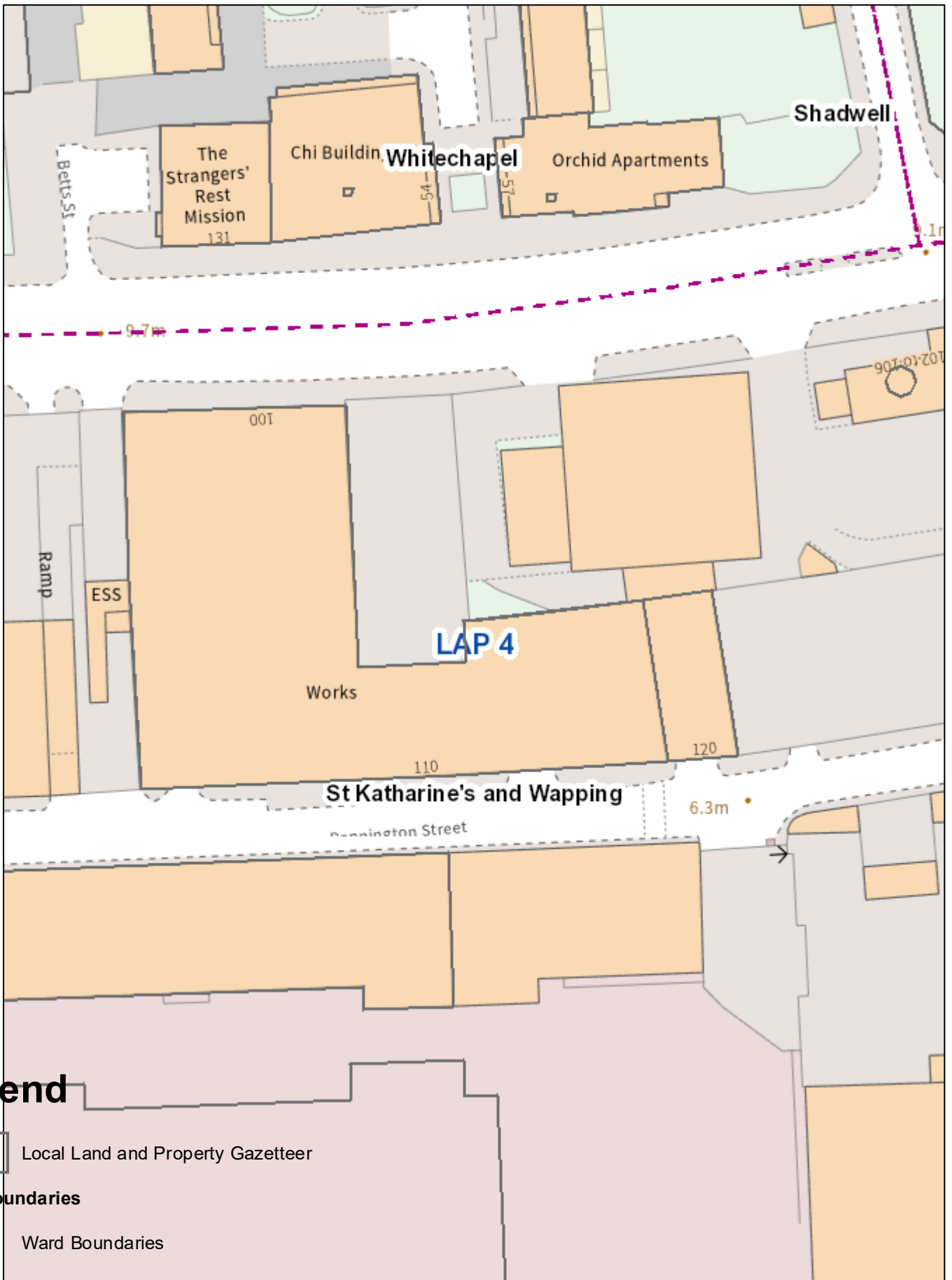
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Acoustic Consultant Ltd
tel. 020 7923 7275




