

LICENSING SUB COMMITTEE

Tuesday, 29 October 2019 at 6.30 p.m.

The Council Chamber, 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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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.

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 44)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 10th, 17th and 24th September 2019.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Licensing Act 2003 Application for a Premises Licence for (Duck and Dry) 105C Commercial Street, Old Spitalfields Market, London E1 6BG	45 - 138	Spitalfields & Banglatown

Licensing Objectives:

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

Representations by:

- Local Resident(s)

4 .2 Licensing Act 2003 Application for variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London, E2 0AN	139 - 204	St Peter's
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Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Environmental Noise Team
- Local Resident(s)

**5. 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:	14th June 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st 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 **Page 17** 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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.30 P.M. ON TUESDAY, 10 SEPTEMBER 2019

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Peter Golds (Chair)
Councillor Shad Chowdhury
Councillor Zenith Rahman

Officers Present:

Lavine Miller-Johnson	– (Licensing Officer)
Samantha Neale	– (Licensing Officer)
Luke Wilson	– (Legal Services)
Mohshin Ali	– (Senior Licensing Officer)
Nicola Cadzow	– (Environmental Health Officer)
Simmi Yesmin	– (Democratic Services)

Representing applicants	Item Number	Role
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None

Representing objectors	Item Number	Role
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Samantha Neale	4.1	(Licensing Authority)
Nicola Cadzow	4.1 & 4.3	(Environmental Health)
PC Mark Perry	4.1	(Metropolitan Police)
Mohshin Ali	4.3	(Licensing Authority)
David Knight	4.3	(Resident)
David Spurring	4.3	(Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub-Committees held on 9 and 23 July 2019 were agreed as a correct record of proceedings.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ

The Sub-Committee was advised that the Applicant was not present at the meeting and it had not been in contact with Democratic Services or Licensing Services. It was noted that the notification letter was sent to the Applicant ten working days before the meeting via 1st class post and via email. The agenda was also sent five working days before the meeting via 1st class post and via email. Despite these correspondences, no communication had been received from the Applicant.

Members adjourned the meeting to allow the Applicant to attend. A telephone call was also made to the Applicant, however, there was no response. Members were satisfied that sufficient notice of the meeting was given to the Applicant and noted that the Applicant had made no contact with any of the relevant officers. The Sub-Committee decided to consider the application in the Applicant's absence.

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report, which detailed the application for a new premise licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ. It was noted that there was already an existing licence at the premises. It was further noted that there were objections from officers representing the Metropolitan Police, Environmental Health and the Licensing Authority.

In the absence of the Applicant, Members of the Sub-Committee noted and considered the written application contained in the agenda.

At the request of the Chair, Ms Nicola Cadzow, Environmental Health Officer, referred to her representation on page 78 of the agenda and explained the potential impact of the noise that was likely to occur during the noise sensitive hours that had been applied for. She confirmed that there were residents in close proximity and believed that customers of the premises were likely to cause disturbance to local residents. She explained that there was not sufficient information in the operating schedule to show how the Applicant would promote the four licensing objectives and therefore suggested that the application be refused.

Members heard next from Ms Samantha Neale, Licencing Officer, who suggested that the licensed hours be reduced and further conditions imposed to strengthen the licence, if granted. She drew Members attention to her

representation on pages 83 and 84 of the agenda, which detailed the proposed amendments. It was noted that the premises was in a residential area and the proposed conditions in the operating schedule were not sufficiently robust to promote the licensing objectives. Ms Neale believed that reduced hours and the addition of a condition to prohibit idling of delivery vehicles would help alleviate noise concerns.

Members also heard from PC Mark Perry, Police Licensing Officer, who agreed with Ms Cadzow's representation and emphasised the fact that the Applicant had not turned up to the hearing and not responded to any of the officer objections. He believed the application did not have sufficient information and therefore suggested that the application be refused.

In response to questions from Members, the following was noted:

1. Alexa Square was a densely populated residential area.
2. There was no public transport or DLR at the later hours that have been applied for.
3. There were low ambient noise levels late at night; therefore, any noise from the premises or its customers was likely to cause more impact than during the daytime.

Members adjourned the meeting at 3.10pm to deliberate and reconvened at 3.20pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub-Committee carefully considered all of the evidence before them including the written application contained in the agenda and the written and verbal representations from officers representing the Responsible Authorities present at the meeting.

The Sub-Committee noted that the premises in question is situated in a densely populated area. Members also noted the concerns raised by Responsible Authorities, in particular the potential noise nuisance that would occur from customers visiting the premises at the later hours of the night. The

Sub-Committee accepted that customers going to the premises are likely to have come from other venues and are more likely to be intoxicated which would increase the risk of noise nuisance and anti-social behaviour.

Members noted the potential public nuisance that licensed premises may cause in an area which already experiences a high level of public nuisance and anti-social behaviour. The Sub-Committee was not satisfied that the Applicant had demonstrated through its operating schedule how it would promote the licensing objectives.

Accordingly, the Sub-Committee unanimously:-

RESOLVED

That the application for a New Premises Licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ be **REFUSED**.

4.2 Application for a New Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS

This item was withdrawn by the Applicant prior to the meeting.

4.3 Application for a New Premises Licence for (Nomadic Community Gardens), Fleet Street Hill, London E1 5ES

The Sub-Committee was advised that the Applicant was not present at the meeting and it had not been in contact with Democratic Services or Licensing Services. It was noted that the notification letter was sent to the Applicant ten working days before the meeting via 1st class post and via email. The agenda was also sent five working days before the meeting via 1st class post and via email. Despite these correspondences, no communication had been received from the Applicant.

Upon receiving this information, the Sub-Committee decided to consider the application in the Applicant's absence.

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report, which detailed the application for a new premise licence for Nomadic Community Gardens, Fleet Street Hill, London E1 5ES. It was noted that there were objections from Officers representing Environmental Health and the Licensing Authority and local residents.

In the absence of the Applicant, the Members considered the written application contained in the agenda pack. It was noted the Applicant was seeking a licence to sell alcohol to cover the cost of the running the garden.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, referred to his representation on pages 251-258 of the agenda and confirmed the number of complaints that had been received about this venue and the types of

disturbances experienced by residents. He detailed the complaint history and stated that the licensing objectives would be undermined if the application was granted.

Members heard next from Ms Cadzow, who referred to her statement on page 264 of the agenda and raised concerns about the likely effect of live and recorded music which would be authorised between 08:00 hours and 23:00 hours if the application was granted. She also referred to the noise complaints received about the venue and confirmed that Environmental Health continues to receive complaints of noise and public nuisance.

Members also heard from Dr David Knight and Mr David Spurring, local residents, who expressed concerns about the crime, anti-social behaviour and noise disturbance that is experienced as a result of the Nomadic Community Gardens. They expressed concerns at the close proximity of the Gardens to residential homes and the children's playground area and noted that there were no toilet facilities at the venue. They confirmed that they had made efforts to communicate with the operators of the Gardens but these efforts had been unsuccessful. Members also noted the strong concerns about the drug use and anti-social behaviour in the area.

In response to questions from members, the following was noted:

- Temporary Event Notice applications for the venue have been granted but residents have not been notified of these events.
- There were no gardening projects currently running at the venue.
- There was an increase in graffiti and live music events at the venue.
- There were high levels of anti-social behaviour and public nuisance.
- Although the Applicant had not applied for live/recorded music, if sale of alcohol licence is granted, then due to the deregulation of the Live Music Act, live/recorded music would be permitted at the premises.
- Residents had directly witnessed drug use at the venue.
- If the licence was granted, residents believe this would encourage further noise nuisance, drug abuse and public nuisance.

Members adjourned the meeting at 3.45pm to deliberate and reconvened at 4pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub-Committee carefully considered all of the evidence before them including the application contained in the agenda pack and heard representations at the meeting from Officers representing the Licensing Authority and Environmental Health, and local residents.

The Sub-Committee took into account the objectors' concerns about the likely increase in public nuisance, crime and anti-social behaviour if the application were to be granted.

The Sub-Committee considered that there was not sufficient evidence in the application to demonstrate or satisfy the Sub-Committee that granting of the application would promote the licensing objectives, in particular the prevention of public nuisance and prevention of crime and disorder.

Members reached a decision and the decision was unanimous. Members refused the application.

Accordingly, the Sub-Committee unanimously:

RESOLVED

That the application for a New Premises Licence for Nomadic Community Gardens, Fleet Street Hill, London E1 5ES be **REFUSED**.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date	Decision by
Containerville, 455-459 Hackney Road, London E2 9DY (MA)	15/10	19/08
Make it Group, 5 Hancock Rd, London E3 3DA (MA)	15/10	28/08
Bier Café Ltd, 2 Gales Garden, London E2 0EJ (SN)	29/10	29/08
Old George, 379 Old	29/10	29/08

Premises	Hearing Date	Decision by
Bethnal Green Road London E2 (KD)		
Panetteria Number 54, 54 Hanbury Street, London E1 5JL (CH)	12/11	23/09
Bhalobashar B”B Pool Lounge, 9-13 Osborn St, London E1 6TD (CH)	12/11	16/10

The meeting ended at 4.00 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.32 P.M. ON TUESDAY, 17 SEPTEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Shah Ameen (Chair)
 Councillor Sufia Alam
 Councillor Gabriela Salva Macallan

Officers Present:

Luke Wilson	– (Legal Services)
Kathy Driver	– (Principal Licensing Officer)
PC Mark Perry	– Metropolitan Police
Kristian Dalley	– Trading Standards Officer
Samantha Neale	– (Licensing Officer)
Farhana Zia	– Senior Committee Services Officer

Representing applicants	Item Number	Role
Kristian Dalley	3.1	Trading Standards
Kathy Driver	3.1	Licensing Authority
PC Mark Perry	3.1	Metropolitan Police

Representing objectors	Item Number	Role
Mr Kashim Munem	3.1	Licence Holder's Brother
Mr Ashuk Uddin Choundhury	3.1	Manager and Personal Licence Holder
Mr Mohammed Ali	3.1	Manager

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no disclosable pecuniary interests declared by the Members.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub-Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application to Review the Premises Licence for 24/7 Off Licence, 141 Commercial Road, London E1 1PX

At the request of the Chair, Ms Samantha Neale, Licensing Officer, presented the report which detailed the application for a review of the premises licence for 24/7 Off Licence, 141 Commercial Road, London E1 1PX. It was noted the review was triggered by the Responsible Authorities and officers representing the Licensing Authority, Metropolitan Police and Trading Standards had made representations.

The Sub-Committee heard from Mr Kristian Dalley, Trading Standards Officer, who informed the Sub-Committee that the Police and Trading Standards Officers had jointly executed a warrant on 23rd April 2019 and seized nitrous oxide charges, dispensers and balloons. Mr Dalley referred to the witness statement of his colleague, Mr Kevin Maple on pages 36–44 of the agenda pack and his own witness statement on page 45. In particular, Mr Dalley drew attention to the photographic evidence on pages 41-43 and confirmed that the search of the premises led to the seizure of 20 dispensers, labelled “Aluminium Cream whippers”, for use with nitrous oxide chargers. Mr Dalley said the box was concealed under a raised platform located behind the counter. Ten boxes of 24 nitrous oxide charges were found in a small safe under the counter and 15 nitrous oxide instant chargers and one packet of balloons were displayed on shelves immediately to the right of the counter.

Mr Dalley said the concealment of the products had led the Responsible Authorities to believe that these items were being supplied to members of the public for use as a psychoactive substance. Mr Dalley referred the Sub-Committee to pages 30-31 of the agenda which listed the visits made to the premises over the last five years. He said that following the underage tobacco positive test purchase in May 2018, the Premises Licence Holder, Mr Mahmud, was written to and asked to apply for a minor variation of the licence to include additional conditions.

Ms Kathy Driver, Principal Licensing Officer, said no such application to vary the licence conditions had been made by the Licence Holder. It was clear there was a history of non-compliance. There had been four test purchases in which the premises had sold alcohol beyond its licensing hours. On each occasion the Licence Holder received a warning letter. Ms Driver informed the Sub-Committee that Mr Mahmud had been written to at his home and business addresses but he had failed to communicate with the Responsible Authorities. Through further investigation of Council tax records it had come to light that the original address provided by Mr Mahmud no longer existed. Ms Driver said this was a further breach as the onus is on the Licence Holder to inform the Licensing Authority of any changes. Ms Driver said it was evident that Mr Mahmud was not managing his business adequately, nor was he upholding the licensing objectives. Therefore, she asked for the licence to be revoked.

PC Mark Perry of Tower Hamlets Police Licensing added that the Licence Holder, Mr Mahmud, had been given every opportunity to rectify the situation but he had chosen not to engage with the Authorities. PC Mark Perry said the raid on 23rd April 2019 clearly showed that the dispensers, canisters and balloons were for the inhalation of psychoactive substances. PC Perry said that there was no incident or refusal book. Furthermore, the photograph on page 43 showed small and large grinders. PC Perry said these were generally used for the grinding of cannabis and the Sub-Committee should question why these were being sold to the members of the public. PC Perry said the Manager, Mr Uddin Choudhury, was also given a community resolution as he was found in possession of cannabis. PC Perry urged the Sub-Committee to revoke the licence saying the licensing objectives of crime and disorder, preventing public nuisance and prevention of children from harm had all been brought into disrepute. He maintained that the imposition of additional conditions would not be effective as the premises' track record indicates that the Licence Holder will not abide by licence conditions.

Members then heard from the Licence Holders representatives: Mr Kashim Munem, brother of the Licence Holder, Mr Ashuk Uddin Choudhury, Manager and Personal Licence Holder, and Mr Mohammed Ali, a Manager at the Premises.

