

LICENSING SUB COMMITTEE

Tuesday, 9 July 2019 at 6.30 p.m.

Committee Room C3, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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Website: <http://www.towerhamlets.gov.uk/committee>

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agenda



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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. RULES OF PROCEDURE (Pages 11 - 20)

To note the rules of procedure which are attached for information.

| | PAGE NUMBER(S) | WARD(S) AFFECTED |
|--|---------------------------|-----------------------------|
| 3. ITEMS FOR CONSIDERATION | | |
| 3.1 Application for a New Premises Licence for Hotel, 419 - 437 Hackney Road, London E2 8PP | 21 - 148 | St Peter's |

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety
- Prevention of Children from harm

Representations by:

- Local Resident(s)

**3.2 Application for a New Premises Licence for Lean
Kitchen Railway Arch 4, Gales Gardens, London E2
0EJ**

149 - 278

St Peter's

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety

Representations by:

- Local Resident(s)

**4. EXTENSION OF DECISION DEADLINE:
LICENSING ACT 2003**

The Sub Committee may be requested to extend the decision deadline for applications to be considered at forthcoming meetings due to the volume of applications requiring a hearing. Where necessary, details will be provided at the meeting.

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

| Subject | Prescribed description |
|---|---|
| Employment, office, trade, profession or vacation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | <p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p> |
| Contracts | <p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land | Any beneficial interest in land which is within the area of the relevant authority. |
| Licences | Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer. |
| Corporate tenancies | <p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p> |
| Securities | <p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p> |

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TOWER HAMLETS



LICENSING COMMITTEE

RULES OF PROCEDURE GOVERNING APPLICATIONS FOR PREMISES LICENCES AND OTHER PERMISSIONS UNDER THE LICENSING ACT 2003

| | |
|---------------------------------------|---|
| Date Last Reviewed: | 14 th June 2016 |
| Reviewed By: | Senior Corporate and Governance Legal Officer |
| Approved By: | Licensing Committee |
| Date Approved: | 14 th June 2016 |
| Version No. | 1 |
| Document Owner: | Paul Greeno |
| Post Holder: | Senior Corporate and Governance Legal Officer |
| Date of Next Scheduled Review: | 31 st March 2018 |

1. Interpretation

- 1.1 These Procedures describe the way in which hearings will be conducted under the Licensing Act 2003, as set out in the Licensing Act 2003 (Hearings) Regulations 2005 (as amended) ('the Hearings Regulations'). The Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005.
- 1.2 Except where otherwise stated, references in this Code are to the Licensing Committee and its Sub-committees and the expression 'Licensing Committee' should be interpreted accordingly.
- 1.3 The Hearings Regulations provide (Regulation 21) that a Licensing Authority shall, subject to the provisions of those Regulations, determine for itself the procedure to be followed at a hearing.
- 1.4 These Procedures, therefore, set out the way in which Licensing Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations.
- 1.5 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31) save that in any case of such an irregularity, the Licensing Committee shall, if it considers that any person may have been prejudiced as a result of the irregularity, take such steps as it thinks fit to cure the irregularity before reaching its determination (Regulation 32).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of three (3) members and no business shall be transacted unless three (3) members of the Licensing Committee are present and able to form a properly constituted Licensing Sub-Committee. In such cases the Chair shall have a second or casting vote.

3. Procedure

- 3.1 The hearing shall take place in public save that the Licensing Committee may exclude the public from all or part of a hearing where it considers that, on balance, it is in the public interest to do so. The parties and any person representing them may be excluded in the same way as another member of the public. Any person so excluded may, before the end of the hearing, submit to the Licensing Committee in writing, any information which, they would have been entitled to give orally had they not been required to leave. Where there are a number of items on the agenda, the adjournment of that item for a short period, whilst another item is heard, may allow this process to be carried out effectively.

- 3.2 The Chair will begin by asking the parties to identify themselves and confirm whether or not they are represented.
- 3.3 The Licensing Committee should always satisfy itself that sufficient notice of the hearing has been given to all parties and if not satisfied, then the Licensing Committee should take such steps as it thinks fit to deal with that issue before reaching its determination and this could include adjourning that application to a later date.
- 3.4 The Licensing Committee will then consider any requests by a party for any other person to be heard at the hearing in accordance with the Regulations. Permission will not be unreasonably withheld provided proper notice has been given.
- 3.5 The Chair will then explain how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application. In setting time limits, the Licensing Committee will take into account the importance of ensuring that all parties receive a fair hearing, and the importance of ensuring that all applications are determined expeditiously and without undue delay. Further the Licensing Committee must have regard to the requirement to allow each party an equal amount of time.
- 3.6 If a party considers that any time limit is not sufficient then they should address the Licensing Committee and which will determine accordingly.
- 3.7 If any party has informed the Authority that they will not be attending or be represented at the hearing or any party does not give notice that they will not be attending but fails to attend and is not represented, the Licensing Committee may proceed in their absence or adjourn the hearing if it considers it to be necessary in the public interest. An adjournment will not be considered where due to the operation of the Hearing Regulations it would not be possible to adjourn.
- 3.8 If the Licensing Committee adjourns the hearing to a specified date it must specify the date, time and place to which the hearing has been adjourned and why it is considered necessary in the public interest.
- 3.9 If the Licensing Committee holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by that party.
- 3.10 The Chair will invite an Officer of the Licensing Section to present the report by briefly summarising the application and the number and type of the representations as set out in the papers circulated. The Officer will also advise of any discussions held with the parties; any amendments made to the application; any representations withdrawn; and any agreed conditions that the Licensing Committee is being asked to consider. The Officer shall not give

any opinion on the application or ask the Committee to make an inference based on such an opinion.

- 3.11 Members of the Licensing Committee can then ask questions of clarification of the Licensing Officer or seek legal advice from the Legal Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.
- 3.12 The Legal Adviser to the Licensing Committee will then give any relevant legal advice that the Licensing Committee need to take into consideration.
- 3.13 The Chair will then ask the applicant or their representative, if present, to present a summary of the nature and extent of the application. This should be brief, avoid repetition of material already available to the Licensing Committee in the Officer's report or otherwise, and include any reasons why an exception should be made to the Council's Licensing Policy, where appropriate, and respond to the written representations received. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence on behalf of the applicant or who has made a representation in favour of the application.
- 3.14 The application is to be presented within the time limit that has been set.
- 3.15 Where an applicant is unrepresented and having difficulty in presenting their application then the Legal Adviser to the Licensing Committee may ask questions of the applicant so that the relevant points are addressed and clarified for the Licensing Committee.
- 3.16 Members of the Licensing Committee may ask questions of the person presenting the case after their address as well as any other person who has spoken in support of the application. Members can also ask questions of the applicant as well as any other person present for the applicant who they consider can assist.
- 3.17 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.18 The Chair will then ask the persons who have made representations against the application to address the Licensing Committee within the time limit that has been set. They should not repeat what is already set out in their representations or notice or raise new matters. In their address they should provide clarification on any points previously requested by the Council. The submission may be followed by the evidence of any person who has been given permission by the Committee to give supporting evidence.
- 3.19 Members of the Licensing Committee may then ask questions of the persons making representations against the application and any other person who has

spoken in support of such representation. Members can also ask questions of any other person present who they consider can assist.

- 3.20 The Legal Adviser to the Licensing Committee may ask questions for the purpose of clarifying points for the Licensing Committee.
- 3.21 Petitions will be treated as representations provided they meet the requirements for relevant representations set out in the Licensing Act 2003. Members should proceed with caution when relying upon petitions used as evidence due to the structure and wording used.
- 3.22 The Licensing Committee will disregard any information given by a party, or any other person appearing at the hearing, which is not relevant to:
- a) their application, representation or notice; and
 - b) the promotion of the licensing objectives or the crime prevention objective where notice has been given by the police.
- 3.23 The Chair will intervene at any stage of the hearing to prevent repetitious or irrelevant points being raised.
- 3.24 Cross examination of any party or any other person allowed to appear will not be allowed unless specifically permitted by the Chair.
- 3.25 There is no right for any party to sum up but they may be permitted to do at the discretion of the Chair and within time limits prescribed by the Chair.
- 3.26 The Licensing Committee will consider its decision in private save that the Legal Adviser and Democratic Services Officer will remain with them.
- 3.27 The Licensing Committee will normally return to open session to announce its decision but in cases where the prescribed time limit allows for a later determination and it is appropriate to determine the matter within that time then the Chair will advise the parties present that the decision will not be announced then but that the determination will take place within the prescribed time limit and that written notification will be dispatched to all parties advising them of the determination.

4. Exclusions

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.

- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

All meetings of the Sub- Committee are open to the public and press to attend. On rare occasions, the Sub-Committee may retire to consider private business that will be clearly marked on the agenda as such. The press and public will be excluded for those confidential items only. We try to keep confidential reports to an absolute minimum. We request that you show courtesy to all present and please keep mobile phones on silent. Meetings can reach full capacity and seats are allocated on a first come first come served basis.

(2) Licensing Sub-Committee Role and Membership.

In summary, the Sub - Committee will consider and determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made. The full terms of reference can be found on the Committee webpages (see below). The Licensing Sub - Committee will consist of 3 Members of the main Licensing Committee. Meetings are normally held in the Town Hall Council Chamber.

Licensing Sub- Committee Webpages

To view go to the Committee and Member Services web page:
www.towerhamlets.gov.uk/committee - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub- Committee'.

The pages include:

- Terms of Reference for the Licensing Sub -Committee.
- Meeting dates, agendas and minutes.
- Agenda timetable including agenda publication dates. (To view click 'browse meetings and agendas for this committee', then 'show agenda management timetable').

(3) Access to Committee Papers.

The agenda for Sub - Committee meetings is published five clear (working) days before the Sub - Committee meeting on the Committee webpages (except for certain types of applications where special rules apply). All Committee papers (i.e. agendas, reports, minutes and decisions) are published on the website and also available on iPad and Android tablet apps downloadable for free from their respective app stores.

(4) Who can speak at Licensing Sub- Committee meetings?

Only interested parties may address the Sub-Committee (those who have made a valid representation) and the applicant and their representatives. Although the Sub-Committee may allow other persons to present the interested parties evidence or to give supporting evidence. If you are planning to attend the hearing to address the committee, you are advised to contact the Committee officer - see the Committee

pages and agenda front page for contact details. Speakers are advised to arrive at the start of the meeting in case the order of business is changed. Speakers will be called to speak by the Chair at the appropriate time. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

(5) What can be circulated?

Should you wish to submit any material, please contact the Committee/Licensing Officer as soon as possible. The Sub-Committee may accept information at the hearing, however this is only with the agreement of all parties present.

(6) How will the applications be considered?

The Sub-Committee will normally consider the items in agenda order subject to the Chair’s discretion. The hearing procedure is detailed at the end of this guidance.

(7) How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions.

(8) Queries on reports.

For any questions, please contact the Officer named on the front of the report.

Typical Seating Plan for Licensing Sub - Committee Meetings in the Town Hall Council Chamber.

| | | | | |
|----------------|--|--------------------|--|-----------------------|
| Public Seating | | Objectors Benches | | Sub-Committee Members |
| Public Seating | | | | Chair |
| Public Seating | | | | Legal Officer |
| Public Seating | | Applicants Benches | | Committee Officer |
| Public Seating | | | | Licensing Officer |

LICENSING SUB COMMITTEE HEARING PROCEDURE

All interested parties to the hearing must notify Democratic Services within prescribed timescales that they intend to attend and/or be represented at the hearing and whether any witnesses will be attending on their behalf. The meeting will be in the form of a discussion led by the Sub Committee, cross examination of either party will not be permitted.

The Chair will allocate an equal amount of speaking time to each party. Where there is more than one representation raising the same or similar grounds, those parties should consider nominating a single representative to address the Sub-Committee on their behalf at the hearing.

The hearing will proceed as follows (subject to the discretion of the Chair).

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. A Decision letter will be sent to all interested parties confirming the decision made.

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Agenda Item 3.1

| | | | | |
|---|-----------------------------------|---------------------------------------|------------|-----------------|
| Committee : Licensing Sub-Committee | Date 9 th July 2019 | Classification Unclassified | Report No. | Agenda Item No. |
|---|-----------------------------------|---------------------------------------|------------|-----------------|

| | |
|--|---|
| Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer | Title: Licensing Act 2003 Application for a Premises Licence for (Hotel) 419 – 437 Hackney Road, London E2 8PP Ward affected: St. Peter's |
|--|---|

1.0 Summary

| | |
|----------------------|---|
| Applicant: | MHD limited |
| Name and | Hotel |
| Address of Premises: | 419 - 437 Hackney Road London E2 8PP |
| Licence sought: | Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol (on sales)• The provision of regulated entertainment• The provision of late night refreshment |
| Representations: | Residents Licensing Authority |

2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and representations 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

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for (Hotel) 419 – 437 Hackney Road, London E2 8PP.
- 3.2 There is an existing premises licence held by “MHD Limited” which has been included as **Appendix 1** for information only. The existing timings are listed below:

Sale by retail of alcohol (On and off sales):

- *Monday to Friday from 08:00 hours to 23:00 hours*
- *Saturday from 09:00 hours to 23:00 hours*
- *Sunday from 09:00 hours to 22:30 hours*

- *24 hours for residents and bonafide guests only.*

Films and Facilities for making music:

- *Monday to Sunday 24 hours a day*

Indoor Sports and Recorded Music:

- *Monday to Friday from 08:00 hours to 23:00 hours*
- *Saturday from 09:00 hours to 23:00 hours*
- *Sunday from 09:00 hours to 22:30 hours*

- *New Years Eve from 09:00 hours until 23:00 hours on New Years Day*

The opening hours of the premises

- *Monday to Sunday 24 hours a day.*

- 3.3 The applicant has described the premises as a “*Boutique Hotel*”.
- 3.4 A copy of the premises licence application form is enclosed as **Appendix 2**.
- 3.5 The applicant has agreed revised licensable activities and timings with Police Licensing and Environmental Health Noise Team as follows:

NOTE: Members should note that the start time of licensable activities and opening hours have not been agreed so this will need to be confirmed.

The sale by retail of alcohol - (on sales only)

- *Sunday to Thursday, until 00:00 hrs (midnight)*
- *Friday and Saturday, until 01:00 hrs the following day*

The provision of regulated entertainment - Indoors
(Plays and Films, Live Music, Recorded Music, Performance of Dance and anything of a similar description)

- *Sunday to Thursday, until 00:00 hrs (midnight)*

- *Friday and Saturday, until 01:00 hrs the following day*

The provision of late night refreshment – Indoors and outdoors

- *Sunday to Thursday, from 23:00 hrs to 00:00 hrs (midnight)*
- *Friday and Saturday, from 23:00 hrs to 01:00 hrs the following day*

Non-standard times

- *24 Hours to hotel residents and their guests (Limit of 4 guests per resident) as well as pre-booked private events (details of all such events to be retained on site for a 6 month period);*

The opening hours of the premises

- *Sunday to Thursday, until 00:30 hrs (midnight)*
- *Friday and Saturday, until 01:30 hrs the following day*

Non-standard times

- *24 Hours to hotel residents and their guests (Limit of 4 guests per resident) as well as pre-booked private events (details of all such events to be retained on site for a 6 month period);*

4.0 Location and Nature of the premises

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 3**.
- 4.3 Maps showing the vicinity are included as **Appendix 4**.
- 4.4 Details of the nearest licensed venues are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

- 5.1 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 the 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 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 April 2018.
- 5.4 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.

6.0 Representations

- 6.1 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
- 6.2 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.
- 6.3 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.
- 6.4 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.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Licensing Authority (RA) and residents:

| Responsible Authorities / residents | Appendix |
|--|-----------------|
| Samantha Neale | 7 |
| Barbara Canepa | 8 |
| Daniel Bland | 9 |
| Daniel Kheng | 10 |
| Joe and Sam Hare | 11 |
| Michele Scarr | 12 |
| Marcus Toumazou | 13 |
| Olivia Spring | 14 |
| Richard Makhlof | 15 |
| Samantha Kozlowski | 16 |
| Susan Wilson | 17 |

- 6.9 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
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations 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

6.11 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

6.12 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.

6.13 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.

7.0 Conditions consistent with Operating Schedule

7.1 *No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.*

7.2 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*

7.3 *No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 on Monday to Friday and 08.00 hours on Saturday and Sunday.*

- 7.4 *The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.*
- 7.5 *The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.*
- 7.6 *All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.*
- 7.7 *All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.*
- 7.8 *The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.*
- 7.9 *Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.*
- 7.10 *All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be noncombustible.*
- 7.11 *Provision of emergency lighting system shall be implemented in all public areas, staircase and fire escapes.*
- 7.12 *The certificates listed below shall be submitted to the licensing authority upon written request.*
- a) *Any permanent or temporary emergency lighting battery or system*
 - b) *Any permanent or temporary electrical installation*
 - c) *Any permanent or temporary emergency warning system*
- 7.13 *Staff are to receive documented training and refresher training in:*
- a) *procedures to deal with spillages/hazards;*
 - b) *emergency response, including evacuation procedures;*
 - c) *dealing with illness or injuries.*
- 7.14 *A Challenge 21 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.*

- 7.15 *Signage shall be displayed in prominent positions highlighting the proof of age policy.*
- 7.16 *All staff who sell or supply alcohol shall be given induction training and annual refresher training on the legislation relating to the sales of alcohol to underage persons.*
- 7.17 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police. 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. 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 is 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. Signage shall be displayed in prominent positions highlighting the CCTV system.*
- 7.18 *The lobby/reception shall be permanently staffed.*
- 7.19 *There shall be a personal licence holder on duty on the premises after 20:00.*
- 7.20 *An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) all seizures of drugs or offensive weapons (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.*
- 7.21 *Substantial food and suitable beverages other than intoxicating liquor, including drinking water shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.*

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 The applicant has agreed the following with Police Licensing and Environmental Health Noise Team (Please see **Appendix 18**):

8.1..1. *24 Hours to hotel residents and their guests (Limit of 4 guests per resident) as well as pre-booked private events (details of all such events to be retained on site for a 6 month period);*

8.1..2. *Sunday to Thursday – midnight, with premises closing to non-residents and their guests at 00:30;*

- 8.1..3. *Friday and Saturday – 01:00, with premises closing to non-residents and their guests at 01:30.*
- 8.1..4. *Loudspeakers shall not be located in the entrance lobby or outside the premise building.*
- 8.1..5. *All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.*
- 8.1..6. *No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.*
- 8.1..7. *No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day. (I am cautious of preventing things such as newspapers being delivered in the mornings).*
- 8.1..8. *After 10pm daily, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons at any one time.*

9.0 **Licensing Officer Comments**

- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.2 The following is intended simply 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.
- 9.3 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 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.
- 9.7 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)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 19 - 26** 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.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

| | |
|---|--|
| Appendix 1 | A copy of the existing licence |
| Appendix 2 | A copy of the application |
| Appendix 3 | Site Plan |
| Appendix 4 | Maps of the surrounding area |
| Appendix 5 | Other licensed venues in the area |
| Appendix 6 | Section 182 Guidance by the Home Office |
| Appendices 7 - 17 Representations of other persons / residents | |
| Appendix 18 | Applicant's agreement with Police Licensing and Environmental Health Noise Team |
| Appendix 19 | Licensing Officer comments on noise while the premise is in use |
| Appendix 20 | Licensing Officer comments on access/egress Problems |
| Appendix 21 | Licensing Officer comments on crime and disorder on the premises |
| Appendix 22 | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| Appendix 23 | Safety problems |
| Appendix 24 | Licensing officer comments on Underage Drinking or other Harm to Minors |
| Appendix 25 | Planning |
| Appendix 26 | Licensing Policy relating to hours of trading |

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Appendix 1

**(The London Re Shoreditch)
419-437 Hackney Road
London
E2 8PP**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 4th January 2008

Minor variation 14/12/18



Part A - Format of premises licence

Premises licence number

27280

Part 1 - Premises details

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

(The Re London Shoreditch)
419-437 Hackney Road

Post town

London

Post code

E2 8PP

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol:

Monday to Friday from 08:00 hours to 23:00 hours

Saturday from 09:00 hours to 23:00 hours

Sunday from 09:00 hours to 22:30 hours

24 hours for residents and bonafide guests only.

Films and Facilities for making music:

Monday to Sunday 24 hours a day

Indoor Sports and Recorded Music:

Monday to Friday from 08:00 hours to 23:00 hours

Saturday from 09:00 hours to 23:00 hours

Sunday from 09:00 hours to 22:30 hours

New Years Eve from 09:00 hours until 23:00 hours on New Years Day

The opening hours of the premises

Monday to Sunday 24 hours a day.

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

On and off sales

Part 2

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

MHD Limited
Belgrave Court
73 Temple Court
London
E2 6GE
[REDACTED]

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

6402554

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

Darryn Lee Tanner
[REDACTED]

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

Personal Licence Number: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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 —

$$\mathbf{P = D + (D \times V)}$$
 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

Annex 2 - Conditions consistent with the operating Schedule

1. CCTV to be installed and maintained.
2. Challenge 21 policy in place at the premises.

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

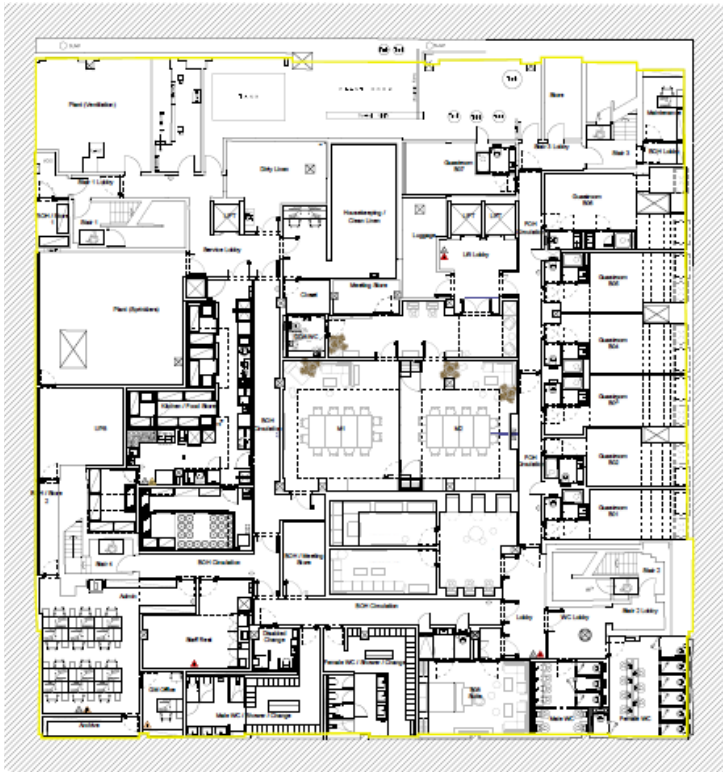
Not applicable

Annex 4 - Plans

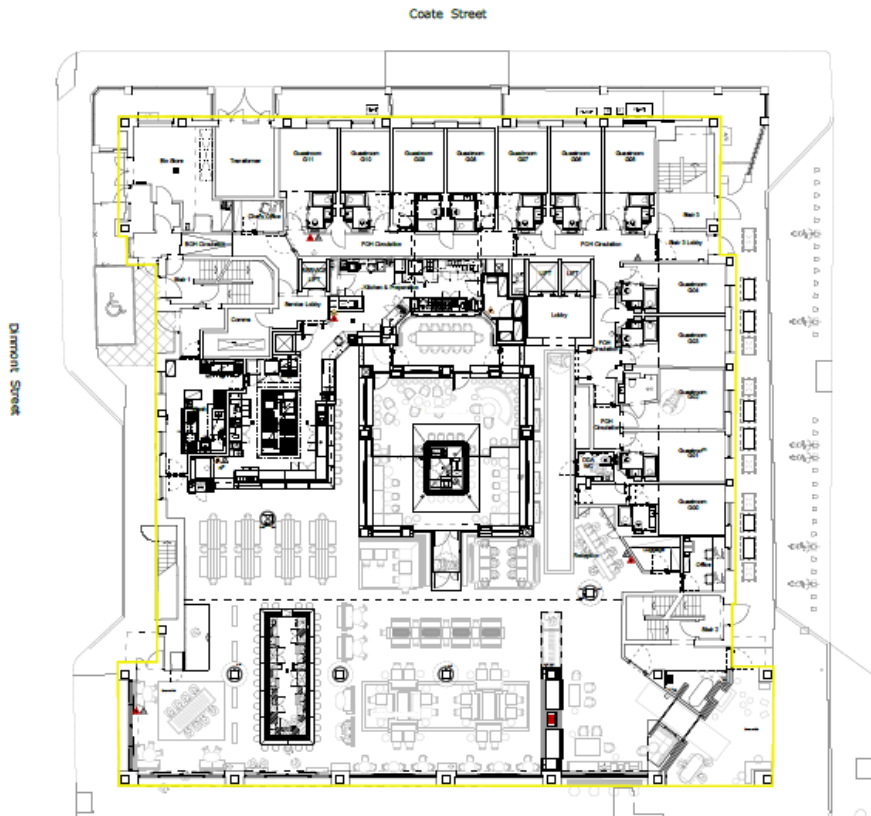
The plans are those submitted to the licensing authority on the following date:

23rd November 2018 : Basement, Ground, First to Fourth Floors.