Appendix 3




110 Penn



Legend

 Local Land and Property Gazetteer


Ward Boundaries

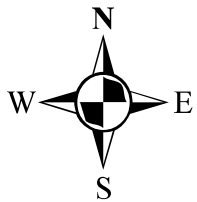
 Ward Boundaries

LAP Boundaries

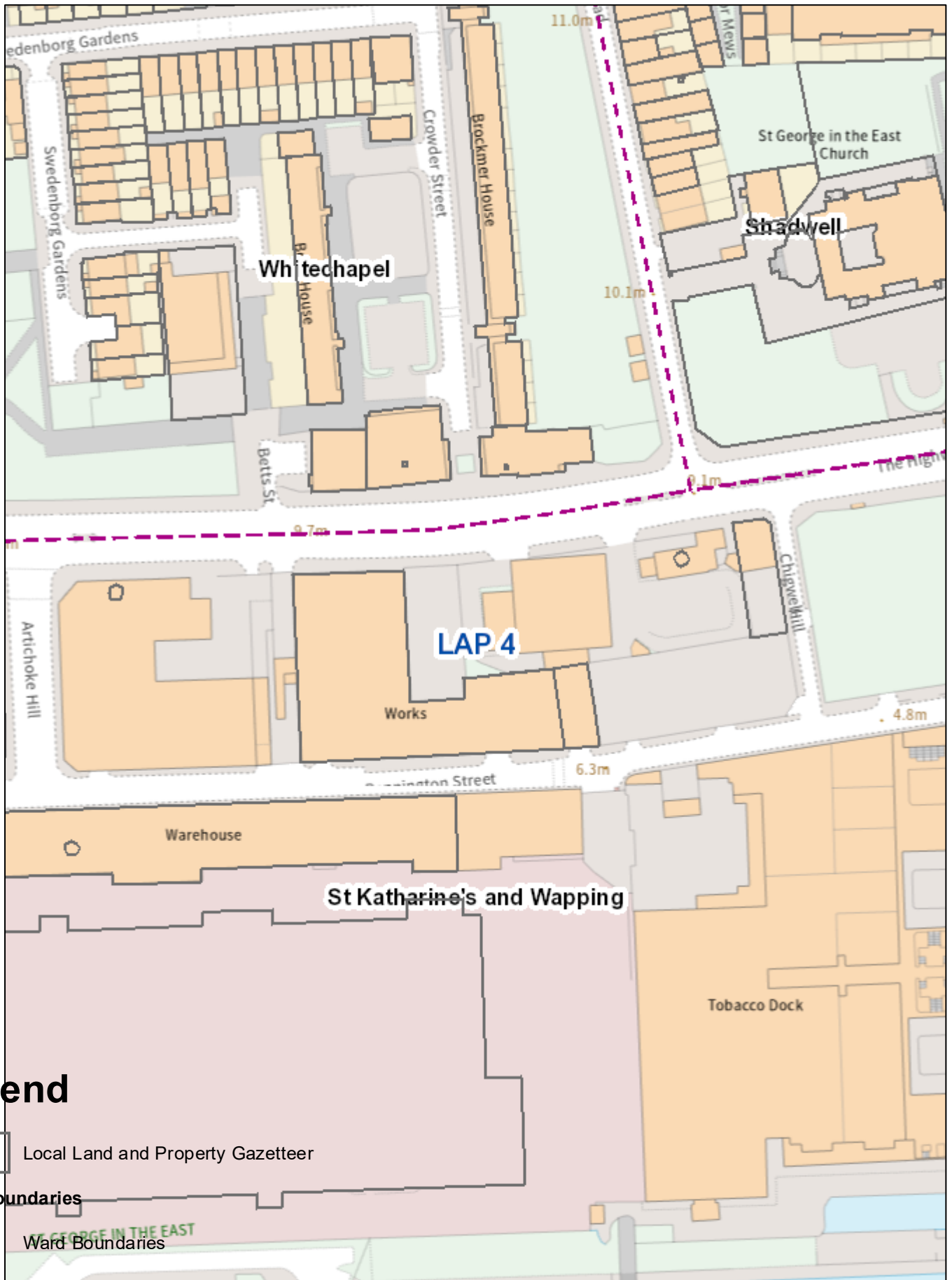
 LAP Boundaries

00.0075015 0.03 0.045 0.06 km





110 Penn



Legend

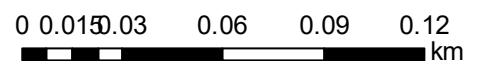
