

EXTRAORDINARY LICENSING SUB COMMITTEE

Thursday, 15 May 2014 at 2.00 p.m.

Committee Room C1, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:

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3 .1 Application for a Premises for Pizzaluxe, Unit 11, Avante Garde, Sclater Street, London, E1 6HZ (Pages 1 - 54)

Agenda Item 3.3

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	15 May 2014	Unclassified	LSC 80/134	

Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for a Premises for Pizzaluxe, Unit 11, Avante Garde, Sclater Street, London, E1 6HZ Ward affected: Weavers
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1.0 Summary

Applicant: **Pizzaluxe (Shoreditch) Ltd.**
Name and **Pizzaluxe**
Address of Premises: **Unit 11, Avante Garde**
Sclater Street
London
E1 6HZ

Licence sought: **Licensing Act 2003**
Provide the sale of alcohol
Provide Late Night Refreshment

Objectors: **Metropolitan Police**
LBTH Licensing Authority

2.0 Recommendations

2.1 That the Licensing Committee considers the application and objections then adjudicate accordingly.

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a premises licence for Pizzaluxe, Unit 11, Avante Garde, Sclater Street, London, E1 6HZ.

3.2 A copy of the application is enclosed as **Appendix 1**.

3.3 The applicant has described the nature of the application as:

- Provide the sale of alcohol
- Provide late night refreshment

3.4 The hours that have been applied for are as follows:-

Sale of Alcohol (both on and off sales)

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

The Provision of Late Night Refreshment (both indoors and outdoors):

- Sunday to Wednesday from 23:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 23:00hrs to 02:00hrs (the following day)

Hours premises is open to the public:

- Sunday to Wednesday from 08:00hrs to 00:30hrs (the following day)
- Thursday to Saturday from 08:00hrs to 02:30hrs (the following day)

There are further non-standard times

- Alcohol – from the start time on New Year's Eve until the finish time on New Year's Day
- Late Night Refreshment - from 23:00hrs on New Year's Eve until 05:00hrs on New Year's Day

3.5 A map showing the relevant premises is included as **Appendix 2**.

3.6 The application has been amended on agreement with the applicant during the consultation period. The applicant has agreed to additional conditions with Environmental Health and Trading Standards (see **Appendices 6 and 7** for copies of correspondence). The additional conditions are as follows:

- The premises shall operate a 'Challenge 21' system in relation to alcohol sales;
- All street furniture to be removed by 22.30hrs, thus all external area usage to cease by 22.30hrs. it might be prudent, therefore, to state that last orders are taken at 21.30hrs;
- Limit the number of smokers to a maximum of 10 (at any one time) after 22.30hrs; and

- Limit the number of smokers to a maximum 5 (at any one time) after 00.00hrs (midnight).

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in June 2013.
- 4.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 3**.

- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following:
- The Metropolitan Police
 - LBTH Licensing Authority
- See Appendices 4-5.**
- 5.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust
- 5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 5.11 The objections cover allegations of
- Anti-social behaviour from patrons leaving the premises
 - Disturbance from patrons leaving the premises on foot
 - Unusual Drinking Hours
- 5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

6.0 Licensing Officer Comments

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ∇ Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
- ∇ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S. 10.24).
- ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

- ∇ Mandatory conditions must be imposed (10.43) and censorship avoided (10.31).
 - ∇ Routine conditions about drink promotions are not permitted but can be imposed in appropriate circumstances (10.38). The Office of Fair Trading's Advice also needs to be considered, namely that minimum prices setting is not permitted.
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 8-11** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.
- 7.0 Exemptions**
- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is

primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

- 7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.
- 7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 **Legal Comments**

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

9.0 **Finance Comments**

- 9.1 There are no financial implications in this report.

10.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Maps of the area
- Appendix 3** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 4** Representation of PC Cruickshank of the Metropolitan Police
- Appendix 5** Representation of Kathy Driver of LBTH Licensing Authority
- Appendix 6** Email agreeing additional conditions with LBTH Environmental Health
- Appendix 7** Email agreeing additional condition with LBTH Trading Standards
- Appendix 8** Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
- Appendix 9** Licensing Officer comments on Access and Egress Problems
- Appendix 10** Licensing Officer comments on Licensing Policy Relating to Hours of Trading
- Appendix 11** Licensing Officer comments on Special Cumulative Impact Policy for the Brick Lane Area

Appendix 1

Date: 4 April 2014
Our ref: CAB/34401.1
Your ref:
DDI:
e-mail:

75355

The Licensing Team
The London Borough of Tower Hamlets
Town Hall
Mulberry Place
5 Clove Crescent
London
E14 2BG

BY COURIER

Dear Sirs

New Premises Licence – Pizzaluxe, Unit 11, Sclater Street, London E1

We act on behalf of Pizzaluxe (Shoreditch) Ltd who are applying for a premises licence for their new unit within the Avant Gard Development in Sclater Street, London E1.

We enclose notice of application together with the consent of the DPS, our cheque in the sum of £315 and a copy of drawing no. 125.04/100 showing the proposed layout of the ground floor and basement at the premises.

Yours faithfully

BERWIN LEIGHTON PAISNER LLP

CC Metropolitan Police Service, Licensing Unit, Lime House Police Station, 27 West India Dock Road, London E14 8EZ
Fire Safety Regulation, NE 2 Area, London Fire Brigade, 169 Union Street, London SE1 0LL
Planning – Development Control Department, London Borough of Tower Hamlets, Mulberry Place, 5 Clove Crescent, London E14 2BG
Health and Safety, London Borough of Tower Hamlets, Environment Commercial and Trading Standards, Mulberry Place, 5 Clove Crescent, London E14 2BG
Environmental Protection, London Borough of Tower Hamlets, Administration Section, Mulberry Place, 5 Clove Crescent, London E14 2BG
Jane Cooke, Group Manager, Child Protection, CPRS Unit, 2nd Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG
Trading Standards, London Borough of Tower Hamlets, Administration Section, Mulberry Place, 5 Clove Crescent, London E14 2BG
Dr Somen Banerjee, Interim Director of Public Health, London Borough of Tower Hamlets, 4th Floor, Mulberry Place, 5 Clove Crescent, London E14 2BG

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LBTH
TRADING STANDARDS
- 4 APR 2014
LICENSING

[Insert name and address of relevant licensing authority and its reference number (optional).]

