

Appendix 1

(Captain Kidd)
108 Wapping High Street
London
E1W 2NA

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 9th August 2005

Amended Minor Variation: 18th May 2010



Part A - Format of premises licence

Premises licence number

26766

Part 1 - Premises details

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

108 Wapping High Street

Post town

London

Post code

E1W 2NA

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
- c. On Good Friday, 12 noon to 10.30 p.m.
- d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
- f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
- g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

There are no restrictions on the hours during which this premises is open to the public

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

On and off sales only

Part 2

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

Samuel Smith Southern


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

01345661

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

Ashle Kendall


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

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.

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

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price

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

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Annex 2 - Conditions consistent with the operating Schedule

None

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

N/A

Annex 4 - Plans

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

28 June 2005



Part B - Premises licence summary

Premises licence number

26766

Premises details

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

108 Wapping High Street

Post town

London

Post code

E1W 2NA

Tele hone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.
On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.
On Good Friday, 12 noon to 10.30 p.m.
On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.
On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.
On New Year's Eve from the end of permitted hours to the start

The opening hours of the premises	of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).
	Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.
	There are no restrictions on the hours during which this premises is open to the public

Name, (registered) address of holder of premises licence	Samuel Smith Southern [Redacted]
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Where the licence authorises supplies of alcohol whether these are on and / or off supplies	On and off sales
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Registered number of holder, for example company number, charity number (where applicable)	01345661
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Name of designated premises supervisor where the premises licence authorises for the supply of alcohol	Ashley Kendall
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State whether access to the premises by children is restricted or prohibited	No
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Appendix 2

Application to vary a premises licence 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 Samuel Smith (Southern)

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 26766

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Captain Kidd 108 Wapping High Street			
Post town	London	Postcode	E1W 2NA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£73,000

Part 2 – Applicant details

Daytime contact telephone number	c/o [REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
Post town		Postcode	

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD		MM		YYYY			

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Captain Kidd is a traditional Samuel Smith pub. This application is to remove all hours currently stated on the Premises Licence for the sale of alcohol, replace with standard hours Sunday to Thursday 11:00 to 23:00, extend the hours on Friday and Saturday until midnight and to add non-standard timings to extend for New Year's Eve.

Currently there are no additional conditions attached to the Premises Licence, if the application for a full variation is granted, we would ask for the proposed conditions, as stated in the attached Annex A, be added to the Premises Licence to better uphold the Licensing Objectives.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

- | Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)	
Day	Start	Finish		
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)	
Tue				
Wed				
Thur				<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)					
Mon								
Tue								
Wed						<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Thur								
Fri								
Sat						<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun								

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Thur			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	11:00	23:00						
Tue	11:00	23:00						
Wed	11:00	23:00						
Thur	11:00	23:00				Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri	11:00	00:00						
Sat	11:00	00:00						
Sun	11:00	23:00						
			To end the hours from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.					

K

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>None.</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	The hours for opening are unrestricted
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

b) The prevention of crime and disorder

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

c) Public safety

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

d) The prevention of public nuisance

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

e) The protection of children from harm

Please see the attached Annex A for a list of proposed conditions to be added to the Premises Licence, if granted. These follow at the end of this application form.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **ONLINE APPLICATION LA TO SERVE**
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- 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 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	2 February 2024
Capacity	Keystone Law, Solicitors for and on behalf of the applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Marilyn Gayle Keystone Law 48 Chancery Lane			
Post town	London	Post code	WC2A 1JF
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) 			

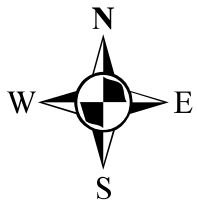
THE CAPTAIN KIDD
108 WAPPING HIGH STREET, LONDON E1W 2NA

ANNEX A – PROPOSED CONDITIONS

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
2. The CCTV system serving the premises shall:
 - a) be maintained fully operational and in good working order at all times;
 - b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and
 - c) show an accurate date and time that the images were made.
3. 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.
4. 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.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
7. 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.