Local Land and Property Gazetteer

Ward Boundaries

Ward Boundaries

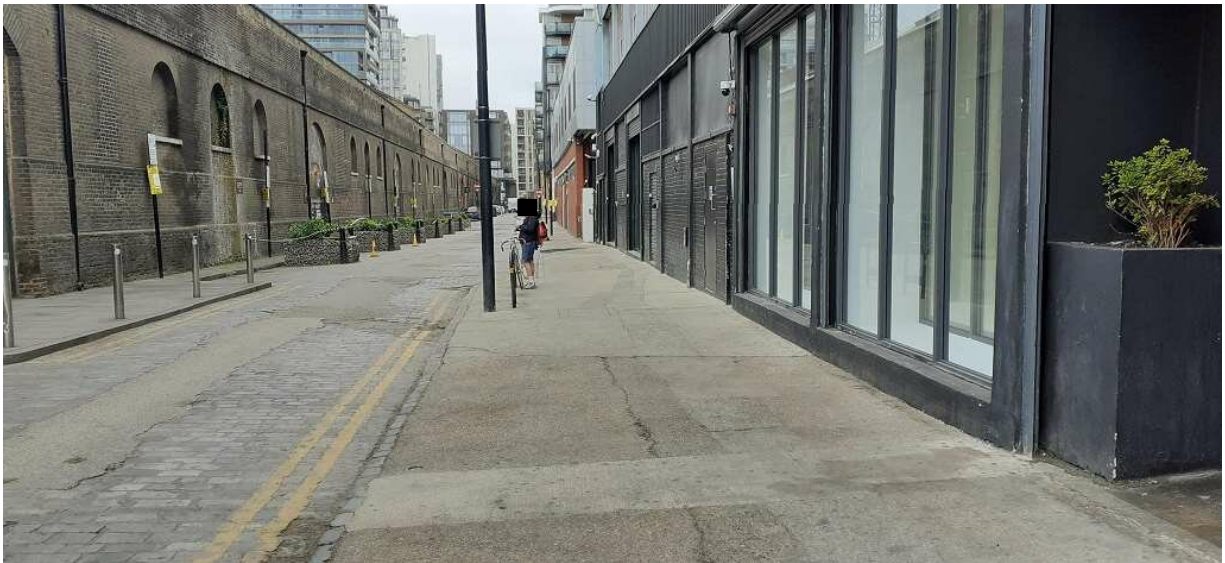
LAP Boundaries

LAP Boundaries



Appendix 4

Premises Pictures - (Studio Spaces Ltd / E1), 110 Pennington Street, London E1W 2BB



Appendix 5

Nearest licences: (Studio Spaces Ltd / E1), 110 Pennington Street, London E1W 2BB