Mr Uddin Choudhury addressed the Sub-Committee and referred to the raid on the premises on 23rd April 2019. He stated that the stock behind the counter had been left there for re-stocking. Mr Uddin Choudhury said the nitrous oxide was for his own personal use and was locked away in a safe. Mr Uddin Choudhury said that no members of the public had access to this because he was the only key holder.

Mr Uddin Choudhury said the Off Licence and convenience store sold all types of items including household goods such as scissors and grinders but he did not question what customers used them for. Mr Uddin Choudhury accepted that the Premises had sold canisters to members of the public but noted that they had no control on how items sold in his premises are used. Mr Uddin Choudhury said that following the raid he and his colleagues had made a decision not to sell grinders.

Mr Uddin Choudhury stated that the premises is located on a busy road, with a bus stop directly outside the shop. Silver canisters were often disposed at the bus stop, however, there was no evidence that his premises had supplied these.

In response to questions raised by Members, the following was noted:

- The Police decided not lay charges in relation to the items located at the premises as it believed that the review and revocation of the Premises Licence was the more appropriate response. PC Perry said that whilst nitrous oxide was not illegal and was used in the catering industry, the drafting of the Psychoactive Substances Act 2016 had made charging offenders difficult. The police wanted to remove the

source of supply and had decided that recourse through the Sub-Committee was the most appropriate option.

- The selling of grinders per se is not illegal, however, knowing these are used to grind cannabis adds to the evidence against the premises.
- Mr Munem said that he was not aware of the previous breaches of the Premises Licence. He stated that they were all young and learning every day.
- Mr Munem said his brother had not received the letter, dated 7th January 2019, following the underage sale of tobacco. He added that if his brother had received such a letter he would have acted upon this and contacted the Licensing Authority. Mr Munem said that they have recently implemented measures to prevent underage sales.
- Mr Ashuk Uddin Choudhury said that he was now the Designated Premises Supervisor and had been in this role for approximately one year.

Members adjourned the meeting at 19:12 to deliberate and reconvened at 19:49.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merit. The Sub-Committee carefully considered all of the evidence before them including the application and written representations contained in the agenda pack and the oral representations at the meeting from the Premises Licence Holder's representatives and the officers representing the Licensing Authority, Metropolitan Police and Trading Standards.

The Sub-Committee noted that the Police and Trading Standards Officers had jointly executed a warrant on 23 April 2019 and seized nitrous oxide canisters, dispensers and balloons. The Responsible Authorities raised concerns about the Licence Holder's ability to effectively manage the premises and uphold the licensing objectives. The Sub-Committee noted that there had been a number of incidents at the Premises since 2014 including the sale of alcohol outside

the premises hours, the sale of tobacco to a fifteen year old test purchaser and possession of non-compliant alcohol and tobacco.

The Respondent accepted that it had sold nitrous oxide canisters and indicated that it cannot control what members of the public do with its products outside the premises. The Sub-Committee considered that the Respondent demonstrated a disregard for the safety of the public and the licensing objectives.

The Sub-Committee noted the Premises Licence Holder had been issued warnings for past incidents and following the underage tobacco sale been asked to make an application to add conditions to the licence. Despite the previous incidents and warnings, the Premises Licence Holder had not engaged with the Responsible Authorities or complied with the request.

The Sub-Committee reached a decision and the decision was unanimous. The Sub-Committee decided to revoke the premise licence as it was not satisfied that the licensing objectives would be promoted by the continued operation of the premises. The Sub-Committee considered whether additional licensing conditions would adequately address the concerns, however, it was not satisfied that the premises will abide by the existing licence conditions or any additional licence conditions. The Sub-Committee also considered whether to remove the designated premises supervisor or suspend the licence, however, the Sub-Committee concluded that these steps would not adequately address the issues at the premises.

Accordingly, the Sub-Committee unanimously:-

RESOLVED

That the application to review the Premises licence for 24/7 Off Licence, 141 Commercial Road, London E1 1PX be upheld and the Licence for the Premises be **REVOKED**.

3.2 Licensing Act 2003 Application for a Premises Licence for The Turks Head Cafe, 1 Green Bank, London, E1W 2PA

This application was withdrawn by the Applicant.

The meeting ended at 7.52 p.m.

Chair, Councillor Shah Ameen
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON TUESDAY, 24 SEPTEMBER 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Rajib Ahmed (Chair)
 Councillor Mohammed Ahab Hossain
 Councillor Leema Qureshi

Officers Present:

Luke Wilson – (Legal Services)
 Mohshin Ali – (Senior Licensing Officer)
 Simmi Yesmin – (Democratic Services)

Representing applicants	Item Number	Role
Robert Sutherland	3.1	(Legal Representative)
James Gurr	3.1	(Applicant)
Rahana Begum	3.2	(Applicant)
Shahab Uddin	3.2	(Applicant's Partner)

Representing objectors	Item Number	Role
Michele Scarr	3.1	(Resident)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interests made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for (Ozone Coffee Roastery) 8 Pritchards Road, London E2 9AP

The start of the meeting was delayed slightly to allow the objector to attend but no contact had been received so the Chair decided to proceed in the absence of the objector.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Ozone Coffee Roastery, 8 Pritchard's Road, London E2 9AP. It was noted that an objection had been received by a local resident.

At the request of the Chair, Mr Robert Sutherland, Legal Representative on behalf of the Applicant, explained that they wanted to make the following changes to the application: a reduction in the hours for the sale of alcohol to 23:00 hours from Monday to Saturday, the removal of regulated entertainment and late night refreshments and an amendment of the Challenge 21 policy to a Challenge 25 policy.

Mr Sutherland explained that the Applicant had made a substantial investment of £1.75 million in the premises. The premises included a roasting facility, the Applicant's European Headquarters and a restaurant. It was noted that the first floor of the building would be used as the Head Office and a Training Facility.

Mr Sutherland noted that the Applicant had another licensed premises based in Islington. The premises has had no complaints or licence reviews despite residents living directly above the premises. It was noted that the new premises was a 100 cover restaurant, that customers would be seated and there would be waiter/waitress service. A condition limiting the number of smokers to 8 had been agreed with Environmental Health. It was also agreed that the designated area for smokers would be on Emma Street, which would be covered by CCTV cameras. Mr Sutherland noted that Emma Street was primarily a commercial area.

Mr Sutherland concluded by highlighting Mr Gurr's experience to date. In response to a question from the Sub-Committee, the Applicant confirmed that it would accept an additional condition that no drinks would be allowed outside the premises.

The Chair was advised that the objector had just contacted Democratic Services to inform that she was running late and was on her way to the meeting. The Chair adjourned the meeting at 3.00pm and reconvened at 3.10pm to allow the objector to attend.

Mr Sutherland briefly summarised his earlier submission and the amendments to the original application for the benefit of the objector.

Members then heard from Ms Michele Scarr, local resident, who explained that she lived 10 meters away from the premises. She stated that she was in the middle of a developing area with a number of new licensed premises in

close proximity. She believed this was turning a once quiet area into a busy and noisy area.

Ms Scarr raised concerns about the smoking area not being managed and questioned how the number of smokers outside the premises would be controlled. She suggested that there should be a designated person or security staff supervising the outdoor area.

In response to questions from Members, the following was noted:

- CCTV footage would be kept for 31 days.
- The Applicant agreed to reduce the number of smokers to 5 persons at any one time after 9pm.
- There were 100 covers at the restaurant.
- The busiest days are likely to be Wednesdays and Fridays.
- It would be a food-led premises.
- The outdoor area would be managed by a host person who would be stationed at the entrance of the premises.
- There would be approximately 20 members of staff at the restaurant and an additional 30 staff in the Roastery and Head Office.
- There was a single point of entry and exit. The host person would monitor people leaving and entering the premises.
- The Applicant had 22 years of experience in the hospitality industry.
- No Responsible Authorities had objected to the application.

In summing up, Ms Scarr stated that an additional licensed premises would make the area very noisy. She was concerned that the outdoor area would not be managed properly and stated that residential areas were not suited for late night venues.

Mr Sutherland noted that the designated area for smoking was on Emma Street which was a commercial area. He stated that residents would not be affected. Mr Sutherland added that the hours had been amended and were within the Council's Framework Hours. The application had now been tailored to restrict drinks from being taken outside the premises and to limit the number of smokers being allowed to smoke outside the premises.

Members adjourned the meeting at 3.30pm for deliberations and reconvened at 3.45pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and

4. The Protection of Children from Harm.

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them and the oral representations from the Applicant, the Applicant's Legal Representative and the Objector present at the meeting.

Members welcomed the efforts made by the Applicant in offering some robust conditions and also accepting and agreeing to the conditions suggested by the Sub-Committee that there be no drinking outside the premises and a limit of five customers permitted to smoke outside the premises after 21:00 hours. These conditions, together with those proposed by the Applicant in their operating schedule and those agreed with Environmental Health, gave Members the assurance that public nuisance, particularly noise nuisance, would be prevented.

Members were satisfied that a modification of the hours on the application offered by the Applicant would also help alleviate any concerns arising from the local resident objector and reduce the risk of disturbances.

The Sub-Committee was satisfied that the licensing objectives will be promoted and the conditions will adequately mitigate the risk of public nuisance and crime and disorder.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Ozone Coffee Roastery, 8 Pritchard's Road, London E2 9AP be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday from 08:00 hrs to 23:00 hrs.

Sunday from 08:00 hrs to 22:30 hrs

Hours Premises Open to the Public

Monday to Saturday from 07:00 hrs to 23:30 hrs.

Sunday from 07:00 hrs to 23:00 hrs

Non-standard Timings

- All licensable activities shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day
- Opening hours shall be extended from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Conditions

- 1.1 The premises licence holder shall ensure that customers do not take or consume drinks outside the premises.
- 1.2 During the hours of operation, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
- 1.3 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 1.4 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
- 1.5 All waste shall be properly presented and placed out for collection no earlier than 30 minutes before collection times.
- 1.6 Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
- 1.7 The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
- 1.8 A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 1.9 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31 day period.
- 1.10 A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are

open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.

- 1.11 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:
- All crimes reported to the venue;
 - All ejections of patrons;
 - Any complaints received concerning crime and disorder;
 - Any incidents of disorder;
 - All seizures of drugs or offensive weapons;
 - Any refusal of sale of alcohol.
- 1.12 There shall be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.
- 1.13 A challenge 25 proof of age scheme shall be operated at the premise 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.
- 1.14 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.
- 1.15 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.
- 1.16 All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
- 1.17 All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
- 1.18 The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
- 1.19 Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
- 1.20 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.
- 1.21 Loudspeakers shall not be located in the entrance area marked in Blue on the plan attached to this Licence or outside the premise building.

- 1.22 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.
- 1.23 No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
- 1.24 Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time. Between 21:00 hours and closing time patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 5 persons at any one time.

3.2 Application for a New Premises Licence for: Spice Hut, 221 East India Dock Road, London E14 0ED

It was noted that the objector was not present at the meeting, It was confirmed that the objectors had not contacted Democratic Services or the Licensing Authority so therefore the Chair decided to proceed in their absence.

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a new premises licence for Spice Hut, 221 East India Dock Road, London E14 0ED. It was noted that objections had been received by two local residents.

At the request of the Chair, Ms Rahana Begum, Applicant, explained that the application was for late night refreshments only and was made due to customer demand. She explained that it was a small business and the extended hours, if granted, would help cover costs and overheads.

It was noted that there would be no regulated entertainment at the premises and there would be notices displayed around the premises asking customers to leave quietly and respect the needs of local residents. Ms Begum explained that they could keep doors shut to prevent noise escape from the premises. She confirmed that there would be CCTV cameras in operation at all times and CCTV footage would be retained for 31 days.

It was noted that the objectors were not present at the meeting. Therefore, Members noted and considered their written objections contained in the agenda pack.

In response to questions, the following was noted:

- East India Dock Road is a busy high street and any noise from the premises is unlikely to be louder than the noise from the passing traffic on the main road.
- Staff were trained to deal with conflict and disorder.
- There were 36 covers at the premises.
- They mostly sold takeaway meals.

- The CCTV cameras were in operation 24 hours, with two cameras positioned outside the premises.

Members adjourned the meeting at 3.55pm for deliberations and reconvened at 4.10pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. The Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merits. The Chair confirmed that the Sub-Committee had carefully considered all of the evidence before them including the written objections contained in the agenda pack and the oral representations from the Applicant present at the meeting.

The Sub-Committee was satisfied that the licensing objectives would be promoted and that the conditions on the licence would effectively mitigate the risk of noise nuisance and crime and disorder. The Sub-Committee was also satisfied that the conditions imposed would help alleviate any concerns arising from the local resident objectors.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Spice Hut, 221 East India Dock Road, London E14 0ED be **GRANTED** with conditions.

The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hrs to 01:00 hrs (the following day)
Friday and Saturday from 23:00 hrs to 02:00 hrs (the following day)

HOURS PREMISES OPEN TO THE PUBLIC:

Sunday to Thursday from 11:00 hrs to 01:00 hrs (the following day)

Friday and Saturday from 11:00 hrs to 02:00 hrs (the following day)

Conditions

1. The premises shall install and maintain a CCTV camera system covering both inside and outside the premises.
2. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times when the premises is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present on request by a Police Officer or an officer of any other Responsible Authority.
4. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.
5. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required extensions to decision deadlines.