Basement:



Ground:



First floor



Second floor



Third floor:



Fourth Floor





Part B - Premises licence summary

Premises licence number

27280

Premises details

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

(The Re London Shoreditch)
419-437 Hackney Road

Post town

London

Post code

E2 8PP

Telephone number

[REDACTED]

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

| | |
|--|---|
| The times the licence authorises the carrying out of licensable activities | <p>Sale by retail of alcohol: Monday to Friday from 08:00 hours to 23:00 hours Saturday from 09:00 hours to 23:00 hours Sunday from 09:00 hours to 22:30 hours 24 hours for residents and bonafide guests only.</p> <p>Films and Facilities for making music: Monday to Sunday 24 hours a day</p> <p>Indoor Sports and Recorded Music: Monday to Friday from 08:00 hours to 23:00 hours Saturday from 09:00 hours to 23:00 hours Sunday from 09:00 hours to 22:30 hours</p> <p>New Years Eve from 09:00 hours until 23:00 hours on New Years Day</p> |
| The opening hours of the premises | Monday to Sunday 24 hours a day. |
| Name, (registered) address of holder of premises licence | MHD Limited Belgrave Court 73 Temple Court London E2 6GE |
| Where the licence authorises supplies of alcohol whether these are on and / or off supplies | On and off sales |
| Registered number of holder, for example company number, charity number (where applicable) | 6402554 |
| Name of designated premises supervisor where the premises licence authorises for the supply of alcohol | Darryn Lee Tanner |
| State whether access to the premises by children is restricted or prohibited | No restrictions |

Appendix 2

**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 MHD 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 Hotel (Formerly the London Re Shoreditch) 419 -437 Hackney Road | | | |
| Post town | London | Postcode | E2 8PP |

| | |
|---|-----------------|
| Telephone number at premises (if any) | N/A |
| Non-domestic rateable value of premises | £840,000 |

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body | <input type="checkbox"/> | 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 (by ticking yes to one box below):

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 | | |
| Date of birth | | | I am 18 years old or over <input type="checkbox"/> | Please tick yes | |
| Nationality | | | | | |
| Current residential 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 | | |
| Date of birth | | I am 18 years old or over | | <input type="checkbox"/> | Please tick yes |
| Nationality | | | | | |
| 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 MHD Limited |
| Address One, Curzon Street London W1J 5HD |
| Registered number (where applicable) 06402554 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Company |
| Telephone number (if any) [REDACTED] |
| E-mail address (optional) [REDACTED] |

Part 3 Operating Schedule

When do you want the premises licence to start?

| DD | | MM | | YYYY | | | |
|----|---|----|---|------|---|---|---|
| 0 | 3 | 0 | 4 | 2 | 0 | 1 | 9 |

If you wish the licence to be valid only for a limited period, when do you want it to end?

| DD | | MM | | YYYY | | |
|----|--|----|--|------|--|--|
| | | | | | | |

Please give a general description of the premises (please read guidance note 1)

Boutique Hotel

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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 7) | | | Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Tue | 00:00 | 00:00 | | | |
| Wed | 00:00 | 00:00 | State any seasonal variations for performing plays (please read guidance note 5) | | |
| Thur | 00:00 | 00:00 | | | |
| Fri | 00:00 | 00:00 | 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 (please read guidance note 6) | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |
| | | | | | |

B

| | | | | | |
|---|-------|--------|---|----------|-------------------------------------|
| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Mon | 00:00 | 00:00 | | | |
| Tue | 00:00 | 00:00 | State any seasonal variations for the exhibition of films (please read guidance note 5) | | |
| Wed | 00:00 | 00:00 | | | |
| Thur | 00:00 | 00:00 | 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 (please read guidance note 6) | | |
| Fri | 00:00 | 00:00 | | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |

C

| Indoor sporting events Standard days and timings (please read guidance note 7) | | | <u>Please give further details</u> (please read guidance note 4) | |
|--|-------|--------|--|---|
| Day | Start | Finish | | |
| Mon | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5) | |
| | | | | |
| 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 6) |
| | | | | |
| Fri | | | | |
| | | | | |
| Sat | | | | |
| | | | | |
| Sun | | | | |
| | | | | |

D

| | | | | | |
|--|--------------------------|--------|--|----------|--------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 7) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | 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 4) | | |
| Mon | | | | | |
| | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5) | | |
| Tue | | | | | |
| | | | <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 6) | | |
| Wed | | | | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |

E

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Mon | 00:00 | 00:00 | | | |
| Tue | 00:00 | 00:00 | State any seasonal variations for the performance of live music (please read guidance note 5) | | |
| Wed | 00:00 | 00:00 | | | |
| Thur | 00:00 | 00:00 | 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 (please read guidance note 6) | | |
| Fri | 00:00 | 00:00 | | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |

F

| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|---|-------|--------|---|----------|-------------------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Tue | 00:00 | 00:00 | | | |
| Wed | 00:00 | 00:00 | State any seasonal variations for the playing of recorded music (please read guidance note 5) | | |
| Thur | 00:00 | 00:00 | | | |
| Fri | 00:00 | 00:00 | 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 (please read guidance note 6) | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |

G

| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
|--|-------|--------|--|----------|-------------------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Tue | 00:00 | 00:00 | | | |
| Wed | 00:00 | 00:00 | State any seasonal variations for the performance of dance (please read guidance note 5) | | |
| Thur | 00:00 | 00:00 | | | |
| Fri | 00:00 | 00:00 | 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 (please read guidance note 6) | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |

H

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing: Anything similar to E,F or G | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| Mon | 00:00 | 00:00 | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | 00:00 | 00:00 | <u>Please give further details here</u> (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Wed | 00:00 | 00:00 | | | |
| Thur | 00:00 | 00:00 | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) | | |
| Fri | 00:00 | 00:00 | | | |
| Sat | 00:00 | 00:00 | <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 6) | | |
| Sun | 00:00 | 00:00 | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors | <input type="checkbox"/> | | | |
|--|-------|--------|--|----------|-------------------------------------|--|--|--|
| | | | | Outdoors | <input type="checkbox"/> | | | |
| | | | | Both | <input checked="" type="checkbox"/> | | | |
| Day | Start | Finish | Please give further details here (please read guidance note 4) As consistent with a Boutique Hotel | | | | | |
| Mon | 00:00 | 05:00 | | | | | | |
| | 23:00 | 00:00 | | | | | | |
| Tue | 00:00 | 05:00 | | | | | | |
| | 23:00 | 00:00 | | | | | | |
| Wed | 00:00 | 05:00 | | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| | 23:00 | 00:00 | | | | | | |
| Thur | 00:00 | 05:00 | | | | | | |
| | 23:00 | 00:00 | | | | | | |
| Fri | 00:00 | 05:00 | 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 (please read guidance note 6) | | | | | |
| | 23:00 | 00:00 | | | | | | |
| Sat | 00:00 | 05:00 | | | | | | |
| | 23:00 | 00:00 | | | | | | |
| Sun | 00:00 | 05:00 | | | | | | |
| | 23:00 | 00:00 | | | | | | |

J

| | | | | | |
|---|-------|--------|--|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | 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 5) | | |
| Mon | 00:00 | 00:00 | | | |
| Tue | 00:00 | 00:00 | | | |
| Wed | 00:00 | 00:00 | | | |
| Thur | 00:00 | 00:00 | | | |
| Fri | 00:00 | 00:00 | | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |
| | | | | | |

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

| | |
|---|--------|
| Name Jamie Kerr | |
| Date of birth | ██████ |
| Address ██████████ ██████ | |
| Postcode | ██████ |
| Personal licence number (if known) - ██████████ | |
| Issuing licensing authority (if known) ████████████████████ | |

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 9).

None

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|---|-------|--------|--|
| Day | Start | Finish | |
| Mon | 00:00 | 00:00 | <p><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 6)</p> <p>The premises will operate as a hotel and therefore the premises will be open 24 hours a day</p> |
| | | | |
| Tue | 00:00 | 00:00 | |
| | | | |
| Wed | 00:00 | 00:00 | |
| | | | |
| Thur | 00:00 | 00:00 | |
| | | | |
| Fri | 00:00 | 00:00 | |
| | | | |
| Sat | 00:00 | 00:00 | |
| | | | |
| Sun | 00:00 | 00:00 | |
| | | | |

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 10)

Please see proposed conditions attached named as Annex A. The applicant is applying for a new premises licence with more specific conditions and if granted will replace the old outdated licence.

b) The prevention of crime and disorder

Please see proposed conditions annex A

c) Public safety

Please see proposed conditions annex A

d) The prevention of public nuisance

Please see proposed conditions annex A

e) The protection of children from harm

Please see proposed conditions annex A

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.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12).
If signing on behalf of the applicant, please state in what capacity.

| | |
|--------------------|--|
| Declaration | <ul style="list-style-type: none">• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). |
|--------------------|--|

| | |
|-----------|--|
| | <ul style="list-style-type: none"> The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15) |
| Signature | FOR Keystone Law Ltd [REDACTED] |
| Date | 5 th March 2019 |
| Capacity | Solicitors on behalf of applicant |

For joint applications, signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent (please read guidance note 13). 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 14) Marcus Lavell Keystone Law 48 Chancery Lane | | | |
| Post town | London | Postcode | WC2A 1JF |
| Telephone number (if any) | [REDACTED] | | |
| If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED] | | | |

Notes for Guidance

- 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.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;

- any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. 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.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. 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.
 8. 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'.
 9. 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.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

419 -437 Hackney Road London E2 8PP

PROPOSED NEW LICENCE HOTEL CONDITIONS

Nuisance

1. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 on Monday to Friday and 08.00 hours on Saturday and Sunday.

Public safety

4. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
5. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.
6. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
7. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
8. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
9. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
10. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be noncombustible.

11. Provision of emergency lighting system shall be implemented in all public areas, staircase and fire escapes.
12. The certificates listed below shall be submitted to the licensing authority upon written request.
 - a. Any permanent or temporary emergency lighting battery or system
 - b. Any permanent or temporary electrical installation
 - c. Any permanent or temporary emergency warning system
13. Staff are to receive documented training and refresher training in:
 - a. procedures to deal with spillages/hazards;
 - b. emergency response, including evacuation procedures;
 - c. dealing with illness or injuries.

Protection of children from harm

14. A Challenge 21 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.
15. Signage shall be displayed in prominent positions highlighting the proof of age policy.
16. All staff who sell or supply alcohol shall be given induction training and annual refresher training on the legislation relating to the sales of alcohol to underage persons.

Prevention of crime and disorder

17. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police. 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. 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 is 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. Signage shall be displayed in prominent positions highlighting the CCTV system.
18. The lobby/reception shall be permanently staffed.
19. There shall be a personal licence holder on duty on the premises after 20:00.

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) all seizures of drugs or offensive weapons (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.

21. Substantial food and suitable beverages other than intoxicating liquor, including drinking water shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

Appendix 3

- 1. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.1.
- 2. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.2.
- 3. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.3.
- 4. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.4.
- 5. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.5.
- 6. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.6.
- 7. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.7.
- 8. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.8.
- 9. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.9.
- 10. Fire alarm pull stations shall be installed in accordance with NFPA 72, Chapter 10.1.10.

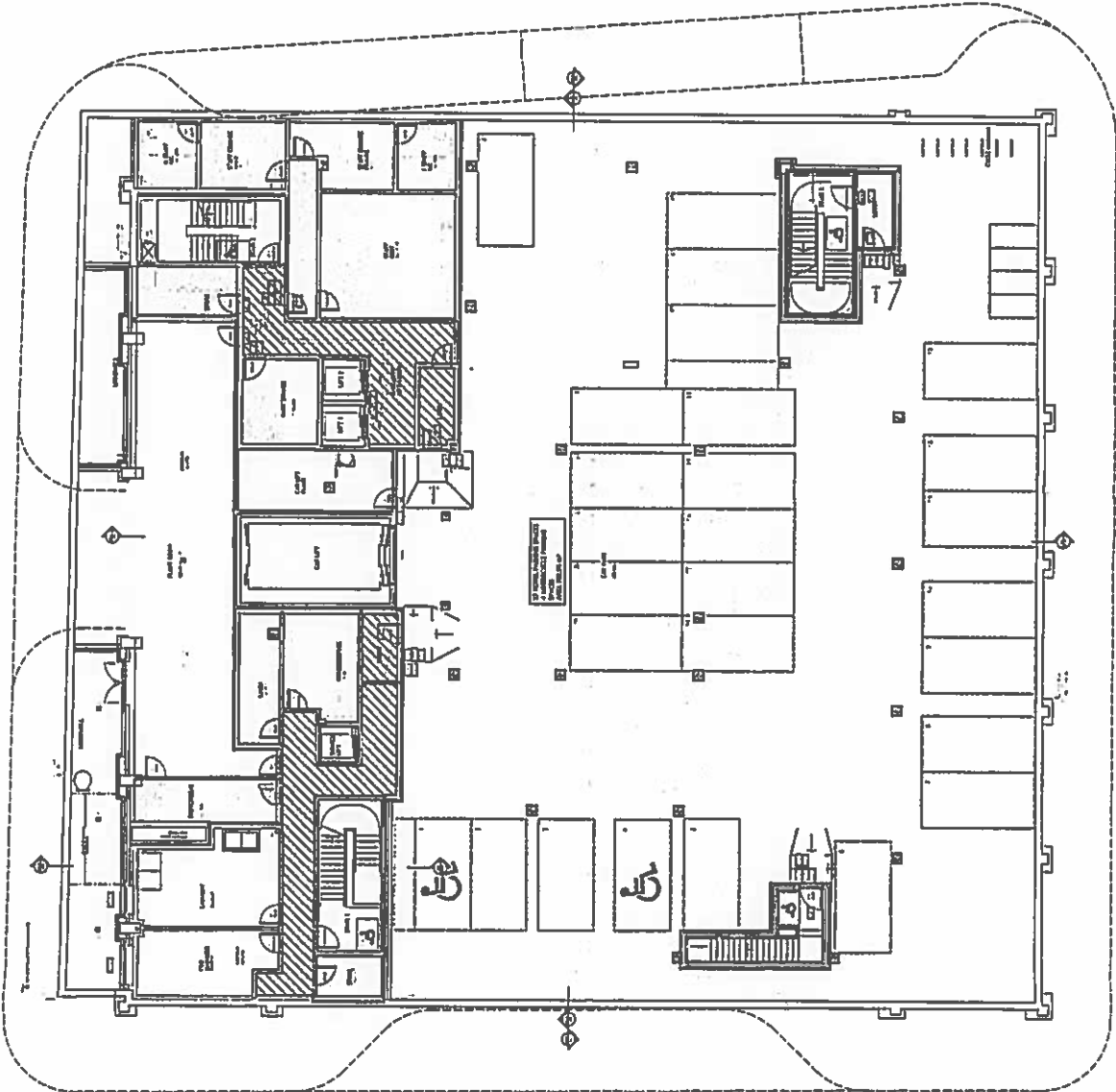
youngangault

PROJECT: 1642-335 FIRE HALL
 SHEET: A1
 DATE: 11/19/07

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| PROJECT | 1642-335 FIRE HALL |
| SHEET | A1 |
| DATE | 11/19/07 |
| DRAWN BY | |
| CHECKED BY | |
| SCALE | |
| PROJECT NO. | 1642-335 |
| SHEET NO. | 11 |

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL BUILDING CODE (IBC) AND ALL APPLICABLE LOCAL ORDINANCES.
2. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL FIRE CODE (IFC) AND ALL APPLICABLE LOCAL ORDINANCES.
3. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL PLUMBING CODE (IPC) AND ALL APPLICABLE LOCAL ORDINANCES.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL MECHANICAL AND ELECTRICAL CODE (IMC/IEC) AND ALL APPLICABLE LOCAL ORDINANCES.
5. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND ALL APPLICABLE LOCAL ORDINANCES.
6. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL SMOKE CONTROL CODE (ISCC) AND ALL APPLICABLE LOCAL ORDINANCES.
7. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL SAFETY CODE (ISC) AND ALL APPLICABLE LOCAL ORDINANCES.
8. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL TRANSPORTATION CODE (ITC) AND ALL APPLICABLE LOCAL ORDINANCES.
9. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL WELDERING CODE (IWC) AND ALL APPLICABLE LOCAL ORDINANCES.
10. ALL WORK SHALL BE IN ACCORDANCE WITH THE 2000 INTERNATIONAL CONSTRUCTION CODE (ICC) AND ALL APPLICABLE LOCAL ORDINANCES.



1. This set of drawings is the property of Young & Rubicam, Inc. and is not to be used for any other project without the written consent of Young & Rubicam, Inc.

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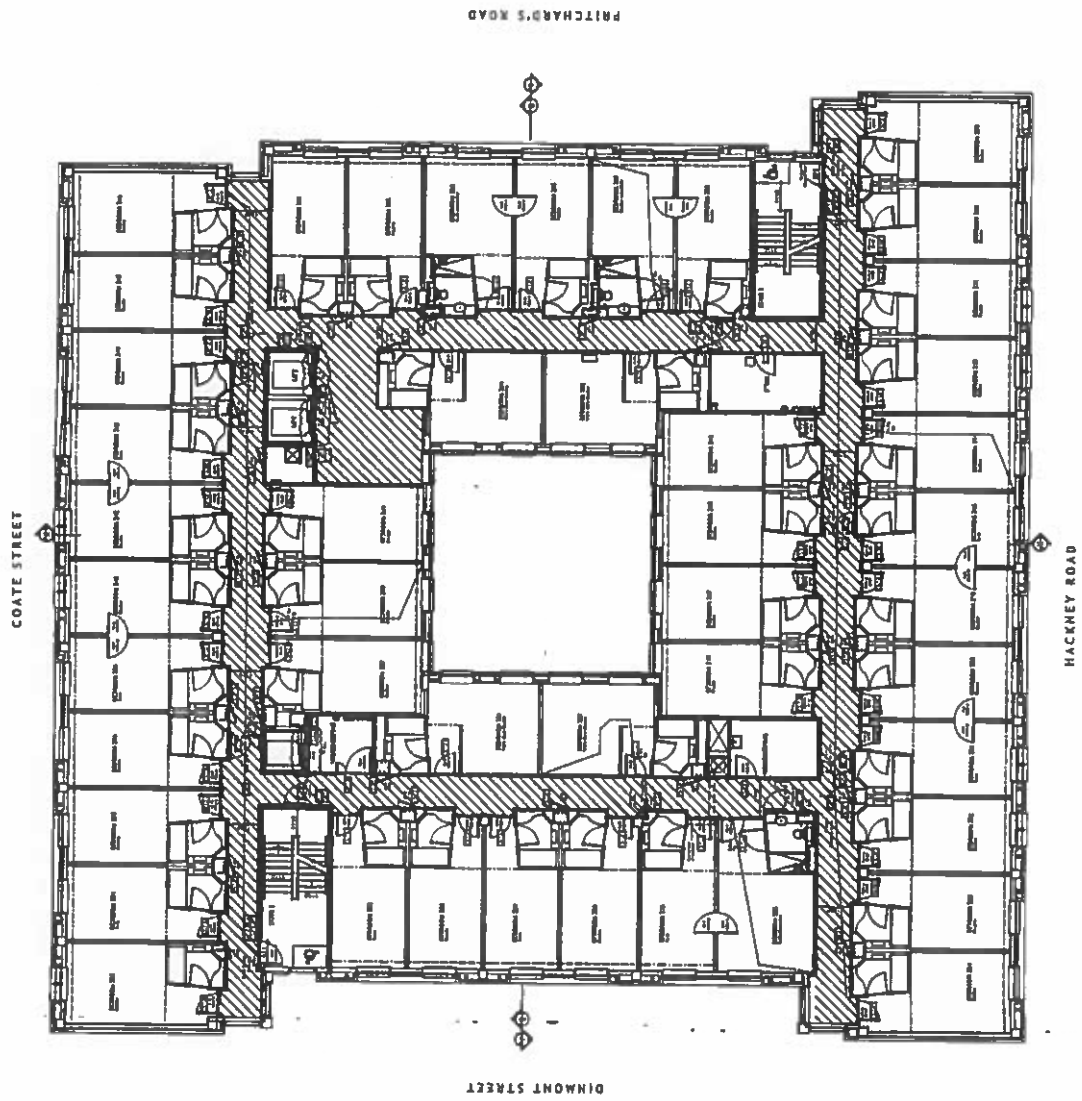
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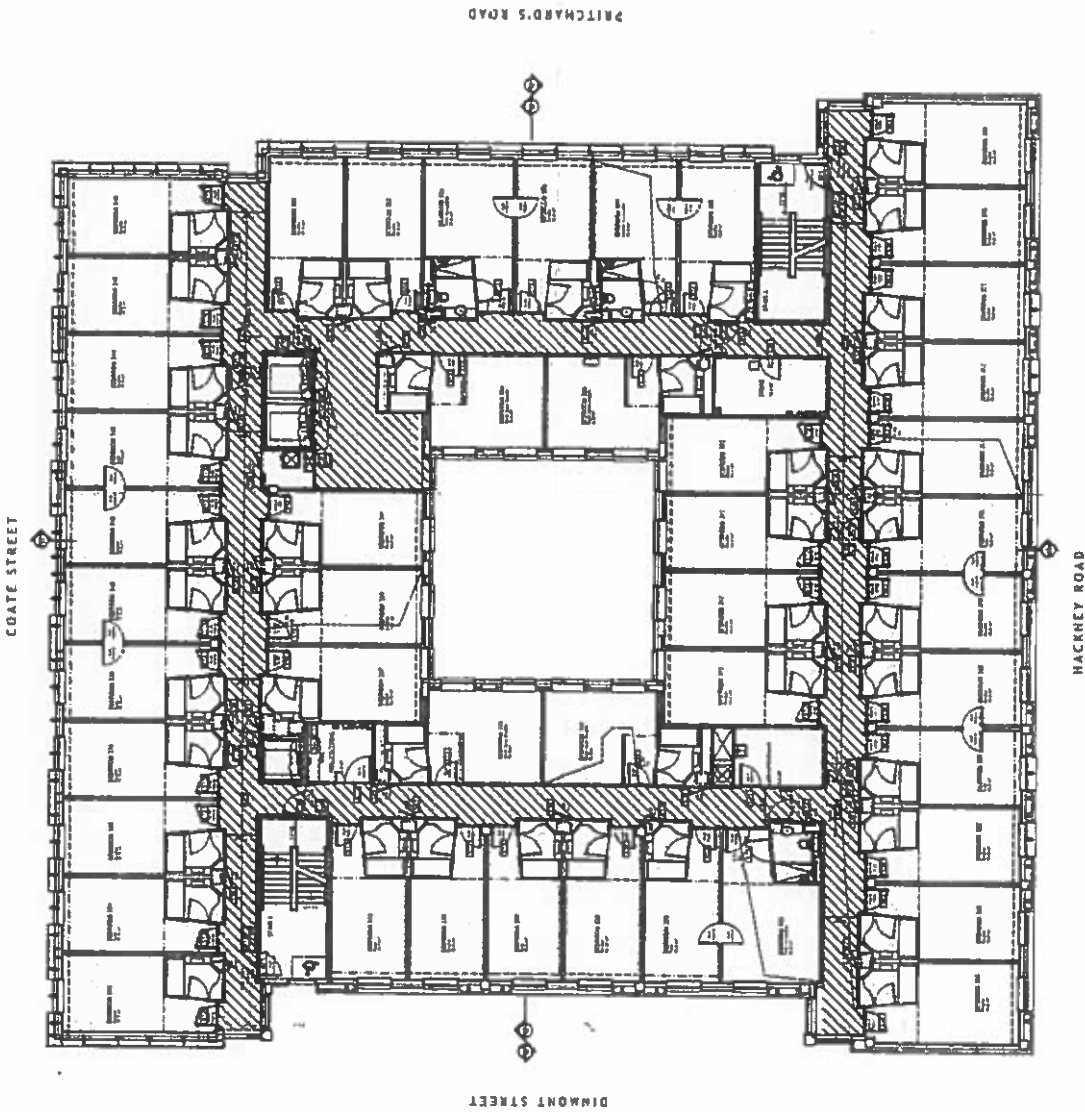
29. The drawings are to be used for the project only and are not to be used for any other purpose.

30. The drawings are to be used for the project only and are not to be used for any other purpose.

youngandrubicam
 1000 BROADWAY
 NEW YORK, NY 10018
 TEL: 212 303 0000
 FAX: 212 303 0001
 WWW: WWW.YOUNGANDRUBICAM.COM

A1
 SECOND FLOOR LAYOUT
 FIRE STRATEGY
 DATE: 10/11/07
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 142-332 0





1. The drawings are to be read in conjunction with the Bill of Materials and the Specification for the works to be carried out.

2. The drawings are to be read in conjunction with the Bill of Materials and the Specification for the works to be carried out.