8. The premises licence holder shall ensure that any patrons drinking and/or smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20:00 hours and 07:00 hours on the following day.
10. No collections of waste or recycling materials (including bottles) from the premises shall take place between 20:00 hours and 07:00 hours on the following day.
11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
12. 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.

Appendix 3



Map1



Legend

Local Land and Property Gazetteer

OS Buildings

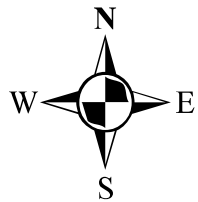
Ward Boundaries

Ward Boundaries

LAP Boundaries

LAP Boundaries


0.00375 0.0075 0.015 0.0225 0.03 km




Map 1




Legend

 Local Land and Property Gazetteer

 OS Buildings

Ward Boundaries

 Ward Boundaries

LAP Boundaries

 LAP Boundaries

0 0.015 0.03 0.06 0.09 0.12 km

Appendix 4

Premises photos: (Captain Kidd), 108 Wapping High Street, London E1W 2NA



Premises photos: (Captain Kidd), 108 Wapping High Street, London E1W 2NA



Appendix 5

Nearest licences: (Captain Kidd), 108 Wapping High Street, London E1W 2NA

Name and address	Licensable activities and hours	Opening hours
<p>(Town of Ramsgate) 62 Wapping High Street London E1W 2PN</p>	<p>The sale by retail of alcohol (On and off sales)</p> <p>a) Monday to Sunday from 09:00 hours until midnight.</p> <p>b) On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The provision of live music:</p> <p>a) Monday to Sunday from 19:00 hours until 23:00 hours.</p> <p>b) On no more than fifteen non-standard timings per year including bank holidays from 10:00 hours until 02:00 am. Notification to be given to the Police, Licensing Authority and Environmental Health 7 days prior to the event. Permission must be sought and granted by the police at least 7 days in advance, for these hours to be applied.</p> <p>The provision of Recorded Music:</p> <p>a) Sunday to Wednesday from 09:00 hours until midnight</p> <p>b) Thursday to Saturday from 09:00 hours until 01:00 hours the following day</p> <p>c) On no more than fifteen non-standard timings per year including bank holidays from 10:00 hours until 02:00 am. Notification to be given to the Police, Licensing Authority and Environmental Health 7 days prior to the event. Permission must be sought and granted by the police at least 7 days in advance, for these hours to be applied.</p>	<p>a) Sunday, Monday, Tuesday and Wednesday:- 09:00 hours to 00:30 hours the following day</p> <p>b) Thursday, Friday and Saturday:- 09:00 hours to 01:30 hours the following day</p> <p>On permitted non-standard timings from 10:00 hours until 02:30 am.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>

Nearest licences: (Captain Kidd), 108 Wapping High Street, London E1W 2NA

<p>(Urban Baristas) 138 Wapping High Street London E1W 3PA</p>	<p><u>The sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Friday, from 11:30 hrs to 23:00 hrs • Saturday, from 09:00 hrs to 23:00 hrs • Sunday, from 09:00 hrs to 22:30 hrs 	<ul style="list-style-type: none"> • Monday to Sunday from 07:00 hrs to 23:30 hrs
<p>(Smiths by the River) 22 Wapping High Street London E1W 1NJ</p>	<p><u>Sale of Alcohol by retail. (On sales only)</u> Monday to Thursday 10:00 hours – 23:00 hours Friday & Saturday 10:00 hours – midnight Sunday 10:00 hours – 22:30 hours</p> <p><u>Late Night Refreshment</u> Friday & Saturday 10:00 hours – midnight</p>	<p>Monday to Thursday 10:00 hours – 23:30 Friday & Saturday 10:00 hours – 00:30 the following day Sunday 10:00 hours – 23:00 hours</p>