The meeting ended at 4.15 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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Agenda Item 4.1

Committee : Licensing Sub-Committee	Date 29/10/2019	Classification Unclassified	Report No.	Agenda Item No.
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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 (Duck and Dry) 105C Commercial Street, Old Spitalfields Market, London E1 6BG Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant:	Blooming Beautiful Limited
Name and	Duck and Dry
Address of Premises:	105C Commercial Street Old Spitalfields Market London E1 5BG
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none"> • The sale by retail of alcohol (on sales)
Representations:	Residents / Residents' Association

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 		Mohshin Ali 020 7364 5498

3.0 Background

- 3.1 There is an existing premises licence (licence number 26009) held by a different company “Square Pie”, 105C Commercial Street, Old Spitalfields Market, London E1 6BG. However, the plan of the premises have changed and also the licence is currently suspended due to non-payment of annual fees. The times and conditions of that licence are detailed below for information only:

The sale by retail of alcohol (on sales only)

- Monday to Sunday from 11:00hrs to 21:00hrs

The opening hours of the premises

- Monday to Sunday from 10:00hrs to 22:00hrs

Conditions on the licence:

1. *Install and maintain CCTV system. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority.*
2. *No vertical drinking*
3. *Alcohol to be served with food only*

- 3.2 This current application by “Blooming Beautiful Limited” is for a premises licence for (Duck and Dry) 105C Commercial Street, Old Spitalfields Market, London E1 6BG.
- 3.3 The applicant has described the premises as:
“Hairdressers salon with bar”
- 3.4 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.5 The licensable activities and timings that have been applied for are as follows:

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

- Monday to Saturday, from 10:00 hours to 20:00 hours
- Sunday, from 10:00 hours to 18:00 hours

The opening hours of the premises

- Monday to Saturday, from 08:00 hours to 20:00 hours
- Sunday, from 10:00 hours to 18:00 hours

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 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of the nearest licensed venues are included as **Appendix 4**.

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 5**.
- 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:

Other persons (residents)	Appendix
Ben Williams	6
Carla Corsini	7
Daron Pike	8
Jon Shapiro	9
Pamela Mossman	10
Rose Sheldon	11
Susan Kay	12
Sophie Stebbins	13
S.M.R.A. (J Stebbins)	14

- 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 all of the above licensing objectives.
- 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 *Alcohol may only be sold to and consumed by patrons attending the premises for and ancillary to, haircuts and hairstyling.*
- 7.2 *There shall be no self-service of alcohol by patrons.*
- 7.3 *No off sales of alcohol.*
- 7.4 *Licensable activities authorised by this premises licence can only be carried out by Blooming Beautiful Limited.*

8.0 Conditions in consultation with the Responsible Authorities

None

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 15 - 23** 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 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
Appendices 6 - 14	Representations of other persons / residents
Appendix 15	Licensing Officer comments on noise while the premise is in use
Appendix 16	Licensing Officer comments on access/egress Problems
Appendix 17	Licensing Officer comments on crime and disorder on the premises
Appendix 18	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 19	Safety problems
Appendix 20	Licensing officer comments on Underage Drinking or other Harm to Minors
Appendix 21	Planning
Appendix 22	Licensing Policy relating to hours of trading
Appendix 23	Tower Hamlets Cumulative Impact Zone

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

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's 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 If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent 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 (£)

Section 3 of 21

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...

Company

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](#)

Add another applicant

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.

Hairdressers salon with bar

Continued from previous page...

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](#)

Will you be providing performances of dance?

Continued from previous page...

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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

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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

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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.

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.

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

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.

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

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.

Continued from previous page...

TUESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="08:00"/>	End	<input type="text" value="20:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="18:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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.

Section 18 of 21

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)

Continued from previous page...

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

1. Alcohol may only be sold to and consumed by patrons attending the premises for and ancillary to, haircuts and hairstyling.
2. There shall be no self-service of alcohol by patrons.
3. No off sales of alcohol.
4. Licensable activities authorised by this premises licence can only be carried out by Blooming Beautiful Limited.

b) The prevention of crime and disorder

See a) above.

c) Public safety

See a) above.

d) The prevention of public nuisance

See a) above.

e) The protection of children from harm

See a) above.

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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 (£)

315.00

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

Lisa Gilligan, Freeths LLP

* Capacity

Solicitors for the Applicant

* Date

27 / 08 / 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

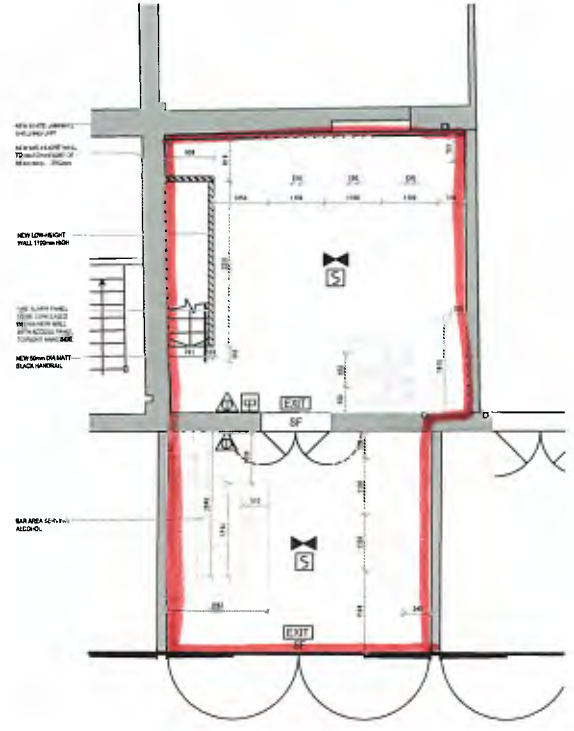
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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

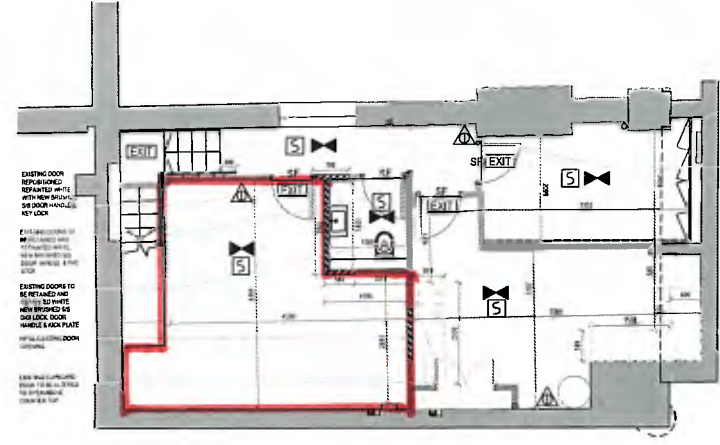
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[1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Appendix 2



1 BUILDERS WORKS - GROUND FLOOR PLAN
scale 1:50



2 BUILDERS WORKS - BASEMENT FLOOR PLAN
scale 1:50

KEY TO PLAN SYMBOLS

- FIRE ALARM CALL POINT WITH FIRE ACTION SIGN ADJACENT
- DOORS THAT HAVE ONLY A SIMPLE FASTENING WHICH IS EASILY AND IMMEDIATELY OPENABLE
- FIRE EXTINGUISHER
- AREA COVERED WITH A SYSTEM OF ESCAPE LIGHTING THAT WILL ILLUMINATE THE AREA UPON FAILURE OF THE NORMAL LIGHTING POWER SUPPLY
- AREA COVERED BY AUTOMATIC SMOKE DETECTORS
- FIRE EXIT NOTICE SYMBOL
- EXISTING WALL
- NEW WALL

GENERAL NOTES
This drawing is the property of zebra Projects Ltd and is not to be copied, reproduced, printed or disclosed to any unauthorised person, either wholly or in part without the written consent of zebra Projects Ltd.

ILLUSTRATED BRIEF
Any drawings prepared with reference to this drawing shall not be taken to be used in any way as a construction drawing or used for construction purposes.

MAINTENANCE NOTES

THIS DRAWING IS FOR DESIGN INTENT ONLY

THIS DRAWING IS TO BE READ IN CONJUNCTION WITH DETAIL DRAWINGS. ALL DIMENSIONS ARE TO BE VERIFIED ON SITE. ALL WORKS ARE TO COMPLY WITH CURRENT BUILDING REGULATIONS.

NOTES
THE CONTRACTOR SHALL NOTE THAT ALL DRAWINGS HAVE BEEN PROVIDED FROM LANDLORD DRAWINGS PROVIDED BY OTHERS AND AS SUCH ACCURACY CANNOT BE ASSURED.
IT IS THE CONTRACTOR'S RESPONSIBILITY TO ENSURE THAT ALL DIMENSIONS OF THE PROJECT SHALL BE NOTIFIED AS PER THE DESIGN AND THE DRAWINGS AND ACCOMPANYING LOCAL AUTHORITY REQUIREMENTS. DOCUMENTS ANY SITE VARIATIONS OR INSTRUCTIONS PREVENTING THIS MUST BE REPORTED TO THE RELEVANT ZEBRA REPRESENTATIVE AS A MATTER OF URGENT PRIORITY PRIOR TO COMMENCEMENT OF WORK.
IF ANY CHANGES ARE MADE WITHOUT THE EXPRESS AUTHORIZATION OF THE ZEBRA TEAM WILL BE DEEMED TO BE ERRORS AND SHOULD BE RECTIFIED IN ALL INSTANCES IF IN DOUBT ASK FOR CLARIFICATION.
IT IS THE MAIN CONTRACTORS RESPONSIBILITY TO DETAIL ALL NECESSARY TECHNICAL ELEMENTS OF BUILD TO FACILITATE THE INSTALLATION OF DESIGN INTENT ELEMENTS AS DETAIL TO MAKE UP FLOOR DECKERS, STRUCTURAL WORKS, EXPANSION / ADAPTATION / REPAIRMENT OF ELECTRICAL SUPPLY.

SCALE
DO NOT SCALE FROM THIS DRAWING DIMENSIONS ON LIFE SIZE PLOT. PRINT SIZES TO BE VERIFIED PRIOR TO WORK COMMENCEMENT.

PHOTOS
ALL PHOTOS TO BE SUBMITTED AS ACTUAL SAMPLES TO ZEBRA FOR APPROVAL PRIOR TO PRODUCTION OR INSTALLATION.

NO.	REVISION	DATE	BY
1	ISSUED FOR PERMITS	02/06/2018	TR
2	REVISED FOR PERMITS	02/06/2018	TR
3	REVISED FOR PERMITS	02/06/2018	TR
4	REVISED FOR PERMITS	02/06/2018	TR
5	REVISED FOR PERMITS	02/06/2018	TR

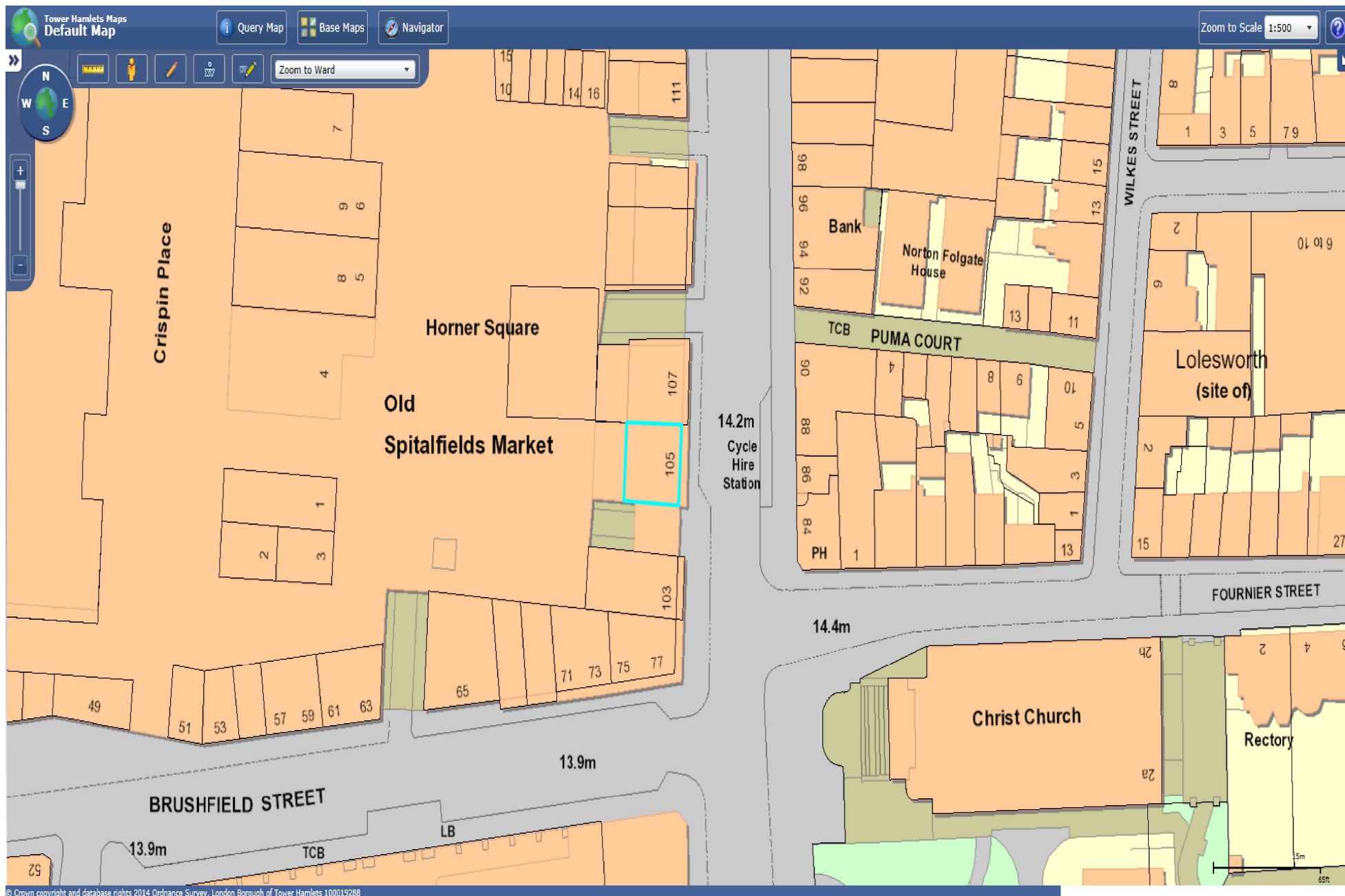
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PROJECT TITLE	DUCK & DRY SPITFIELDS, LONDON, UK
DRAWING TITLE	BUILDERS WORKS PLAN
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DATE	02/06/2018
PROJECT NO.	TR
DRAWN BY	TR
REVISION NO.	0
REVISION	0