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youngandgault
 Chartered Architects
 100, The Quadrant, London, W1R 0AS
 Tel: 020 7493 4000
 Fax: 020 7493 4001
 Email: info@youngandgault.com

A1
 DRAWING NO. 100/07/001
 DATE 19/11/2007
 SCALE 1:500
 PROJECT NAME 100, THE QUADRANT
 CLIENT NAME 100, THE QUADRANT
 PROJECT NO. 100-111 D

| Revisión | Fecha | Descripción |
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| 1 | 18.02.06 | ... |
| 2 | 19.04.06 | ... |
| 3 | 19.04.06 | ... |
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| 8 | 19.04.06 | ... |
| 9 | 19.04.06 | ... |
| 10 | 19.04.06 | ... |

1. El presente proyecto se ha elaborado en virtud de la licencia otorgada por el Sr. Arquitecto de Oficio Sr. Juan Carlos Rodríguez de la Cruz, inscrita en el Colegio de Arquitectos de la Provincia de Sevilla, número 1.234.

2. El presente proyecto se ha elaborado en virtud de la licencia otorgada por el Sr. Arquitecto de Oficio Sr. Juan Carlos Rodríguez de la Cruz, inscrita en el Colegio de Arquitectos de la Provincia de Sevilla, número 1.234.

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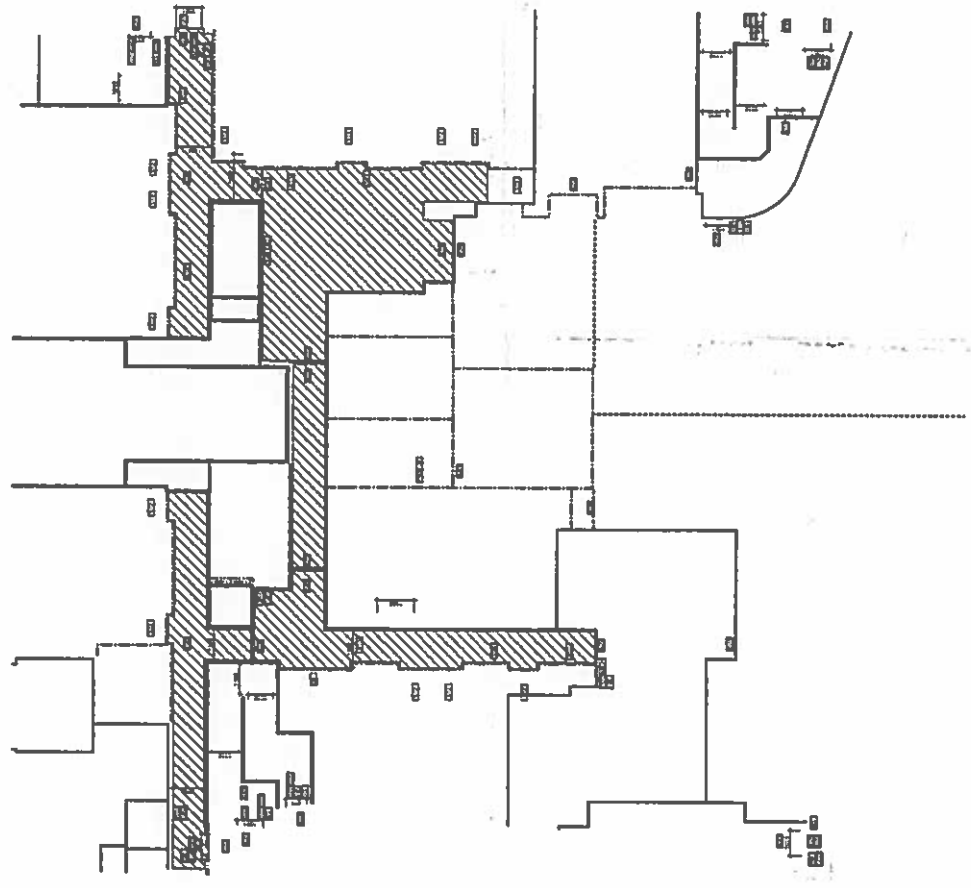
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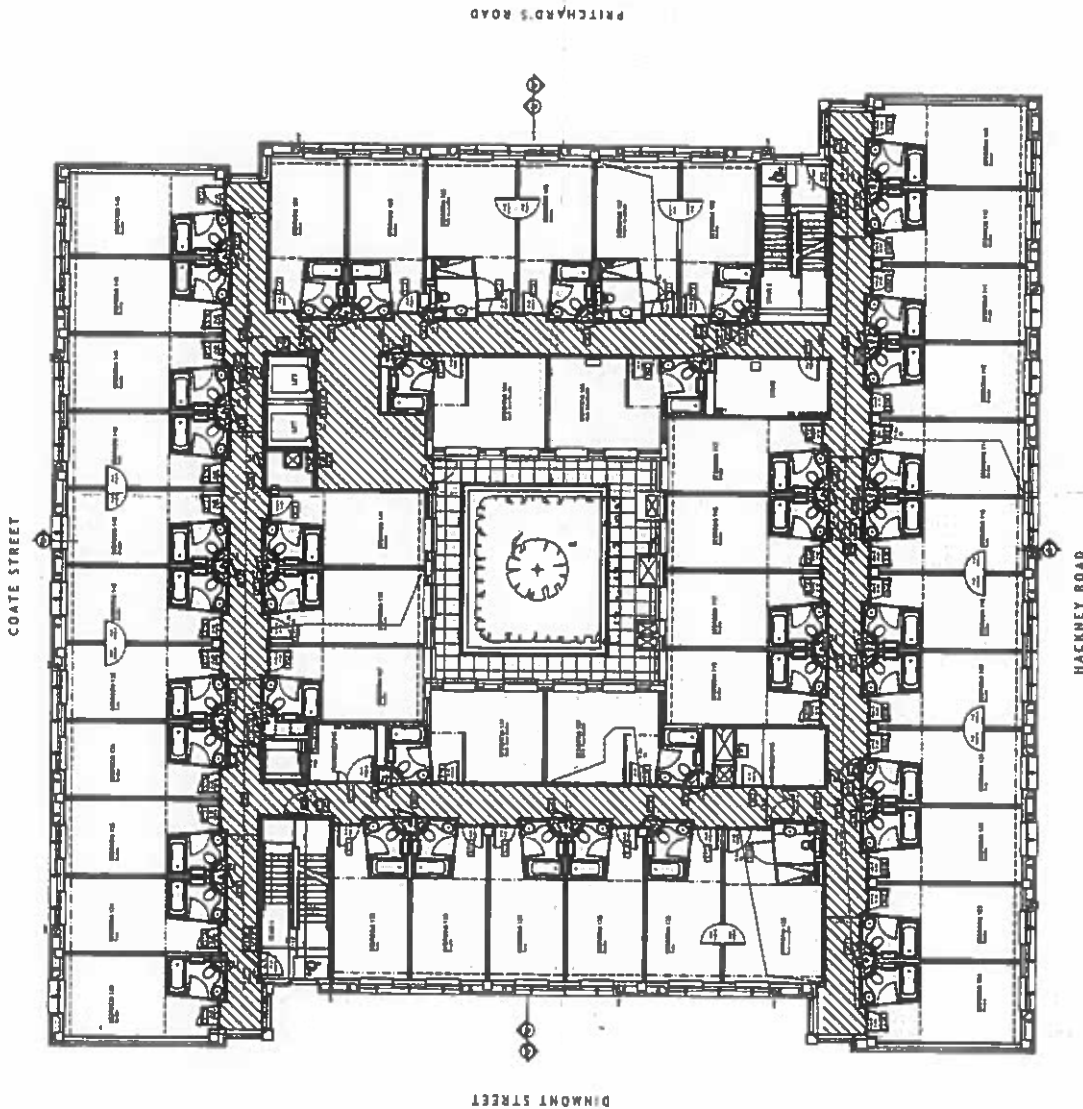
youngindgault

ALBA LEROUX LIMITED
 LIMITED LIABILITY PARTNERSHIP
 45-46 THE SQUARE
 WIMBORNE, DORSET DT9 9JL

A1
 FLOOR PLAN LAYOUT
 FIRE STRATEGY

| | |
|--------------|------------|
| Scale: | 1:100 |
| Date: | 19/11/2007 |
| Drawn by: | ... |
| Checked by: | ... |
| Project No.: | 441-130 G |





- 1. All work shall be in accordance with the latest edition of the British Standards Institution (BSI) specifications and the relevant parts of the Building Regulations.
- 2. The work shall be carried out in accordance with the latest edition of the Building Regulations and the relevant parts of the Building Regulations.
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youngengault

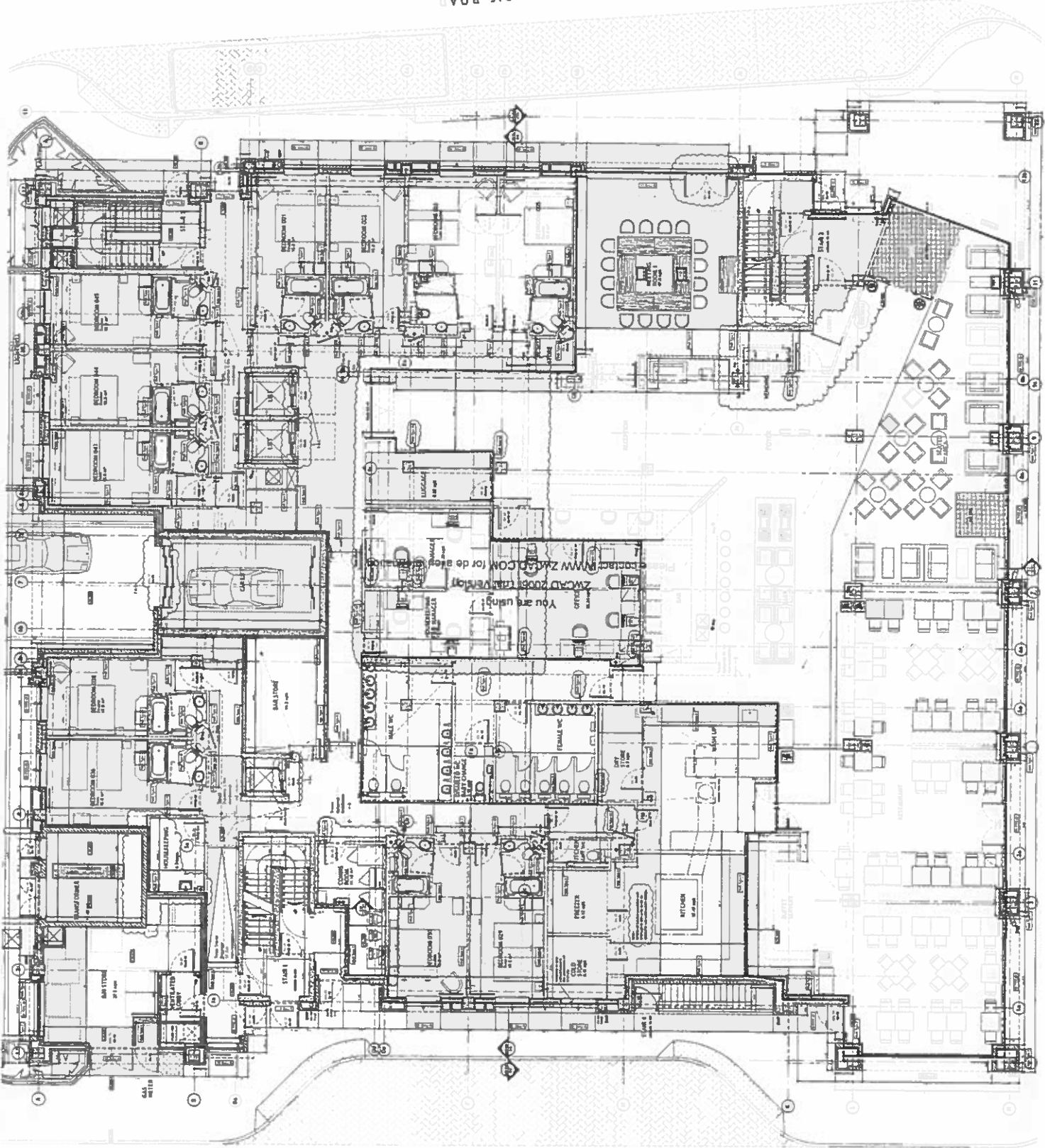
ARCHITECTS

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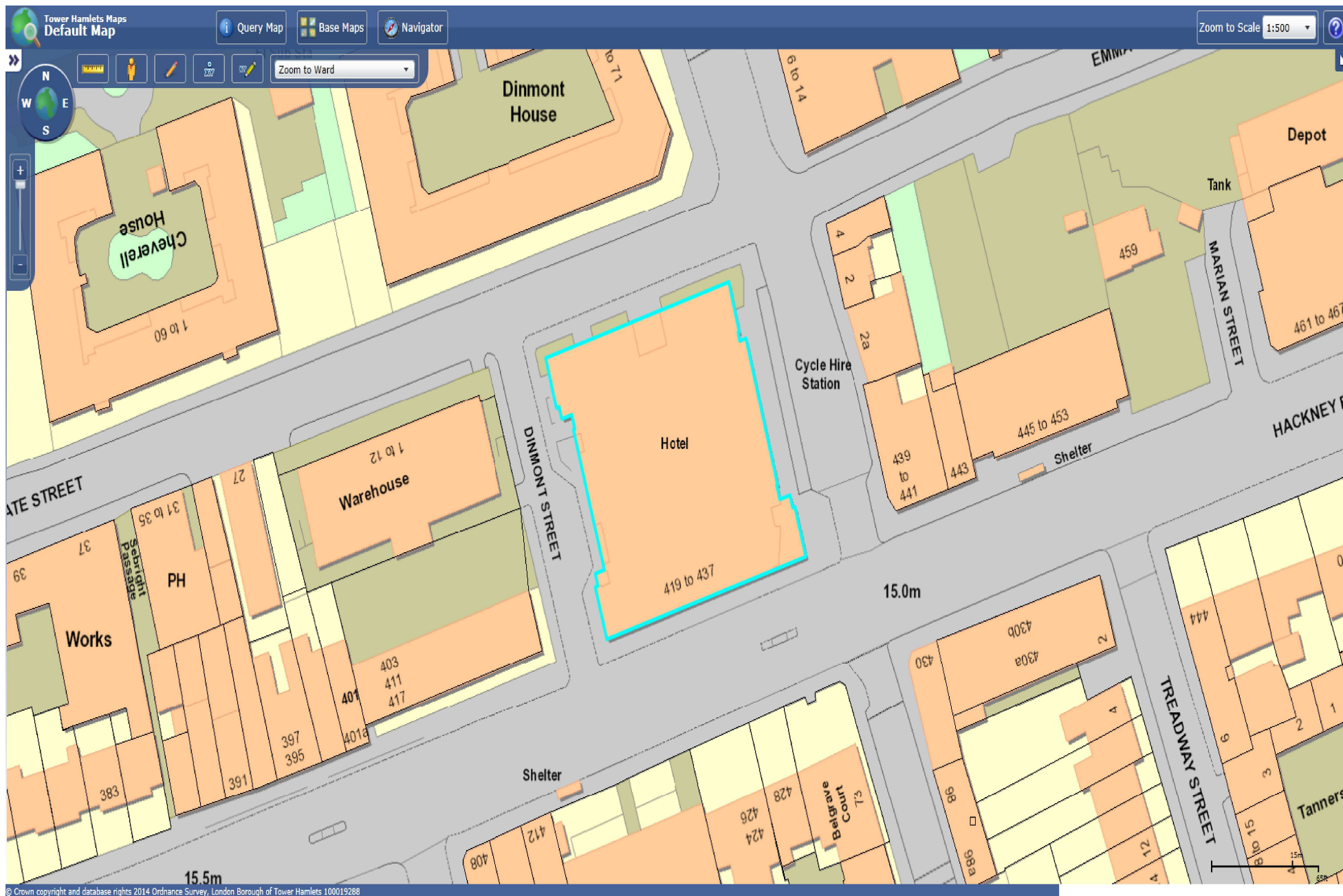
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PRITCHARD'S ROAD

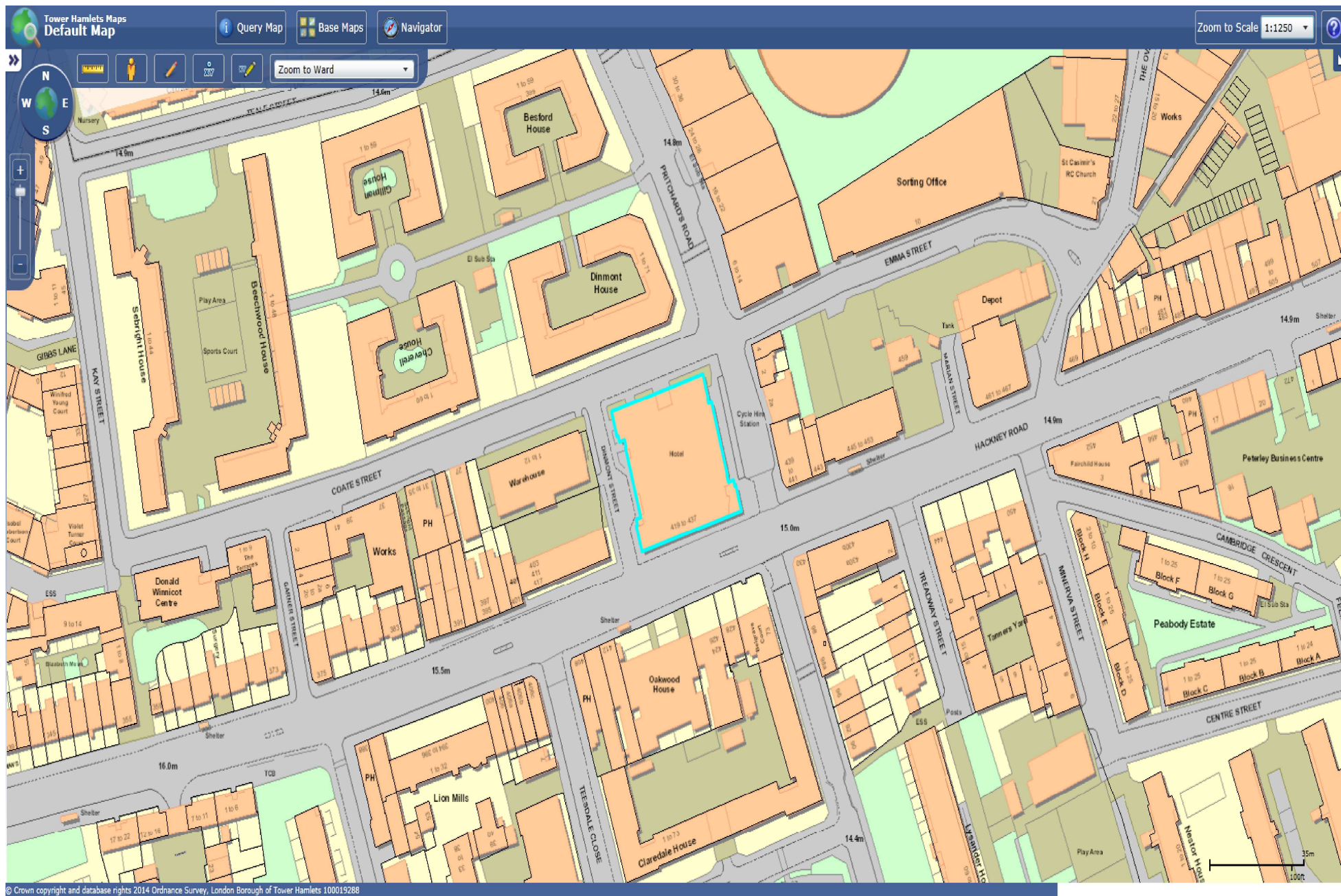


DIMMONT STREET

Appendix 4



Page 83



Page 84

Appendix 5

Nearby licensed premises: (Hotel) 419 – 437 Hackney Road, London E2

| Name and address | Licensing activities | Opening times |
|---|---|---|
| <p>(Queen Adelaide) 483 Hackney Road London E2 9ED</p> | <p>The sale by retail of alcohol (On and off sales) Sunday to Wednesday from 11.00 hours until 01.00 hours the following day Thursday to Saturday from 11.00hours until 03:00 hours the following day</p> <p>The provision of regulated entertainment consisting of: Recorded Music, Performances of dance: Sunday to Wednesday from 11.00 hours until 01.00 hours the following day Thursday to Saturday from 11.00hours until 03:00 hours the following day</p> <p>Live Music: Monday to Wednesday until 01:00 hours the next day</p> <p>Thursday to Saturday from 11:00 hrs to 2:00 hrs the following day The provision of late night refreshment: Sunday to Wednesday 23:00 hours until 01:00 hours the following day Thursday to Saturday 23.00 hours until 03:00 hours the following day</p> | <p>Sunday, Monday and Tuesday from 11.00 hours until 02.30 hours the following day</p> <p>Wednesday, Thursday, Friday and Saturday from 11.00 hours until 05.00 hours the following day</p> |
| <p>(Residence Hackney Road) 408 Hackney Road Bethnal Green London E2 7AP</p> | <p><u>Supply of alcohol (On and off sales)</u> Monday to Saturday 12:00 hours to 21:30 hours Sunday 12:00 hours to 15:30 hours</p> | <p>Monday to Wednesday 08:00 hours to 16:00 hours Thursday to Saturday 08:00 hours to 22:00 hours Sunday 09:30 hours to 16:00 hours</p> |
| <p>(Convenience Store) 443 Hackney Road London E2 9DY</p> | <p>Alcohol (Off sales only)</p> <ul style="list-style-type: none"> • Monday to Saturday, 08:00 hrs to midnight • Sunday, 10:00 hrs to midnight | <p>Monday to Sunday, 06:30 hrs to 02:00 hours</p> |
| <p>(Just F.A.B. Ltd) 455 - 459 Hackney Road London E2 9DY</p> | <p>Sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Thursday, from 11:00 hours to 23:00 hours • Friday and Saturday, from 11:00 hours to 23:30 hours • Sundays, from 11:00 hours to 22:00 hours <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Friday and Saturday, from 23:00 hours to 23:30 hours <p>The provision of regulated entertainment <u>Recorded music</u></p> <ul style="list-style-type: none"> • Monday to Thursday, from 07:00 hours to 23:00 hours • Friday and Saturday, from 07:00 hours to | <p>Monday to Thursday, from 07:00 hours to 23:30 hours</p> <p>Friday and Saturday, from 07:00 hours to 00:00 hours (midnight)</p> <p>Sundays, from 07:00 hours to 22:30 hours</p> |

Nearby licensed premises: (Hotel) 419 – 437 Hackney Road, London E2

| | | |
|--|--|---|
| | <p>23:30 hours</p> <ul style="list-style-type: none"> Sundays, from 07:00 hours to 22:00 hours <p><u>Films and Live Music</u></p> <ul style="list-style-type: none"> Monday to Saturday, from 12:00 hours to 23:00 hours Sundays, from 12:00 hours to 22:00 hours | |
| <p>(Elegant Food Market) 430 Hackney Road London E2 6QL</p> | <p>The sale by retail of alcohol (Off sales only) Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00 hours to 02:00 hours the following day</p> <p>Including Christmas Day from 12:00 hours to 15:00 hours and 19:00 hours to 22:30 hours and Good Friday from 08:00 hours to 22:30 hours</p> | <p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00 hours to 02:00 hours the following day</p> <p>Including Christmas Day from 12:00 hours to 15:00 hours and 19:00 hours to 22:30 hours and Good Friday from 08:00 hours to 22:30 hours</p> |
| <p>(Honeymoon) 460 Hackney Road London E2 9EG</p> | <p>The sale by retail of alcohol (On and off sales): Monday, Tuesday, Wednesday, Thursday from 11:00 hours to 01:00 hours the following day Friday and Saturday from 11:00 hours to 01:30 hours the following day Sunday from 11:00 hours to 23:30 hours</p> <p>Regulated Entertainment consisting of: Live music Wednesday and Thursday from 21:00 hours to midnight</p> <p>Recorded Music: Monday and Tuesday from 19:00 hours to midnight Wednesday and Thursday from 19:00 hours to 21:00 hours and midnight to 01:00 hours the following day Friday and Saturday from 19:00 hours to 02:00 hours the following day Sunday from 19:00 hours to 23:00 hours the following day</p> <p>Performance of dance, facilities for dancing Monday and Tuesday from 19:00 hours to midnight Wednesday and Thursday from 19:00 hours to 01:00 hours the following day Friday and Saturday from 19:00 hours to 02:00 hours the following day Sunday from 19:00 hours to 23:00 hours.</p> <p>Facilities for Making music Wednesday and Thursday from 19:00 hours to 01:00 hours the following day</p> <p>Facilities for entertainment of similar description Wednesday from 19:00 hours to 01:00 hours the following day</p> | <p>Monday, Tuesday, Wednesday and Thursday from 11:00 hours to 02:00 hours the following day Friday, Saturday from 11:00 hours to 02:00 hours the following day Sunday from 11:00 hours to midnight.</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> |

Nearby licensed premises: (Hotel) 419 – 437 Hackney Road, London E2

| | | |
|--|---|---|
| <p>489 Hackney Road London E2 9ED</p> | <p><u>The Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs to 23:00hrs • Friday & Saturday from 12:00hrs to 00:45hrs (the following day) <p><u>The Provision of Late Night Refreshments (indoors)</u></p> <ul style="list-style-type: none"> • Friday & Saturday from 23:00hrs to 00:45hrs (the following day) <p><u>The Provision of Regulated Entertainment in the form of Films & Recorded Music (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs to 23:00hrs • Friday & Saturday from 12:00hrs to 00:45hrs (the following day) | <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs to 23:15hrs • Friday & Saturday from 12:00hrs to 01:00hrs (the following day) |
| <p>(Elegant BBQ) 388 Hackney Road London E2 7AP</p> | <p>The sale by retail of alcohol (On sales only): Sunday to Thursday from 11:00 hrs to 00:30 hrs Friday and Saturday from 11:00 hrs to 01:30 hrs</p> <p>Late Night Refreshment Sunday to Thursday until 00:30 hrs Friday and Saturday until 01:30 hrs</p> | <p>Sunday to Thursday from 11:00 hrs to 01:00 hrs Friday and Saturday from 11:00 hrs to 02:00 hrs</p> |
| <p>(Ince Supermarket) 399 Hackney Road London E2 8PP</p> | <p>The sale by retail of alcohol (Off sales only) Sunday to Wednesday 08:00 hours – midnight Thursday 08:00 hours – 01:00 hours the following day Friday & Saturday 08:00 hours – 02:00 hours the following day</p> | <p>There are no restrictions on the hours during which this premises are open to the public.</p> |
| <p>(City Newsagents & Off Licence) 334 Hackney Road London E2 7AX</p> | <p>The sale by retail of alcohol (Off sales only) Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hours to 02:00 hours the following day.</p> | <p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 08:00 hours to 02:00 hours the following day.</p> |

Appendix 6

**Section 182 Advice by the Home Office
Updated on April 2018**

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 7

Mohshin Ali

From: Samantha Neale
Sent: 02 April 2019 17:11
To: Licensing
Cc: Mohshin Ali
Subject: Premises Licence Application Representation - M/114784

Good Afternoon Licensing

Licensing Act 2003: Boutique Hotel, 419-437 Hackney Road, London, E2 8PP

I am the Licensing Officer acting as the responsible authority on behalf of the Licensing Authority. I have reviewed this application and wish to **make representation** in regards to the licensing objective for the provision of public nuisance.