Appendix 6

Section 182 Advice by the Home Office Updated on August 2023

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

Dear Sir/Madam,

I am writing to make a formal representation against the application for a premises variation at the Captain Kidd Public House 108 Wapping High Street E1W 2NE which includes extending the Captain Kidd's license to midnight on Friday and Saturday, as well as extended hours on Sunday. As residents of St. John's Wharf, we are deeply concerned about the impact this extension will have on the immediate residents and local community. I must emphasize a critical factor that complicates matters: the landlord of the Captain Kidd Public House also owns the rental apartment block, New Tower Buildings, directly opposite the pub, through affiliate companies. This creates an inherent conflict of interest, as we understand that residents of New Tower Buildings are hesitant to voice their complaints directly to the council or landlord, fearing repercussion related to their tenancy agreements. Despite this challenge, I urge the local council to consider the following points when considering the application to extend the operating hours of the venue:

1. Heightened Noise levels and Disturbance:

The proposed extension is expected to result in heightened noise levels during the night, particularly around closing times and up to an hour post-closing with groups regularly congregating on the street and pavement, with frequent yelling and boisterous outbursts from inebriated patrons of the pub. This disturbance directly impacts the peace and tranquillity of the immediate residential area.

Residents have bedroom windows facing directly into the pub courtyard and street entrance. We all deserve a quiet environment for rest, especially families with young children and elderly individuals. Unfortunately, the current late night activities already negatively affect our overall quality of life and extended hours will further impact the well-being of residents.

During warmer summer months, we find ourselves unable to open our windows due to constant sleep disturbances caused by noise.

Our attention is drawn to two critical aspects:

- o Sound Amplification Inside the Pub Courtyard: The confined space within the courtyard between the street entrance and pub entrance exacerbates noise levels, especially during closing hours when patrons spill out.
- o Acoustic Attenuation in the Narrow Street: Resonances in the narrow street contribute to elevated noise levels as people exit the property and wait for onward transportation.

2. Traffic Congestion:

Narrow Section of Wapping High Street: The proposed late-night license has the potential to attract more visitors to an already narrow section of Wapping High Street. The limited road space exacerbates traffic congestion, especially as you would expect more patrons to be waiting for taxis and mini cabs rather than using public transport past midnight.

Impact on 100 Bus Route: The increased traffic could significantly affect the 100-bus route. Buses in the past have been forced to mount pavements to navigate around taxis and minicabs waiting for patrons. Such manoeuvres endanger pedestrians and disrupt the smooth flow of traffic.

Horn Noises and Inconvenience: The constant honking due to congestion creates noise pollution, disturbing residents' peace, and well-being. Additionally, residents accessing parking spaces face inconvenience as crowds, often intoxicated, gather at our garage entrances especially during periods of inclement weather.

3. Behaviour of Staff and Management

The unwillingness and/or motivation of Captain Kidd's staff to address unruly behaviour, particularly among large groups, is a significant concern. During closing hours, patrons often spill out onto the narrow street, beer glasses in hand, waiting for taxis and minicabs. This situation is exacerbated by the noise amplification caused by the tall buildings surrounding the pub.

We frequently experience shouting and unruly behavior, which disrupts the peace of our residential area. Despite the "Please be quiet, this is a residential area" signage we have erected, staff allow patrons to exit the premises with drinks and glasses. These patrons continue drinking outside the pub and near the entrance to our garages after closing time.

On several occasions, we have engaged with the Captain Kidd's management regarding lock-ins and other issues. Unfortunately, our interactions have been met with abusive behaviour. We can provide video evidence of the pub manager swearing and verbally abusing us when we confronted him about noise levels and patrons drinking beyond midnight. 4. Safety Concerns

Rowdy Behaviour and Alcohol-Related Incidents: The extended hours may lead to rowdier behaviour among patrons, especially during busier periods like summer. Such behaviour poses risks to both visitors and residents. Alcohol related incidents can escalate, affecting not only the pub's patrons but also those living nearby.