**Application for a premises licence to be granted
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/We Pizzaluxe (Shoreditch) Limited

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description		LBTH TRADING STANDARDS - 4 APR 2014 LICENSING	
Pizzaluxe Unit 11 Avant Garde Development Sclater Street			
Post town	London	Postcode	E1 6HZ

Telephone number at premises (if any)	
Non-domestic rateable value of premises	Not yet rated

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)

- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town			Postcode		
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Pizzaluxe (Shoreditch) Ltd
Address 22 Summers Street Lofts, 1-10 Summers Street, London EC1R 5BD.
Registered number (where applicable) 08451938
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish			
Mon	23.00	00.00	<u>Please give further details here</u> (please read guidance note 3) LNR OUTSIDE THE PREMISES TO BE LIMITED TO THE EXTERNAL TABLES + CHAIRS		
Tue	23.00	00.00			
Wed	23.00	00.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) From 23.00 on New Years Eve until 05.00 on New Years Day		
Thur	23.00	02.00			
Fri	23.00	02.00	<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 5)		
Sat	23.00	02.00			
Sun	23.00	00.00			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	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 4) From the start time on New Year’s Eve until the finish time on New Year’s Day 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 5)		
Mon	09:00	00:00			
Tue	09:00	00:00			
Wed	09:00	00:00			
Thur	09:00	02:00			
Fri	09:00	02:00			
Sat	09:00	02:00			
Sun	09:00	00:00			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name Laura Pabon	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

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 8).

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:30	From the start time on New Year's Eve until the finish time on New Year's Day
Tue	08:00	00:30	
Wed	08:00	00:30	<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 5)
Thur	08:00	02:30	The premises licence holder reserves the right to open to the public at any time for non-licensable activities
Fri	08:00	02:30	
Sat	08:00	02:30	
Sun	08:00	00:30	

M Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 9)

The premises will operate primarily as a restaurant with ancillary bar facilities.

All alcohol will be served to table by waiter/waitress and the entirety of the premises will be supervised by waiting staff at all times.

Off sales will only be permitted to the external tables and chairs area shown on plan number 125.04/100

b) The prevention of crime and disorder

CCTV will be provided in accordance with the requirements of the Police. Close liaison will be maintained at all times with the Police in relation to matters concerning crime and disorder and advice will be taken from the Police as and when appropriate.

c) Public safety

Health and safety risk assessments will be undertaken and all staff shall be trained therein

d) The prevention of public nuisance

All appropriate steps will be taken to ensure that local residents and local businesses are not disturbed by any licensable activity at the premises. Waiting staff will continually exercise supervision throughout the premises.

e) The protection of children from harm

All staff will be trained in relation to their responsibilities towards children under the Licensing Act 2003

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee. [✓]
- I have enclosed the plan of the premises. [✓]
- I have sent copies of this application and the plan to responsible authorities and others where applicable. [✓]
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. [✓]
- I understand that I must now advertise my application. [✓]
- I understand that if I do not comply with the above requirements my application will be rejected. [✓]

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	4-4-14
Capacity	SOLICITOR FOR APPLICANT

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Craig Baylis
BLP
Adelaide House
London Bridge

Post town	London	Postcode	EC4R 9HA
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Telephone number (if any)	[REDACTED]
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)	[REDACTED]
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Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

NOTES
This drawing should not be used. The contractor is to verify all dimensions and conditions on site. This drawing is the property of Fusion and shall not be copied, reproduced or distributed in whole or in part to any unauthorised party without written permission from Fusion.