I met with the agent acting on behalf of the applicant for this application on the 21st March 2019 to discuss initial concerns with the application alongside Nicola Cadzow of the Noise Team and PC Thomas Ratican of the Metropolitan Police. The initial concern was the differentiation between licensable hours for bone-fide guests of the hotel and members of the public who wished to use the premises.

The Licensable activities applied for are as follows:

Plays, Films, Live and Recorded Music, Performance of Dance and anything else of a similar description and the Supply of Alcohol:

Monday to Sunday – 00:00 to 00:00 hours

Late Night Refreshment

Monday to Sunday – 23:00 to 05:00 hours on the day following.

As discussed, the three responsible authorities were happy to accept these timings for those who are genuine hotel guests, however we proposed the following timings applicable for members of the public only, which have yet to be agreed by the applicant via their agent, and is the reason for my representation.

- Sunday to Thursday until Midnight, 30 minutes prior to closing at 00:30 hours (to the public, not hotel guests)
- Friday & Saturday until 01:00 hours, closing at 01:30 hours (to the public, not hotel guests)

I believe that the proposed timings are a fair compromise and the applicant have been offered timings which have been extended later than the councils official framework hours considering the applicant has no history of operation within the borough nor this specific area of the borough.

The premises has 432 bedrooms, as the plans suggest, and assumably much of the licensable activities is likely to be consumed by those bona-fide guests. I believe the hours suggested for members of the public are suitable and large enough to cater for those not residing at the premises and would question the intentions of the premises if they relied more greatly on the business brought by members of the public than their own guests using the facilities. The area is a residential area and if members of the public are able to enter the premises and consume alcohol 24 hours per day and also vacate the premises any time of day having consumed alcohol, there could potentially be a rise of public nuisance and noise disturbance of local residents in the area.

Therefore, I **do not** support the application as it stands and urge the Licensing Committee to grant the licence with the suggested timings for non bona-fide guests as a compromise which was discussed at a meeting with the agents on 21st March 2019.

Kind Regards,

Samantha Neale - Licensing Officer

Licensing Team, Environmental Health & Trading Standards, John Onslow House, 1 Ewart Place, London E3 5EQ

[REDACTED]



Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 02 April 2019 11:59
To: Mohshin Ali
Subject: FW: Objection to application-Boutique Hotel Days Inn Hotel 419-437 Hackney Road London E2 8PP

Follow Up Flag: Follow up
Flag Status: Flagged

From: Barbara Canepa [REDACTED]
Sent: 01 April 2019 18:39
To: Licensing
Subject: Objection to application-Boutique Hotel Days Inn Hotel 419-437 Hackney Road London E2 8PP

Boutique Hotel
Days Inn Hotel
419-437
Hackney Road
London
E2 8PP

I am writing to object the application made by the above hotel. I object a 24hr licence for drink and entertainment, and a 5am late night refreshment.

I strongly object it on the ground of:

1 Prevention of public nuisance.

This is a residential area, the Hotel is surrounded on all four sides by residential premises. This application entirely fails to take into account the environment within which The Hotel is based.

2 The prevention of crime and disorder.

Drunken and dangerous behaviour is very likely to occur and to provoke disorder and crime.

3 Public safety.

Hackney Road is a very busy road, traffic and drunken people may end up in serious harm to drivers and people.

Regards

Barbara Canepa

Appendix 9



Daniel Stewart Bland

[REDACTED]

The Licencing Section

London Borough of Tower Hamlets

John Onslow House

1 Ewart Place

London

E3 5EQ

28 March 2019

Dear Sir / Madam,

Re: The Hotel (Formerly the London Re Shoreditch Hotel) 419 – 437 Hackney Road, London, E2 8PP

The application made by MHD Limited for The Hotel 419-437 Hackney Road, London, E2 6GE fundamentally miss understands the location of the premises. The significant proposed change in licencing will create a public nuisance to the surrounding residents. This is a residential location.

Residential property surrounds The Hotel on all sides and there are there are no drinking or entertainment venues in the immediate vicinity operating late at night or early in the morning. This is because the demeanour of the environment is one of quiet residence and not entertainment / drinking.

An application for late night refreshment indoors and outdoors until 5am on every day of the week is entirely out of character and will significantly change the environment we live in.

The result will be the disturbance of all residents, particularly the Belgrave Court block within which I am resident. My and 10 further flats all have our bedrooms directly facing the entrance of The Hotel.

Indeed many of us will work (and I do) through the week and at regular hours, there are others that will have shift work, ANY hours of outdoor refreshment is likely to create noise disturbance to the detriment of peaceful within our own homes.

How will this application create a public nuisance?

- Any outdoor drinking and/or music will be heard in our bedrooms.
- No provision appears to be made for smokers, who are likely to congregate outside / near the entrance, which is opposite our bedrooms.

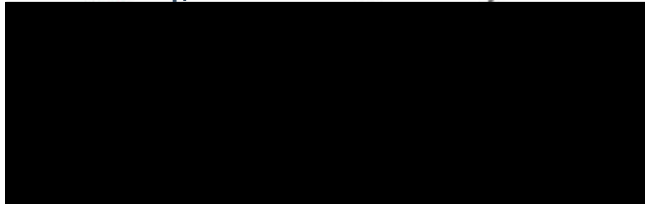
- Entrance to and from The Hotel through the night will lead to footfall directly facing our bedrooms.
- No provision appears to have been made for the sealing of windows / entrances to prevent entertainment noise from disturbing residents on all sides of the building.
- We have an open front communal building area which we fear will attract drunken urination and miss use as The Hotel drives drinkers into the residential area of Hackney Road through the night (see police incident 18 April 2018 at building).

Residents will revert from a state where we peacefully enjoy the residential section of Hackney Road to one of fear, of being awoken on any day of the week and at any time, at the mercy of The Hotel's entertainment schedule and promotion of their late night drinking.

The existing / previous licence of The Hotel was adequately provisioned for the location and environment - 24 hour drinking for guests only, latest drinking until 23.00 and all indoors.

It seems this new application has been made with no knowledge of the location and local environment. There is a miss understanding and I implore you to give heed to the original licence and its nature.

Yours faithfully,

A large black rectangular redaction box covering the signature of Daniel Stewart Bland.

Daniel Stewart Bland

Appendix 10

Kathy Driver

From: daniel kheng [REDACTED]
Sent: 23 March 2019 11:43
To: Licensing
Subject: Objection to the Hotel (Formerly the London RE Shoreditch Hotel) 419 - 437 Hackney Road London E2 8PP

Hi,
I'm the landlord / resident of [REDACTED] and am writing in relation to the Tower Hamlets council Notice of Application For A Premises Licence applied by MHD Limited for the Hotel (Formerly the London RE Shoreditch Hotel) 419 - 437 Hackney Road London E2 8PP.

As a resident of a residential building directly opposite the related license venue I would like to raise an objection to the Regulated Entertainment license, and in particular, the application for late night refreshment.

- The hotel is currently surrounded by a significant amount of residential housing, in particular to the north, south and west of the hotel
- As a result, unlike other parts of Hackney Road, it has always been the case that there are no large restaurants or bars open till late in the direct vicinity of the hotel's location
- It is of great concern that the revamped hotel is setting out to change this, and hence have strong objections to this license on the basis of (i) increased noise from both late night operations and late night crowding and (ii) likely public nuisance and safety driven by increased anti-social behaviour which often arises from excessive late night drinking (as a resident on Hackney Road it is not uncommon to receive abuse / threats resulting from drunken behaviour, and this license will only further contribute to this).
- I would like to question what are the current provisions in place to manage these risks

If you have any questions or require any further details please let me know.

Thanks
Daniel

Appendix 11

Mohshin Ali

From: Corinne Holland on behalf of Licensing
Sent: 01 April 2019 16:25
To: Mohshin Ali
Subject: FW: Objection to Alcohol Planning Application : 419 - 437 Hackney Road, London, E2 8

Follow Up Flag: Follow up
Flag Status: Flagged

From: Joe Hare [REDACTED]
Sent: 01 April 2019 16:05
To: Licensing
Cc: Sam Hare
Subject: Objection to Alcohol Planning Application : 419 - 437 Hackney Road, London, E2 8

To whom it may concern,

My brother and I are landlords to our flat at [REDACTED]. This lies opposite to the hotel (formerly known as the London Re Shoreditch) which has recently applied for their alcohol licence to be extended to a 5am finishing time and allow for drinking outside.

We feel very strongly that this application should be rejected. The hotel is situated in a residential area and extending this licence will simply lead to further anti-social behaviour in the neighbourhood. It will inevitably lead to crime, disturbance and issues for all residents. Furthermore, it will put further undue stress on an already stretched police force.

The hotel is situated in isolation away from other clubs and within a residential area. Extending alcohol licences should be restricted to areas with a high nightlife concentration - and not this part of Hackney Road.

We simply cannot let this happen and I urge you to reject this application.

Yours faithfully,

Joe and Sam Hare ([REDACTED])

Appendix 12

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 02 April 2019 12:00
To: Mohshin Ali
Subject: FW: Licensing application Boutique Hotel, Days Inn Hotel, 419-437 Hackney Rd, London E2 8PP

From: Michele Scarr [REDACTED]
Sent: 02 April 2019 00:25
To: Licensing
Cc: Farhana Zia
Subject: Licensing application Boutique Hotel, Days Inn Hotel, 419-437 Hackney Rd, London E2 8PP

Dear Sirs

I am writing in objection to the licence application for the above Boutique Hotel at 419-437 Hackney Rd, London E2 8PP.

I am a resident at [REDACTED] and live directly opposite the Hotel entrance.

I object on the grounds that the granting of a 5am licence is not appropriate for the promotion of the licensing objectives, in particular:

- Prevention of crime and disorder
- Public safety
- The prevention of public nuisance.

I have lived in this property since 2007 and have seen the detrimental effect the Hotel and the people it attracts has had on the local community and the increase in anti-social behaviour, in the following ways:

- The noise from the hotel guests who drink and smoke outside the Hotel entrance and foyer at all hours of the night, keep me awake, to the extent that i must wear ear plugs and am unable to open windows at the front of the house, such is the extent of the noise. The hotel is flanked on 4 sides by residential property and to have an outdoor smoking area is inconsiderate and disturbing to neighbours. The sort of guests that this level of Hotel promotes to come to Shoreditch to party and enjoy the night life and show no consideration for local residents.
- The Hotel owners to date have never provided any Security or night watch staff to monitor the smoking area and noise levels or even to prevent people taking their drinks outside which only encourages them to stay out longer and make more noise. There have been many occasions when i have had to phone the hotel reception to alert them to the disruptive disrespectful behaviour of Hotel guests eg, urinating against the wall of the hotel or neighbouring buildings, vomiting in the street outside, fighting, sitting on the TfL bikes outside the hotel shouting and screaming directly opposite my house.

- The outside drinking and smoking area is a magnet for noisy and nuisance beggars, alcoholics, and drug users who are attracted to the Hotel to beg cigarettes and money from hotel guests who are drinking and smoking outside. This takes place around the clock but particularly increases at night and is constant throughout the night. Sometimes these drug addicts have been known to sit on the pavement and take up residence at the Hotel entrance or smoking area to beg money and from guests that enters or leaves the Hotel.
- The unsupervised drinking and smoking all night encourages hotel guests and addicts to meet their dealers along Pritchards Rd, Coates Rd at the back of the hotel and in their smoking area itself. We have made countless calls to the Police about the constant drug dealing and is a known problem in the area. Unfortunately once the addicts have collected enough money from hotel guests they call the dealers to meet them using the Hotel as a landmark. I have actually seen and alerted Police to gangs of teenage boys touting marijuana to the hotel guests and conducting their drug deals outside the hotel doors. We have complained to the Hotel and requested CCTV footage several times to provide to Police but this has never been forthcoming.

I fear the extension of the licensing hours will only increase these problems in the area and i strongly object to this licence application in the interests of safety in the neighbourhood as well as I am extremely concerned about the noise. Whats more this is a conservation area.

Your sincerely

Michele Scarr

Appendix 13

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 02 April 2019 12:00
To: Mohshin Ali
Subject: FW: Late licencing RE hotel Hackney Road

From: marcus toumazou [REDACTED]
Sent: 01 April 2019 22:56
To: Licensing
Subject: Late licencing RE hotel Hackney Road

To whom it may concern,

I am writing to object to the proposed extended late licensing of the RE hotel Belgrave Court, Hackney Road.

The establishment is located in a large residential area, with residences on all sides. An extend late license fails to take into account the location of the establishment and the problems that arise from late licensing. Including, noise, antisocial behaviour among others.

Sincerely,

M Toumazou
[REDACTED]
[REDACTED]
[REDACTED]

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Appendix 14

Mohshin Ali

From: Spring, Olivia [REDACTED]
Sent: 26 March 2019 14:23
To: Licensing
Subject: Hotel on Hackney Road - 24 hour alcohol license OBJECTION

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

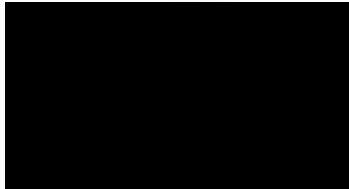
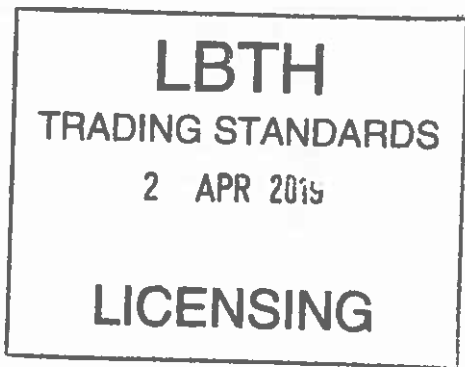
I'm writing with regards to the change of ownership for the Hotel at 419-437 Hackney Rd, London E2 8PP. I would like to **object** to the extended alcohol license on the grounds of - **PREVENTION OF PUBLIC NUISANCE**.

The hotel is surrounded by residential housing and a late night drinking will undoubtedly cause noise and potentially antisocial behaviour. The application would allow for drinking to go on till 5am, with all the associated noise and disruption from people coming and going, cabs, cars etc while local residents try to sleep in preparation for their daily work lives. Furthermore, what is the provision for smokers who will be likely be outside through these hours on the street with residential housing? I would also like to point out that drug dealing and using in the area of Hackney Road / Cambridge Heath is rife, and the availability of alcohol until dawn will not in all likelihood attract anything other than more problems.

Thanks,
Olivia Spring

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 15



28th March 2019

The Licensing Section
London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

Representation regarding MHD Limited's licence application

To whom it may concern,

I have been made aware that the hotel I live opposite (formerly the London RE Shoreditch Hotel, 419-437 Hackney Road London E2 8PP) has applied to have an alcohol license that extends until 5am every night of the week. As a local resident I am incredibly uncomfortable with the idea of any establishment continuing to sell alcohol this late, and the risks that this could bring.

Below I make a series of arguments as to why I do not think that this license should be allowed under the terms of the current request.

1. Application is misleading – this venue aspires to be more than a boutique hotel

In the application, as it stands, the applicant has listed that it is a boutique hotel. It then continues that it plans to offer a range of activities, covered in Figure 1.

Figure 1

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Table with 2 columns: Provision of regulated entertainment (please read guidance note 2) and Please tick all that apply. Rows include plays, films, indoor sporting events, boxing or wrestling entertainment, live music, recorded music, performances of dance, and anything of a similar description.

Following this, the applicant is asked to provide "further details" for each of the "regulated activities". I believe the applicant has failed to do this. The detail provided in sections A, B, E, F, G and H amounts to the same thing each time: "Consistent with entertainment provided by a Boutique Hotel", as seen in Figure 2

Figure 2

A

| Plays Standard days and timings (please read guidance note 7) | | | Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors |
|--|-------|--------|--|-------------------------------------|
| Day | Start | Finish | | <input checked="" type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | Outdoors |
| | | | | <input type="checkbox"/> |
| Tue | 00:00 | 00:00 | | Both |
| | | | | <input type="checkbox"/> |

B

| Films Standard days and timings (please read guidance note 7) | | | Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors |
|--|-------|--------|--|-------------------------------------|
| Day | Start | Finish | | <input checked="" type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | Outdoors |
| | | | | <input type="checkbox"/> |
| Tue | 00:00 | 00:00 | | Both |
| | | | | <input type="checkbox"/> |

E

| Live music Standard days and timings (please read guidance note 7) | | | Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) | Indoors |
|---|-------|--------|--|-------------------------------------|
| Day | Start | Finish | | <input checked="" type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | Outdoors |
| | | | | <input type="checkbox"/> |
| Tue | 00:00 | 00:00 | | Both |
| | | | | <input type="checkbox"/> |

F

| | | | | | |
|---|-------|-------|--|----------|-------------------------------------|
| Recorded music Standard days and timings (please read guidance note 7) | | | Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| Day | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Tue | 00:00 | 00:00 | | | |

G

| | | | | | |
|--|-------|-------|--|----------|-------------------------------------|
| Performances of dance Standard days and timings (please read guidance note 7) | | | Will the performance of dance take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| Day | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Tue | 00:00 | 00:00 | | | |

H

| | | | | | |
|--|-------|-------|--|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7) | | | Please give a description of the type of entertainment you will be providing: Anything similar to E, F or G | | |
| Day | | | Will this entertainment take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 3) | Indoors | <input checked="" type="checkbox"/> |
| Mon | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | 00:00 | 00:00 | Please give further details here (please read guidance note 4) Consistent with entertainment provided in a Boutique Hotel | | |
| Wed | 00:00 | 00:00 | | | |

This limited answering is at best lackadaisical, and at worst misleading.

2. *Reviewing the other venues run under the same brand suggests that the venue will attract more visitors than just guests staying at the hotel*

Whilst learning about the company from reviewing their website (<https://www.mamashelter.com/en>), it was apparent that the owner of the "Hotel" also owns a series of other establishments under the same branding across the globe. These lend a useful insight into what the London-equivalent hotel could be like. Reviewing these other hotels shows that many have bars, offer food, have DJs sets, live bands, and host parties. The clear implication is that the hotels aim to attract visitors beyond those using the hotels for its rooms to sleep in. It seems reasonable to assume the same will apply to the London equivalent and this feels like a deviation from the traditional entertainment/services provided by a boutique hotel.

3. Being allowed to serve alcohol 24 hours a day is unnecessary and may damage the public good

Figure 3

| | | | | | |
|--|-------|--------|--|---------------------|--------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 8) | On the premises | <input type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| Day | Start | Finish | Both <input checked="" type="checkbox"/> | | |
| Mon | 00:00 | 00:00 | State any seasonal variations for the supply of alcohol (please read guidance note 5) | | |
| Tue | 00:00 | 00:00 | | | |
| Wed | 00:00 | 00:00 | | | |
| Thur | 00:00 | 00:00 | | | |
| Fri | 00:00 | 00:00 | | | |
| Sat | 00:00 | 00:00 | | | |
| Sun | 00:00 | 00:00 | | | |
| | | | 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 6) | | |

As Figure 3 suggests, the hotel wishes to be allowed to serve alcohol from 00:00 to 00:00. Serving alcohol 24 hours a day is unnecessary for an establishment whose main purpose is to serve as a boutique hotel. There are no other venues nearby who are currently serving alcohol beyond 3am (The Queen Adelaide, a bar 0.1 miles from the hotel, and only 3am on Thurs-Sat, otherwise 1am, as seen in Figure 4).

Figure 4

| | |
|--|--|
| Part B - Premises licence summary | |
| Premises licence number | 26213 |
| Premises details | |
| Postal address of premises, or if none, ordnance survey map reference or description | |
| (Queen Adelaide) 483 Hackney Road | |
| Post town | Post code |
| London | E2 9ED |
| Telephone number | |
| 0207 739 5213 | |
| Where the licence is time limited the dates | N/A |
| Licensable activities authorised by the licence | The sale by retail of alcohol The provision of regulated entertainment consisting of live music, recorded music and performance of dance The provision of late night refreshment |
| The times the licence authorises the carrying out of licensable activities | The sale by retail of alcohol Sunday to Wednesday from 11:00 hours until 01:00 hours Thursday to Saturday from 11:00 hours until 03:00 hours |

By being the only venue open beyond 3am, the Hotel will risk becoming a 'destination' for late-night drinking; thus creating a hot-spot for late-night disturbance, noise and other public order offences and creating an unsafe environment for local residents, including many children, who live in the area.

4. Outdoor consumption will exacerbate issues over noise

Exacerbating the impact of the above, the hotel is requesting for a license for outdoor drinking and consumption off-premise as well. This will only exacerbate the issues of increased noise and disturbance, that local residents are very concerned about. The hotel must take steps to reduce the noise impact from outdoor drinking at all times – their current proposal, seen in Figure 5, to ask visitors to be considerate is insufficient.

Figure 5

Nuisance

1. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

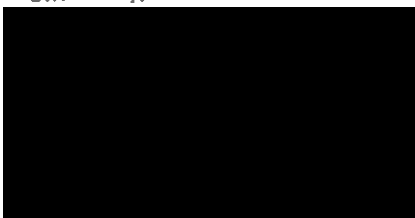
The best step to prevent excessive noise, which will be a biggest issue late at night, would be to limit the hours where alcohol can be served altogether.

Concluding remarks

This hotel is looking to be much more than just a boutique hotel, and whilst this should be applauded, approving the license must be done with consideration of what is reasonable and in the public interest. Unfortunately, in this instance, the hotel's request for a 24 hour license goes too far and risks doing overall harm to the public good and should be rejected.

I hope you will consider this representation seriously when making a decision regarding the hotel's licence application.

Sincerely,



Mr Richard Makhlouf

Appendix 16

Kathy Driver

From: Samantha Kozlowski [REDACTED] >
Sent: 22 March 2019 17:41
To: Licensing
Subject: Notice of application for a premises license for the hotel formerly the Re Shoreditch Hotel - 419 - 437 Hackney Road London.

Follow Up Flag: Follow up
Flag Status: Completed

Hello

I would like to make representations regarding the Notice of application for a premises license for the hotel formerly the Re Shoreditch Hotel - 419 - 437 Hackney Road London.

This significantly changes the status quo, the hotel is surrounded by residential housing so late night drinking will cause noise and potentially antisocial behaviour.

For example, what is the provision for smokers who will be likely be outside through these hours on the street with residential housing?

It's more likely to lead to noise and anti-social behaviour at the premises.

I would also like to prevent the public nuisance. which is likely to follow at a 5am late license, the noise likely to emanated from the premises, vibrations, lighting and litter.

Kind regards
[REDACTED]
[REDACTED]

Appendix 17

Mohshin Ali

From: susan wilson [REDACTED]
Sent: 22 March 2019 13:25
To: Licensing
Subject: The RE hotel, Hackney road

To whom it may concerned,

I am very troubled to learn that the new hotel which is currently being refurbished opposite my residence is applying for a late alcohol licence.

I absolutely object to this. It is a residential area. Please consider the following:

- The prevention of crime and disorder.

This relates to any crime, disorder or anti-social behaviour at the premises or related to the management of the premises.

A licence holder/applicant cannot generally be held responsible for the conduct of individuals once they leave the premises;

- Public safety.

This relates to the safety of the public on the premises, i.e. fire safety, electrical circuitry, lighting, building safety or capacity, and first aid.

- Prevention of public nuisance.

This can relate to issues such as hours of operation, noise emanating from the premises, vibrations, lighting and litter.