Name and address	Licensable activities and hours	Opening hours
<p>(Great Chef London Limited) Unit 301 110 Pennington Street London E1W 2BB</p>	<p><u>The Supply of Alcohol (off sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 11:30hrs to 23:30hrs <p><u>The provision of Late Night Refreshment</u></p> <ul style="list-style-type: none"> Monday to Sunday from 23:00hrs to 23:30hrs 	<p>Monday to Sunday from 11:30hrs to 23:30hrs</p> <p>Premises not open to public, online deliveries only</p>
<p>(Gingerline Ltd) London Dock Basement Warehouse (4-5) 9 Pennington Street London EW1 2AD</p>	<p>Sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Sunday, from 18:00 hours to 23:30 hours <p>The provision of regulated entertainment – Indoors <u>Plays, Films. Recorded Music and anything of a similar description</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 18:00 hours to 23:30 hours 	<p>Monday to Sunday, from 18:00 hours to 23:30 hours</p>
<p>(Tobacco Dock) 50 Porters Walk London E1W 2SF</p>	<p>The sale by retail of alcohol (on and off sales)</p> <ul style="list-style-type: none"> Monday to Sunday from 10:00hours to 00:30hours (the following day) Dock Street Bar only Wednesday to Friday 12 noon to 23:00 hours (see condition 3) The sale of alcohol for a pre-booked event so notified in accordance with condition 2 on Level 10 and 11between 12 noon and 2300 The sale of alcohol to the public on Level 9,10 and 11 of the car park labelled on the plan between the hours of 12noon and 2300 Thursday to Sunday. <p>The Provision of Late Night Refreshments - Indoors</p> <ul style="list-style-type: none"> Monday to Sunday from 23:00hours to 01:00hours (the following day) <p>The Provision of Regulated Entertainment - Indoors <u>(Live music, recorded music, performance of dance and anything of a similar description)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 10:00hours to 01:00hours (the following day) <p><u>Non-Standard Timing</u></p> <ul style="list-style-type: none"> All Licensable activities until 02:00 hours (the following day) for a maximum 15 occasions in a calendar year 	<p>Monday to Sunday from 08:00hours to 01:30hours (the following day)</p> <p><u>Non-Standard Timing</u> Until 02:30 hours (the following day) for a maximum 15 occasions in a calendar year</p>

Appendix 6

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 7

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 9.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 14.10**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 8

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

Egress only is referred to-if necessary access can be added or substituted in.

General Advice

In considering concerns relating to disturbance from egress, Members need to be satisfied that the premises under consideration has been identified as the source of the actual or potential disturbance. If they are satisfied that this is a problem, then proportionate conditions should be considered.

The hours of operation also need to be considered.

If Members believe that there is a substantial problem concerning egress and it cannot be proportionately addressed by licensing conditions, they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 9

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Section 6 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 10

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Section 6 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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- Restrictions on drinking areas
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage
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If Members believe that there is a substantial problem of anti-social behaviour and it cannot be proportionately addressed by licensing conditions they should refuse the application.

Police Powers

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

The key role of the Police and SIA is acknowledged (2.1-2.2).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

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Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

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Conditions can be imposed for large capacity “vertical consumption” premises (10.23 – 10.24).

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 11

Safety Problems

General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Pool of Conditions relating to public safety. (See Appendix 2 Annex E, F and J of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The public safety objective “Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using a relevant premises rather than public health, which is addressed in other legislation” (2.6). For example, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.7, A number of matters should be considered in relation to public safety.

These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

Safe capacities “should only be imposed where necessary for the promotion of public safety or the prevention of disorder.” (2.11). Therefore, conditions of a fire certificate must not be reproduced.

Other Legislation

- The Health and Safety at Work Act 1974, and various Regs.
- The Regulatory Reform Order (Fire Safety) 2005.

Other Guidance

- Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance
- The Event Safety Guide
- Managing Crowds Safely
- 5 Steps to Risk Assessment
- Safer Clubbing
- Safety Guidance for Street Art etc.
- Various BS and ISO standards

Appendix 12

Protection of children from harm

- 10.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment. The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 10.5 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions, Fixed Penalty Notices (FPNs) or formal cautions for serving alcohol to minors or with a reputation for underage drinking

- With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 10.6 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present,
 - Limitations on ages below 18,
 - Limitations or exclusion when certain activities are taking place,
 - Requirements for an accompanying adult,
 - Full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 10.7 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 10.8 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) 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.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 11.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 11.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

12 Children and Public Entertainment

- 12.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 12.2 Where 10.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
 - An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof,
 - No child unless accompanied by an adult to be permitted in the front row of any balcony,
 - No standing to be permitted in any part of the auditorium during the Performance.
- 12.3 Where children are taking part in any regulated entertainment, and its

discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.