zebra

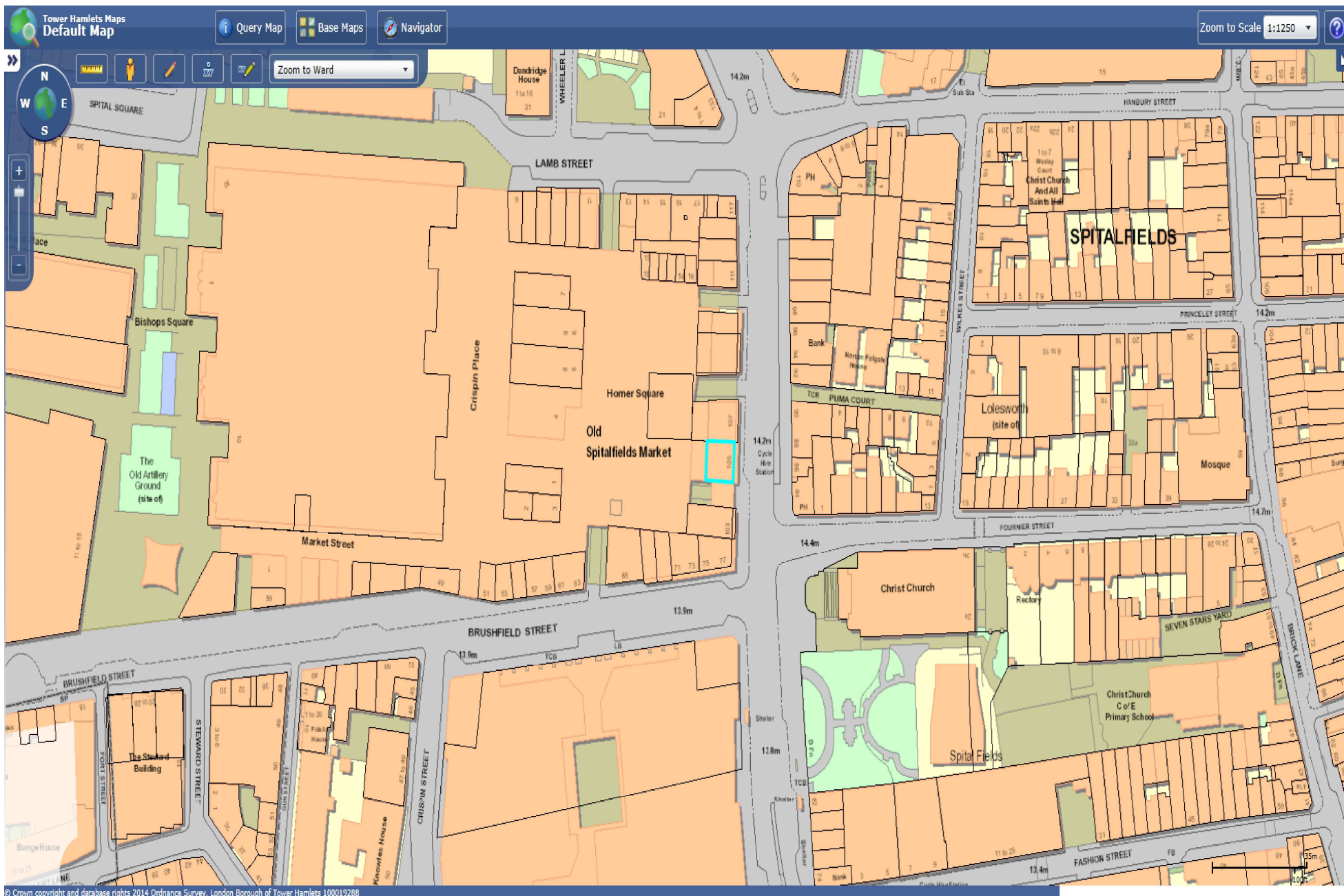
THE PAVILION 1 NEWNHAM ROW
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zebra Projects Ltd Company No. 16348137
Registered in England at the address.

Appendix 3



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Appendix 4

Nearest licences: Duck & Dry, 105c Commercial Street

Name and address	Licensable activities and hours	Opening hours
<p>(Smiths of Smithfield) 109 Commercial Street Old Spitalfields Market London E1 6BG</p>	<p><u>BASEMENT FLOOR ONLY</u> <u>Sale of alcohol</u> (On and off sales) Monday to Saturday, from 07:00 hours to 01:00 hours the following day Sunday, from 09:00 hours to 23:00 hours</p> <p><u>Provision of regulated entertainment – live music, recorded music, performances of dance (and anything of a similar description), provision of facilities for making music and provision of facilities for dancing (and anything of a similar description)</u> Monday to Saturday, from 07:00 hours to 01:00 hours the following day Sunday, from 09:00 hours to 23:00 hours</p> <p><u>Provision of late night refreshment</u> Monday to Saturday, from 23:00 hours to 01:00 hours the following day</p> <p><u>GROUND, FIRST AND MEZZANINE FLOORS</u> <u>Sale of alcohol</u> (On and off sales) Monday to Saturday, from 07:00 hours to midnight Sunday, from 09:00 hours to 23:00 hours</p> <p><u>Provision of regulated entertainment - recorded music, performances of dance (and anything of a similar description), provision of facilities for making music and provision of facilities for dancing (and anything of a similar description)</u> Monday to Saturday, from 07:00 hours to midnight Sunday, from 09:00 hours to 23:00 hours</p> <p><u>Provision of late night refreshment</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 23:00 hours to midnight <p><u>Non-standard timings</u> Occasional permission for sale of alcohol, provision of live music, recorded music, performances of dance (and anything of a similar description), provision of facilities for making music and provision of facilities for dancing (and anything of a similar description) and late night refreshment outside regular hours up to a maximum of 16 additional times per annum, providing the Police and Local Authority are given at least 48 hours notice</p>	<p>Monday to Sunday, from 00:00 hours to 00:00 hours (24 hours)</p>

Nearest licences: Duck & Dry, 105c Commercial Street

<p>(Ten Bells) 84 Commercial St London E1 6LY</p>	<p><u>Sale of Alcohol by retail (On and off sales)</u> Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day.</p> <p><u>Late Night Refreshment</u> Sunday to Wednesday 23.00 hours until midnight. Thursday to Saturday 23.00 until 01.00 hours the next day.</p> <p><u>Regulated Entertainment</u> Sunday to Wednesday 06.00 hours - midnight next day. Thursday to Saturday 06:00 hours – 01:00 hours the following day.</p>	<p>Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day.</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>
<p>(Flat Iron) 88-90 Commercial Street London E1 6LY</p>	<p>The sale by retail of alcohol (On and off sales) Monday to Saturday 10 00 hrs to midnight Sunday 10 00 hrs to 23 30 hrs</p> <p><i>The provision of regulated entertainment</i> Monday to Saturday 10 00 hrs to midnight Sunday 10 00 hrs to 23 30 hrs</p> <p><i>The provision of late night refreshment</i> Monday to Saturday until midnight Sunday 10 00 hrs until 23 30 hrs</p> <p>Non-standard times New Years Eve/Day open from normal closure on New Years Eve to normal opening on New Years Day</p>	<p>Monday to Saturday 10 00 hrs to 00 30 hrs</p> <p>Sunday 10 00 hrs to 00. 00 hrs</p> <p>Non-standard times New Years Eve/Day open from normal closure on New Years Eve to normal opening on New Years Day</p>
<p>100 Commercial Street London E1 6LZ</p>	<p>Sale of Alcohol (On sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00 hours to 23:00 hours <p>The Provision of Late Night Refreshment:</p> <ul style="list-style-type: none"> • Monday to Sunday from 23:00 hours to 23:30 hours <p>The Provision of Regulated Entertainment in the form of Films and Recorded Music:</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00 hours to 23:30 hours 	<p>Monday to Sunday from 08:00hrs to 23:30hrs</p>

Nearest licences: Duck & Dry, 105c Commercial Street

<p>(St John Bread & Wine) 94-96 Commercial Street London E1 6LZ</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. (On and off sales) In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</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>
<p>98 Commercial Street London E1 6LZ</p>	<p>Sale of Alcohol (on sales only) Monday to Sunday from 11:00hrs to 23:00hrs</p> <p>The Provision of Late Night Refreshment Monday to Sunday from 23:00hrs to 23:30hrs</p> <p>The Provision of Regulated Entertainment (in the form of Films and Recorded Music) Monday to Sunday from 11:00hrs to 23:30hrs</p>	<p>Monday to Sunday from 08:00hrs to 23:30hrs</p>
<p>(Ely & Sidney) Part Ground and Part First Floor 106 Commercial Street London E1 6LZ</p>	<p>Sale of Alcohol</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00 hours to 21:30 hours <p>The Provision of Regulated Entertainment (Films)</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00 hours to 22:00 hours 	<ul style="list-style-type: none"> • Monday to Sunday from 08:00 hours to 22:30 hours

Nearest licences: Duck & Dry, 105c Commercial Street

<p>(The Golden Heart) 110 Commercial Street London E1 6LZ</p>	<p>Sale by retail of alcohol: (On and off sales)</p> <ul style="list-style-type: none"> • Sunday to Thursday, from 06:00 hrs to 08:40 hrs and 11:00 hrs to 00:00 hrs • Friday and Saturday, from 06:00 hrs to 08:40 hrs and 11:00 hrs to 00:30 hrs <p>Provision of regulated entertainment: <u>Recorded Music</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 00:00 hours <p><u>Anything of a similar description to recorded music</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 06:00 hrs to 08:40 hrs & 11:00 hrs to 00:30 hrs <p><u>Non-standard timings</u> New Years Eve until 02:00 hrs the following day</p>	<ul style="list-style-type: none"> • Sunday to Thursday, from 06:00 hrs to 09:00 hrs & 11:00 hrs to 00:30 hrs • Friday and Saturday, from 06:00 hrs to 09:00 hrs & 11:00 hrs to 01:00 hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • New Years Eve until 02:00 hrs the following day
<p>Public Open Spaces Within the Spitalfields Mixed Development Crispin Place, Market Street and Bishops Square London E1 6AA</p>	<p><u>Regulated Entertainment (Plays, Films, Indoor Sporting Events, Live Music, Recorded Music and Performance of Dance)</u></p> <ul style="list-style-type: none"> ▪ Monday to Friday 12 noon until 20.00 hours ▪ Sunday 12 noon until 16.00 hours 	<ul style="list-style-type: none"> ▪ Monday to Friday 12 noon until 20.00 hours ▪ Sunday 12 noon until 16.00 hours
<p>(Open Market Space) Old Spitalfields Market London E1</p>	<p>The sale by retail of alcohol: (On sales only) Monday to Friday from 09:00 hrs to 19:00 hrs</p> <p>Regulated entertainment consisting of: Plays, Films, Indoor sports, boxing or wrestling, live music, recorded music, performance of dance. Provision of facilities for making music and facilities for dancing. Monday to Friday from 09:00 hrs to 19:00 hrs</p>	<p>Monday to Friday from 09:00 hrs to 19:00 hrs</p>
<p>(Taberna do Mercado) 107b Commercial Street London E1 6BG</p>	<p>The sale by retail of alcohol (On and off sales) Monday to Saturday 10:00 hours – 23:00 hours Sunday, 10:00 hours – 21:00 hours</p>	<p>Monday to Saturday 08:00 hours – 23:00 hours</p> <p>Sunday 08:00 hours – 21:00 hours</p>

Nearest licences: Duck & Dry, 105c Commercial Street

<p>(Crepe Affaire) Unit SP2C 3 Horner Square Commercial Street Old Spitalfields Market London E1 6BG</p>	<p><u>Sale of alcohol</u></p> <ul style="list-style-type: none"> Monday to Saturday, from 08:00 hours to 22:30 hours Sunday, from 08:00 hours to 19:30 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day 	<ul style="list-style-type: none"> Monday to Saturday, from 08:00 hours to 23:00 hours Sunday, from 08:00 hours to 20:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years day
<p>(The Diner) 4 Horner Square Old Spitalfields Market London E1 6EW</p>	<p>The sale by retail of alcohol: (Inside and outside the premises) Monday to Saturday from 10 00 hrs until 23 00 hrs Sunday from 10 00 hrs to 22 hrs From 10 00 hrs on New Years Eve to the end of New Years Day</p> <p>Regulated Entertainment: Consisting of live music; recorded music; performance of dance; provision of facilities for making music; and provision of facilities for dancing.</p> <p>Monday to Saturday 10:00 hrs – 21:30 hrs Sunday 10:00 hrs – 20:00 hrs.</p> <p>New Years Eve – from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day</p>	<p>Inside and outside the premises: Monday to Saturday from 10:00 hrs to 23:30 hrs Sunday from 10:00 hrs to 22:30 hrs</p> <p>From 10 00 hrs on New Years Eve to the end of New Years Day</p>
<p>Gourmet Burger Kitchen 5 Horner Square Old Spitalfields Market London E1 6EW</p>	<p>The sale by retail of alcohol (On and off sales) Monday to Saturday 10 00 hrs to 22 30 hrs</p> <p>Sunday 10 00 hrs to 19 30 hrs</p>	<p>Monday to Saturday 10 00 hrs to 23 00 hrs</p> <p>Sunday 10.00 hrs to 20 00 hrs</p>
<p>(The Real Greek) 6 Horner Square Old Spitalfields Market London E1 6EW</p>	<p>Monday to Saturday - 10 00 hrs to 22 30 hrs</p> <p>Sunday - 10 00 hrs to 19 30 hrs</p>	<p>Monday to Saturday - 10 00 hrs to 23 00 hrs</p> <p>Sunday - 10.00 hrs to 20 00 hrs</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

Mohshin Ali

From: Ben Williams [REDACTED]
Sent: 22 September 2019 18:32
To: Licensing
Subject: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/ Madam

Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

I am writing to oppose the application for an on sales alcohol license for Duck and Dry.