- Protection of children from harm.

This relates to protecting children from the activities carried out on the premises whilst they are there.

Yours sincerely,

Susan Wilson

[REDACTED]

Sent from my iPhone

Sent from my iPhone

Appendix 18

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 June 2019 09:57
To: Mohshin Ali
Subject: FW: Objection withdrawl - Boutique Hotel 419 - 437 Hackney Road - ref 114784

From: Nicola Cadzow
Sent: 06 June 2019 08:00
To: Licensing
Cc: 'Thomas.Raticar [REDACTED]'; MARK.J.Perry [REDACTED]; Marcus.Lavel [REDACTED]
Subject: RE: Objection withdrawl - Boutique Hotel 419 - 437 Hackney Road - ref 114784

Dear Licensing,

please take this as my withdrawing my objection to the premises licence application for Boutique Hotel 419 - 437 Hackney Road, further to agreement by the applicant to amend the hours and include additional conditions (see email trail), and below:-

Terminal Hour for ALL LICENSABLE ACTIVITIES to be:

- a. 24 Hours to hotel residents and their guests (Limit of 4 guests per resident) as well as pre-booked private events (details of all such events to be retained on site for a 6 month period);
- b. Sunday to Thursday – midnight, with premises closing to non-residents and their guests at 00:30;
- c. Friday and Saturday – 01:00, with premises closing to non-residents and their guests at 01:30.

Additional conditions to apply:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. All windows and external doors shall be kept closed after **22:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
3. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
4. No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day. (I am cautious of preventing things such as newspapers being delivered in the mornings).
5. After 10pm daily, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons at any one time.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London E3 5EQ

From: Thomas.Ratican [REDACTED]
Sent: 06 June 2019 07:55
To: Licensing; Tom Lewis
Cc: MARK.J.Perry [REDACTED]; Marcus.Lavell [REDACTED]; Nicola Cadzow
Subject: Objection withdrawal

Dear all,

As the applicant/representative has agreed to the proposed hours and conditions, please take this as a withdrawal of my objection for:

**Boutique Hotel
419-437 Hackney Road
E2 8PP**

Regards

Tom



PC Tom Ratican
Central East Licensing Unit
Metropolitan Police Service (MPS)

[REDACTED]
A: Licensing Office, 2nd Floor Bethnal Green Police Station E2 9NZ

From: Marcus Lavell [REDACTED]
Sent: 05 June 2019 17:02
To: Nicola Cadzow
Subject: Mama Shelter - Hackney Road Hotel Licence Application
Importance: High

Dear Nicola

I refer to our previous discussions on this matter.

Please accept this email as the Applicant's offer to amend the application as follows:

Terminal Hour for ALL LICENSABLE ACTIVITIES to be:

- a. 24 Hours to hotel residents and their guests (Limit of 4 guests per resident) as well as pre-booked private events (details of all such events to be retained on site for a 6 month period);
- b. Sunday to Thursday – midnight, with premises closing to non-residents and their guests at 00:30;
- c. Friday and Saturday – 01:00, with premises closing to non-residents and their guests at 01:30.

Additional conditions to apply:

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.

2. All windows and external doors shall be kept closed after **22:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
3. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
4. No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day. (I am cautious of preventing things such as newspapers being delivered in the mornings).
5. After 10pm daily, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons at any one time.

Way Forward:

If the above offer is acceptable to you and would secure the withdrawal of your Representation then please confirm same by return. If this is the case, I will take final instructions and officially amend the application. If not, please let me know what further concerns you have and I will work to address them.

Best regards,

Marcus C. Lavell
Barrister



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Appendix 19

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 20

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 21

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 22

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 4.15 and 4.16 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 6.2 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 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 8 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).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). 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 23

Safety Problems

General Advice

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

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

Licensing Policy

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

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

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

Annex E

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

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

These may include:

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

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

Other Legislation

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

Other Guidance

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

Appendix 24

Underage Drinking or Other Harm to Minors

General Advice

If Members hear evidence that gives them cause for concern in relation to the licensing objective of protecting children from harm, and provided it is proportionate they should consider a licence condition that all under 18 year olds are excluded, and that a registered door supervisor is employed to check the age of all customers. This should be done where the activities to be carried on, previous history or lack of effective management justifies it.

There are also other licensing conditions that may be appropriate, as explained below. This may be appropriate where the premises may have children present and it is not primarily a place for consuming alcohol. For example a restaurant or a Cinema.

Of course, it is not necessary to restate the existing law in relation to any licensing conditions.

Licensing Policy

The policy recognises that children need to be protected (**See Section 9 of the Licensing Policy**).

The Licensing Policy expects applicants to have sought appropriate advice from the Area Child Protection Agency. (**See 9.3**).

The following are examples of premises that will raise concern:

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted
- (**See 9.4**).

The Licensing Authority expects all applicants who are supplying alcohol to have addressed the issues relating to the protection of children from harm. and to have robust measures in place to protect children. (**See Section 9.9**)

The policy expects all licence holders to comply with the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin. (**See Section 9.8**).

The Licensing Authority will consider attaching conditions to protect children and these may include Conditions drawn from the Model Pool of Conditions relating to Protecting Children from Harm. (**See Appendix 2 Annex H of the Licensing Policy**). In particular Members may wish to consider the following: (this list is not exhaustive):

- Restricting access to premises where heavy or binge or underage drinking is a problem
- Restricting access where significant gambling, or adult entertainment is an issue
- There is a general presumption that where the public are allowed on a premises after 11pm children under 12 will not be allowed unaccompanied by an adult (for example a supermarket)-the applicant can however rebut this
- Restrictions may be applied at particular times, for example when adult entertainment takes place or “happy hours”
- Age restrictions that apply to cinema performances
- Age restrictions for theatres where the entertainment is “adult”
- Conditions relating to the safety of children at performances, or as performers-such as venue, fire safety, special effects and dangerous equipment
- The Portman Code relating to the naming, packaging and promotion of alcoholic drinks

Licensing Act 2003 (Part 7)

The Licensing Act 2003 only permits under 16 years olds onto premises exclusively or primarily used for the supply of alcohol when accompanied by adults.

Children under 16 years old must be accompanied by an adult to be present between midnight and 5am on all premises supplying alcohol.

Restaurants may serve wine, beer or cider for consumption to 16-18 year olds with a meal-this is the only significant exception to the prohibition of selling alcohol to minors, and the purchase itself must be by an adult.

The Licensing Act 2003 makes it a criminal offence to serve alcohol to minors (there is however a defence of due diligence). Applicants are always free to exclude minors if they wish to do so.

Other Legislation

The Children (Performances) Regulations 1968 sets out the requirements for protecting child performers

Appendix 25

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 26

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of 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 applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 3.2

| | | | | |
|---|-----------------------------------|---------------------------------------|------------|-----------------|
| Committee : Licensing Sub-Committee | Date 9 th July 2019 | Classification Unclassified | Report No. | Agenda Item No. |
|---|-----------------------------------|---------------------------------------|------------|-----------------|

| | |
|---|--|
| Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer | Title: Licensing Act 2003 Application for a Premises Licence for (Lean Kitchen) Railway Arch 4, Gales Gardens, London E2 0EJ Ward affected: St Peter's |
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1.0 Summary

Applicant: **Lean Kitchen Network Limited**

Name and **Lean Kitchen**

Address of Premises: **Railway Arch 4**
Gales Gardens
London
E2 0EJ

Licence sought: **Licensing Act 2003 – premises licence**

- **The sale by retail of alcohol**
- **The provision of late night refreshments**

Representation(s): **Residents**

2.0 Recommendations

2.1 That the Licensing Committee considers the application and representations 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 |
|---|------------------------------------|--|
| <ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File | | Corinne Holland 020 7364 3986 |

3.0 Background

3.1 This is an application for a premises licence for (Lean Kitchen) Railway Arch 4, Gales Gardens, London, London E2 0EJ.

3.2 The applicant has described the premises as follows:
“Lean Kitchen will have part of the unit to be used as a delivery only kitchen which also sells alcohol to consumers . No customers will be attending the site, delivery will be made via delivery companies”.

3.3 A copy of the premises licence application form is enclosed as **Appendix 1.**

3.4 The applicant originally applied for the following licensable activities and timings:-

The sale by retail of alcohol – Off sales only

- Sunday – Thursday, from 11:30 hrs to 23:00 hrs
- Friday & Saturday, from 11:30 hrs to 03:00 hrs the following day

The provision of late night refreshments:-

- Friday & Saturday 23:00 hrs – 03:00 hrs

The opening hours of the premises

- Monday – Thursday, from 11:30 hrs to 23:00 hrs
- Friday – Sunday, from 11:30 hrs to 03:00 hrs the following day

3.5 The applicant has reduced the hours applied for in agreement with the Licensing Authority and the Environmental Protection Team to the following:

The sale by retail of alcohol – Off sales only

- Sunday to Thursday 11:30 hrs to 23:00 hrs
- Friday & Saturday 11: 30 hrs to 00:00hrs (midnight)

The provision of late night refreshments:-

- Friday & Saturday 23:00 hrs to 00:00 hrs (midnight)

Hours the premises are open to the public:-

- Sunday - Thursday 11:30 hours to 23:00 hrs
- Friday to Saturday 11: 30 hours to 00:00 hrs (midnight)

4.0 Location and Nature of the premises

4.1 The site plan of the venue is included as **Appendix 2.**

4.2 Maps showing the vicinity are included as **Appendix 3.**

4.3 Details of the nearest licensed venues are included as **Appendix 4.**

Licensing Policy and Government Advice

- 4.4 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 the 1st November 2018.
- 4.5 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.6 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 April 2018.
- 4.7 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 5**.
- 5.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) 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 local residents
- Christopher Platt (**Appendix 6**)
 - Emma Jackson (**Appendix 7**)
 - Hugh Willbourn (**Appendix 8**)
 - Marion Ash (**Appendix 9**)
 - Martin James Rankin (**Appendix 10**)
 - Nicola Kinsella(**Appendix 11**)
 - Paolo Battaglia (**Appendix 12**)
 - Robert Ulrich (**Appendix 13**)
 - Wei-Ping Huang (**Appendix 14**)
- 5.9 The applicant contacted the objectors following the representations and the email correspondence is included as **Appendix 15**.
- 5.10 The applicant has supplied supporting information in response to representations. This is included as **Appendix 16**.
- 5.11 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
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 5.12 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations 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
- 5.13 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet the licensible objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance.
- 5.14 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.

5.15 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 Conditions consistent with Operating Schedule (as offered by the applicant)

1. The premises will install and maintain a CCTV system, which shall be operational at all times licensable activities are taking place on the premises. The CCTV system will retain images for a minimum of 31 days and recordings will be kept securely and made available to Police and Authorised Officers of the Council on reasonable request.
2. All alcohol shall be stored in a lockable room, which shall be kept locked at all times, except for access and egress by staff.
3. Alcohol shall only be sold or supplied as an accompaniment to a food order.
4. Alcohol shall not be opened and consumed within the immediate vicinity of the premises.
5. An incident log book shall be kept on the premises and made available on request to an Authorised Officer of the Council or Police.
6. No members of the public shall be admitted on the premises.
7. The applicant will maintain a written Driver Code of Conduct, which will be made available to the Police or an Authorised Officer of the Council on request. This Driver Code of Conduct will deal with the following measures as a minimum:
 - Driver access to the premises.
 - A requirement for drivers to wait at the inside waiting area.
 - The provision of facilities for drivers.

7.0 Conditions in consultation with the Responsible Authorities

Conditions in agreement with the Licensing Authority – Appendix 17

1. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words “Age Restricted Product”.
2. Alcohol shall only be delivered to a residential or business address and not to a public place.

3. 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.
4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

Conditions in agreement with Environmental Protection – Appendix 18

5. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
6. No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.

8.0 Licensing Officer Comments

8.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

8.2 The following is intended simply 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.

8.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so

and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore 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)
 - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 8.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

- 8.6 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.
- 8.7 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)
- 8.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.9 In **Appendices 19-26** 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.
- 9.0 **Legal Comments**
- 9.1 The Council's legal officer will give advice at the hearing.
- 10.0 **Finance Comments**
- 10.1 There are no financial implications in this report.

11.0 Appendices

| | |
|-----------------------|---|
| Appendix 1 | A copy of the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the area |
| Appendix 5 | Section 182 Guidance by the Home Office |
| Appendix 6 -14 | Representations of residents |
| Appendix 15 | Applicants mediation emails |
| Appendix 16 | Applicants supporting information |
| Appendix 17 | Conditions agreed with LA |
| Appendix 18 | Conditions agreed with EP |
| Appendix 19 | Licensing Officers advice Access -Egress |
| Appendix 20 | Licensing Policy on public nuisance |
| Appendix 21 | S182 Guidance on public nuisance |
| Appendix 22 | Licensing Policy on public safety |
| Appendix 23 | S182 Guidance on public safety |
| Appendix 24 | Bethnal Green CIZ |
| Appendix 25 | Licensing Policy relating to hours of trading |
| Appendix 26 | Planning |

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Appendix 1



* required information

Section 1 of 21

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference This is the unique reference for this application generated by the system.

Your reference You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

- Applying as a business or organisation, including as a sole trader
- Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means you are applying so you can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 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.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

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APPLICATION DETAILS

In what capacity are you applying for the premises licence?

- An individual or individuals
- A limited company / limited liability partnership
- A partnership (other than limited liability)
- An unincorporated association
- Other (for example a statutory corporation)
- A recognised club
- A charity
- The proprietor of an educational establishment
- A health service body
- A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- The chief officer of police of a police force in England and Wales

Confirm The Following

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- I am making the application pursuant to a statutory function
- I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

Description of applicant (for example partnership, company, unincorporated association etc)

Continued from previous page...

Limited Company registered in England and Wales

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start? / /
dd mm yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end / /
dd mm yyyy

Provide a general description of 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.

Lean Kitchen will be taking up space in a newly converted building/railway arches, Lean Kitchen will have part of the unit to be used as a delivery only kitchen which also sells alcohol to consumers on a delivery only method.

No customers will be attending site all purchases are to be made online and delivered via delivery companies. Lean Kitchen has separate locked storage areas to all other persons or companies in the building.

Continued from previous page...

All alcohol for resale will be stored in locked storage areas and within lockable fridges if required. Plans provided.

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Continued from previous page...

Will you be providing performances of dance?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing anything similar to live music, recorded music or performances of dance?

Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

Where taking place in a building or other structure tick as appropriate. Indoors may include a tent.

State 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.

Neither - Delivery Kitchen, Provision of late night refreshment on a delivery only basis.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:30"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:30"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:30"/> | End | <input type="text" value="03:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:30"/> | End | <input type="text" value="03:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:30"/> | End | <input type="text" value="23:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

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

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- Electronically, by the proposed designated premises supervisor
- As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 21

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

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 etc gambling machines etc.

none

Continued from previous page...

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HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

NONE

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

NONE

Continued from previous page...

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LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e)

List here steps you will take to promote all four licensing objectives together.

The premises operates as a home delivery kitchen. Customers place an order through an app and food is then prepared in the kitchen and delivered to the customer. Alcohol will be sold alongside a meal. The premises is the location for the brand 'Twisted' which serves high quality burgers and accompaniments.

The applicant has experience in operating similar venues and is now bringing their product to Bethnal Green. The applicant has made a significant investment in the premises and is confident that they will be able to offer a high quality service and run the business in the heart of the community. The applicant recognises that home delivery is a rapidly evolving and fast paced industry and strives to operate to the highest standards and raise the standards across the board by leading from the front.

With that in mind, prior to submission of the application, the applicant met with the Police, Licensing and Environmental Health Officers on site to demonstrate their business and understand any queries and concerns so that these can be addressed as part of the licence application.

The proposed conditions, which are set out in boxes b, c, d and e below are a result of the applicants meeting and careful consideration of how their business can promote the licensing objectives and operate best practice.

The applicant has also given careful consideration to the licensing objectives and in particular, notes that the premises falls within Tower Hamlet's Cumulative Impact Zone Area, covering Bethnal Green. The applicant notes that the hours sought as part of this application, are longer than the framework hours set out in the policy on Fridays and Saturdays.

In order to mitigate any potential for undermining the licensing objectives, the applicant would note in particular, that stringent measures are put into place as proposed conditions.

Conditions that no customers will come to the premises and all alcohol will be locked away. Careful consideration has been given to the management of the delivery drivers to ensure that, for example, they wait inside the premises. In addition, steps are being taken to ensure that any plant and noise generating equipment is adapted to reduce the potential for noise breakout.

The applicant also notes the location of the premises within the CIZ and has put in to place operational arrangements to ensure that the best practice and the licensing objectives are promoted at all times. In addition, the premises does not have a customer capacity at all, as customers will not be attending and it is not alcohol led. A condition is offered that alcohol will only be sold alongside a meal.

b) The prevention of crime and disorder

1. The premises will install and maintain a CCTV system, which shall be operational at all times licensable activities are taking place on the premises. The CCTV system will retain images for a minimum of 31 days and recordings will be kept securely and made available to Police and Authorised Officers of the Council on reasonable request.

2. All alcohol shall be stored in a lockable room, which shall be kept locked at all times, except for access and egress by staff.

3. Alcohol shall only be sold or supplied as an accompaniment to a food order.

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4. Alcohol shall not be opened and consumed within the immediate vicinity of the premises.

5. An incident log book shall be kept on the premises and made available on request to an Authorised Officer of the Council or Police.

c) Public safety

No members of the public shall be admitted on the premises.

d) The prevention of public nuisance

The applicant will maintain a written Driver Code of Conduct, which will be made available to the Police or an Authorised Officer of the Council on request. This Driver Code of Conduct will deal with the following measures as a minimum:

- Driver access to the premises.
- A requirement for drivers to wait at the inside waiting area.
- The provision of facilities for drivers.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be adopted, implemented and advertised on all websites and the marketing material associated with the premises.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the documents listed below (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

Continued from previous page...

- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2016, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

Continued from previous page...

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

To demonstrate their right to work via the Home Office online right to work checking service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and/or documentation applicants will need in order to access the service. Applicants who are unable to obtain a share code from the service should submit copy documents as set out above.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then your are required to pay a higher fee

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

Faraz Nagree

* Capacity

Director

* Date

15 / 04 / 2019
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

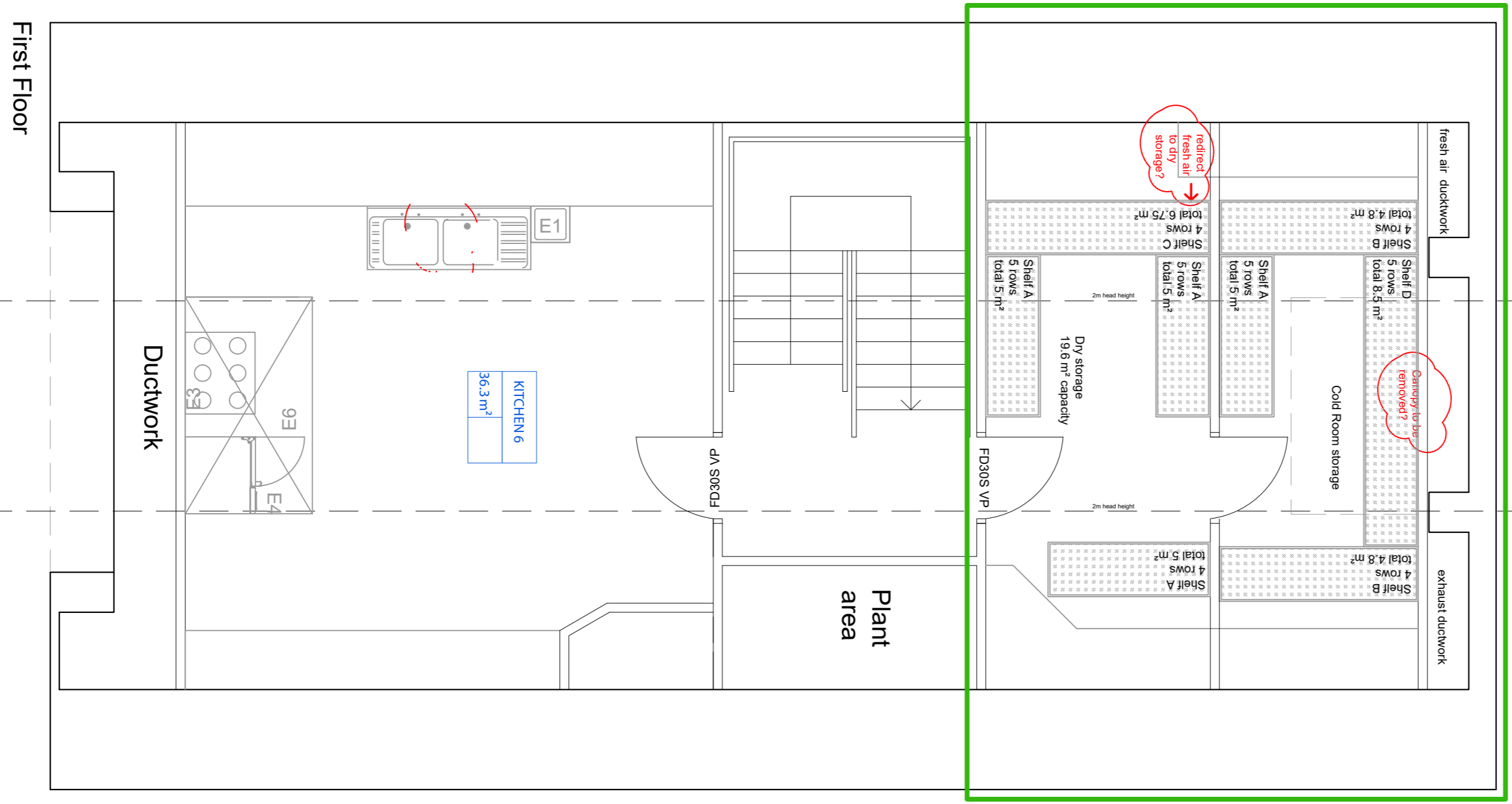
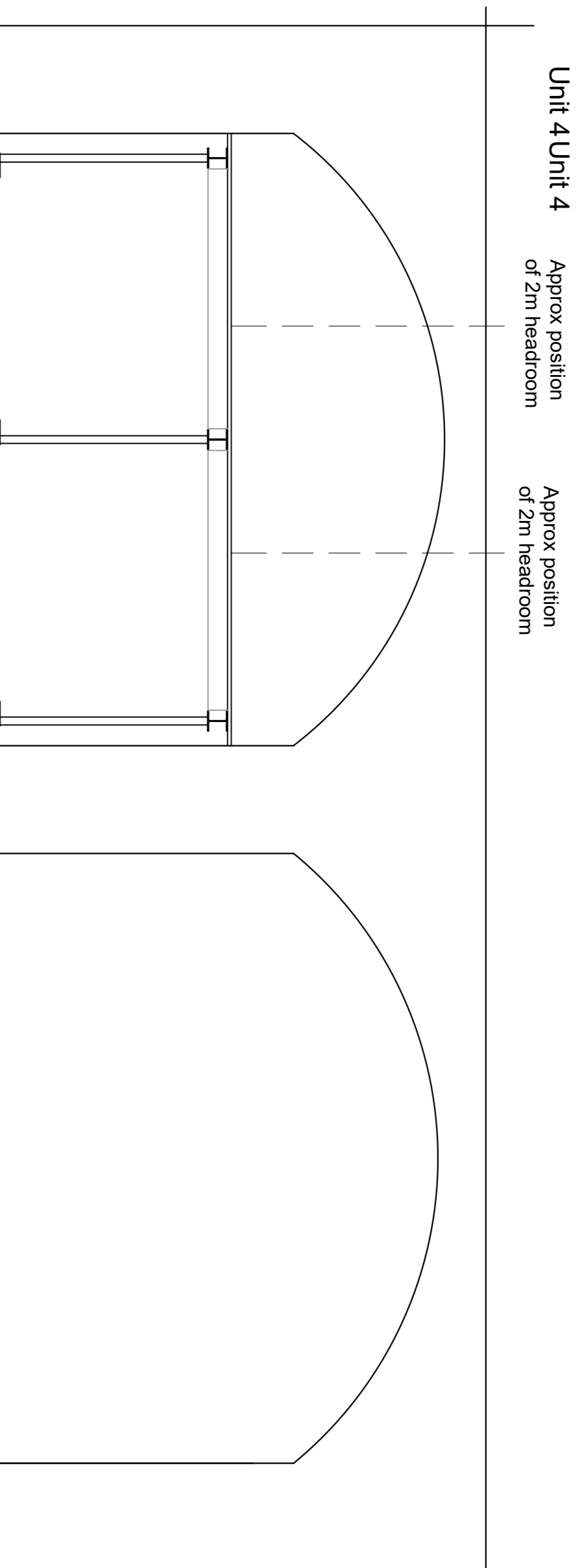
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED

OFFICE USE ONLY

| | |
|----------------------------|--------------------------------------|
| Applicant reference number | <input type="text" value="LKN2019"/> |
| Fee paid | <input type="text"/> |
| Payment provider reference | <input type="text"/> |
| ELMS Payment Reference | <input type="text"/> |
| Payment status | <input type="text"/> |
| Payment authorisation code | <input type="text"/> |
| Payment authorisation date | <input type="text"/> |
| Date and time submitted | <input type="text"/> |
| Approval deadline | <input type="text"/> |
| Error message | <input type="text"/> |
| Is Digitally signed | <input type="checkbox"/> |

[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2



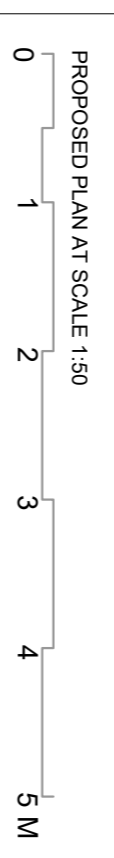
- Equipment Key**
- E1 = Single Sink
 - E2 = Double sink
 - E3 = 6 Gas Burner
 - E4 = Oven
 - E5 = 34t Bench Fridge
 - E6 = 2.4 x 1.4 m Canopy
 - E7 = Stainless Table
 - E8 = Double Fridge
 - E9 = Single Fridge
 - E10 = Chest Freezer
- Plan Protection:**
 All walls 30 mins except marked otherwise
 All doors FD305 with vision panels
 Maccanmie 1 hour fire protected with Rockwool case and Air* suspended ceiling
- waste pipe
 --- Extension here for drainage
- LIGHTS**
- [Light symbol] LIGHTS
 - [Switch symbol] SWITCH
 - [Double socket symbol] DOUBLE SOCKET
 - [Data point symbol] DATA POINT
 - [3 phase socket symbol] 3 PHASE SOCKET
 - [Board symbol] BOARD
 - [Emergency light symbol] EMERGENCY LIGHT

No site surveys have been undertaken to confirm all areas, and drawings should be checked by contractors prior to construction.