Empty Bottles and Safety Hazards: Patrons leaving the Captain Kidd often discard empty bottles carelessly near the entrance of our building's garages during closing times. This not only creates an eyesore but also poses a safety hazard. Broken glass and litter endanger residents and passersby, especially in the narrow street where the pub is located.

Public Urination in our Garage Entrances: Equally distressing is the misuse of the garage entrance area as a public restroom. The smell and unsanitary conditions resulting from this behaviour are unacceptable. Regular cleaning by our building manager becomes necessary to maintain hygiene and prevent health risks. For the record, the Captain Kidd Public House does not share the same historic significance as iconic pubs like the Prospect of Whitby and the Town of Ramsgate. Unlike those establishments, the Captain Kidd Public House was opened in the 1980s after the St. John's Wharf apartments were converted for residential use. It should not receive any special dispensation as a historic pub or listed building. It is essential to recognize that the area surrounding the Captain Kidd Public House is primarily residential. As residents, we respect the coexistence of pubs and residential spaces, understanding that pubs inherently generate noise. Living adjacent to a pub, we can reasonably accept that some level of disturbance is inevitable. However, we urge the local council to strike a balance between preserving the pub's character and ensuring the wellbeing of residents. Noise management and prevention of public nuisance should be paramount, and the proposed premises variation has the potential to exacerbate the issues mentioned above within this representation. Therefore, we implore the local council to:

1. **Independently Assess the Situation:** Conduct an impartial assessment of the impact of the license extension on residents, considering both the pub's interests and the community's well-being.
2. **Transparent Decision-Making:** Ensure transparency in the decision-making process, considering the unique circumstances of the landlord's dual ownership.
3. **Community Consultation:** Engage directly with residents in a wider catchment, bypassing the landlord, to gather feedback on the license extension. Anonymous channels for complaints would be particularly helpful.

4. Mitigation Measures: If the license extension proceeds, implement strict noise control measures, require security personnel during busy periods to discourage unruly behaviour, traffic management, and safety protocols to minimize adverse effects on residents. In conclusion, we urge the local council to act in the best interests of the community, considering the complexities arising from the pub landlord's dual role. Thank you for your attention to this matter and we trust that the local council will prioritise residents' well-being and address our concerns effectively when considering the application.

Yours sincerely,

Gary Lee



Appendix 8

Mohshin Ali

From: Hélène Thill [REDACTED]
Sent: 01 March 2024 18:08
To: Licensing
Subject: Representation - Ref CLC/EHTS/LIC/166599

Follow Up Flag: Follow up
Flag Status: Completed

Good afternoon,

I am opposing the project of Captain Kidd Public House (108 Wapping High Street London E1W 2NE) to extend their opening hours to midnight on Fridays and Saturdays as per their application to vary a premises licence under the Licensing Act 2003.

My representation is justified by the public nuisance that will generate their extended hours. I live in the building ([REDACTED]) next to Captain Kidd. At 11pm, when they close, their customers tend to stay outside for further loud chats which is already impacting our lives (I have 3 children who need to sleep at 11pm). Extending the opening hours will exacerbate the problem by keeping their neighboring awake even later.

I thank you in advance for your consideration.

Best regards,
Helene Thill

[REDACTED]

Appendix 9

Mohshin Ali

From: Thomson, Stuart [REDACTED]
Sent: 29 February 2024 19:01
To: Licensing
Cc: Duncan McLauchlan [REDACTED]; Frank Farnham
[REDACTED] 'Crai Dewar' Ximena Arana; gary lee; Dan Goldsack;
Norman.Beckman [REDACTED] Norman Beckman;
anna.sanhedrin [REDACTED]
Subject: Representation ref: CLC/EHTS/LIC/166599
Attachments: Representation ref CLC_EHTS_LIC_166599 Premises licence variation Captain Kidd
Public House.pdf

Importance: High

Follow Up Flag: Follow up
Flag Status: Completed

Dear Tower Hamlets Council Licensing Department,

I hope this email finds you well. I am writing on behalf of the St. John's Wharf Freehold Limited, 104-106 Wapping High Street E1W 2PR to formally express our objection to the application to vary the premises licence at the Captain Kidd Public House 108 Wapping High Street E1W 2NE (REF: CLC/EHTS/LIC/166599), specifically related to the extension of operating hours. As residents in the immediate vicinity, we believe it is essential to voice our concerns regarding this matter.