Having read the application, I see no attempt to address the licensing objectives other than a repetition of 'see a) above' in the application. This gets to the heart of one of my objections. As a resident living in Old Spitalfield's Market, it seems that in the ward of Spitalfields and Banglatown new alcohol licenses are being applied for by just about any business that has retail intent. Hairdressers, nail bars, food shops, butchers, etc. The CIZ is already awash with countless venues selling alcohol. This application further undermines the intent of the CIZ.

Visitors to Spitalfields and Banglatown, might be forgiven for thinking that 'drinking whilst shopping' is now the norm. Many residents in this ward are teetotal for a variety of reasons and yet alcohol sales points are seemingly ever increasing.

The applicant states:

'Alcohol may only be sold to and consumed by patrons attending the premises for and ancillary to, haircuts and hairstyling.'

However, a bar-like area has been constructed (with some 'display' bottles of prosecco evident when I last looked). It appears the intent is to offer wine by the glass and by the bottle. Whilst getting a hair cut, is a bottle of processco 'ancillary to haircuts and hairstyling' or is this a primary sales focus? This suggests Duck and Dry is a hairdresser wishing to become a hairdresser and a bar combined into one. Does one patron have a hair cut and drink a whole bottle of wine or does this become a place where friends drink a bottle of wine whilst waiting for someone to have a haircut. Either way, let us not pretend this not an application for yet another bar in the CIZ.

Their promotional material certainly suggests - or rather explicitly **states** - that this is the case:

“Whatever your hair type and length is, you can be sure we only charge one price. Flick through our signature Blow Dries and Updos to pick your favourite look. And while you're at it, why not relax at our prosecco bar and check out our selection of drinks for the full Duck & Dry experience. We are so much MORE than just a blow dry bar!”

In this regard, I am objecting on the grounds:

Protection of Children:

There are 32 flats within the Horner building. In flats directly above and to the immediate left and right of Duck and Dry there 5 families with children in their teenage or pre-teen years. These children should be able to walk out of their homes and through the market without yet another retail outlet that sells alcohol. Spitalfields Market is a mixed commercial and residential space. The rights of the residents are being constantly eroded by the commercial imperative of those active in the market.

Public Health and Safety:

There are no public toilets in the immediate vicinity. The only ones available are on the other side of the market, which on a busy day is not an obvious, straight forward or quick route. It is somewhat curious that hair salon that normally uses sharp objects such as scissors and powerful dyes, will want to do this in conjunction with alcohol. Intoxicated customers can cause self-harm.

Prevention of Crime and Nuisance:

Cumulative – While one small Salon will not promote the wholesale nuisance, the whole point of the CIZ is that it all adds up.

The implementation of the CIZ has certainly had an positive impact, but while it is in forced it needs to be enforced.

Finally, were this application to be approved, a decision I feel would be completely incompatible with the CIZ, then there must be a stipulation that nobody consumes alcohol outside the front door of the premises. No exterior seating can be arranged.

Kind regards,

Ben Williams

████████████████████
██████████
██████████

Appendix 7

Mohshin Ali

From: Carla Williams [REDACTED] >
Sent: 21 September 2019 09:26
To: Licensing
Subject: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/ Madam

Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

I am writing to oppose the application for an on sales alcohol license for Duck and Dry.

Having read the application, I see no attempt to address the licensing objectives other than a repetition of 'see a) above' in the application. This gets to the heart of one of my objections. As a resident living in Old Spitalfield's Market, it seems that in the ward of Spitalfields and Banglatown new alcohol licenses are being applied for by just about any business that has retail intent. Hairdressers, nail bars, food shops, butchers, etc. The CIZ is already awash with countless venues selling alcohol. This application further undermines the intent of the CIZ.

Visitors to Spitalfields and Banglatown, might be forgiven for thinking that 'drinking whilst shopping' is now the norm. Many residents in this ward are teetotal for a variety of reasons and yet alcohol sales points are seemingly ever increasing.

The applicant states:

'Alcohol may only be sold to and consumed by patrons attending the premises for and ancillary to, haircuts and hairstyling.'

However, a bar-like area has been constructed (with some 'display' bottles of prosecco evident when I last looked). It appears the intent is to offer wine by the glass and by the bottle. Whilst getting a hair cut, is a bottle of processco 'ancillary to haircuts and hairstyling' or is this a primary sales focus? This suggests Duck and Dry is a hairdresser wishing to become a hairdresser and a bar combined into one. Does one patron have a hair cut and drink a whole bottle of wine or does this become a place where friends drink a bottle of wine whilst waiting for someone to have a haircut. Either way, let us not pretend this not an application for yet another bar in the CIZ.

Their promotional material certainly suggests - or rather explicitly **states** - that this is the case:

“Whatever your hair type and length is, you can be sure we only charge one price. Flick through our signature Blow Dries and Updos to pick your favourite look. And while

you're at it, why not relax at our prosecco bar and check out our selection of drinks for the full Duck & Dry experience.

*We are so much MORE than just a **blow dry bar!**''*

In this regard, I am objecting on the grounds:

Protection of Children:

There are 32 flats within the Horner building. In flats directly above and to the immediate left and right of Duck and Dry there 5 families with children in their teenage or pre-teen years. These children should be able to walk out of their homes and through the market without yet another retail outlet that sells alcohol. Spitalfields Market is a mixed commercial and residential space. The rights of the residents are being constantly eroded by the commercial imperative of those active in the market.

Public Health and Safety:

There are no public toilets in the immediate vicinity. The only ones available are on the other side of the market, which on a busy day is not an obvious, straight forward or quick route. It is somewhat curious that hair salon that normally uses sharp objects such as scissors and powerful dyes, will want to do this in conjunction with alcohol. Intoxicated customers can cause self-harm.

Prevention of Crime and Nuisance:

Cumulative – While one small Salon will not promote the wholesale nuisance, the whole point of the CIZ is that it all adds up.

The implementation of the CIZ has certainly had an positive impact, but while it is in forced it needs to be enforced.

Finally, were this application to be approved, a decision I feel would be completely incompatible with the CIZ, then there must be a stipulation that nobody consumes alcohol outside the front door of the premises. No exterior seating can be arranged.

Kind regards

Carla Corsini

████████████████████
████████████████████

Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 20 September 2019 15:16
To: Mohshin Ali
Subject: FW: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

From: Daron Pike [REDACTED]
Sent: 20 September 2019 14:06
To: Licensing
Subject: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

Dear LBTH Licencing Committee,

Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

I am a resident of [REDACTED] where we suffer greatly the impact of the saturation of bars and alcohol vendors in the area of Spitalfields & Banglatown.

I note from the application and general points:

1. It is in the CIZ where there is an abundance of alcohol vendors and associated ant-social behaviour, there are no need for more licences to exacerbate the problem.
2. Hair salons do not require alcohol to conduct their main business and as such in the very large majority they do not offer alcohol to clients.
3. The applicant does not refer to any understanding of the responsibilities in being a licensee.
4. In this application, there seems to be no quantity limit that the customer may buy and indeed the shop is stylised to make the alcohol of direct appeal to the client.
5. The licence does not appear to be 'ancillary to salon' and give way to abuse of this premises licence in case of future ownership.

I therefore object for the following reasons:

- A. Protection of Residents/Children - The Horner Building and Spitalfields Market is residential and cannot suffer further detriment by more licenced premises. Many children are known to live in the immediate locality and they should have the right to enjoy a neighbourhood not saturated with more bars/alcohol.
- B. Public Health & Safety – There are no public toilets and the area suffers with ASB in the form of street urination
- C. Public Health & Safety – In pubs and bars clients do not have reach of sharp objects and scissors as they would in the hair salon
- D. Prevention of Crime and Nuisance – Alcohol licences are proven to add to this already serious issue in this neighbourhood.

I hope very much the council will uphold standards and not capitulate to this entirely superfluous licence application.

Regards,

Daron Pike
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 9

Mohshin Ali

From: Jon Shapiro [REDACTED] >
Sent: 23 September 2019 16:46
To: Licensing
Subject: Licensing Application by "The Duck and Dry" at 105c Commercial Street, E1 6BG.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

I live in Spital Square – within the Brick Lane area CIZ – and would like to request that this Licence Application, if granted, should be strictly controlled by conditions.

Indeed since by definition the CIZ is based on the area already being over-supplied with alcohol, one could argue that no new licenses should be granted unless they replace existing licences. In particular the apparent fashion for any retail establishment, whether selling haircuts, meat, cheese, bicycles or whatever, to apply for an alcohol licence makes a mockery of the licensing laws even were such establishments not within a CIZ!

The CIZ was introduced 6+ years ago because of the influence alcohol was causing in fuelling cases of ASB and violence in the area. As was the case then, I believe that there are still far too many premises selling alcohol within the CIZ (which is precisely why the recent licensing review retained the Brick Lane area CIZ). Any increase in their number must inevitably risk increasing the incidence of ASB and violence.

However, I am told by the applicant's lawyers that the applicant for the premises as above has proposed the following conditions to be included in any licence granted:

1. Alcohol may only be sold to and consumed by patrons attending the premises for and ancillary to, haircuts and hairstyling.
2. There shall be no self-service of alcohol by patrons
3. There shall be no off sales of Alcohol
4. Licensable Activities authorised by this premises licence can only be carried out by Blooming Beautiful Limited"

and as long as all four of these conditions are included I do not on this occasion object to a licence being granted.

I make this request on the grounds of:

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

Yours faithfully,
Jon Shapiro.

Resident at:

35 Beaumont House
27 Spital Square
Spitalfields
London, E1 6DX

[REDACTED]

Appendix 10

[REDACTED]

13 September 2019

Kathy Driver Principal Licensing Officer
Tower Hamlets
Licensing Section
John Onslow House
1 Eward Place
London E3 5EQ

Dear Madam

re Your Ref: CLC/EHTS/LIC/121361

Duck and Dry (Blooming Beautiful) 105c Commercial Street, E1 6BG

I wish to object to the above application for a licence to sell alcohol on the premises. These premises are directly below my apartment and the outside terrace. I have an air vent (put in with my permission) into the Duck and Dry shop below to allow them to have some fresh air into their shop. From this, and from the glass which forms part of their ceiling up to my terrace, it is possible to hear sound/noises (including music) from below. With the sale of alcohol and the encouragement of group bookings, I can imagine that the noise will get louder.

Whereas other hairdressers in the area may hold a licence, this is very discrete, but with Duck and Dry, they have erected a bar (not a nail bar) just inside the premises clearly visible from the shop front. (Presumably for the purpose of selling alcohol, namely Prosecco).

This does not seem to me that the sole purpose of the shop is to have a blow dry, and paint nails.

There are plenty of other places in the Market that are licensed to sell alcohol and if Duck and Dry should move from these premises in future, then the licence potentially remains with the premises and future tenants.

Duck and Dry say in their application that they are reducing the amount of hours that were in the Square Pie application, but this reduction only amounts to an 3 hour reduction, on a Sunday from from 9pm down to 6pm.

Duck and Dry have said (in a letter to me) that their main clientele will be business executives and that the “limited hours and restrictive conditions will deter loud party groups”. However their website promotes groups and party bookings, and we have all probably been to airports and seen hen parties in action.

Finally, CIZ has been put in place in our neighborhood to prevent the number of licensed premises in an attempt to reduce alcohol related antisocial behaviour which as you know has escalated over the years. Do we really need another licensed premises creating more noise and disturbances in our area?

There are a number of children and older people living in the immediate area whose day to day lives could be affected by the noise and behaviour attributed to the sale of alcohol.

Yours faithfully

Pamela Mossman

Appendix 11

Mohshin Ali

From: Rose <[REDACTED]>
Sent: 22 September 2019 10:11
To: Licensing
Cc: Jonathan Stebbins
Subject: License Application Ref: 121361

Follow Up Flag: Follow up
Flag Status: Completed

To the Licensing Department,

Re: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

As a resident living in the Horner Buildings I am familiar with the pros and cons of living above retail premises in Spitalfields Market.

In general we have good relations with our commercial neighbours but any problems we have experienced have all involved those businesses selling food and alcohol so I am very concerned about this application for yet another license to supply alcohol.

Public Nuisance: Consumption of alcohol, especially when not part of a meal, will inevitably result in rapid inebriation which leads to increased volume in conversational levels and often shouting and other noisy behaviour too. The level of background music is commonly increased to compensate resulting in unacceptable noise. Our homes are sound porous both through the ceiling/floor divide and through the walls via old chimney cavities so the transfer of sound can be very disturbing.

Protection of Children from harm: Our Spitalfields residents community includes families with young children and I know that several live in the vicinity of 105 Commercial St. I think that the noise and disturbance from premises serving alcohol will affect both their well being (both sleep and concentration). In addition, it seems very odd that they should grow up thinking that consumption of alcohol is a natural accompaniment to every activity - even having a haircut - and I think that this is harmful to the young and impressionable.

Apart from these concerns, 105c Commercial Street lies within the CIZ which was put in place because of the worries that local residents voiced about the high numbers of establishments serving alcohol.

I feel that granting this license will just add to the problem so I trust that you will reject the application made by Duck & Dry.