Design works include the production of drawings to co-ordinate structure and services to rationalise the internal space and plant areas.

Suppliers and installers of structure, services and plant should validate the drawings as correct prior to construction.

The functionality, responsibility and liability of the design of services (workshop drawings), structure, fittings, fixtures or equipment remain with the suppliers and installers.



| Rev Date | By | Revisions |
|------------|----|------------------------|
| A 13.08.18 | | License to alter |
| B 26.10.18 | | kitchen 1 and entrance |
| C 31.10.18 | | sqm-optimisation |
| D 01.11.18 | | sqm-optimisation |
| E 16.11.18 | | cold room on 1F |
| F 20.11.18 | | layout update |
| G 04.12.18 | | processing center |
| H 14.12.18 | | measurements update |

CONSTRUCTION

Work stage:
CONSTRUCTION

Drawing Title:
Proposed Floorplan - Ground Floor and First floor

Scale: 1:50

Sheet size: A1

Date: 09/08/2018

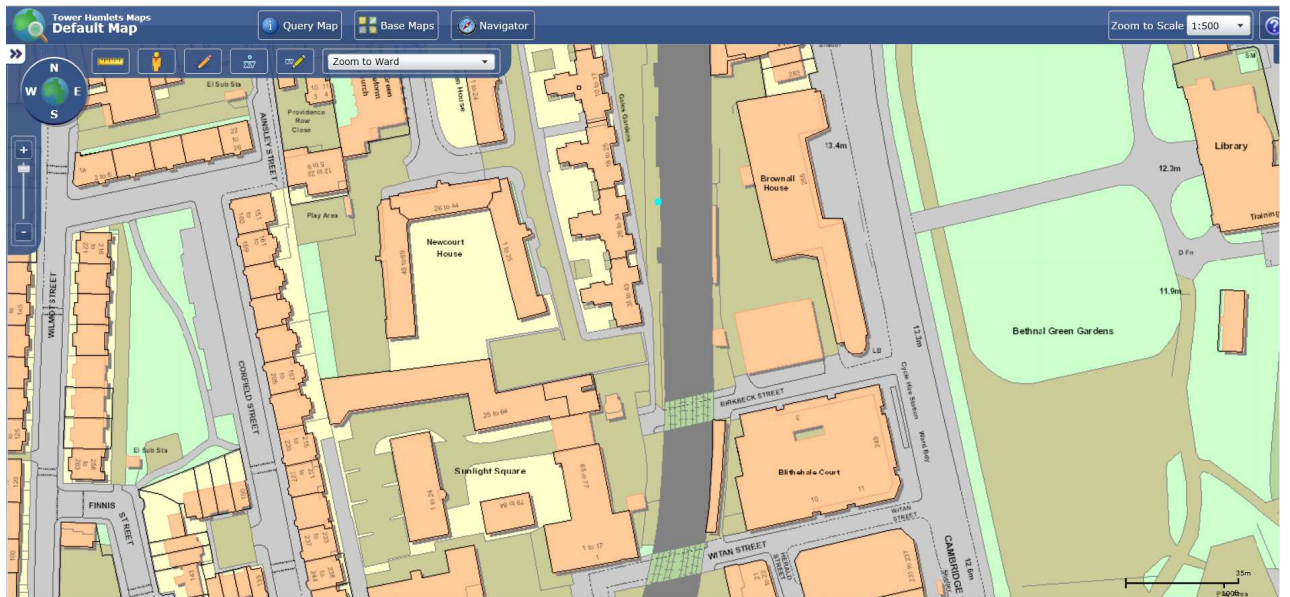
Drawing No: **4 Gales Gardens -1001**

Rev: **H**

Subject to site measurements and building control approval

Appendix 3

Lean Kitchen – Arch 3-4 Gales Gardens



Appendix 4

Lean Kitchen, Arch 3-4 Gales Gardens - Nearby licensed premises

| Name of Premises | Licensing Activities | Opening Times |
|--|---|--|
| <p>Boxcar Brewery 1 Gales Gardens</p> | <p><u>The sale by retail of alcohol (on and off sales)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 11:00 hrs to 23:00 hrs • Thursday to Saturday from 11:00 hrs to 23:30 hrs <p><u>The Provision of Late Night Refreshments (indoors)</u></p> <ul style="list-style-type: none"> • Thursday to Saturday from 23:00 hrs to 23:30 hrs <p><u>The Provision of Regulated Entertainment in the form Recorded Music (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 11:00 hrs to 23:00 hrs • Thursday to Saturday from 11:00 hrs to 23:30 hrs <p><u>Non-standard timings for all of the above</u></p> <ul style="list-style-type: none"> • Until midnight on Sundays immediately before a Bank Holiday. From end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day | <ul style="list-style-type: none"> • Sunday to Wednesday from 11:00 hrs to 23:30 hrs • Thursday to Saturday from 11:00 hrs to 00:00 hrs (midnight) <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Until 00:30 hrs on Sundays immediately before a Bank Holiday. From end of permitted hours on New Year's Eve to the start of the permitted hours on New Year's Day |

| | | |
|--|---|--|
| <p>(Dayan & Webb Production Kitchen) Kitchen 1, Unit 7 Railway Arches</p> | <p><u>Sale by retail of alcohol (off sales)</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 09:00 hours to 20:00 hours | <ul style="list-style-type: none"> Monday to Sunday, from 09:00 hours to 20:00 hours |
| <p>(Old Street Brewery) Unit 11, Railway Arches</p> | <p><u>Sale by retail of alcohol (On and off sales)</u></p> <ul style="list-style-type: none"> Sunday to Thursday, from 10:00 hours to 23:00 hours Friday and Saturday, from 10:00 hours to 23:30 hours <p>The provision of regulated entertainment – Indoors <u>(Recorded music only)</u></p> <ul style="list-style-type: none"> Sunday to Thursday, from 10:00 hours to 23:00 hours Friday and Saturday, from 10:00 hours to 23:30 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> On Sundays before bank holidays until 01:00 hours the following day On New Year's Eve until 01:00 hours the following day | <ul style="list-style-type: none"> Sunday to Thursday, from 10:00 hours to 23:30 hours Friday and Saturday, from 10:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> On Sundays before bank holidays until 01:00 hours the following day On New Year's Eve until 01:00 hours the following day |
| <p>(Renegade London Wine) Railway Arch 12 Gales Gardens</p> | <p><u>The sale by retail of alcohol (on and off sales)</u></p> <ul style="list-style-type: none"> Monday to Friday from 17:00hrs to 22:30hrs Saturday from 12:00hrs (midday) to 22:30hrs Sunday from 12:00hrs (midday) to 22:00hrs | <ul style="list-style-type: none"> Monday to Friday from 17:00hrs to 23:00hrs Saturday from 12:00hrs (midday) to 23:00hrs Sunday from 12:00hrs (midday) to 22:30hrs |
| <p>(Paradise Cottage) 477 Bethnal Green Road</p> | <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> Monday to Thursday, from 23:00 hours to 02:00 hours Friday and Saturday, from 23:00 hours to 03:00 hours Sunday, from 23:00 hours to 01:00 hours | <p>These are not restricted</p> |

| | | |
|---|---|--|
| <p>(City View Food & Wine) 457A Bethnal Green Road</p> | <p><u>Sale of Alcohol</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 00:00 hours to 00:00 hours (24 hours) | <ul style="list-style-type: none"> Monday to Sunday, from 00:00 hours to 00:00 hours (24 hours) |
| <p>(Shakespeare PH) 460 Bethnal Green Road</p> | <p><u>Sale of alcohol:</u></p> <ul style="list-style-type: none"> Monday to Saturday from 10:00 hours to midnight Sunday from 12:00 hours to midnight <p><u>Late Night Refreshment:</u></p> <ul style="list-style-type: none"> Monday to Sunday until midnight <p><u>Live Music:</u></p> <ul style="list-style-type: none"> Monday to Saturday from 10:00 hours to midnight Sunday from 12:00 hours to midnight <p><u>Recorded Music:</u></p> <ul style="list-style-type: none"> Monday to Saturday from 10:00 hours to 00:30 hours the following day Sunday from 12:00 hours to 00:30 hours the following day | <ul style="list-style-type: none"> Monday to Saturday from 10:00 hours to 00:30 hours the following day Sunday from 12:00 hours to 00:30 hours the following day |
| <p>(La Forchetta) 464 Bethnal Green Road</p> | <p><u>Sale of alcohol</u></p> <ul style="list-style-type: none"> Monday to Thursday, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. Friday & Saturday 10:00 hours – 12:30 hours the following day. 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 of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <p><u>Regulated entertainment.</u> Recorded music:</p> <ul style="list-style-type: none"> Monday to Thursday 10:00 – | <p>There are no restrictions on the hours during which this premises is open to the public</p> |

| | | |
|--|--|---|
| | <p>23:00</p> <ul style="list-style-type: none"> • Friday & Saturday 10:00 – 01:00 the following day • Sunday 12:00 noon – 22:30 <p><u>Performance of dance and provision of facilities for dancing:</u></p> <ul style="list-style-type: none"> • Monday to Thursday 16:00 – 23:00 • Friday & Saturday 16:00 – 01:00 the following day • Sunday 16:00 – 22:30 | |
| <p>(W Goodmans Newsagents) 472 Bethnal Green Road</p> | <p><u>The supply of Alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 08:00hrs to 23:00hrs | <ul style="list-style-type: none"> • Monday to Sunday from 08:00hrs to 23:00hrs |
| <p>(Salmon and Ball PH) 502 Bethnal Green Road</p> | <p><u>The sale by retail of alcohol</u></p> <ul style="list-style-type: none"> • Sundays - Thursdays – 10am to 12 midnight • Fridays and Saturdays- 10am to 2am <p><u>Regulated entertainment</u> (Recorded Music or entertainment of a similar nature)</p> <ul style="list-style-type: none"> • Sundays - Thursdays – 10am to 12 midnight • Fridays and Saturdays- 10am to 2am <p>(Live Music)</p> <ul style="list-style-type: none"> • Sundays - Thursdays – 6pm to 11.30pm • Fridays and Saturdays- 6pm to 1am <p>The premises may continue the above from 10am to 2am on Christmas Eve, St Patrick’s Day, St George’s Day, St Andrew’s Day, St David’s Day, Burns Night , New Years Eve and on 12 additional occasions throughout the year</p> | <ul style="list-style-type: none"> • Sundays - Thursdays – 10am to 00.30am • Fridays and Saturdays- 10am to 2.30am <p>The premises may remain open 10am to 2am on Christmas Eve, St Patrick’s Day, St George’s Day, St Andrew’s Day, St David’s Day, Burns Night , New Years Eve and on 12 additional occasions throughout the year</p> |
| | | |

Appendix 5

**Section 182 Advice by the Home Office
Updated on April 2018**

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 6

Corinne Holland

From: Christopher Platt [REDACTED]
Sent: 10 May 2019 09:54
To: Licensing
Subject: Railway arch 4 gales gardens London E2

Follow Up Flag: Follow up
Flag Status: Completed

Ref 116762

Hi,

I'm writing today to object to this application.

Since the kitchens started arriving in the railway arches in Gales Gardens, the area has become a nuisance and indeed dangerous.

The road Birkbeck Street is always full of trucks making deliveries. It is a narrow road and this is causing lots of manoeuvring as vehicles try to get down the even narrower, Gales Gardens.

There is noise right through the night and the delivery riders/drivers are literally driving on the pavement. It is only a matter of time before a serious injury is caused.

You would think we could speak to each delivery rider in person to ask them to get off the pavements, this has resulted in a number of altercations where there has been abusive behaviour. I know of one instance where one of my neighbours was physically threatened.

This is a dangerous situation, as I said before, it is clear that someone is going to be injured if this isn't addressed urgently.

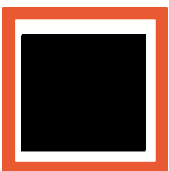
I look forward to your reply.

Regards

Christopher Platt
[REDACTED]

Kind Regards

Christopher Platt | CEO & Founder



M: [REDACTED] | E: [REDACTED].com

[LinkedIn](#) - [Facebook](#) - [Twitter](#)

Appendix 7

Corinne Holland

From: Emma Jackson <[REDACTED]>
Sent: 29 April 2019 19:17
To: Licensing
Subject: Lean Kitchen, Railway Arch 4 Gales Gardens, London E2

Ref 116762

To whom it may concern,

I am emailing about the above application, and have strong objections about the proposed kitchens.

As a resident of Sunlight Square, we are already hugely impacted by the existing commercial kitchens in Gales Gardens and strongly feel that another commercial kitchen will only make the situation worse for the below reasons;

1. safety as a driver and a pedestrian - there is a very constant stream of rapidly driving scooters coming to and from the commercial kitchens. I am a new mother and very nearly had a serious accident when I was walking to Sunlight Square and crossing the path of Gales Gardens as a scooter driver was driving so quickly and not looking at the road properly and almost hit me which could have resulted in extreme damage to both myself and my baby.

The drivers seems to have little regard for safety, and when there are cars on the street often mount the pavement which is incredibly dangerous.

2. The delivery drivers can be abusive if you are 'in their way' and they're asked to slow down or be quiet.

3. Vans and delivery drivers block the entrance to Sunlight Square. Last week I sat for 15 minutes at the gate trying to exit whilst vans were unloading, at the same time, all the disposal bins - I counted 9 - were being emptied by the waste disposal men. I hasten to add that Birkbeck street has double yellow lines, which are continuously disregarded - and mainly since the commercial kitchens opened in Gales Gardens. The scale of their operations is enormous and it really impacts a street like Birkbeck Street.

4. Noise from both delivery drivers and kitchen workers which seems to last all day and well into the late night.

5. As above, the increased traffic in Birkbeck Street is untenable and very problematic for Sunlight Square.

6. There is an increased rodent infestation which has been affecting the local area due to volume of food waste.

Myself and a lot of the Sunlight Square residents I have talked to are really unhappy about this new application. We are already extremely affected by the existing kitchens and another kitchen is the last thing we need. There are other arches throughout London which do not have the same number of residents living nearby which they should seek out. If these business come in and cause these problems, they will really affect a community and Bethnal Green needs building up on a residential level.

Yours faithfully

Emma Jackson

[REDACTED]
[REDACTED]

Appendix 8

From: Hugh Willbourn <[REDACTED]>
Sent: 26 April 2019 14:03
To: Licensing
Subject: CLC/EHTS/LIC/ 116762

HUGH WILLBOURN, PHD

[REDACTED]
[REDACTED]
[REDACTED]
To
Licensing Section
Tower Hamlets Council
London E3 5EQ

26th April 2019

Dear Sir / Madam,

Re Licence application 116762

I write to object to the application for a premises licence for Lean Kitchen, Railway Arch 4, Gales Gardens E2 0EJ.

I live at [REDACTED] adjacent to the property which has applied for the licence.
The grounds of my objection are as follows:

- 1 Sunlight Square has only one means of access for the entire development which is through the gates at the end of Birkbeck Street. There are already too many kitchens operating from the Railway Arches on Gales Gardens. Vans delivering to those kitchens very often completely block vehicular access to Sunlight Sq (as they did for example this morning, Friday 26th at approx 11.10am) with three van blocking both sides of the road. This is often inconvenient, causing delays as the drivers leave their vans and do not return to move them for up to ten minutes. It could be worse. If there were an emergency inside Sunlight Square, or residents urgently need to attend emergencies elsewhere the problem could be life-threatening.
- 2 A significant minority of the drivers of delivery scooters serving these kitchens drive too fast and sometimes on the pavement. Their bad driving is exacerbated when the roadway is blocked by vans. Some are abusive when asked to drive slowly or be quieter.
- 3 The kitchens have frequently placed their refuse bins in Birkbeck Street which is unpleasant and contributes to blocking the road and raises the risk of vermin.
- 4 Drivers, vans and kitchens make excessive noise during the day and late into the night.

As a footnote,

I would strongly advocate rescinding or not renewing the licences of premises currently trading as takeaway kitchens or selling alcohol, or offering entertainment in these railway arches as the area is residential and doesn't have adequate access to safely support their activities.

Yours faithfully,

Dr Hugh Willbourn

████████████████████
████████

Appendix 9

Corinne Holland

From: Marion Ash [REDACTED] >
Sent: 02 May 2019 14:49
To: Licensing
Subject: nuisance motorbikes

Follow Up Flag: Follow up
Flag Status: Completed

To who it may concern

I live at [REDACTED]
[REDACTED]

Since living at the above address i have not had a problem with anyone but since these catering companies have moved into the railway arches directly opposite to me in gales garden all the residents have had moped/ motorcycles driving through our estate even late at night, driving on the pavements sounding their horns and creating a bad disturbance at one point i had visitors as they were walking through a moped almost run into them and hitting my niece who was walking holding her mothers hand this is totally unacceptable and dangerous if this complaint is not dealt with i will have no choice but to take this matter further.I cannot be sure as to which company they belong to but this issue need resolving as a matter of urgency i look forward to your response

yours thankfully
ms marion ash

Appendix 10

Corinne Holland

From: James Rankin <[REDACTED]>
Sent: 02 May 2019 15:53
To: Licensing
Subject: lean kitchen, Railway arch 4 gales gardens London E2

Sent from [Mail](#) for Windows 10

I live in [REDACTED] opposite the above arches
I moved here 5 years ago peaceful and quite apart from the trains, then a year ago they started working on the other arches this has been very noisy throughout the works, then came the noisy fans and the smells from the kitchens the constant motorbikes riding up and down the footpaths at speed, I am disabled and have had some near misses coming out of my block that leads on to the footpaths. Countless deliveries early morning and most of the day. I have asked the bike riders not to ride on the footpaths to be given verbal abuse. We do not need any more kitchens or wine bars we have a wine bar at the other end of the arches. Gales garden's is supposed to be a residential area for over fifty's not industrial.
I strongly object to anymore commercial kitchens or bar's

Yours
Martin James Rankin
[REDACTED]
[REDACTED]

Appendix 11

Corinne Holland

From: Sarakinsella <[REDACTED]>
Sent: 09 May 2019 21:07
To: Licensing
Subject: CLC/EHTS/LIC/116762

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam,

I am writing regarding the application for a premises licence at Lean Kitchen, Railway Arch 4 Gales Gardens, London, E2 0EJ.

I am currently being affected by lots of anti-social behaviour consisting of motor bikes riding on pavements at the front and rear of my property. The motor bikes are very noisy and drive at quite high speeds causing danger to public safety of pedestrians walking on the pavements. I have informed the police of my concerns.

I have had altercations with some of the motor cyclists who are often aggressive and tell me it is a shortcut and do not care if they are disturbing local residents.

Extending opening times would just add to the amount of time local residents would have to put up with this unreasonable behaviour and I would strongly object to any premises licence after 11pm.

Regards

Nicola Kinsella
[REDACTED]

Appendix 12

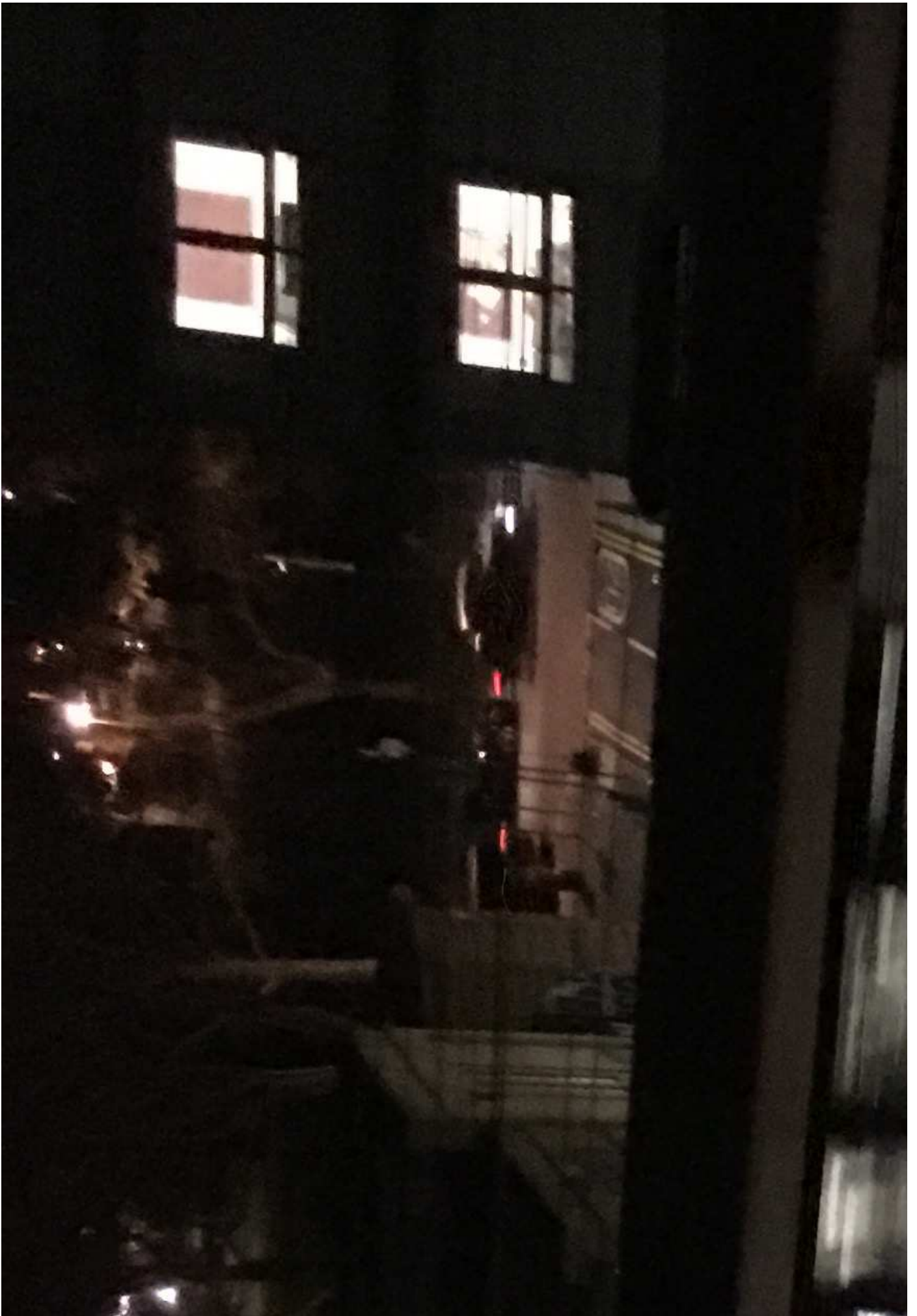
Corinne Holland

From: paolo battaglia [REDACTED]
Sent: 27 April 2019 07:27
To: Corinne Holland
Subject: Re: Lean kitchen railway arch 4 gales gardens London E2

Thank you Corinne,
Fyi these pictures show the problems we are currently having with current tenants in gales gardens







On 26 Apr 2019, at 13:39, Corinne Holland <Corinne.Holland@towerhamlets.gov.uk> wrote:

Thank you for your email, the contents of which are noted.

Please note that the applicant is entitled to a full, un-redacted copy of your representation. They may wish to contact you to mediate an amendment of their application, in order to address your concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to this email address.

Alternatively, your representation will be added to the final Licensing Sub Committee report and you will be written to by Democratic Services to be advised as to the time and date of the Hearing, which you will be invited to attend. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Committee in your absence, please advise Democratic Services directly.

Regards,

Corinne Holland - Licensing Officer

Licensing Team . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

☎:020 7364 3986 | ☎:020 7364 5008 | 💻:corinne.holland@towerhamlets.gov.uk
✉:Licensing@towerhamlets.gov.uk

From: paolo [<mailto:>]

Sent: 26 April 2019 11:15

To: Licensing

Cc: Marie Harding; WasteEnforcement; Lee Cooper

Subject: Lean kitchen railway arch 4 gales gardens London E2

Ref 116762

good morning

i am emailing to object the above application for the following reasons.

there are several commercial kitchens situated in the arches in gales gardens and as a local resident we have been experiencing several problems which i will list below.