FIRE SAFETY STANDARDS AND TECHNICAL NOTES FOR LICENSING APPLICATIONS

- 1) DOORS AND PARTITIONS REQUIRED TO BE FIRE RESISTING ARE IN ACCORDANCE WITH BS475, 1922 AS AMENDED
- 2) FIRE RESISTING DOORS REQUIRED TO RESIST THE PASSAGE OF SMOKE AT AMBIENT TEMPERATURE CONDITIONS ARE, UNLESS TESTED IN ACCORDANCE WITH BS476, SECTION 3.1, 1981, FITTED WITH A SMOKE SEAL.
- 3) THE FIRE ALARM SYSTEM COMPLETES WITH BS 5839 PART 1, 2002. THE ATTENTION OF THE DESIGN/INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 3.1 (CONSULTATIONS AND RECORDS) OF BS 5839, PART 1, WHICH REQUIRES CONSULTATIONS TO BE MADE WITH THE FIRE AUTHORITY.
- 4) THE EMERGENCY LIGHTING INSTALLATION IS TO COMPLY WITH BS5266, PART 1, 1999.
- 5) THE ATTENTION OF THE DESIGN/INSTALLING ENGINEER SHOULD BE DRAWN TO PARAGRAPH 3.1 (CONSULTATIONS AND RECORDS) OF BS 5839, PART 1, 2002, WHICH REQUIRES CONSULTATIONS TO BE MADE WITH THE FIRE AUTHORITY.
- 6) FIRE SAFETY RELATED SIGNS AND NOTICES CONFORM WITH BS5499, PART 1, 1990.
- 7) FIRE FIGHTING EQUIPMENT TO COMPLY WITH BS2466, BS3306 PART 3, 1985.
- 8) UPHOLSTERED SEATING FURNITURE MUST SATISFY, AS A MINIMUM STANDARD IGNITION SOURCE (CIGARETTE TEST) AND CUBIC IGNITION SOURCE (AS DEFINED IN BS 3825) TESTS. METHODS OF TEST FOR SEATING ARE SET OUT IN BS 5839, PART 1, 2002, PARAGRAPH 3.1 (CONSULTATIONS AND RECORDS) OF BS 5839, PART 1, WHICH REQUIRES CONSULTATIONS TO BE MADE WITH THE FIRE AUTHORITY.
- 9) IF IN ORDER TO SOURCE COMPLIANCE WITH THE ABOVE STANDARDS THE FABRIC SUBMITTED FOR TEST BEING TESTED BEFORE HAND WITH A FIRE RESISTANT PRODUCT, THE TESTING LABORATORY MUST BE INSTRUCTED TO TEST THE FABRIC WITH A FIRE RESISTANT PRODUCT. THE TEST MUST BE IN ACCORDANCE WITH BS5851, 1985, PARAGRAPH 3, BEFORE THE BS 5832 TESTS ARE CARRIED OUT.
- 10) A COPY OF THE LABORATORY TEST REPORT FROM AN ACCREDITED TESTING LABORATORY IDENTIFYING COMPLIANCE OF THE FURNISHING WITH THE ABOVE STANDARDS MUST BE FORWARDED TO THIS AUTHORITY BEFORE INSTALLATION AND CONFIRMATION THAT THE FURNISHINGS SPECIFIED IN THIS CERTIFICATE HAVE BEEN INSTALLED IN THE PREMISES.
- 11) CURTAINS AND OTHER TEXTILE HANGINGS MUST BE INHERENTLY FIRE RESISTANT OR TREATED TO BE FIRE RESISTANT. REQUIREMENTS AS SET OUT BY BS5867, PART 2, 1980, - SPECIFICATION FOR FABRICS FOR CURTAINS AND DRAPES - FLAMMABILITY REQUIREMENTS.
- 12) FABRICS AND OTHER TEXTILE HANGINGS ARE TO BE FIRE RESISTANT TO THE SATISFACTION OF THE FIRE AUTHORITY.
- 13) LININGS AND SURFACE FINISHES OF WALLS AND CEILINGS HAVE A SURFACE SPREAD OF FLAME RATING AS DEFINED IN THE BUILDING REGS 1991.
- 14) TEXTILE FLOOR COVERINGS CONFORM TO BS5287 WHEN TESTED IN ACCORDANCE WITH BS5851, 1985, PARAGRAPH 3.
- 15) CERTIFICATES OF INSTALLATION TEST WILL BE REQUIRED IN RESPECT OF ITEMS NUMBERED 3, 4, 6, 8 AND 9 ABOVE AND MAY BE REQUIRED FOR ITEM 2.
- 16) ALL FIRE ESCAPE DOORS TO INCORPORATE PANIC TYPE-OPENING LATCHES FOR EMERGENCY ESCAPE.

KEY - LICENSING

	ALARM VISUAL BEACON
	ALARM SOUNDER
	FIRE INDICATOR PANEL
	EMERGENCY LIGHTING
	3 HOUR NON MAINTAINED
	SMOKE DETECTOR
	HEAT DETECTOR
	CO2 EXTINGUISHER
	FOAM EXTINGUISHER
	WATER EXTINGUISHER
	CALL POINT
	FIRE BLANKET
	1/2 HOUR FIRE RESISTANT SELF CLOSING DOOR WITH SMOKE SEALS AND INTUMESCENT STRIPS
	1 HOUR FIRE RESISTANT SELF CLOSING DOOR WITH SMOKE SEALS AND INTUMESCENT STRIPS
	FIRE EXIT DOORS FITTED WITH EMERGENCY PUSH BAR FACILITY
	SMOKE FASTENING
	VISION PANEL
	SIGN - EMERGENCY EXISTING
	SIGN - EMERGENCY EXIT - INDICATES THAT THE NOTICE IS INTERNALLY ILLUMINATED
	1/2 HOUR FIRE DOOR KEEP SHUT
	1 HOUR FIRE DOOR KEEP LOCKED
	CCTV CAMERA
	POINT OF CUSTOMER ACCESS
	FIRE ESCAPE ROUTE
	DEMISE