Yours sincerely,

Rose Sheldon

Rose Sheldon

Appendix 12

Mohshin Ali

From: Susan Kay [REDACTED]
Sent: 22 September 2019 14:18
To: Licensing
Subject: Objection to Duck & Dry, 105c, Commercial St, London E1 6BG Licence Application No: 121361

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir, Madam,

Duck & Dry, 105c, Commercial St, London E1 6BG - Licence Application Ref: 121361

My name is Susan Kay and I am a local resident. I have been living on the St George Estate next to the Old Spitalfields Market for the past 20 years, firstly at [REDACTED] and for the past 3 years at [REDACTED]

During those 20 years the area has changed dramatically and the OSM has become a magnet for overseas and local visitors. It is definitely, as is Shoreditch and Hackney a "Go to" area for young people to visit, day and night.

The proliferation of bars, pubs and other premises that now offer on and off licences, throughout the day and night and even some, into the early hours of the morning, has caused much distress to local residential communities, who have had to put up with so much anti-social behaviour on a daily basis. It is for these reasons the Spitalfields area was declared a CIZ zone. This has certainly helped on many levels to control problems with over-inebriated visitors who came to drink in the area.

However, residents have noticed that over a period of time, many retail outlets, especially those associated within Old Spitalfields Market itself, are now trying to obtain licenses in conjunction with their retail or service offer. The problem for local residents lies in the fact that these licences can be transferred to OSM on completion or break from the tenants contract with OSM. This then allows OSM to pass on the licence to any future tenant. This has happened to the Cheese Shop and Butcher's along Lamb Street, E1 6ED on the outer edge of the Market. New tenants can then ask for changes to be implemented to the licence they have inherited. These changes are often allowed to be added to the original licence and new tenants are using this loophole to bypass the CIZ rulings.

We, residents, are seriously concerned, that if the retail units in this area are allowed to serve alcohol, firstly as a daily adjunct to their business, it will eventually turn the Market units into one huge drinking den!

It is for these reasons that I OBJECT most vehemently to a licence being allocated to the Hairdresser, Duck & Dry, at the above address, which at the moment is hoping to be able to SELL alcohol to their clients, whilst they are having their hair done!!

Yours sincerely

Susan Kay

Appendix 13

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 20 September 2019 15:10
To: Mohshin Ali
Subject: FW: This is a letter to object to the Licence application for Duck and Dry located at 105c Commercial Street, London E1 6BG (ref. 121361)

Follow Up Flag: Follow up
Flag Status: Completed

From: Sophie Stebbins [REDACTED]
Sent: 19 September 2019 20:27
To: Licensing
Subject: This is a letter to object to the Licence application for Duck and Dry located at 105c Commercial Street, London E1 6BG (ref. 121361)

Sophie Stebbins
[REDACTED]
[REDACTED]

The Licensing Team
John Onslow House
1 Ewart Place
London
E3 5EQ

licensing@towerHamlets.gov.uk

London September 19th, 2019

This is a letter to object to the Licence application for Duck and Dry located at 105c Commercial Street, London E1 6BG (ref. 121361)

Ms Lisa Gilligan, the owner neglected to mention on her application who would be responsible for the sale of alcohol. Which member of her staff will be trained and by whom to serve alcohol to. Who is to supervise the staff, is there a manager on site, security in situation that would be needed for an inhibited and troublesome customer?

Ms Gilligan's aim is to obtain a licence without much thought for the process that has to be put in place with such request. Further, there seems to be no mention of or understanding about adherence to licensing objectives.

Additionally, there are some certain common sense questions:

- Is serving alcohol in a business which deals with scissors & various sharp instruments, as well as powerful dyes and chemicals compatible?

- If the intention is for alcohol to be ancillary to hairdressing, what is the limit of drinks being served per customer considering that on the business's website, Prosecco is proposed for £ 5 a glass or £30 for a bottle?
- How would the staff react if a client insists for more when they are observably intoxicated.

It's not a healthy practice to offer alcohol to customers of any service. It is precisely this level of normalisation that has led CIZ to come into existence.

Licenses for any type of business insure that alcohol becomes omnipresence through our daily lives.

Many of the retails units that form the perimeter of the inside of the Old Spitalfields Market are licenced so is the market. CIZ has been put in place in our neighbourhood to prevent the increase of licensed premises as alcohol related antisocial behaviour has escalated over the years. Allowing a beauty shop to obtain a licence would goes against CIZ's objectives.

There are 32 flats, homes to dozens of families, including elderlies and children, located directly above the retail outlets. The Market has always been a mixed-used premise and therefore an appropriate harmony is important for the respect of everyone living and working under its roof. The more alcohol is provided the more it effects the residents' livelihood and would unbalance to great extent the equilibrium that has existed for years.

Having to object with every corner shops, take away, café, hair dresser, beauty parlour, bike shops who wish to offer or sells alcohol in such a confined area is challenging enough for residents; therefore, I request the understanding of the Licensing authority to ensure CIZ be respected and refuse Duck and Dry their Licence application.

Best regards.

Sophie Stebbins

Sent from [Mail](#) for Windows 10

Appendix 14

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 20 September 2019 15:11
To: Mohshin Ali
Subject: FW: Objection to: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361. Resending with SMRA address.

Follow Up Flag: Follow up
Flag Status: Completed

From: Jonathan Stebbins [REDACTED]
Sent: 19 September 2019 21:35
To: Licensing
Subject: Objection to: Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361. Resending with SMRA address.

Spitalfields Markets Residents Association

[REDACTED]
[REDACTED] [REDACTED]

The Licensing Team
John Onslow House
1 Ewart Place
London
E3 5EQ

licensing@towerHamlets.gov.uk

September 19th, 2019

Dear Sir, Madam

Duck and Dry, 105c Commercial Street, London E1 6BG – Licence Application Ref. 121361

SMRA representing residents of the Horner Buildings, objects to the grant of this licence application.

Link between alcohol retail services in the CIZ:

It is worrisome when living in a CIZ zone to see the increasing link between alcohol and everyday retail services. The casual link Duck and Dry is advertising in their business model should be of concern to the Licensing authorities as it treats alcohol consumption like an everyday item and therefore simply institutionalise that drinking has become part of various daily activities.

Alcohol provision not being ancillary to, but rather an integral part of the business model:

Further, while Duck and Dry are seeking a licence to be ancillary to Salon business, their advertising suggests that the serving of alcohol is an integral part of the business model.

“Whatever your hair type and length is, you can be sure we only charge one price. Flick through our signature Blow Dries and Updos to pick your favourite look. And while you're at it, why not relax at our prosecco bar and check out our selection of drinks for the full Duck & Dry experience.

We are so much MORE than just a blow dry bar!”

No limit makes it appear to be a bar:

By offering Prosecco by the glass - £5 or by the bottle £30, there appears to be no limit to what a customer may reasonably order.

Salon layout emphasises alcohol component:

Indeed the layout of the salon, it is clear that the bar / alcohol element is being excessively promoted / emphasised compared to the salon business.

Consequently, by seeking a licence under the guise of ‘ancillary to Salon’, it is relatively clear that the scope is left open for the Bar / alcohol component to dominate in future.

Little or no understanding of Licencing Objectives:

The application makes no mention of adhering to licensing objectives, no information about staff being trained etc.

Given the above we wish to Object to the Licence on the following grounds.

Spitalfields market / the Horner building is in the CIZ:

Protection of Children:

There are 32 flats within the Horner building. In flats directly above and to the immediate left and right of Duck and Dry there are 5 families with children in their teenage or pre-teen years.

These children should be able to walk out of their homes and through the market without yet another retail outlet that sells alcohol.

Spitalfields Market / the Horner Building is a mixed commercial and residential space. The rights of the residents are being constantly eroded by the commercial imperative of those active in the market.

Public Health and Safety:

There are no public toilets in the immediate vicinity. The only ones available are on the other side of the market, which on a busy day is not an obvious, straight forward or quick route.

It is somewhat curious that hair salon that invariably uses sharp objects such as scissors, will want to do this in conjunction with clients consuming alcohol.

Prevention of Crime and Nuisance:

Cumulative – While one small Salon will not promote the wholesale nuisance, the whole point of the CIZ is that it all adds up.

The implementation of the CIZ has certainly had an positive impact, but while it is in forced it needs to be enforced.

Jonathan Stebbins
President
Spitalfields Market Residents Association

Sent from [Mail](#) for Windows 10

Appendix 15

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 16

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 17

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 18

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 19

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 20

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 21

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 22

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 23

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:

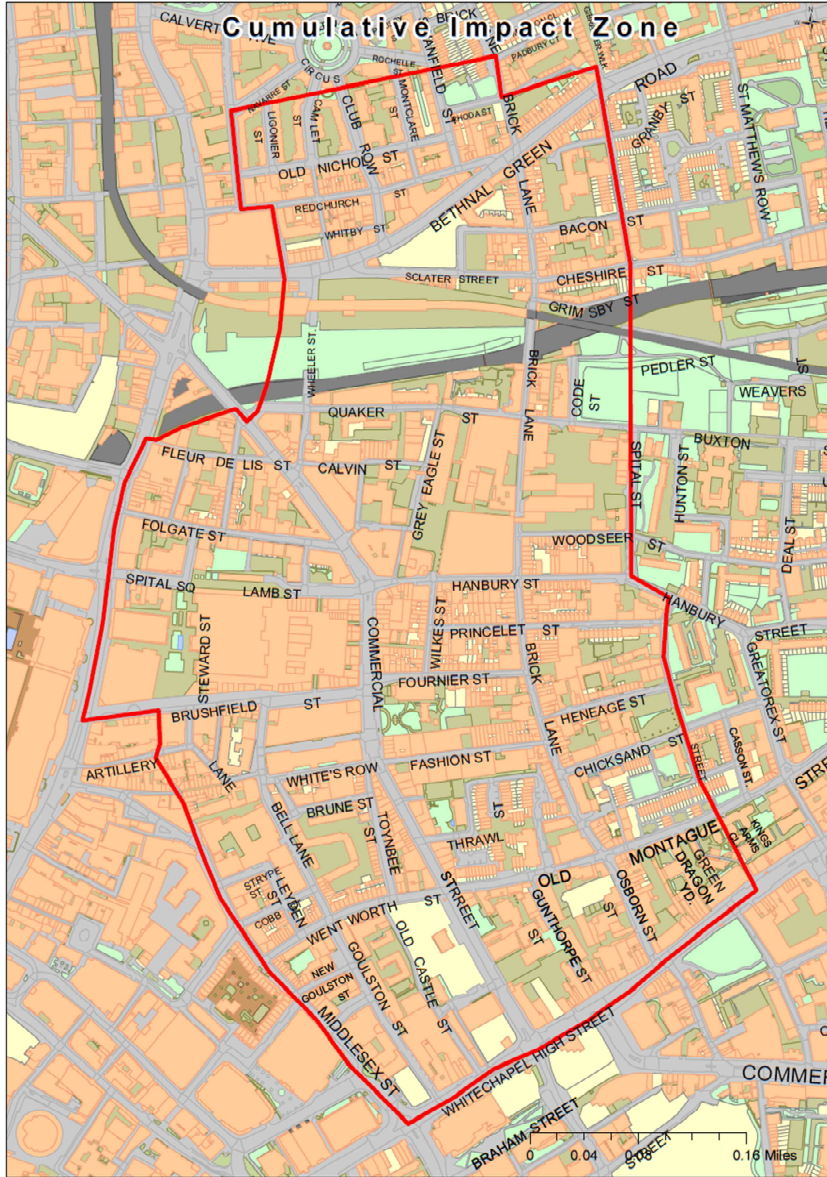
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

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:



Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	29/10/2019	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for The Old George Public House, 379 Bethnal Green Road, London E2 0AN
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: St Peters

1.0 Summary

Applicant: **Bermondsey Pub Co Ltd**
Name and **The Old George Public House**
Address of Premises: **379 Bethnal Green Road**
London
E2 0AN

Licence sought: **Licensing Act 2003**

Objectors: **Licensing Authority**
Environmental Protection
Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for The Old George Public House, 379 Bethnal Green Road, London, London E2 0AN. The premise falls with Bethnal Green Cumulative Impact Zone.
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**. A transfer application was made on 3rd June 2019 to Bermondsey Pub Co Ltd. A variation of Designated Premises Supervisor was made on 10th June 2019 to Amory Blane, of which neither received an objection from Police.
- 3.3 A copy of the variation application is enclosed as **Appendix 2**.
- 3.4 The applicant has described the nature of the variation as:
1. To amend the plan of the premises to show a new external bar servery.
 2. To add a condition to the licence, namely "THE EXTERNAL BAR SERVERY WILL CLOSE BY 2200".
- 3.5 There are no changes to the current hours these are:

Films. Live music, recorded music and performances of dance

Late Night Refreshment (All indoors):

Sale by retail of alcohol (On and Off Sale)

Sunday to Thursday from 10:00 hours to midnight

Friday and Saturday from 10:00 hours to 02:00 hours

Opening Hours:

Sunday to Thursday from 10:00 hours to 00:30 hours

Friday and Saturday from 10:00 hours to 02:30 hours

4.0 **Location and Nature of the premises**

- 4.1 The site plan linked to the current licence is included as **Appendix 3**.
- 4.2 The proposed plan of the venue is attached as **Appendix 4**.
- 4.3 Maps showing the vicinity 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 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, than 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 following:.

Licensing Authority	Appendix 7
Environmental Protection	Appendix 8
R. Carter	Appendix 9
V. Snaith	Appendix 10
Local resident	Appendix 11
Local Resident	Appendix 12

- 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
 - Primary Care Trust (Public Health England)
 - 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 objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of
- Noise while the premise is in use
 - Close proximity to residential properties
 - Noxious smells or light pollution
 - Noise leakage from the premises
- 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 The external bar servery will close by 22:00 hours.

8.0 Conditions Requested by Responsible Authorities

Environmental Health are requesting the following conditions:

- 8.1 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 8.2 All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 8.3 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 8.4 Patrons permitted to temporarily leave and then re-enter the premises, shall be limited in the external courtyard to up to 10 persons after 21:00 hours.
- 8.5 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.