1. ASB.. loud noise from 6am to 1am from delivery drivers and kitchen workers.
2. public order offences.. e.g abusive behaviour from delivery drivers when asked to keep the noise down
3. motorcycle delivery drivers using the footpath on gales gardens and pott street.
4. delivery vans blocking the entrance to sunlight square E2. sunlight square is situated on birkbeck street adjacent to the gales gardens arches entrance and this is the way that delivery deliveries can enter the arches. vans continuously block our entrance and we are having problems entering/leaving our homes we have also missed bin collections due to this.
5. residents have also missed home deliveries as drivers cannot gain access to the square.
6. commercial dustbins are been left on birkbeck street on a daily basis. sometimes on the footpath.
7. increased rodents infestation due to the volume of waste in the immediate area.
8. increased volume of traffic in birkbeck street (which is a dead end road) has been reported to parking enforcement.

all of these problems have been reported to the relevant departments including st
peters ward police team and
the landlord of the arches is also aware.

the last thing we need is another commercial kitchen adding to a problem that local
residents are finding very stressful.
its not even safe to walk on the pavements around this area.

regards

Paolo Battaglia

[Redacted]
[Redacted]

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Corinne Holland

From: paolo battaglia [REDACTED]
Sent: 29 April 2019 11:09
To: Corinne Holland
Subject: Re: Lean kitchen railway arch 4 gales gardens London E2

Thank you Corinne... here is a couple more

As you can see we are having difficulties in exiting sunlight square due to the heavy volume of traffic....







On 29 Apr 2019, at 10:59, Corinne Holland <Corinne.Holland@towerhamlets.gov.uk> wrote:

Paolo

I will add these photos to your representation.

Kind regards

Corinne Holland - Licensing Officer

Licensing Team . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

☎:020 7364 3986 | ☎:020 7364 5008 | 💻:corinne@towerhamlets.gov.uk

📧:Licensing@towerhamlets.gov.uk

From: paolo battaglia [<mailto:paolo.battaglia@towerhamlets.gov.uk>]

Sent: 27 April 2019 07:27

To: Corinne Holland

Subject: Re: Lean kitchen railway arch 4 gales gardens London E2

Thank you Corinne,

Fyi these pictures show the problems we are currently having with current tenants in gales gardens

<image001.jpg>

<image002.jpg>

<image003.jpg>

<image004.jpg>

On 26 Apr 2019, at 13:39, Corinne Holland <Corinne.Holland@towerhamlets.gov.uk>

wrote:

Appendix 13

27/4/2019

Ref: 116762

Lean kitchen railway arch 4 Gales Gardens E2 0EJ

Dear Sir/Madam

I am writing to object to the application above.



The grounds of my objection are:

1. Birkbeck street is a dead end road and has a small side entrance to the gales gardens arches. There are already too many businesses operating in these arches which require hourly deliveries and are often completely blocking the road. This causes inconvenience for the local residents to sunlight square and birkbeck street. What if we needed the emergency services to attend? Just entering/exiting my development is bad enough.
2. The commercial kitchens that operate there already are causing havoc. Delivery drivers (on motorbikes) that ride like maniacs not only on Birkbeck street but on the pavements of Pott street and Gales gardens. (please liaise with local police as they are aware)
3. Every night rubbish bins are placed in birkeck street and not collected till 9am the following day. This causes congestion and rodents are frequently seen there.
4. Drivers/vans and current business already make enough noise late into the night.
5. ASB has become a very stressful issue for local residents.
6. There have been numerous public order offences such as abusive language and threatening behaviour when I have asked vans to move or motorcycles not to ride on pavements.

Having another kitchen in arch 4 will only add an existing problem.

Ideally I would prefer if you would rescind the licenses to all of the kitchens down there as some are currently trading as takeaway restaurants. Using uber eats and deliveroo etc etc as their delivery drivers.

Gales gardens /Birkbeck street is a residential area and the arches do not have the adequate facilities to support their activities safely. We would all like to live in peace and get a good night sleep now and again.

Regards

Robert Ulrich

[REDACTED]

P.S. I have sent this letter as I tried to email you at Licensing@towerhamlets.gov.uk but it keeps bouncing back.

Appendix 14

Corinne Holland

From: Corinne Holland on behalf of Licensing
Sent: 29 April 2019 11:22
To: Corinne Holland
Subject: FW: E2 , Lean Kitchen railway arch 4, Gales Garden

Importance: High

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

From: Kevin Huang [REDACTED]
Sent: 26 April 2019 17:44
To: Licensing
Subject: E2 , Lean Kitchen railway arch 4, Gales Garden
Importance: High

Ref 116762

Dear sir/madam

I have been made aware of that an application has been submitted for the above business, I am writing to express my objection for this application and the reasons are as follows:

1. Delivery motorbikes are using the pavement as their drive way and from time to time, speeding out from Gales Garden
2. Anti-Social behaviour, late night noise and litter
3. increased thefts in the areas and particularly Sunlight Square residents, parcels have been stolen
4. Increased volume traffic on Birkbeck Street
5. Delivery vans blocking the entrance gate to Sunlight Square
6. Bins left on the pavement of Birkbeck street

The owner of the arches has been made aware of the situation, issues and problems have also been reported to the relevant departments

Kind regards

Wei-Ping Huang
[REDACTED]
[REDACTED]

Appendix 15

Corinne Holland

From: Dino Constantinou <[REDACTED]>
Sent: 12 June 2019 09:51
To: Corinne Holland
Cc: Faraz@[REDACTED]
Subject: RE: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762
Attachments: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2; Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2

Hi Corrine,

Hope all is well? I have attempted to contact you by phone to discuss this matter, but thought it prudent to send an email as it may be easier for you.

Is it possible to have an update on the date for the committee hearing, as we have attempted to communicate with the residents, but have not received a reply, we would appreciate an opportunity as soon as possible to get the matter finalised.

For your information, no residents attended at the proposed meeting time and only two replied confirming their non attendance due to not being available, we subsequently sent an email on 31/05/2019 detailing all the steps being taken to assist the neighbourhood to each resident whom objected in person, the emails are attached herewith for your information. To date we are still to receive a single reply.

Please let us know the next steps to take to ensure we are heard in front of the committee as soon as possible.

Best Regards
Dino

From: Corinne Holland [mailto:[REDACTED]]
Sent: 16 May 2019 16:00
To: 'Dino Constantinou'
Subject: RE: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762

Dino

Thank you for updating me.

Kind regards

Corinne Holland - Licensing Officer

Licensing Team . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

 [REDACTED] |  :020 7364 5008 |  [REDACTED]

 :Licensing@towerhamlets.gov.uk

From: Dino Constantinou [mailto:]

Sent: 16 May 2019 15:15

To: Corinne Holland

Cc:

Subject: RE: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762

Hi Corrine,

Thank you for your email, we will be sending the following to all residents that made representations in the hope that meeting with them will allow us to come to a solution that is acceptable for the residents.

Dear X,

I am Dino from Lean Kitchen Network,

We've recently received your objection to our late night refreshments licence application at Railway Arch Unit 4, Gales Gardens.

Thank you very much for taking the time to send through your thoughts and concerns. We would very much like to work with you to address these and are keen to get your input to ensure we can tackle the issues you've mentioned in your email.

With that said, I would like to invite you to meet with us on Wednesday 22nd May 2019 between the hours of 4pm and 7pm, so we can discuss your concerns. We appreciate you are busy so we'll ensure we don't take up too much of your time.

Many thanks in advance

Dino

Best Regards

Dino

From: Corinne Holland [mailto:Corinne.Holland]

Sent: 14 May 2019 12:28

To: 'Dino Constantinou'

Cc:

Subject: RE: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762

Dino/Faraz

These are the resident representation.

You can make contact with them informing them of the new reduced hours and agreed conditions together with your proposals for the business. Ask them if they are happy with the new hours /conditions and if they are would they consider withdrawing their representation. I would need to be informed by the resident if they do withdraw their representation.

Please send individual emails to the residents so they do not get the contact details of each other.

If you could email me a copy of what you send to the residents but please note I do not need to be copied into **every email** and this just fills up my mailbox.

The provisional date for the hearing is 9th July 2019. This is subject to change if applications being heard before it come out of the listing for one reason or another.

Kind regards

Corinne Holland - Licensing Officer

Licensing Team . Environmental Health & Trading Standards . John Onslow House . 1 Ewart Place . London E3 5EQ

☎: [redacted] ☎:020 7364 5008 | 💻: [redacted]

✉: Licensing@towerhamlets.gov.uk

From: Dino Constantinou [redacted]
Sent: 13 May 2019 23:02
To: Corinne Holland
Cc: [redacted]
Subject: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ-116762

Hi Corrine,

Hope you are well?

Having just received confirmation that both Nicola Cadzow and Lavine Miller-Johnson of Environmental Health at Tower Hamlets have withdrawn their objections, due to Lean Kitchen Network accepting their recommendations and conditions in full along with reducing licensable and opening hours on our application to midnight on Friday and Saturday.

With regards to our application prior to the addition of the conditions and reduction of hours mentioned above, we understand that as of Friday there were a number of resident objections based upon noise, traffic and health and hygiene. Can we ask, in your opinion what would be the best way to accelerate our application?

Are you aware of when the next listed committee hearing is and if it's possible to include us?

Many thanks for your help and advice.

Best Regards
Dino

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Web site : <http://www.towerhamlets.gov.uk>

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Corinne Holland

From: Dino Constantinou [REDACTED]
Sent: 31 May 2019 00:02
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: PHOTO-2019-04-19-18-37-40.jpg; Driver Code of Conduct - LKN.PDF

Dear Christopher Platt

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

Since we have been in the Arches we have managed to implement the following so as to benefit the neighbourhood and neighbours, these also relate to your objections

1. Installation of Cowls, Noise abatement – The unit we are in had a Cowl covering the extraction to reduce noise, we have managed to get a further two cowls installed on the neighbouring units also to reduce extraction noise. (Photo attached)
2. Installation of CCTV – which records and holds information and is made available to the local authorities if they request it for use in their fight against crime, it also should ensure that any irresponsible individuals can be caught in not complying with the law and prosecuted accordingly.
3. The removal of the large dustbins from the pavement on Birkbeck Road, these have been moved to with the arches and are no longer an obstruction or eyesore and the installation of appropriate pest control to alleviate and control addition pest difficulties in Birkbeck road.
4. The provision of an internal pick up area for all drivers to wait indoors, therefore limiting the noise from talking outside of the arches. This is not yet operational but will be soon.
5. We have petitioned and have been granted the right to impose a 5mph speed limit in the arches property to combat the objections raised in respect of speeding delivery drivers
6. A dedicated parking area has been provided for all delivery drivers to reduce congestion and waiting times.

We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

Along with the above, which are much broader and community/neighbourhood initiatives, we have also implemented business specific requirements

1. We have a full and detailed Drivers Code of Conduct (attached) this outlines the rules to our delivery drivers and also details that we will take appropriate steps to make sure our drivers abide by the Code of Conduct, this includes

- a. No loitering
- b. All vehicles to be switched off (no idling)
- c. All drivers to wait in designated internal waiting area
- d. Driver behaviour directions

2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Vans blocking Entrance to Sunlight Square

- This issue was there prior to us arriving at the arches
- We can arrange deliveries at specific times and request smaller vehicles so they can driver into the arches
- We work with a limited number of companies that provide our raw materials and food stuff and therefore limited number of deliveries

Noise – Workers/Drivers – ASB

- No loitering Policy
- Internal waiting area
- All engines to be turned off
- We will implement a monitoring process and periodically check CCTV to enforce this

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Abusive Drivers

- Driver Policy implementation, confirming we will report any or all abusive drivers
- We will request that drivers found to be doing this no longer are used for our deliveries
- CCTV installation to deter such behaviour
- We will implement a neighbourhood feedback email address for abusive drivers - feeding back any information to the delivery companies on your behalf

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland [REDACTED]) and ourselves (dino@g [REDACTED]) confirming the same.

Best regards
Dino

Corinne Holland

From: Dino Constantinou <[REDACTED]>
Sent: 31 May 2019 00:02
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: Driver Code of Conduct - LKN.PDF; PHOTO-2019-04-19-18-37-40.jpg

Dear Emma Jackson

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

Since we have been in the Arches we have managed to implement the following so as to benefit the neighbourhood and neighbours, these also relate to your objections

1. Installation of Cowls, Noise abatement – The unit we are in had a Cowl covering the extraction to reduce noise, we have managed to get a further two cowls installed on the neighbouring units also to reduce extraction noise. (Photo attached)
2. Installation of CCTV – which records and holds information and is made available to the local authorities if they request it for use in their fight against crime, it also should ensure that any irresponsible individuals can be caught in not complying with the law and prosecuted accordingly.
3. The removal of the large dustbins from the pavement on Birkbeck Road, these have been moved to with the arches and are no longer an obstruction or eyesore and the installation of appropriate pest control to alleviate and control addition pest difficulties in Birkbeck road.
4. The provision of an internal pick up area for all drivers to wait indoors, therefore limiting the noise from talking outside of the arches. This is not yet operational but will be soon.
5. We have petitioned and have been granted the right to impose a 5mph speed limit in the arches property to combat the objections raised in respect of speeding delivery drivers
6. A dedicated parking area has been provided for all delivery drivers to reduce congestion and waiting times.

We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

Along with the above, which are much broader and community/neighbourhood initiatives, we have also implemented business specific requirements

1. We have a full and detailed Drivers Code of Conduct (attached) this outlines the rules to our delivery drivers and also details that we will take appropriate steps to make sure our drivers abide by the Code of Conduct, this includes

- a. No loitering
- b. All vehicles to be switched off (no idling)
- c. All drivers to wait in designated internal waiting area
- d. Driver behaviour directions

2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Abusive Drivers

- Driver Policy implementation, confirming we will report any or all abusive drivers
- We will request that drivers found to be doing this no longer are used for our deliveries
- CCTV installation to deter such behaviour
- We will implement a neighbourhood feedback email address for abusive drivers - feeding back any information to the delivery companies on your behalf

Vans blocking Entrance to Sunlight Square

- This issue was there prior to us arriving at the arches
- We can arrange deliveries at specific times and request smaller vehicles so they can driver into the arches
- We work with a limited number of companies that provide our raw materials and food stuff and therefore limited no of deliveries

Noise – Workers/Drivers – ASB

- No loitering Policy
- Internal waiting area
- All engines to be turned off
- Workers have internal area to change and rest.
- We will implement a monitoring process and periodically check CCTV to enforce this

Rodent Infestation

- We have employed a top pest control for our unit and have been verified to be 100% clear
- Bins have been moved from Birkbeck Road

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland@t[REDACTED]k) and ourselves (dino[REDACTED]) confirming the same.

Best regards
Dino

Corinne Holland

From: Dino Constantinou <[REDACTED]>
Sent: 31 May 2019 00:02
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: Driver Code of Conduct - LKN.PDF; PHOTO-2019-04-19-18-37-40.jpg

Dr Hugh Willbourn,

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

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5. We have petitioned and have been granted the right to impose a 5mph speed limit in the arches property to combat the objections raised in respect of speeding delivery drivers
6. A dedicated parking area has been provided for all delivery drivers to reduce congestion and waiting times.

We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

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2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Vans blocking Entrance to Sunlight Square

- This issue was there prior to us arriving at the arches
- We can arrange deliveries at specific times and request smaller vehicles so they can driver into the arches
- We work with a limited number of companies that provide our raw materials and food stuff and therefore limited no of deliveries

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Abusive Drivers

- Driver Policy implementation, confirming we will report any or all abusive drivers
- We will request that drivers found to be doing this no longer are used for our deliveries
- CCTV installation to deter such behaviour
- We will implement a neighbourhood feedback email address for abusive drivers - feeding back any information to the delivery companies on your behalf

Bins/Rodent Increase

- We have employed a top pest control company for our unit and have been verified to be 100% clear
- Bins have been moved from Birkbeck Road

Noise – Workers/Drivers – ASB

- No loitering Policy
- Internal waiting area
- All engines to be turned off
- Workers have internal area to change and rest.
- We will implement a monitoring process and periodically check CCTV to enforce this

Noisy Fans

- Cowls installed on our unit
- We also instigated the installation of Cowls on all neighbouring units - this has had a profound impact on noise overall

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland [REDACTED]) and ourselves (dino@[REDACTED]) confirming the same.

Best regards

Dino

Corinne Holland

From: Dino Constantinou <D [REDACTED]>
Sent: 31 May 2019 00:03
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: Driver Code of Conduct - LKN.PDF; PHOTO-2019-04-19-18-37-40.jpg

Ms Marion Ash,

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

Since we have been in the Arches we have managed to implement the following so as to benefit the neighbourhood and neighbours, these also relate to your objections

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3. The removal of the large dustbins from the pavement on Birkbeck Road, these have been moved to with the arches and are no longer an obstruction or eyesore and the installation of appropriate pest control to alleviate and control addition pest difficulties in Birkbeck road.
4. The provision of an internal pick up area for all drivers to wait indoors, therefore limiting the noise from talking outside of the arches. This is not yet operational but will be soon.
5. We have petitioned and have been granted the right to impose a 5mph speed limit in the arches property to combat the objections raised in respect of speeding delivery drivers
6. A dedicated parking area has been provided for all delivery drivers to reduce congestion and waiting times.

We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

Along with the above, which are much broader and community/neighbourhood initiatives, we have also implemented business specific requirements

1. We have a full and detailed Drivers Code of Conduct (attached) this outlines the rules to our delivery drivers and also details that we will take appropriate steps to make sure our drivers abide by the Code of Conduct, this includes

- a. No loitering
- b. All vehicles to be switched off (no idling)
- c. All drivers to wait in designated internal waiting area
- d. Driver behaviour directions

2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland@towerhamlets.gov.uk) and ourselves (dino@towerhamlets.gov.uk) confirming the same.

Best regards
Dino

Corinne Holland

From: Dino Constantinou <Dino [REDACTED]>
Sent: 31 May 2019 00:03
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: PHOTO-2019-04-19-18-37-40.jpg; Driver Code of Conduct - LKN.PDF

Dear Martin James Rankin,

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

Since we have been in the Arches we have managed to implement the following so as to benefit the neighbourhood and neighbours, these also relate to your objections

1. Installation of Cowls, Noise abatement – The unit we are in had a Cowl covering the extraction to reduce noise, we have managed to get a further two cowls installed on the neighbouring units also to reduce extraction noise. (Photo attached)
2. Installation of CCTV – which records and holds information and is made available to the local authorities if they request it for use in their fight against crime, it also should ensure that any irresponsible individuals can be caught in not complying with the law and prosecuted accordingly.
3. The removal of the large dustbins from the pavement on Birkbeck Road, these have been moved to with the arches and are no longer an obstruction or eyesore and the installation of appropriate pest control to alleviate and control addition pest difficulties in Birkbeck road.
4. The provision of an internal pick up area for all drivers to wait indoors, therefore limiting the noise from talking outside of the arches. This is not yet operational but will be soon.
5. We have petitioned and have been granted the right to impose a 5mph speed limit in the arches property to combat the objections raised in respect of speeding delivery drivers
6. A dedicated parking area has been provided for all delivery drivers to reduce congestion and waiting times.

We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

Along with the above, which are much broader and community/neighbourhood initiatives, we have also implemented business specific requirements

1. We have a full and detailed Drivers Code of Conduct (attached) this outlines the rules to our delivery drivers and also details that we will take appropriate steps to make sure our drivers abide by the Code of Conduct, this includes

- a. No loitering
- b. All vehicles to be switched off (no idling)
- c. All drivers to wait in designated internal waiting area
- d. Driver behaviour directions

2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Noisy Fans and smells

- Cowls installed on our unit
- We also instigated the installation of Cowls on all neighbouring units - this has had a profound impact on noise overall

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Abusive Drivers

- Driver Policy implementation, confirming we will report any or all abusive drivers
- We will request that drivers found to be doing this no longer are used for our deliveries
- CCTV installation to deter such behaviour
- We will implement a neighbourhood feedback email address for abusive drivers - feeding back any information to the delivery companies on your behalf

Deliveries

- This issue was there prior to us arriving at the arches
- We can arrange deliveries at specific times and request smaller vehicles so they can driver into the arches
- We work with a limited number of companies that provide our raw materials and food stuff and therefore limited no of deliveries

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland [REDACTED]) and ourselves (dino@[REDACTED]k) confirming the same.

Best regards
Dino

Corinne Holland

From: Dino Constantinou <Dino [REDACTED]>
Sent: 31 May 2019 00:03
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: Driver Code of Conduct - LKN.PDF; PHOTO-2019-04-19-18-37-40.jpg

Dear Nicola Kiinsella,

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

Since we have been in the Arches we have managed to implement the following so as to benefit the neighbourhood and neighbours, these also relate to your objections

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We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

Along with the above, which are much broader and community/neighbourhood initiatives, we have also implemented business specific requirements

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 - a. No loitering
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2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Abusive Drivers

- Driver Policy implementation, confirming we will report any or all abusive drivers
- We will request that drivers found to be doing this no longer are used for our deliveries
- CCTV installation to deter such behaviour
- We will implement a neighbourhood feedback email address for abusive drivers - feeding back any information to the delivery companies on your behalf

Opening Times

- We have made these inline with council guidelines and these are now Sunday – Thursday to 11pm and Fri and Saturday to 12am.

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland@t[REDACTED]k) and ourselves (dino[REDACTED]) confirming the same.

Best regards

Dino

Corinne Holland

From: Dino Constantinou <Dino@[REDACTED]>
Sent: 31 May 2019 00:04
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: Driver Code of Conduct - LKN.PDF; PHOTO-2019-04-19-18-37-40.jpg

Dear Paolo Battaglia,

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

As a local business we have the environment and community very much in our thoughts and have structured the business with this in mind, we are using fully recyclable and moving towards zero plastic packaging in our work, and are working towards our goal of feeding a family of 4 healthily for under £20.00.

We have also agreed with Tower hamlets that we will abide by revised hours of trade and we will not open later than 11pm Sunday to Thursday and 12am Friday and Saturday. Therefore keeping our hours agreeable under the councils own framework, This has lead to no objections being made by the council and its various departments.

We hope this change will also be agreeable to you. If so please let us know.

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- a. No loitering
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2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Noise – Workers/Drivers – ASB

- No loitering Policy
- Internal waiting area
- All engines to be turned off
- Workers have internal area to change and rest.
- We will implement a monitoring process and periodically check CCTV to enforce this
- We will not be trading before 10am on any day of the week and will not be trading after 11pm Sun – Thurs and 12am Friday and Saturday Only.

Abusive Drivers

- Driver Policy implementation, confirming we will report any or all abusive drivers
- We will request that drivers found to be doing this no longer are used for our deliveries
- CCTV installation to deter such behaviour
- We will implement a neighbourhood feedback email address for abusive drivers - feeding back any information to the delivery companies on your behalf

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Vans blocking Entrance to Sunlight Square

- This issue was there prior to us arriving at the arches
- We can arrange deliveries at specific times and request smaller vehicles so they can driver into the arches
- We work with a limited number of companies that provide our raw materials and food stuff and therefore limited no of deliveries

Commercial Bins on Birkbeck Road/Rodents

- We have employed a top pest control for our unit and have been verified to be 100% clear
- Bins have been moved from Birkbeck Road

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne. [REDACTED]) and ourselves (dino@g [REDACTED]) confirming the same.

Best regards
Dino

Corinne Holland

From: Dino Constantinou <Dino@[REDACTED]>
Sent: 31 May 2019 00:04
To: [REDACTED]
Subject: Lean Kitchen Network - License Application 116762 - Railway Arch 4, Gales Gardens, London E2
Attachments: Driver Code of Conduct - LKN.PDF; PHOTO-2019-04-19-18-37-40.jpg

Dear Wei-Ping Huang,

We are sorry you weren't able to attend the meeting we held last week to discuss your concerns in respect to our license application for Lean Kitchen Network

Being a value adding part of the community is extremely important to us and we have been working hard to demonstrate this as we hope to outline in the below letter.

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3. The removal of the large dustbins from the pavement on Birkbeck Road, these have been moved to with the arches and are no longer an obstruction or eyesore and the installation of appropriate pest control to alleviate and control addition pest difficulties in Birkbeck road.
4. The provision of an internal pick up area for all drivers to wait indoors, therefore limiting the noise from talking outside of the arches. This is not yet operational but will be soon.
5. We have petitioned and have been granted the right to impose a 5mph speed limit in the arches property to combat the objections raised in respect of speeding delivery drivers
6. A dedicated parking area has been provided for all delivery drivers to reduce congestion and waiting times.

We hope the above have already made an impact and have already reduced the issues you are facing with the arches and when fully implemented with further reduce these.

Along with the above, which are much broader and community/neighbourhood initiatives, we have also implemented business specific requirements

1. We have a full and detailed Drivers Code of Conduct (attached) this outlines the rules to our delivery drivers and also details that we will take appropriate steps to make sure our drivers abide by the Code of Conduct, this includes

- a. No loitering
- b. All vehicles to be switched off (no idling)
- c. All drivers to wait in designated internal waiting area
- d. Driver behaviour directions

2. No member of the general public will attend the site to purchase items as we are a delivery only kitchen and are not customer facing.