EMERGENCY LIGHTING / SMOKE DETECTION LAYOUT IS INDICATIVE. CONTRACTOR TO COMPLY WITH RELEVANT BRITISH STANDARD

FUSION

4 Midway, Stone, London, ST1 2DE
Tel: 01773 79333 Fax: 01773 79334
Email: info@fusionfire.com

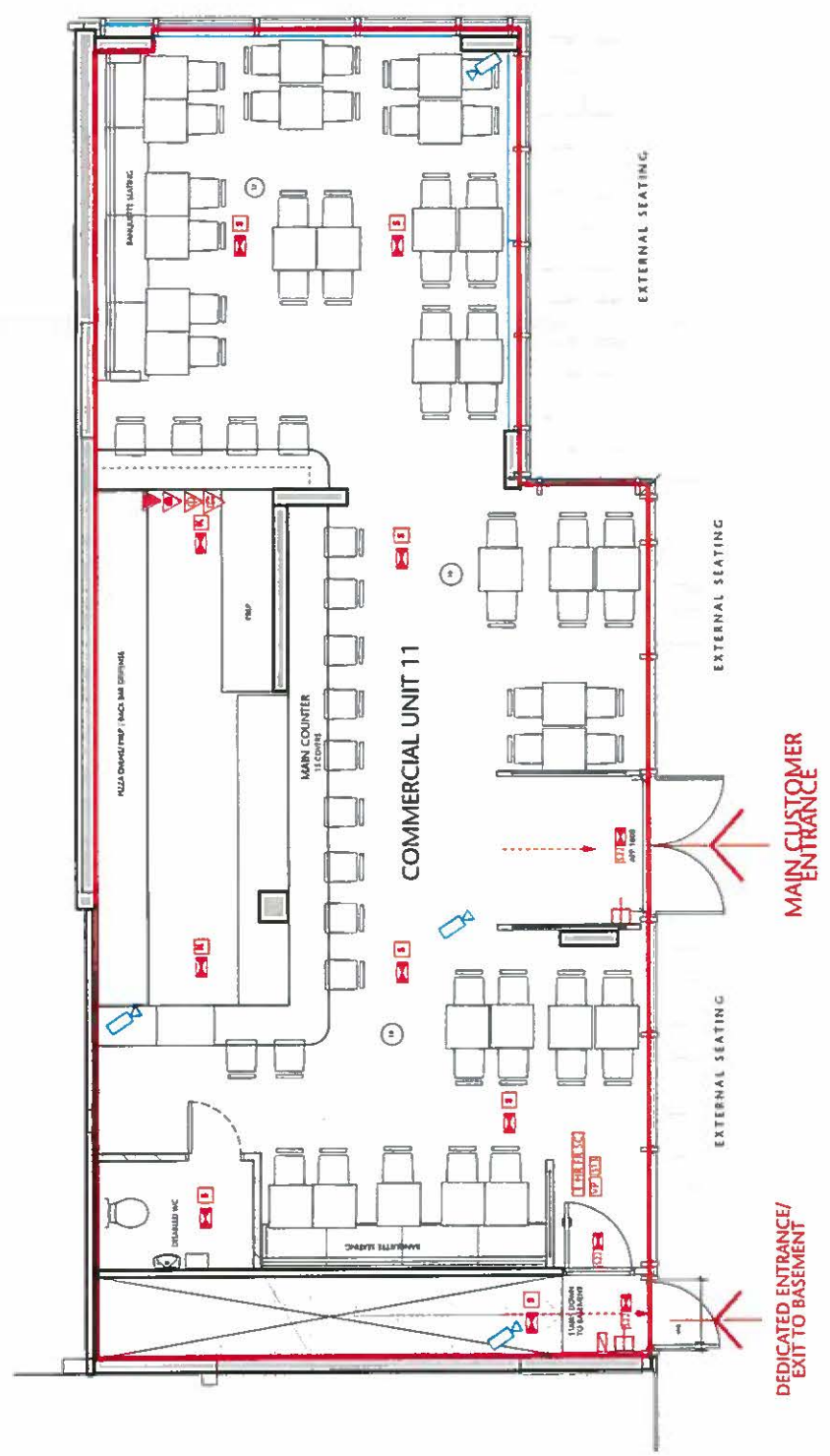
PIZZALUXE SHOREDITCH
UNIT 11
SCLATER STREET
LONDON
E1 6HZ

LICENSING PLAN

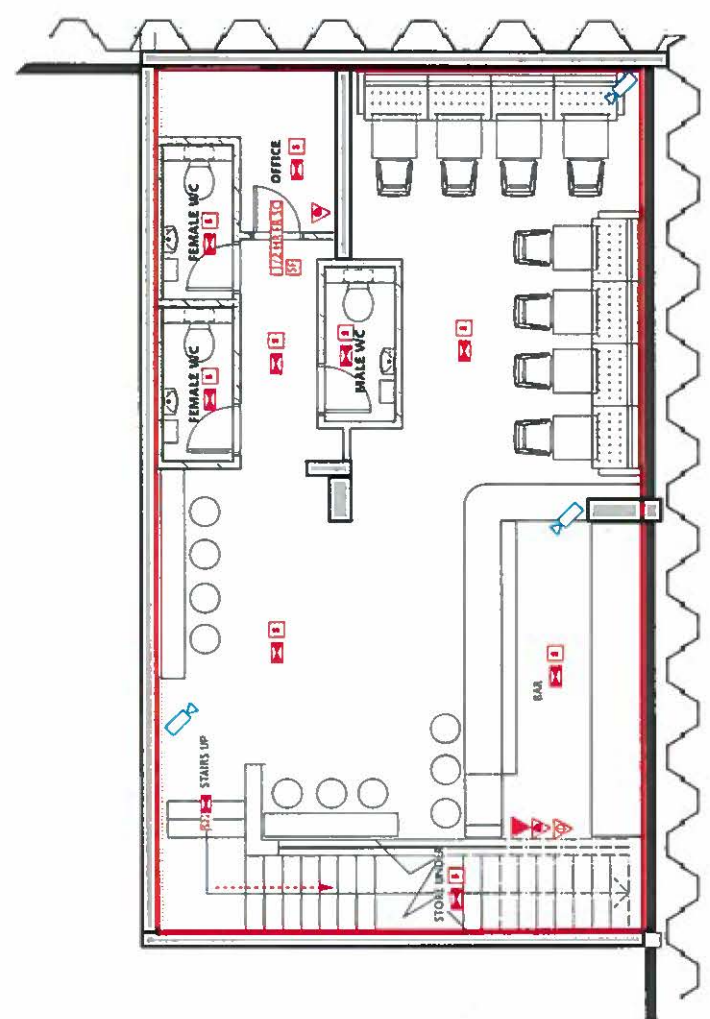
FOR INFORMATION

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Checked by	
Date	MAR 2014
Drawing No	125.04/100