- 12.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of. Conditions that can be found in the Secretary of State's Guidance.

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

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 13

Planning

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

Appendix 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

The Council has however adopted a set of framework hours as follows:

- Monday to Thursday, from 06:00 hrs to 23:30 hrs
- Friday and Saturday, from 06:00 hrs to 00:00 hrs (midnight)
- Sunday, from 06:00 hrs to 22:30 hrs

(see 14.8 of the Licensing Policy)

In considering the applicability of framework hours to any particular application regard should be had to the following

- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

Subject to any representations to the contrary in individual cases the following premises are not generally considered to contribute to late night anti-social behaviour and will therefore generally have greater freedom

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 15

Mohshin Ali

From: Tom Lewis
Sent: 13 May 2022 17:00
To: Licensing
Subject: Studio Spaces, 110 Pennington Street - Representation against Variation Application
Attachments: Penningtonst110.StudioSpaces.Rep.NudityCond.May.22.docx; PenningtonSt110.PLH.pdf; PenningtonSt110.DPS.Redacted.pdf
Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Please find attached letter of representation, and attached letters referred to in the representation.

Kind regards

Tom Lewis MCIEH CEnvH
Team Leader
Licensing and Safety Team
Environmental Health and Trading Standards
Place Directorate
2nd Floor, Mulberry Place
5 Clove Crescent
London
E14 2BG


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to keep ourselves and our loved
ones safe. Be ready to get your vaccine.**
www.towerhamlets.gov.uk/coronavirus

KEEP TOWER HAMLETS SAFE
TOWER HAMLETS

Studio Spaces Limited
19-20 Bourne Court
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IG8 8HD

PLACE Directorate

**Environmental Health and Trading
Standards**

Head of Service David Tolley

Tel: [REDACTED]
Fax: **020 7364 6901**
Enquiries to: **Tom Lewis**
Email: [REDACTED]

www.towerhamlets.gov.uk

Date: 9th May 2022

Reference: M/148556

Dear Sir/Madam,

**Re: Variation Application: Studio Spaces Ltd, Unit 2, 110 Pennington Street, London
Licensing Act 2003**

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application.

The variation seeks to remove Condition 1 of Annex 2, which is "No nudity or semi nudity permitted".

On 11th March 2022 the Licensing Authority wrote to the Licence holder in lieu of an alleged sexual assault reported at the venue. This allegedly occurred during an event promoted by Torture Garden. The reason for the letter is because event promoters such as Torture Garden run what are often referred to as "KINK" nights where patrons are permitted to engaged in consensual sexual activities. The letter expressed concerns that the Licensing Authority had that this event may have breached the above condition they wish now to remove. I refer her to paragraph 2 of the attached letters dated 11th March 2022.

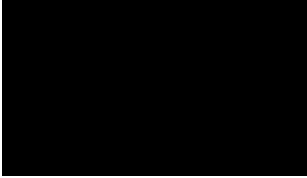
It is this alleged sexual assault that concerns the Licensing Authority (Acting as a Responsible Authority) and permitting nudity within this premises may on a balance of probabilities and previous allegations undermine the licensing objectives of Public Safety, and Prevention of Crime and Disorder.

I therefore object to the granting of the application. It may, however, be prudent for members to grant this application if the applicant was willing to amend the conditions to the below:

- No nudity by either performance or customer shall be permitted on the premises. Nudity shall be defined by paragraph 2A(14) of Local Government (Miscellaneous Provisions) Act 1982.