Our primary objections are as follows:

1. **Noise Disturbance:**
 - The extended hours are expected to result in heightened noise levels during the night, particularly around closing times and up to an hour post-closing.
 - Residents, including families with young children and elderly individuals, deserve a quiet environment for rest. Unfortunately, the narrow street and pub courtyard amplifies noise due to the surrounding tall buildings.
2. **Quality of Life Impact:**
 - The late-night activities already negatively impact our overall quality of life. We find ourselves unable to open our windows, especially in the busier summer months, due to constant sleep disturbances caused by noise from the pub's patrons.
 - Extending closing times will further exacerbate our quality of life, as it is reasonable to expect heightened noise levels well beyond midnight.
3. **Safety Considerations:**
 - Safety hazards may arise from rowdy behavior and alcohol-related incidents during extended hours.
 - Patrons leaving the Captain Kidd often urinate and discard empty bottles carelessly while congregating near the entrance of our building's garages, posing both an eyesore and a safety risk.

We have attached a detailed letter outlining our representation and objections. We kindly request that the council carefully consider the impact of this license extension on our community.

Thank you for your attention to this matter. We trust that the council will prioritize the well-being of residents and maintain the peace and tranquillity of our residential area.

Yours sincerely,

Stuart Thomson [REDACTED] on behalf of the Directors of St. Johns Wharf (cc'd in this email)

Invesco Asset Management Limited, Company No. 949417, Firm Reference No. 122674
Invesco Fund Managers Limited, Company No. 898166, Firm Reference No. 119298
Invesco Pensions Limited, Company No. 3507379, Firm Reference No. 188249
Invesco UK Services Limited, Company No. 06649814
Invesco UK Limited, Company No. 3004959

The first two listed companies are authorised and regulated by the Financial Conduct Authority. The third company is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority. All companies are registered in England and Wales with their registered offices at Perpetual Park, Perpetual Park Drive, Henley-on-Thames, Oxfordshire, RG9 1HH, United Kingdom. UK Group VAT No. 245 055 771.

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My ref: CLC/EHTS/LIC/166599

28th February 2024

Dear Sir/Madam,

We are writing to make a formal representation against the application for a premises variation at the Captain Kidd Public House 108 Wapping High Street E1W 2NE which includes extending the Captain Kidd's license to midnight on Friday and Saturday, as well as extended hours on Sunday. As residents of St. John's Wharf, we are deeply concerned about the impact this extension will have on the immediate residents and local community.

I must emphasize a critical factor that complicates matters: the landlord of the Captain Kidd Public House also owns the rental apartment block, New Tower Buildings, directly opposite the pub, through affiliate companies. This creates an inherent conflict of interest, as we understand that residents of New Tower Buildings are hesitant to voice their complaints directly to the council or landlord, fearing repercussion related to their tenancy agreements.

Despite this challenge, I urge the local council to consider the following points when considering the application to extend the operating hours of the venue:

1. **Heightened Noise levels and Disturbance:**

- The proposed extension is expected to result in heightened noise levels during the night, particularly around closing times and up to an hour post-closing with groups regularly congregating on the street and pavement, with frequent yelling and boisterous outbursts from inebriated patrons of the pub. This disturbance directly impacts the peace and tranquillity of the immediate residential area.
- Residents have bedroom windows facing directly into the pub courtyard and street entrance. We all deserve a quiet environment for rest, especially families with young children and elderly individuals. Unfortunately, the current late-night activities already negatively affect our overall quality of life and extended hours will further impact the well-being of residents.
- During warmer summer months, we find ourselves unable to open our windows due to constant sleep disturbances caused by noise.
- Our attention is drawn to two critical aspects:
 - *Sound Amplification Inside the Pub Courtyard:* The confined space within the courtyard between the street entrance and pub entrance exacerbates noise levels, especially during closing hours when patrons spill out.
 - *Acoustic Attenuation in the Narrow Street:* Resonances in the narrow street contribute to elevated noise levels as people exit the property and wait for onward transportation.