LBTH
TRADING STANDARDS
- 4 APR 2014
LICENSING



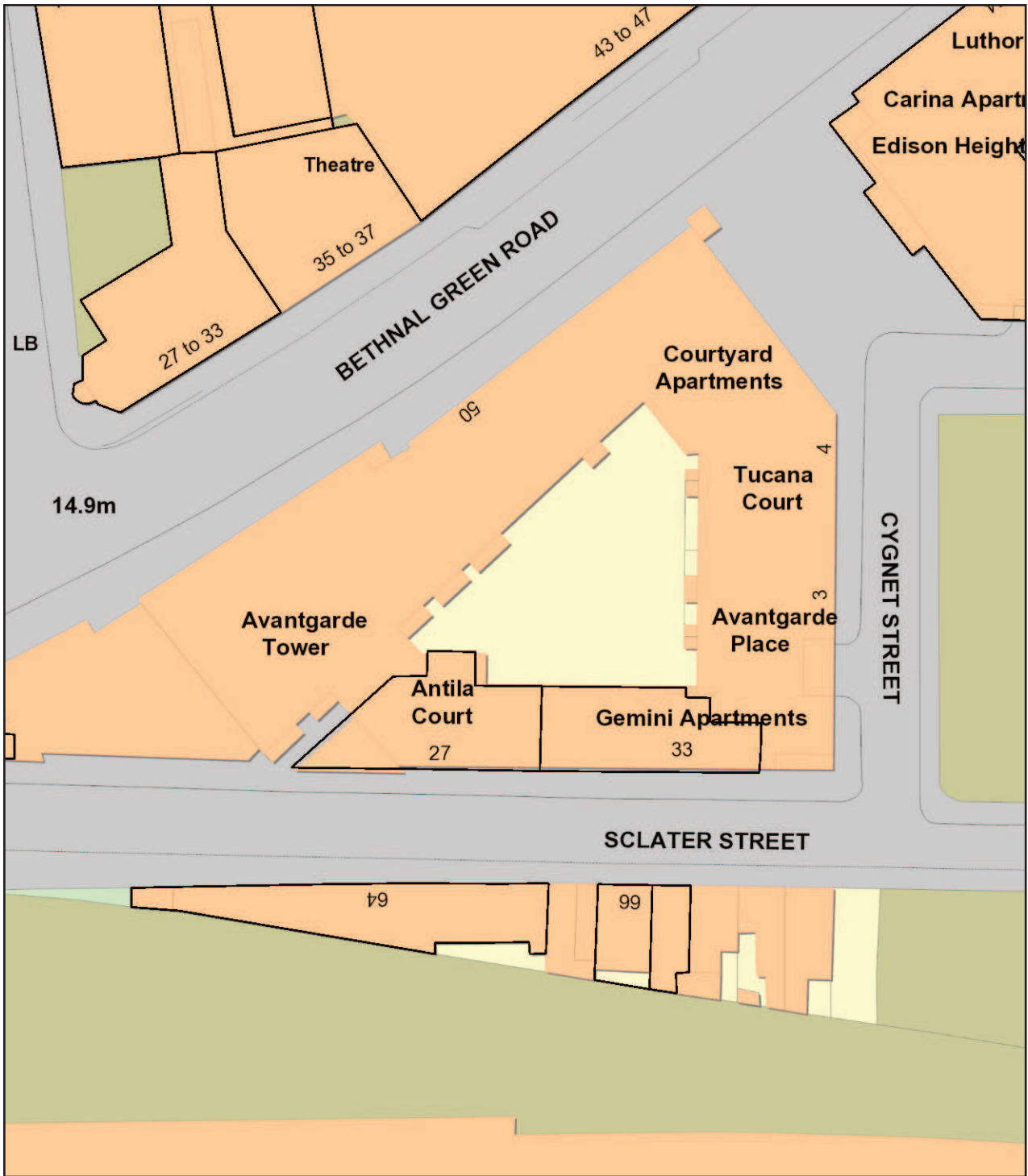
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EXIT TO BASEMENT
GROUND FLOOR GA
1:50 @ A1 1:100 @ A3