Yours sincerely,



Tom Lewis
Team Leader – Licensing and Safety Team
Environmental Health and Trading Standards



Studio Spaces Limited
19-20 Bourne Court
Southend Road
Woodford Green
Essex
IG8 8HD

Place Directorate
Public Realm
Environmental Health & Trading Standards

Head Of Service David Tolley

Tel [REDACTED]
Fax 020 7364 0863
Enquiries to Kathy Driver
Email [REDACTED]

My reference P/PR/EHTS/LIC/109479

11th March 2022

www.towerhamlets.gov.uk

Dear Sir

Re: Studio Spaces/E1, 110 Pennington Street, London E1W
Local Government (Miscellaneous Provision) Act 1982
Licensing Act 2003

This Authority was informed by the Metropolitan Police of an alleged sexual assault that took place within your venue on 12th February 2022. It is understood that at that time the premises was being used for an event promoted by "Torture Garden". This was listed on their website as a Valentines Ball and the dates given were 11th and 12th February 2022.

Whilst we understand that the Metropolitan Police are investigating the alleged sexual assault, we have concerns that a breach of condition 1 of Annex 2 of your Premises Licence (No. 142897) may have occurred at these events at your premises on 11th 12th February 2022. This is because having viewed Torture Gardens website, it contains photographs appearing to be of the above events together with details of the nature of such events, which appear to show that these events at your premises may have involved some degree of nudity and/or semi nudity of the patrons. As you will be aware Condition 1, Annex 2 states: "*No nudity or semi nudity permitted*"



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Town Hall
Mulberry Place
5 Clove Crescent
E14 2BG

In addition to the above, it would also appear from Torture Gardens website, which include photographs appearing to be of the events on 11th and 12th February 2022 at your premises, that these events have elements that could reasonably be assumed to fall within the meaning of relevant entertainment under schedule 3 of the Local Government (Miscellaneous Provision) Act 1982. This mainly relates to the nature of the performances appearing to be shown in the photographs on Torture Gardens website, and the description of the use of the “couples rooms”/”dungeon” by patrons. It therefore appears that unlicensed sexual entertainment has taken place at your Premises on 11th and 12th February 2022.

In order for us to investigate the alleged breach of condition 1 of your Premises Licence, and alleged unlicensed sexual entertainment, we formally request CCTV for the events promoted by “Torture Garden” on 11th and 12th February 2022 is retained so that we can view it and where necessary request copies. We would also request that you confirm which areas of the premises these events took place in and the timings. This is so that we can establish the appropriate timings for viewing the CCTV and where necessary minimise any copies of CCTV formally requested. We also request copies of your management plan and risk assessment for the above event including details of the security that was in place.

Finally, it appears that you have similar events planned for 18th March 2022 and 15th April 2022 promoted by Klub Verboten. Again, it would appear that these events could reasonably be assumed to fall within the meaning of relevant entertainment under schedule 3 of the Local Government (Miscellaneous Provision) Act 1982 and would therefore constitute unlicensed sexual entertainment. Furthermore, they may also breach Condition 1 in Annex 2 of your Premises Licence (*No nudity or semi nudity permitted*).

I would advise that before booking any further events of this nature you put measures in place to ensure appropriate consultation with Police and Licensing Authority.

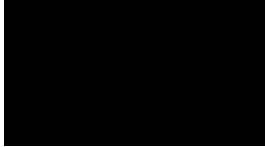
Yours faithfully,

A solid black rectangular box used to redact the signature of the Principal Licensing Officer.

Kathy Driver
Principal Licensing Officer



Yuval Hen



Place Directorate
Public Realm
Environmental Health & Trading Standards

Head Of Service David Tolley

Tel [REDACTED]
Fax 020 7364 0863
Enquiries to Kathy Driver
Email [REDACTED]

My reference P/PR/EHTS/LIC/109479

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Yours faithfully,



Kathy Driver
Principal Licensing Officer