2. **Traffic Congestion:**

- *Narrow Section of Wapping High Street:* The proposed late-night license has the potential to attract more visitors to an already narrow section of Wapping

High Street. The limited road space exacerbates traffic congestion, especially as you would expect more patrons to be waiting for taxis and mini cabs rather than using public transport past midnight.

- *Impact on 100 Bus Route:* The increased traffic could significantly affect the 100-bus route. Buses in the past have been forced to mount pavements to navigate around taxis and minicabs waiting for patrons. Such manoeuvres endanger pedestrians and disrupt the smooth flow of traffic.
- *Horn Noises and Inconvenience:* The constant honking due to congestion creates noise pollution, disturbing residents' peace, and well-being. Additionally, residents accessing parking spaces face inconvenience as crowds, often intoxicated, gather at our garage entrances especially during periods of inclement weather.

3. Behaviour of Staff and Management

- The unwillingness and/or motivation of Captain Kidd's staff to address unruly behaviour, particularly among large groups, is a significant concern. During closing hours, patrons often spill out onto the narrow street, beer glasses in hand, waiting for taxis and minicabs. This situation is exacerbated by the noise amplification caused by the tall buildings surrounding the pub.
- We frequently experience shouting and unruly behavior, which disrupts the peace of our residential area. Despite the "Please be quiet, this is a residential area" signage we have erected, staff allow patrons to exit the premises with drinks and glasses. These patrons continue drinking outside the pub and near the entrance to our garages after closing time.
- On several occasions, we have engaged with the Captain Kidd's management regarding lock-ins and other issues. Unfortunately, our interactions have been met with abusive behaviour. We can provide video evidence of the pub manager swearing and verbally abusing us when we confronted him about noise levels and patrons drinking beyond midnight.

4. Safety Concerns

- *Rowdy Behaviour and Alcohol-Related Incidents:* The extended hours may lead to rowdier behaviour among patrons, especially during busier periods like summer. Such behaviour poses risks to both visitors and residents. Alcohol-related incidents can escalate, affecting not only the pub's patrons but also those living nearby.
- *Empty Bottles and Safety Hazards:* Patrons leaving the Captain Kidd often discard empty bottles carelessly near the entrance of our building's garages during closing times. This not only creates an eyesore but also poses a safety hazard. Broken glass and litter endanger residents and passersby, especially in the narrow street where the pub is located.
- *Public Urination in our Garage Entrances:* Equally distressing is the misuse of the garage entrance area as a public restroom. The smell and unsanitary conditions resulting from this behaviour are unacceptable. Regular cleaning by our building manager becomes necessary to maintain hygiene and prevent health risks.

For the record, the Captain Kidd Public House does not share the same historic significance as iconic pubs like the Prospect of Whitby and the Town of Ramsgate. Unlike those establishments, the Captain Kidd Public House was opened in the 1980s after the St. John's Wharf apartments were converted for residential use. It should not receive any special dispensation as a historic pub or listed building.

It is essential to recognize that the area surrounding the Captain Kidd Public House is primarily residential. As residents, we respect the coexistence of pubs and residential spaces, understanding that pubs inherently generate noise. Living adjacent to a pub, we can reasonably accept that some level of disturbance is inevitable. However, we urge the local council to strike a balance between preserving the pub's character and ensuring the well-being of residents. Noise management and prevention of public nuisance should be paramount, and the proposed premises variation has the potential to exacerbate the issues mentioned above within this representation.