BASEMENT LEVEL GA
1:50 @ A1 1:100 @ A3



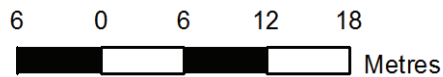
Appendix 2



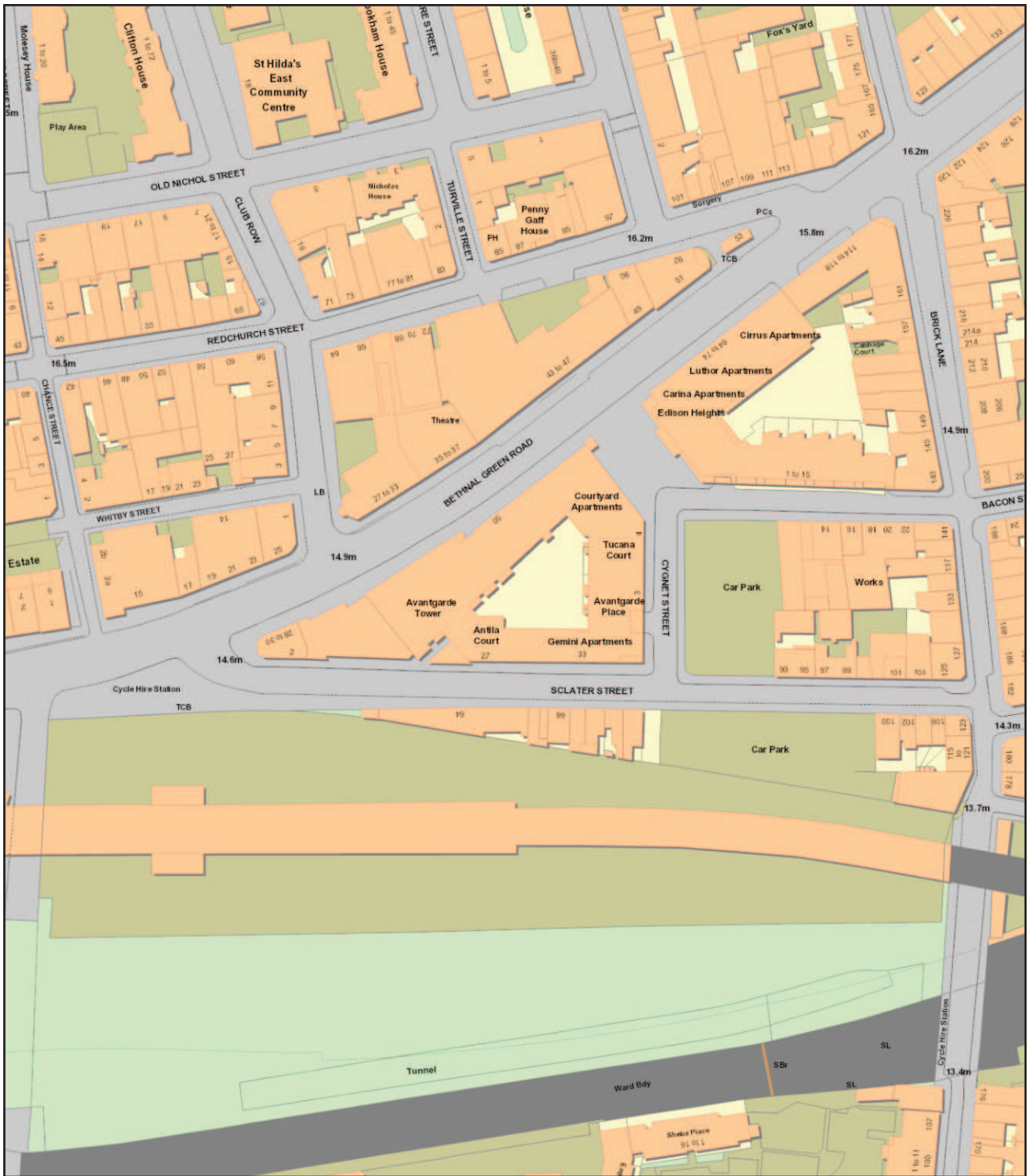
Map 1



Scale 1:668



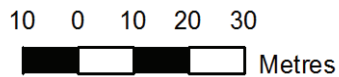
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Map 2



Scale 1:1669



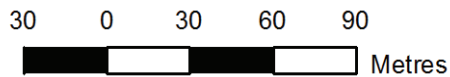
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Map 3



Scale 1:3338



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Appendix 3

Section 182 Advice by the Home Office

Updated October 2012

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 4

John McCrohan
LBTH Licensing
Toby Club
Vawdrey Close
E1 4UA

**HT - Tower Hamlets Borough
HH - Limehouse Police Station**

Licensing Office
Limehouse Police Station
27 West India Dock Road &
5 Birchfield Street
E14 8EZ

Telephone: [REDACTED]

Facsimile:

Email:

[REDACTED]
www.met.police.uk

Your ref:

Our ref:

10 April 2014

Dear Mr McCrohan

Re: Application for a Premises Licence

Pizzaluxe, Unit 11, Sclater St, E1

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for the following hours in relation to alcohol:

Sunday - Wednesday: 0900 - midnight

Thursday - Saturday : 0900 - 0200

Late night refreshments also to finish at the above times.

The applicant has also applied for a seasonal variation on NYE from 2300 - 0500 for late night refreshments and alcohol from NYE until the closing hours of New Year's Day.

LBTH has recently adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane Area. This policy was adopted due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.

Sclater St falls within the Cumulative Impact Zone (CIZ) and also the Shoreditch Triangle, featuring the busiest parts of Tower Hamlets, Hackney and Islington. There has been a steady increase in bars, restaurants and fast food premises.

One more late night opening venue will only compound the problems at the top end of the CIZ. There will be a heavy concentration of people leaving from this new venue.

The availability of alcohol until 0200 on Thursday to Saturday will mean more people staying for longer within the CIZ, with the potential for ASB and violence.

The applicant must be aware that there is now a saturation policy and the late hours applied for do not reflect the concerns that have led to the implementation of a CIZ.

Even without a saturation policy, Tower Hamlets Police Licensing Unit would be objecting to such late hours. I know of no other restaurant that has such opening hours.

There are residential properties nearby and it is difficult to ask people to be quiet after they have consumed alcohol until 2am. Whether it is just boisterous behaviour or shouting at top of their voices, it is likely to cause a public nuisance.

This area suffers from a high amount of anti-social behaviour, to the extent that police statistics show that between 22:00 hours on Friday and 02:00 hours on Monday the London Borough of Tower Hamlets is second only to Westminster (West End/Soho/Covent Garden) for Anti-Social Behaviour (ASB) calls to Police in London.

The premises also falls within the 'Shoreditch Triangle', which comprises of the tri-borough wards of Haggerston ward (Hackney), Weavers and Spitalfields & Banglatown wards (Tower Hamlets) and Bunhill Ward (Islington) are four wards which are high crime generators for their respective boroughs especially around Theft Person and the Night Time Economy. Tower Hamlets wards contribute 38% of all Theft Person Offences.

Peak times are between Friday 20:00 hours to Saturday 04:00 hours and Saturday 20:00 hours to Sunday 04:00 hours and these 16 hours are responsible for 21% of all the offences.

25% of all crime in Spitalfields and Banglatown ward is committed between 20:00 hours to 02:00 hours Friday to Sunday. 20% of all crime in Weavers ward is committed between 20:00 hours to 02:00 hours Friday to Sunday.

The hours applied for falls into the above peak hours

Further to this, two negative effects of the “Night Time Economy” are demonstrated in the data provided by the Director of Public Health. This information was provided to the full Licensing Committee in October 2013.