I hope the above highlights that as a local business we are working with the community to address the current issues and not adding to them.

In answer to your specific objections

Safety – Driver/Pedestrian

- We have implemented a Driver Code of Conduct and will report any driver found to be working outside of this.
- 5 mph speed limit imposed
- Allocated parking area to avoid driver/pedestrian interaction
- CCTV installation to administer above

Noise – Workers/Drivers – ASB

- No loitering Policy
- Internal waiting area
- All engines to be turned off
- Workers have internal area to change and rest.
- We will implement a monitoring process and periodically check CCTV to enforce this

Noisy Fans

- Cowls installed on our unit
- We also instigated the installation of Cowls on all neighbouring units - this has had a profound impact on noise overall

Increased Thefts

- We are installing additional CCTV and will provide access to residents / police in case of any thefts in case we can help build supporting evidence

Vans blocking Entrance to Sunlight Square

- This issue was there prior to us arriving at the arches
- We can arrange deliveries at specific times and request smaller vehicles so they can driver into the arches
- We work with a limited number of companies that provide our raw materials and food stuff and therefore limited no of deliveries

We hope the above identifies our commitment to being a good neighbour and minimising any inconvenience caused by our business being located in the arches, and are sure you understand that we have taken a number of steps to help the community and ensure the area is protected.

With the above in mind we ask that you consider withdrawing your objections. To do so you will need to email tower hamlets (Corinne.Holland@t[REDACTED]k) and ourselves (dino@g[REDACTED]) confirming the same.

Best regards
Dino

Appendix 16

Rider/Driver Code of Conduct

Lean Kitchen Network, 4 Railway Arches, Gales Gardens, London, E2 0EJ

It's very important to us to work with our delivery partners to minimise disruption to local residents. Please follow all the procedures below at all times.

Please be aware of our neighbours and residents at all times when visiting the premises:

Minimising noise:

- Rider/Driver access to site **is only** from the **Birbeck Street Entrance**. Located closest to Railway Arches 4.
- All riders/drivers to demount and **switch off their engines immediately** upon arrival, please ensure you do not over rev your engines upon arrival or departure from the premises.
- All riders/drivers to **park their bicycles/motorcycles in the signposted designated area** when arriving on site. (Map supplied). All drivers to be aware of the local parking regulations and to abide by such laws and regulations.
- All riders/drivers are **required to wait in the inside waiting area for pick up**. Please note due to the very low prep time and hot holding equipment so food will be ready prior to arrival for the majority of orders. Hence, eliminating waiting time.
- **No drivers to be waiting outside** the premises at any time, No loitering and chatting outside the premises, No music to be played when arriving at the premises to pick up an order. The use of mobile phones is only permitted inside the premises.

Safety:

- Please be aware, there is a **strict 5 mph speed limit** at all times within Gales gardens.
- All riders/drivers shall comply with all traffic laws, regulations, rules, policies and guidelines as well as this Code and any further guidelines that may be issued by Lean Kitchen Network
- All riders/drivers to carry appropriate identification and proof of pick up when attending the premises.

Local responsibility:

- There are a number of **waste bins available** conveniently located for use by the drivers. Please ensure that all litter is disposed of in the bins provided.
- All riders/drivers shall **always exhibit good mannerism** as well as communicating politely with any and all neighbours and/or the general public.
- All riders/drivers to avoid violent and aggressive behaviour at all times. The Company does not condone any form of violence or aggression. Delivery partners must not exhibit aggressive behaviour, including getting into verbal disputes with anybody, using vulgarity or insinuation.

If riders/drivers do not comply with the code of conduct they will be marked as an "unprofessional rider" with the delivery company.



Appendix 17

Corinne Holland



From: Lavine Miller-Johnson
Sent: 13 May 2019 14:45
To: 'Dino Constantinou'
Cc: [REDACTED]; Nicola Cadzow; Corinne Holland; Licensing
Subject: RE: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762

Dear Dino,

Thank you for your email in accepting the conditions and reduction of hours. I hereby withdraw my representation.

Kind Regards

Lavine Miller-Johnson

Licensing & Safety Team | Environmental Health and Trading Standards
[London Borough of Tower Hamlets](#) | John Onslow House, 1 Ewart Place, London E3 5EQ
 [REDACTED] |  020 7364 6901 | General Enquiries: 020 7364 5008

From: Dino Constantinou [mailto:[REDACTED]]
Sent: 13 May 2019 14:06
To: Lavine Miller-Johnson
Cc: [REDACTED]; Nicola Cadzow; Corinne Holland; Licensing
Subject: FW: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762

Sorry

I didn't attach the UberEats Alcohol delivery Flow. Attached herewith

Dino

From: Dino Constantinou [mailto:[REDACTED]]
Sent: 13 May 2019 14:03
To: 'Lavine.Miller-Johnson [REDACTED]'
Cc: 'Faraz Nagree'; 'bruce [REDACTED]'; 'Corinne Holland'; 'nicola.cadzow [REDACTED]'; 'Licensing@towerhamlets.gov.uk'
Subject: RE: New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762

Dear Lavine,

Thank you for your email below and further to our telephone conversation of today's date, we write to confirm we are happy to accept all your conditions as detailed below.

In respect of the conditions we can confirm that we currently use UberEats as our delivery partner and they have a strict policy in respect of age verification (we have taken the opportunity to attach their Alcohol delivery flow for your reference). We are committed to take every step necessary to ensure responsible sale of alcohol.

We are also willing to agree our hours as requested, with a reduction of Friday and Saturday trading to 00.00 (midnight)

Late night refreshment :

- Monday to Thursday (within framework hours until 23:00 hours)
- Friday to Saturday 23:00 hours to 00:00 (midnight)
- Sunday 11:30 hours to 23:00

Supply of Alcohol:

- Monday to Thursday 11:30 hours to 23:00 hours (within framework hours)
- Friday to Saturday 11: 30 hours to 00:00hours
- Sunday 11:30 hours to 23:00

Hours the premises are open to the public

- Monday to Thursday 11:30 hours to 23:00 hours (within framework hours)
- Friday to Saturday 11: 30 hours to 00:00hours
- Sunday 11:30 hours to 23:00 hours

Please confirm your withdrawal of the objection.

Best Regards

Dino Constantinou

From: Lavine Miller-Johnson <Lavine.Miller-Johnson>
Date: 13 May 2019 at 12:38:57 BST
To: "'faraz'" <faraz>
Cc: Corinne Holland <Corinne.Holland>, Licensing <Licensing@towerhamlets.gov.uk>
Subject: **New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden Bethnal Green London E2 0EJ- 116762**

Dear Faraz Nagree,

Licensing Act 2003
New Premises Application - Lean Kitchen Railway Arch Unite 4, Gales Garden
Bethnal Green London E2 0EJ- 116762

The Licensing Authority (acting a Responsible Authority) is making a representation to the above application on the grounds of:

- Public nuisance
- Protection of children from harm

The Home Office guidance under Section 182 of the Licensing Act2003 (8.42) says:
“Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

This premises falls within the Bethnal Green Cumulative Impact Zone (CIZ). Therefore by applying for a licence for late night refreshment and alcohol sales outside of the council's framework hours, will have an impact on the area and local residents which is already saturated with licensed premises. Allowing this premises to trade beyond the framework hours would undermine one or more of the licensing objectives.

As this is an online ordering service, measure to prevent under ages sales must be in place.

The Council's framework hours:

- Monday to Thursday 0600 hours to 23:30 hours; and
- Friday & Saturday 0600 hours to 00:00 hours (midnight)
- Sunday 0600 hours to 2230 hours.

The applicants proposed hours:

Late night refreshment :

- Monday to Thursday (within framework hours until 23:00 hours)
- Friday to Saturday 23:00 hours to 03:00 hours
- Sunday 11:00 hours to 23:00 hours

Supply of Alcohol:

- Monday to Thursday 11:30 hours to 23:00 hours (within framework hours)
- Friday to Saturday 11: 30 hours to 03:00 hours
- Sunday 11:30 hours to 23:00 hours

Hour the premises are open to the public:

- Monday to Thursday 11:30 hours to 23:00 hours (within framework hours)
- Friday to Saturday 11: 30 hours to 03:00 hours
- Sunday 11:30 hours to 23:00 hours

I will be willing to withdraw my representation if you accept the following conditions and the reduction of hours:

Late night refreshment :

- Monday to Thursday (within framework hours until 23:00 hours)
- Friday to Saturday 23:00 hours to 00:00 (midnight)
- Sunday 11:30 hours to 23:00

Supply of Alcohol:

- Monday to Thursday 11:30 hours to 23:00 hours (within framework hours)
- Friday to Saturday 11: 30 hours to 00:00hours
- Sunday 11:30 hours to 23:00

Hours the premises are open to the public

- Monday to Thursday 11:30 hours to 23:00 hours (within framework hours)
- Friday to Saturday 11: 30 hours to 00:00hours
- Sunday 11:30 hours to 23:00 hours

Conditions to be imposed on the premises licence:

Online delivery

1. A standard age verification check shall be undertaken on entering the website. A signature at the point of delivery must be obtained. No delivery shall be left without a signature. Every third party courier delivery box shall be labelled with the words “Age Restricted Product”.
2. Alcohol shall only be delivered to a residential or business address and not to a public place.
3. A Challenge 21 or 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. **(The applicant has already added this into the operating schedule)**
4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

Please can you respond in writing if you are willing to accept these conditions above.

Kind Regards

Lavine Miller-Johnson

Licensing & Safety Team | Environmental Health and Trading Standards
[London Borough of Tower Hamlets](#) | John Onslow House, 1 Ewart Place, London E3 5EQ
 ' [REDACTED] | General Enquiries: 020 7364 5008

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Appendix 18

Corinne Holland

From: Dino Constantinou <Dino@[REDACTED]>
Sent: 13 May 2019 14:03
To: Nicola Cadzow
Cc: faraz@[REDACTED]; Corinne Holland; Licensing; bruce@[REDACTED]
Subject: RE: MAU REPRESENTATION 116762 - New premise license application for Lean Kitchen Railway Arch Unit 4 Gales Garden E2 0EJ

Hi Nicola,

Thank you very much for your email, we have had an opportunity to discuss the trading hours and licensing hours with the members of the business and are happy to reduce in line with our hours on Friday and Saturday to 00.00 (Midnight)

With this in mind we are happy to accept your conclusion in full and ask that you confirm you are willing to withdraw your objection.

Best regards
Dino Constantinou

From: Nicola Cadzow [mailto:Nicola.Cadzow@[REDACTED]]
Sent: 13 May 2019 08:27
To: 'Dino Constantinou'
Cc: faraz@[REDACTED]; Corinne Holland; Licensing
Subject: RE: MAU REPRESENTATION 116762 - New premise license application for Lean Kitchen Railway Arch Unit 4 Gales Garden E2 0EJ

Hi Dino,

Thank you for the information that you have given.

However as advised to you your premises is in the Cumulative Impact Zone, and we have to considering this and the four licensing objectives, in particularly the licensing objective for the prevention of public nuisance.

In our discussion I advised that the other licenced premises in Gales Gardens do not have later than framework hours, and that I would consider your operating hours Fridays and Saturdays until Midnight at the latest, in line with framework hours. I would not consider 03:00 hours on Fridays and Saturdays, with residential premises in close proximity.

Further to your advice about two premises [REDACTED] in Gales Gardens alleged to be operating over framework hours these have been referred to Licensing for their action, for potential licensing breaches.

Please be advised at this time my representation still stands.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards

From: Dino Constantinou [mailto:Dino@████████████████████]
Sent: 09 May 2019 22:05
To: Nicola Cadzow
Cc: faraz@████████████████████; Corinne Holland; Licensing
Subject: RE: MAU REPRESENTATION 116762 - New premise license application for Lean Kitchen Railway Arch Unit 4 Gales Garden E2 0EJ

Nicola,

Thank you for taking time to discuss this matter with me today, much appreciated.

Please find attached the Code of Conduct and also photo of the new Acoustic Cowls as installed on site.

- As stated our site already has an acoustic cowl over the extraction to alleviate noise pollution, but we have also been able to get the adjoining two units to also place acoustic cowls over the extraction too.
- We have a detailed Driver Code of Conduct in place (see attached) which prohibits vehicles idling and provides for an indoor area for drivers/riders to wait along with specific parking areas, along with a 5mph speed limit
- If any driver does not abide by the policy we will report them to the delivery company.
- The drivers code of conduct will be displayed within the waiting area for all to see.
- In respect of Sunday hours we would like to confirm that we will be trading to 23.00 and not 03.00

We hope this clarifies, our position and alleviates the majority of your concerns, along with allowing you an insight into how we have considered the neighbourhood and taken appropriate steps to ensure we are considerate to the neighbours needs and limiting any impact on the area.

In relation to the Friday and Saturday opening hours, we will revert to you in a week once we have had the opportunity to consider this in further detail.

Best Regards

Dino

Lean Kitchen Network

From: Nicola Cadzow <Nicola.Cadzow@towerhamlets.gov.uk>
Date: 24 April 2019 at 12:41:18 BST
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Mark Perry <████████████████████>, "████████████████████"
<████████████████████>, Corinne Holland
<Corinne.Holland@towerhamlets.gov.uk>, "faraz" <faraz@towerhamlets.gov.uk>
Subject: MAU REPRESENTATION 116762 - New premise license application for Lean Kitchen Railway Arch Unit 4 Gales Garden E2 0EJ

Dear Licensing,

I have regarded the application for premises License for application for Lean Kitchen Railway Arch Unit 4 Gales Garden E2 OEJ and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and consideration has to be given to the fact the premise is in the Bethnal Green Cumulative Impact Zone. The proposed hours is beyond the Council's framework hours, and it must be noted that:

Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant is proposing:

- **Friday and Saturday: Licensable Activities: late night refreshment supply of alcohol until 03:00 hours, with premises closing at 03:00 hours
(an extension of three hours on framework hours)**
- **Monday to Thursday: Licensable Activities: supply of alcohol 23:00 hours, with premises closing at 23:00 hours (within framework hours)**
- **Sundays: Licensable Activities: supply of alcohol until 23:00 (30 minutes over framework hours) although application has opening hours until 03:00 hours (an extension of three hours over framework hours – possible error on application)**

Noise Sensitive premises: residential and commercial premises in close proximity to Railway Arch Unit 4 Gales Gardens E2 OEJ

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

- Noise breakout from the venue affecting neighbouring residents; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for Lean Kitchen Railway Arch Unit 4 Gales Gardens E2 OEJ as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought on Fridays and Saturdays, however I am willing to withdraw my objection if the applicant agrees to

- (1) Reduction of terminal hour for Fridays and Saturdays to Midnight in line with framework,
- (2) Confirmation of terminal hour for Sundays being 23:00 hours not 03:00 hours
- (3) Additional noise conditions to apply as follows:
 - (a) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.
 - (b) No idling of vehicles, being either patron or delivery vehicles outside the premise whilst premise is in operation.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ

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Appendix 19

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 20

Prevention of Public Nuisance

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

Appendix 21

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

Updated April 2018

Public nuisance

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

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

Appendix 22

Public Safety

- 8.1 The 2003 Act covers a wide range of premises that require a licence, and so such premises present a mixture of risks to users and should be constructed or adapted and operated so as to acknowledge and safeguard occupants against these risks.
- 8.2 The Licensing Authority will expect Operating Schedules to satisfactorily address these issues and applicants are advised to seek advice from the Council's Environmental Health (Health & Safety) Officers and the London Fire Brigade before preparing their plans and Schedules.
- 8.3 Where an applicant identifies an issue in regard to public safety (including fire safety) which is not covered by existing legislation, the applicant should identify in their operating schedule the steps that will be taken to ensure public safety. This needs to take into account any unique characteristics that arise in connection with the licensable activity, any requirements that are specific to the premises.
- 8.4 One of the Council's Community Safety Partnership Priorities is tackling violence against women and girls. As a result the Licensing Authority expects Licence holders to take a proactive approach to customer safety including the following:
- Making provisions to ensure that customers safely leave their premises, for example providing information on licensed taxi companies, adequate lighting outside the premises,
 - Training of staff in spotting signs of harassment, and how to intervene where safe and appropriate to do so, and/or reporting such harassment to management/emergency services.

The Licensing Authority may be able to sign post Licence Holders in regards to local/national safeguarding schemes which may assist with the above.

- 8.5 The Licensing Authority, where its discretion is engaged, will consider attaching proportionate and appropriate Conditions to licences and permissions to promote safety, and these may include Conditions drawn from a the Model Pool of Conditions found in the Secretary of States Guidance.
- 8.6 The Licensing Authority will impose conditions that relate to its licensing objectives, and in a way that is proportionate to the individual circumstances of the premises seeking a licence.

Appendix 23

Public safety

- 2.7 Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using the relevant premises rather than public health which is addressed in other legislation. Physical safety includes the prevention of accidents and injuries and other immediate harms that can result from alcohol consumption such as unconsciousness or alcohol poisoning. Conditions relating to public safety may also promote the crime and disorder objective as noted above. There will of course be occasions when a public safety condition could incidentally benefit a person's health more generally, but it should not be the purpose of the condition as this would be outside the licensing authority's powers (be ultra vires) under the 2003 Act. Conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.
- 2.8 A number of matters should be considered in relation to public safety. These may include:
- Fire safety;
 - Ensuring appropriate access for emergency services such as ambulances;
 - Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
 - Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
 - Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
 - Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
 - Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.12-2.13, and Chapter 10; and
 - Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).
- 2.9 The measures that are appropriate to promote public safety will vary between premises and the matters listed above may not apply in all cases. As set out in Chapter 8 (8.38-8.46), applicants should consider when making their application which steps it is appropriate to take to promote the public safety objective and demonstrate how they achieve that.

Ensuring safe departure of those using the premises

- 2.10 Licence holders should make provision to ensure that premises users safely leave their premises. Measures that may assist 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.

Maintenance and repair

- 2.11 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be inappropriate for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if appropriate, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or any other persons, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make their expectations clear in this respect to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

Safe capacities

- 2.12 “Safe capacities” should only be imposed where appropriate for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be inappropriate to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it appropriate for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be appropriate in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.
- 2.13 The permitted capacity is a limit on the number of persons who may be on the premises at any time, following a recommendation by the relevant fire and rescue authority under the Regulatory Reform (Fire Safety) Order 2005. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act¹, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority which will consider it and decide what the “permitted capacity” of

¹ S 177 of the 2003 Act now only applies to performances of dance.

those premises should be.

- 2.14 Public safety may include the safety of performers appearing at any premises, but does not extend to the prevention of injury from participation in a boxing or wrestling entertainment.

Appendix 24

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 19.1 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 for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council 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 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.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is 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 Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues).

19.8 This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

19.9 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 Cumulative Impact Zones:

Figure One

Brick Lane area:

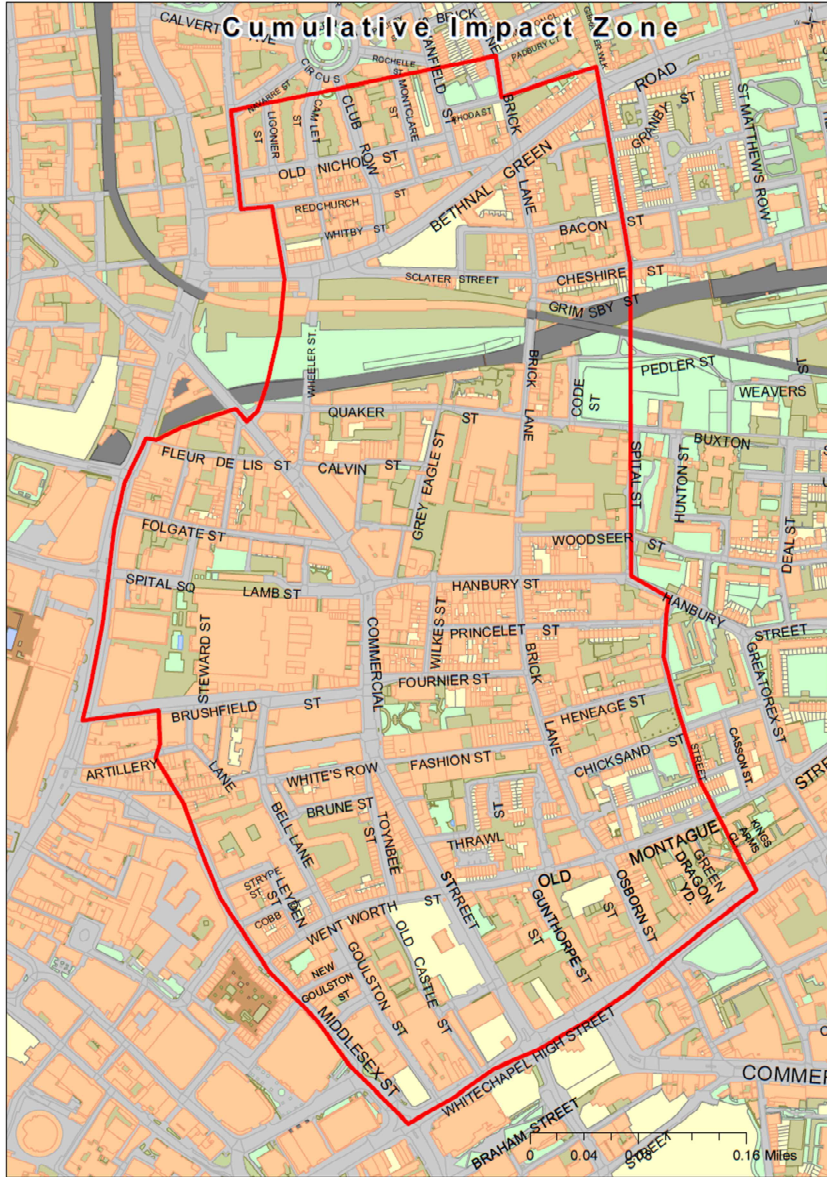
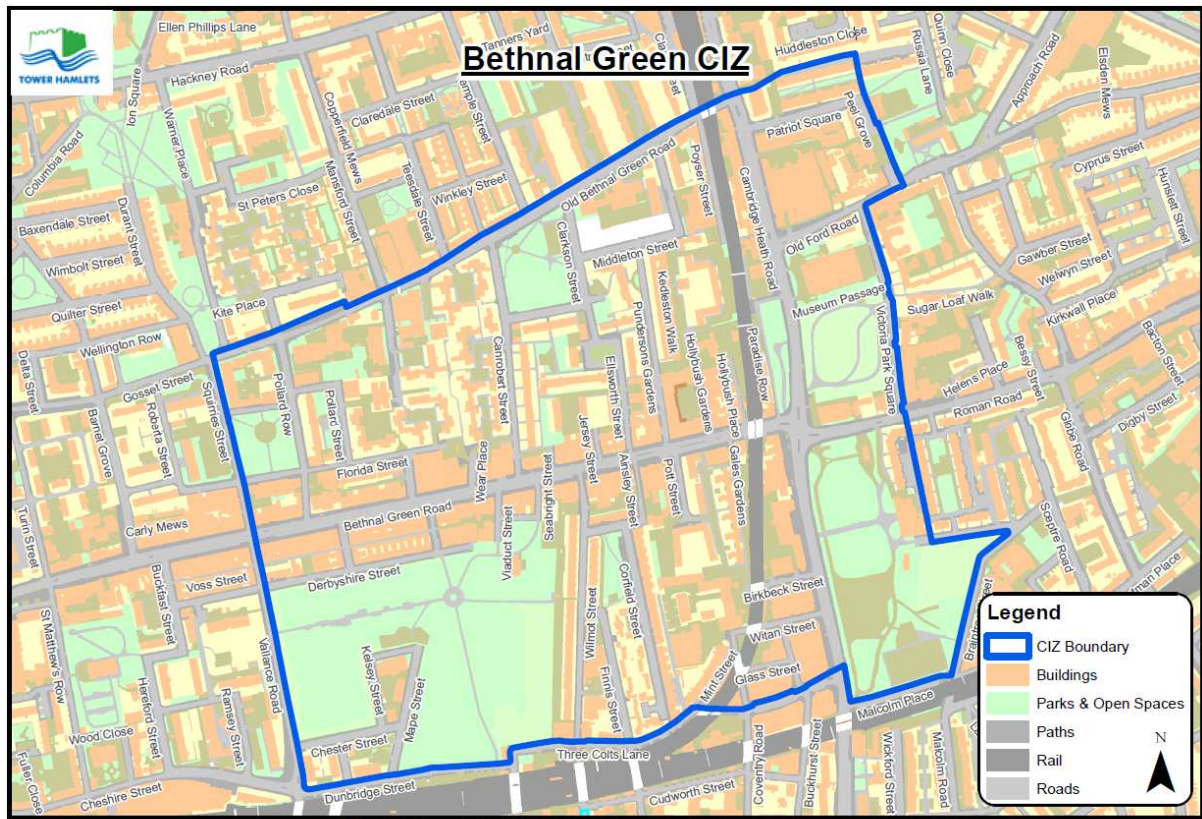


Figure Two:
Bethnal Green Area



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Appendix 25

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of 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 applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, and their hours

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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.

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