Licensing Authority are requesting the following condition:

- 8.6 A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Both Environmental Health and Licensing Authority are requesting a change to offered condition to:

- 8.7 The external bar servery will close by 21:00 hours

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 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 sell 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 13-14** 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 the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Current Site Plan
Appendix 4	Proposed Plan
Appendix 5	Maps of the surrounding area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representations of Licensing Authority
Appendix 8	Representations of Environmental Protection
Appendix 9	Representation from R. Carter
Appendix 10	Representation from V. Snaith
Appendix 11	Representation from Local resident
Appendix 12	Representation from Local resident
Appendix 13	Licensing officer comments on Noise when the premises is in use
Appendix 14	Cumulative Impact Policy for Bethnal Green Area

Appendix 1

(The Old George Public House)
379 Bethnal Green Road
London
E2 0AN

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

John McCrohan 
Trading Standards and Licensing Manager

Date: 9 August 2006

- 13th March 2014, amended by the Licensing subcommittee following a variation

Part A - Format of premises licence

Premises licence number

29190

Part 1 - Premises details

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

(The Old George Public House)
379 Bethnal Green Road

Post town
London

Post code
E2 0AN

Telephone number

██████████

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Sale by retail of alcohol

- Sunday to Thursday, from 10:00 hours to midnight
- Friday and Saturday, from 10:00 hours to 02:00 hours the following day

The Provision of late night refreshment – Indoors

- Sunday to Thursday from 23:00 hours to 00:30 hours the following day
- Friday and Saturday, from 23:00 hours to 02:30 hours the following day

Provision of regulated Entertainment – Indoors

Films, Live music, recorded music and performances of dance

- Sunday to Thursday, from 10:00 hours to midnight
- Friday and Saturday, from 10:00 hours to 02:00 hours on the following day

The opening hours of the premises

- Sunday to Thursday, from 10:00 hours to 00:30 hours the following days
- Friday and Saturday, from 10:00 hours to 02:30 hours the following 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

Bermondsey Pub Company Ltd
3 Monkspath Hall Road
Shirley
Solihull
West Midlands
B90 4SJ

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

08836925

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

Amory Blane
[REDACTED]
[REDACTED]
[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

Issuing Authority: London Borough of Barnet
Personal Licence No: LAPERS/15/51765

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
- (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
Conditions added by the Licensing subcommittee on 13th March 2014

1. Install and maintain CCTV system
2. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
3. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained.
4. The system shall comply with other essential legislation, and all signs as required will be clearly displayed.
5. The system shall be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

6. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority
7. One camera shall be placed outside the entrance and on entry
8. An Incident Book shall be maintained to include refusals and shall be signed at the end of licensable hours by the manager / Designated Premises Supervisor.
9. Two SIA staff to be employed on a Friday and Saturday from 21:00 hours until closing, if the premises remains open after midnight.
10. F696 forms as required by the Police shall be used for external promoters and DJs;
11. No drinking vessels or bottles shall be taken outside on the pavement.

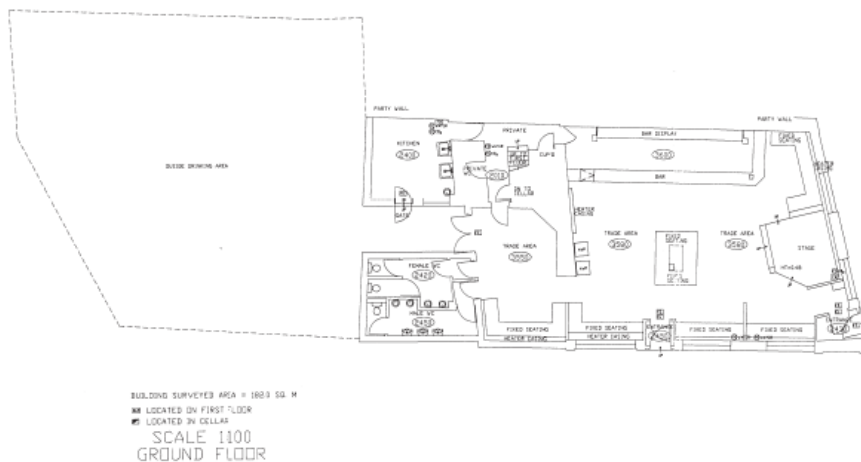
Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

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

13 Jun 2005





Part B - Premises licence summary

Premises licence number

29190

Premises details

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

(The Old George Public House)
379 Bethnal Green Road

Post town
London

Post code
E2 0AN

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

<p>Sale by retail of alcohol</p> <ul style="list-style-type: none">• Sunday to Thursday, from 10:00 hours to midnight• Friday and Saturday, from 10:00 hours to 02:00 hours the following day <p>The Provision of late night refreshment – Indoors</p> <ul style="list-style-type: none">• Sunday to Thursday from 23:00 hours to 00:30 hours the following day• Friday and Saturday, from 23:00 hours to 02:30 hours the following day <p>Provision of regulated Entertainment – Indoors <u>Films. Live music, recorded music and performances of dance</u></p> <ul style="list-style-type: none">• Sunday to Thursday, from 10:00 hours to midnight• Friday and Saturday, from 10:00 hours to 02:00 hours on the following day
<ul style="list-style-type: none">• Sunday to Thursday, from 10:00 hours to 00:30 hours the following days• Friday and Saturday, from 10:00 hours to 02:30 hours the following day

The opening hours of the premises

Name, (registered) address of holder of premises licence

Bermondsey Pub Company Ltd
3 Monkspath Hall Road
Shirley
Solihull
West Midlands
B90 4SJ

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

On and off

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

08836925

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

Amory Blane

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

No

Appendix 2

Section 1 of 18

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

Not Currently In Use

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

Your reference

RJT/MJM/109500.25874

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

BERMONDSEY PUB COMPANY LTD

* Family name

BERMONDSEY PUB COMPANY LTD

* E-mail

[REDACTED]

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

Yes No

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

Registration number

08826926

Business name

BERMONDSEY PUB COMPANY LTD

If the applicant's business is registered, use its registered name.

VAT number

GB 178436963

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

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

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

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 18

APPLICATION DETAILS

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

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

Premises Contact Details

Telephone number

Continued from previous page...

Non-domestic rateable value of premises (£)

68,000

Section 3 of 18

VARIATION

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

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?

Yes No

You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable to the late night levy.

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

Describe Briefly The Nature Of The Proposed Variation

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.

1. To amend the plan of the premises to show a new external bar servery.
2. To add a condition to the licence.

Section 4 of 18

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

Section 5 of 18

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

Section 6 of 18

PROVISION OF INDOOR SPORTING EVENTS

Continued from previous page...

[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

- Yes No

Section 7 of 18

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

- Yes No

Section 8 of 18

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

- Yes No

Section 9 of 18

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

- Yes No

Section 10 of 18

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 11 of 18

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

[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes No

Section 12 of 18

PROVISION OF LATE NIGHT REFRESHMENT

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 18

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.

Provide 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

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide 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

Continued from previous page...

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.

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

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

AS EXISTING

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

N/A

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

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Section 16 of 18

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.

Continued from previous page...

ALL EXISTING CONDITIONS WILL BE RETAINED AND OPERATED.
IN ADDITION - A FURTHER CONDITION IS TO BE ADDED TO READ "THE EXTERNAL BAR SERVERY WILL CLOSE BY 2200".

b) The prevention of crime and disorder

ALL EXISTING CONDITIONS WILL BE RETAINED AND OPERATED
IN ADDITION - A FURTHER CONDITION IS TO BE ADDED TO READ "THE EXTERNAL BAR SERVERY WILL CLOSE BY 2200".

c) Public safety

ALL EXISTING CONDITIONS WILL BE RETAINED AND OPERATED
IN ADDITION - A FURTHER CONDITION IS TO BE ADDED TO READ "THE EXTERNAL BAR SERVERY WILL CLOSE BY 2200".

d) The prevention of public nuisance

ALL EXISTING CONDITIONS WILL BE RETAINED AND OPERATED
IN ADDITION - A FURTHER CONDITION IS TO BE ADDED TO READ "THE EXTERNAL BAR SERVERY WILL CLOSE BY 2200".

e) The protection of children from harm

ALL EXISTING CONDITIONS WILL BE RETAINED AND OPERATED
IN ADDITION - A FURTHER CONDITION IS TO BE ADDED TO READ "THE EXTERNAL BAR SERVERY WILL CLOSE BY 2200".

Section 17 of 18

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 18 of 18

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.

Variation 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 £4300 £100.00

Band B - £4301 to £33000 £190.00

Band C - £33001 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 - £87001 to £12500 £900.00

Band E - £125001 and over £1,905.00

If you own a large premise 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>

* Fee amount (£)

315.00

DECLARATION

Continued from previous page...

I/WE UNDERSTAND THAT 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.

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

* Capacity

* Date / /
dd mm yyyy

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/change-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, 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.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

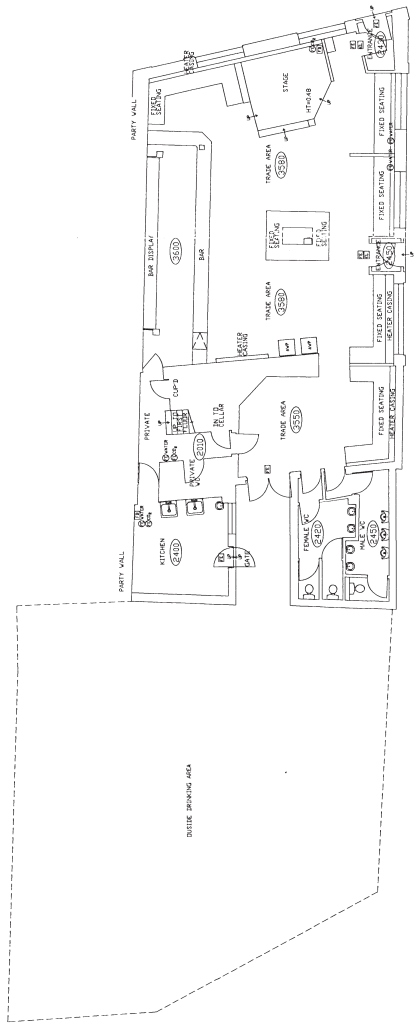
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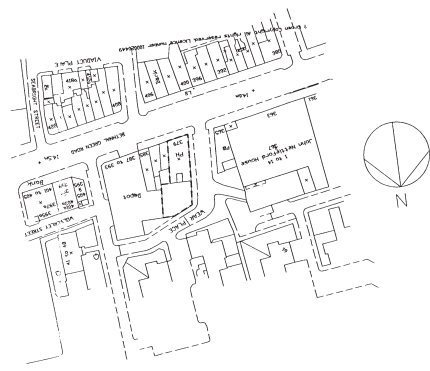
Appendix 3

SCHEDULE OF ADDITIONAL ACCOMMODATION
 1) Number of storeys of building: 3 storeys + cellar
 2) Staff accommodation: 4 bedrooms
 3) Letting: 0 lettings
 4) Letting: 0 lettings
 5) Letting: 0 lettings
 6) Letting: 0 lettings

- LEGEND**
- CEILING HEIGHT
 - WINDOW
 - FIRE PLACE
 - DOOR
 - TOILET
 - URINAL
 - WASH HAND BASIN
 - BOLLER
 - FIRE EXIT
 - EMERGENCY LIGHT
 - DISTRIBUTION BOARD
 - SMOKE DETECTOR
 - HEAT DETECTOR
 - FIRE BLANKET
 - FIRE EXTINGUISHER CO₂
 - FIRE EXTINGUISHER FOAM
 - FIRE EXTINGUISHER WATER
 - FIRE EXTINGUISHER POWDER
 - SPRINKLER OUTLETS
 - DRY RISER
 - WET RISER
 - FIRE ALARM CALL POINT
 - STEPS
 - SINK UNIT
 - AMUSEMENT WITH PRIZES
 - BAR FLAP