The data in table 1 highlights both Spitalfields and Banglatown and Weavers wards They both have higher than average ambulance calls out to binge drinking.

Table 1: London Ambulance Service call outs to binge drinking

Ward	No of Incidents 2011/12	No of Incidents 2012/13	% Change over 2011/12 to 2012/13
Spitalfields & Banglatown	145	175	+ 21%
Weavers	82	89	+21%
Tower Hamlets ward average	57	71	+25%

Table 2 shows that both wards are considerably higher than the national average for alcohol related hospital admissions.

Table 2: Alcohol Attributable Admission Rates 2011/2012

Ward	Rate per 100,000
Spitalfields & Banglatown	3170
Weavers	2718
England Average	1974

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue?

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area?

More people in the CIZ will increase the likelihood for ASB and disorder. I therefore ask the committee to refuse this application.

I understand however that each application is scrutinized by the committee on an individual basis.

If they are to consider granting a licence, I would ask that they consider removing the non standard timings/ seasonal variations. Police resources are stretched on NYE and I would ask the committee to refuse these.

I would also ask the committee to consider the following hours:

Alcohol

Sunday - Thursday: 1100 - 2230

Friday - Saturday : 1100 - 2330

Closing a half hour later, allowing a “ drinking up period”

Conditions.

1. A drugs policy to be agreed with the Tower Hamlets Police Licensing Unit.
2. Two SIA staff to be employed from 2100 until closing on a Friday and Saturday.
3. F696 to be completed if there are outside promoters or DJs

4. CCTV

Install / maintain 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 Page 33 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 on request by a police officer or other responsible authority,

(CCTV to cover internal and external areas)

5. No customers to be drinking in external area after 2100

6. No more than 10 smokers allowed in the external after 2100.

No smoking in the external area after 2200

7. Clear signage to be displayed prominently and maintained at all exits of the premises, requiring patrons to leave quietly.

Alan Cruickshank PC189HT

Appendix 5

Communities, Localities & Culture
Safer Communities

Head of Consumer and Business Regulations
David Tolley

Licensing Section

Tel [REDACTED]
Fax **020 7364 0863**
Enquiries to **Kathy Driver**
Email [REDACTED] **ov.uk**

www.towerhamlets.gov.uk

30th April 2014

My reference: CLC/CBR/LIC/75355

Dear Sir / Madam,

Licensing Act 2003

Re: PizzaLuxe, Unit 11 Avant Garde Development, Sclater Street, E1 6HZ

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane

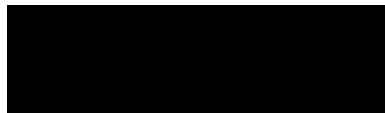
Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone.

The effect of this CIZ is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ.

The Licensing Authority is therefore making representation against the above application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ. The Authority feels that the operating schedule has not addressed those licensing objectives particularly how the premises will be managed to control customers egress at such late hours, I do not feel "appropriate measures" to be satisfactory to grant any application. The schedule has not addressed the external area and how this will be managed, the numbers of customers, noise caused by it to neighbouring residents, particularly if operating until 02:30 hours at weekends and 24 hours on New Years Eve. There is significant impact on New Years Eve with large groups of people already coming into the CIZ, these customers will only add to this.

If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

Yours sincerely,



Kathy Driver
Principal Licensing Officer

Appendix 6

Andrew Heron

From: Craig Baylis [REDACTED]
Sent: 24 April 2014 10:58
To: Alkesh Solanki; Andrew Heron
Cc: Gerard McCormack; Alan.D.Cruickshank@met.police.uk
Subject: RE: Unit 11, Avant Garde Development, Sclater Street.

Follow Up Flag: Follow up
Flag Status: Completed

Alkesh

I have spoken to the client and they are happy to amend the operating schedule to incorporate your proposed conditions.

Craig Baylis | Berwin Leighton Paisner LLP
Partner

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

From: Alkesh Solanki [REDACTED]
Sent: 23 April 2014 15:11
To: Craig Baylis
Cc: Gerard McCormack; [REDACTED]
Subject: Unit 11, Avant Garde Development, Sclater Street.

Hello Craig,

I assume that you will have the requisite planning permissions to operate beyond the Council's standard licensing framework hours. Notwithstanding, further to our telephone conversation earlier, I request the following to form as part of your operating schedule:

- All street furniture to be removed by 22.30 hours, thus all external area usage to cease by 22.30 hours. it might be prudent, therefore, to state that last orders are taken at 21.30 hours;
- Limit the number of smokers to a maximum of 10 (at any one time) after 22.30 hours; and
- Limit the number of smokers to a maximum 5 (at any one time) after 00.00 hours.

Please come back to me at your earliest convenience.

Regards,
Alkesh.

Mr Alkesh Solanki | Pollution Team | Environmental Protection | London Borough of Tower Hamlets | E14 1BY |
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED] or disclose its contents to any other person. We may monitor email communications in accordance with applicable laws and regulations.

Appendix 7

Andrew Heron

From: Andrew Heron on behalf of Licensing
Sent: 09 April 2014 14:13
To: Andrew Heron
Subject: FW: Oizzaluse (Shoreditch) Ltd licence application

-----Original Message-----

From: Ian Moseley
Sent: 09 April 2014 14:07
To: Licensing
Subject: FW: Oizzaluse (Shoreditch) Ltd licence application

Ian Moseley
Trading Standards
020 7364 6840

For information on Trading Standards in Tower Hamlets please see www.tradingstandards.gov.uk/towerhamlets

-----Original Message-----

From: Craig Baylis [REDACTED]
Sent: Wednesday, April 09, 2014 11:26 AM
To: Ian Moseley
Subject: RE: Oizzaluse (Shoreditch) Ltd licence application

Thanks Ian
They WILL adopt Challenge 21 as a matter of good practice.