Therefore, we implore the local council to:

1. **Independently Assess the Situation:** Conduct an impartial assessment of the impact of the license extension on residents, considering both the pub's interests and the community's well-being.
2. **Transparent Decision-Making:** Ensure transparency in the decision-making process, considering the unique circumstances of the landlord's dual ownership.
3. **Community Consultation:** Engage directly with residents in a wider catchment, bypassing the landlord, to gather feedback on the license extension. Anonymous channels for complaints would be particularly helpful.
4. **Mitigation Measures:** If the license extension proceeds, implement strict noise control measures, require security personnel during busy periods to discourage unruly behaviour, traffic management, and safety protocols to minimize adverse effects on residents.

In conclusion, we urge the local council to act in the best interests of the community, considering the complexities arising from the pub landlord's dual role. Thank you for your attention to this matter and we trust that the local council will prioritise residents' well-being and address our concerns effectively when considering the application.

Yours sincerely,

Directors of St. John's Wharf Freehold Limited and Residents of [REDACTED]
Wapping [REDACTED]

- Hamid & Nima Noorizadeh. [REDACTED]
- Fraser Armstrong-Watters. [REDACTED]
- Ximena Arana Paredes & Stuart Thomson. [REDACTED]
- Anthony William Robinson. [REDACTED]
- Mr Matt Long & Ms Sally Long. [REDACTED]
- Mr Domique Thill & Ms Helene Thill. [REDACTED]
- Mr Dan Goldsack & Ms C Collier. [REDACTED]
- Mr James Mackie. [REDACTED]
- Mr Duncan C McLauchlan. [REDACTED]

- Tariq & Emma Aris. [REDACTED]
- Mr Gary Lee. [REDACTED]
- Mr A Al Sharif. [REDACTED]
- Mr & Mrs N Beckman. [REDACTED]
- Mr Frank Farnham. [REDACTED]
- Craig Dewar. [REDACTED]
- Mr S & Mrs E M Beale. [REDACTED]

Appendix 10

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 11.1 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 11.4)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 11.2 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 to 9pm or limiting numbers)
- 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)
- Measures to prevent noise/fumes from engines, drivers (including smoking),
- Measures to prevent obstruct access to properties, pavements.
Measure to reduce the impact of people noise on residents

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 11

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 11 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 11.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 16.1**).

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 16.6**)

The Council has adopted a set of framework hours (**See 16.8 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 (**See Appendix 3 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 12

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 9 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 Conditions **(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 13

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

Members need to bear in mind that once patrons have left a premises they are no longer under direct control. Members will need to be satisfied that there is a link between the way the premises is operating and the behaviour that is complained of. An example of this would be that irresponsible drinking is being encouraged. Before deciding that any particular licensing conditions are proportionate, Members will also need to be satisfied that other legislation is not a more effective route. For example, if the problem is drinking in the street it may be that the Council should designate the area as a place where alcohol cannot be consumed in public.

Members may also wish to consider whether the hours of opening relate to any problems of anti-social behaviour.

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

Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 5.14 and 5.15 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 9.2 of the Licensing Policy**)

The Licensing Authority will consider attaching conditions to deter crime and disorder and may be draw from the Model Conditions in **Appendix 3 of the Licensing Policy**. In particular Members may wish to consider (this list is not exhaustive):

- Bottle Bans
- Plastic containers
- CCTV (outside the premises)
- Restrictions on open containers for “off sales”
- Proof of Age scheme
- Crime prevention notices
- Drinks promotions-aimed at stopping irresponsible promotions
- Signage

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 20 of the Licensing Policy).**

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

The key role of the Police is acknowledged (2.1).

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to 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) CCTV inside & out, communication, police liaison, no glasses are all relevant

There is also guidance issued around public nuisance (2.15 – 2.21).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

The Act also introduced a wide range of measures designed to address anti-social behaviour committed by adults and young people. These include:

- Anti-Social Behaviour Orders

- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 14

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 15

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 16.8 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 16.9 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