Craig Baylis | Berwin Leighton Paisner LLP Partner

[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]
[REDACTED] [REDACTED]

-----Original Message-----

From: Ian Moseley [REDACTED]
Sent: 09 April 2014 11:19
To: Craig Baylis
Subject: Oizzaluse (Shoreditch) Ltd licence application

I have received a copy of the application for the above premises, on behalf of the local Trading Standards Authority.

We have no specific representations to make but, as usual, we recommend your client consider adopting "Challenge 21" or "Challenge 25".

Ian Moseley
Trading Standards

For information on Trading Standards in Tower Hamlets please see www.tradingstandards.gov.uk/towerhamlets

Berwin Leighton Paisner LLP

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Appendix 8

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 4.10 and 4.11 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 5.2 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 2 Annex D 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 6 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 pool of conditions, adopted by the council is recommended (13.20).

The key role of the police is acknowledged (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, but can relate to the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, police liaison, no glasses are all relevant (s.2.7-2.11).

There is also guidance issued around the heading of “public nuisance as follows

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

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 (2.36) but it is essential that conditions are focused on measures “within the direct control of the licence holder” (2.38).

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 9

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 8.1 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 8.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.10**).

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 12.10**)

The Council has adopted a set of framework hours (**See 12.8 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 Appendix 2 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. (2.33).

Licence conditions should not duplicate other legislation (1.19).

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. (2.20)

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 (2.22) 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 10

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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(See 12.8 Of the licensing policy)

In considering the applicability of frame work 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 applicants 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 12.8 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
- Premises licensed for off sales only

Appendix 11

Special Cumulative Impact Policy for the Brick Lane Area

As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.

After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

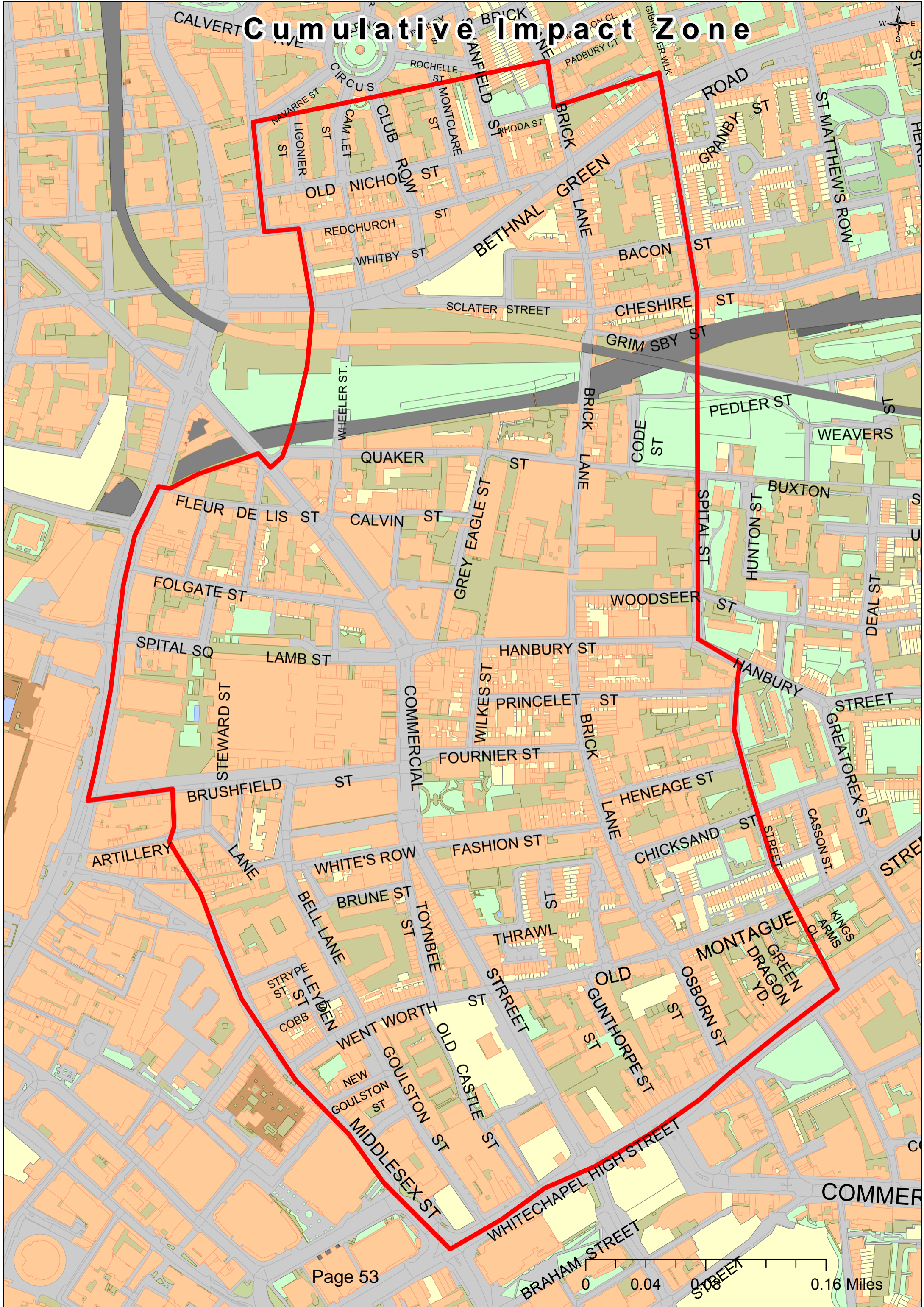
The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.

The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.

The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

The following map shows the outline of the LBTH CIZ.

Cumulative Impact Zone



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