BUILDING SURVEYED AREA = 1820 SQ. M
 ■ LOCATED IN FIRST FLOOR
 ■ LOCATED IN CELLAR
SCALE 1:100
GROUND FLOOR

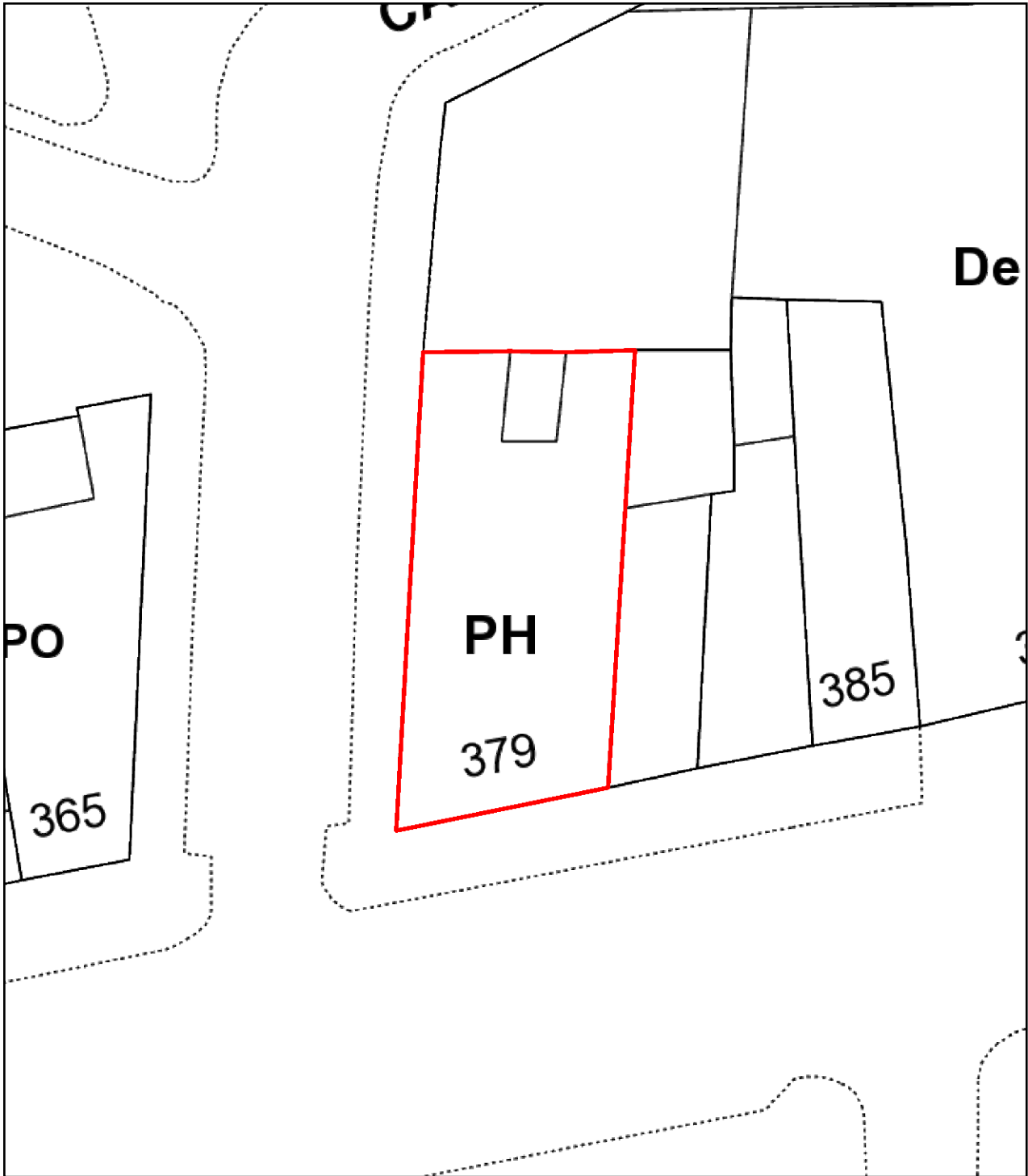


INDICATIVE ONLY
SCALE 1:1250

Property ID 1275401/243	Property Name Dix George	LICENSING SURVEY PLAN
Address 379 Bethnal Green Rd Bethnal Green E2 9DN	Date of Survey 28/10/04	Dr's. Scale AS SHOWN

Appendix 4

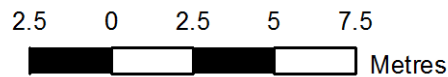
Appendix 5



379 Bethnal Green Rd

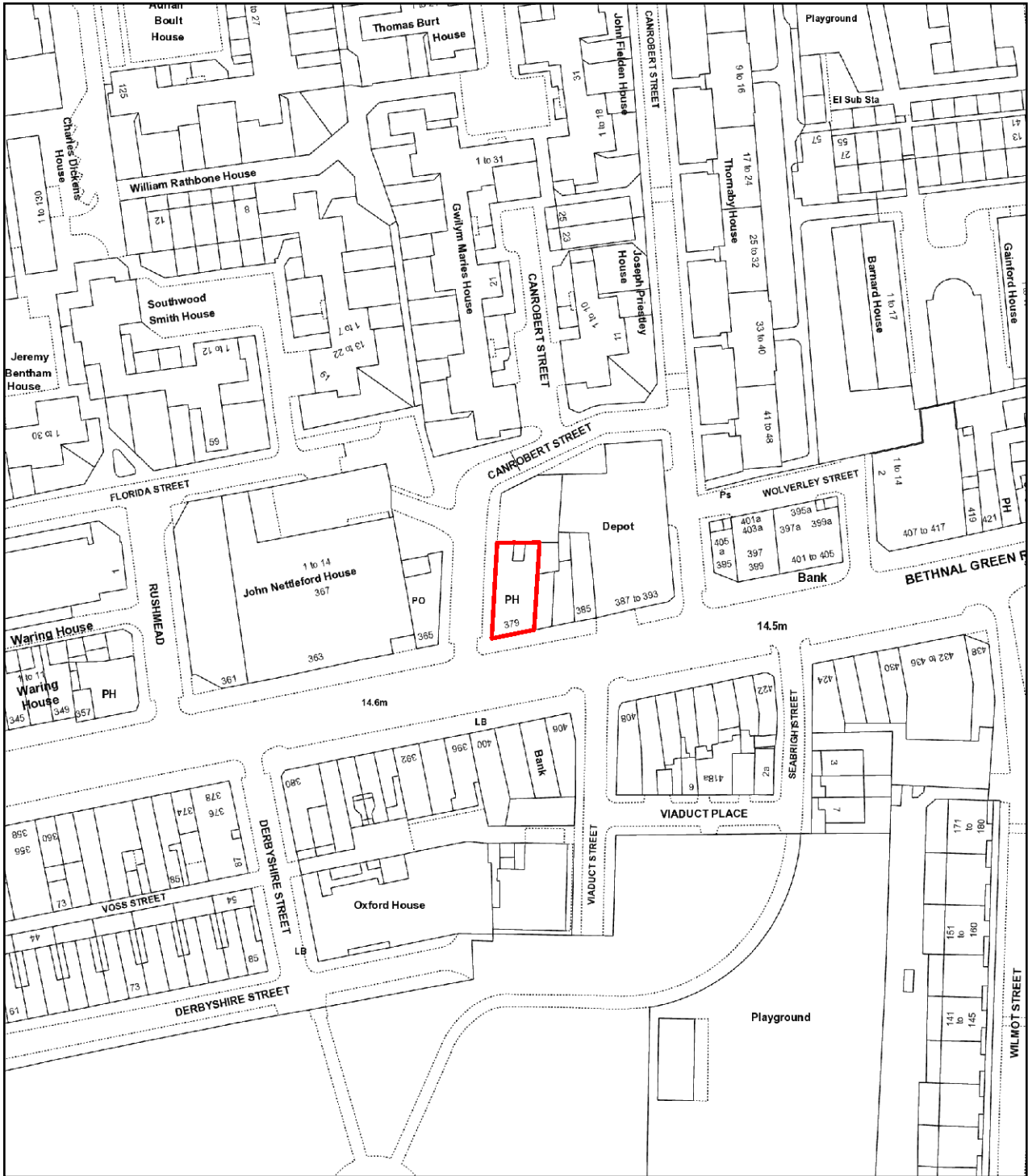


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TOWER HAMLETS

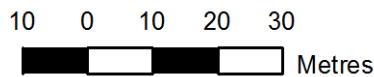
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379 Bethnal Green Rd



Scale 1:1418



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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

Kathy Driver

From: Lavine Miller-Johnson
Sent: 01 July 2019 16:01
To: [REDACTED]
Cc: Licensing; Kathy Driver
Subject: FW: Variation application- the Old George Public House 379 Bethnal Green Road ref: 118874

Dear Applicant,

Licensing Act 2003
Variation Licence application for The Old George Public House 379 Bethnal Green Road ref: 118874

I am the Responsible Authority officer acting on behalf of Tower Hamlets Licensing Team. Your application has been considered and I am making the following representations against the application.

Great consideration has to be given to the fact that the premise is in Bethnal Green Cumulative Impact Zone. The local authority recognises that the cumulative impact of the number, type and density of licensed premises in a given area, may lead to serious problems of nuisance and disorder outside and some distance from the premises.

It is important for you to note that when applying for a licence/variation of a licence in a ClZ area, applicants need to demonstrate that the granting of their application will not negatively add to the cumulative effect on the Licensing Objectives within the Bethnal Green **ClZ**.

On considering this application as it stands I feel it does not uphold the following licensing objective of 'prevention of public nuisance' as an outside bar would contribute to the residents in close proximity being disturbed by the noise from customers.

I would there propose:

- that a reduction of the hours for the use of the external courtyard bar servery from 22:00 hours to 21:00 hours.
- A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

Please can you respond in writing if you are willing to accept the above. On acceptance to the above I will withdraw my representations.

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
☎ 020 7364 2665 | 📠 020 7364 6901 | General Enquiries: 020 7364 5008

Appendix 8

Kathy Driver

From: Nicola Cadzow
Sent: 20 June 2019 11:15
To: Licensing
Cc: [REDACTED]
Subject: MAU REPRESENTATION 118874 - Variation of premise licence application for The Old George Public House, 379 Bethnal Green Road, London
Attachments: 118874 - The Old George 379 Bethnal Green Road - Proposed noise conditions.docx

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have had a site meeting with the applicants Head of Openings & Projects to discuss the variation of premise license application for The Old George Public House, 379 Bethnal Green Road, London including noise mitigation measures for the whole premises and the hours for use of the external rear courtyard. Consideration has been given to the impact of the licensing objectives, in particular the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity, and the fact that the premises is in the Bethnal Green Cumulative Impact Zone.

The applicant is proposing opening hours for the external rear courtyard area for licensable activities sale of alcohol as follows:-

Seven days a week until 22:00 hours.

Noise Sensitive premises: residential premises in close proximity to The Old George Public House, 379 Bethnal Green Road, London

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.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for The Old George Public House, 379 Bethnal Green Road, London as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought for the use of the external courtyard area.

However I would be willing to withdraw my objection if the applicant can provide a noise management plan to the satisfaction of environmental protection, showing how they will promote the licensing objective for the prevention of public nuisance, and confirm they are willing to reduce the hours for the use of the external rear courtyard area to 21:00 hours. (also see proposed conditions attached).

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

Noise Conditions for Premise License

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 when regulated entertainment takes place, except for the immediate access & egress of persons.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
6. Patrons permitted to temporarily leave and then re-enter the premises, shall be limited in the external courtyard to up to 10 persons after 21:00 hours.
7. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.

Appendix 9

LBTH
TRADING STANDARDS
25 JUN 2019
LICENSING

Rae Birch Carter



20th June 2019

The Licensing Section

London Borough of Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

Dear Sir or Madam,

I am writing in relation to the application by the Bermondsey Pub Company regarding their premises Old George, 379 Bethnal Green Rd.

My family and I are residents of [REDACTED], and our home overlooks the back garden of the Old George pub.

I would like to raise concerns regarding the use of the garden, and ask to council to strongly consider the needs of near neighbours and residents when considering any application by the company above.

Our homes overlook the garden, and many of us are families with children. Some are young children, and many are school age children who are studying for exams. So it is important to us all that they can sleep. And also many of us have jobs involving us needing to leave for work early, and we should be able to live normally, without being disturbed by excessive noise.

The garden already gets very busy, especially in the Summer months, and the noise level is already difficult to live with, (If our windows are open on a warm day, its often difficult to hear a TV that is on a normal volume.) There can be very large numbers of people drinking, shouting and enjoying themselves, and the shape of the walled garden acts like an 'amphitheatre' carrying the voices, (often including bad language) into our homes.

I am concerned about the extra bar area's potential to increase this problem for us. The TV screen that has been mounted outside yesterday makes me very anxious that sporting events will be shown to large crowds, which would undoubtedly cause us more noise.

We also have an issue with cigarette fumes and smells rising up from the garden on busy days and coming into our flats.

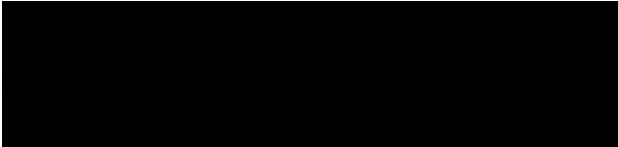
I feel it is extremely important that the license holder regulates the time the garden is closed at a reasonable time, and no noise is made after that.

Another issue I wish to raise is the noise from amplified music, especially at weekends when there is a DJ. Even with the garden doors closed, this travels out to us. The bass noise is especially difficult to live with.

The pub is an old building without double glazing or sound proofing, and even with the back doors closed, this noise travels out of the building very easily. I would like any possible steps to be taken to protect us neighbours and reduce the impact .

So I am seeking reassurance that it will be looked into and regulated

Yours Faithfully



Rae Birch Carter

Appendix 10



Mrs V Snaith



25th June 2019

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

Dear Sir or Madam

I am writing in regard to the application by the Bermondsey Pub Company regarding their premises:-

Old George, 379 Bethnal Green Road, London E2 0AN.

I am a resident of



I would like to raise concerns regarding the use of the garden and the general noise caused by the pub, and ask the council to strongly consider the needs of near neighbours and residents when considering any application by the company above.

My concerns are they want to vary the licence and make changes in the garden area.

So I am seeking reassurance that it will be looked into and regulated.

Yours faithfully



Mrs V Snaith

Appendix 11

The Licensing Section

London Borough of Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

Dear Sir or Madam,

I am writing in relation to the application by the Bermondsey Pub Company regarding their premises

Old George, 379 Bethnal Green Rd.

I/we are residents of - [REDACTED]

I would like to raise concerns regarding the use of the garden, and the general noise caused by the pub, and ask to council to strongly consider the needs of near neighbours and residents when considering any application by the company above.

So I am seeking reassurance that it will be looked into and regulated

Yours Faithfully

[REDACTED]



Appendix 12

ED...
TRADING STANDARDS

28 JUN 2015

LICENSING

The Licensing Section

London Borough of Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

Dear Sir or Madam,

I am writing in relation to the application by the Bermondsey Pub Company regarding their premises

Old George, 379 Bethnal Green Rd.

I/we are residents of -

I would like to raise concerns regarding the use of the garden, and the general noise caused by the pub, and ask to council to strongly consider the needs of near neighbours and residents when considering any application by the company above. Furthermore, ~~also~~ the

Council should consider the safety of the residents in the area. Individuals leaving the pub can come across aggressive which is a huge safety issue.

So I am seeking reassurance that it will be looked into and regulated

Yours Faithfully

M. K. Chapman

Appendix 13

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 14

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:

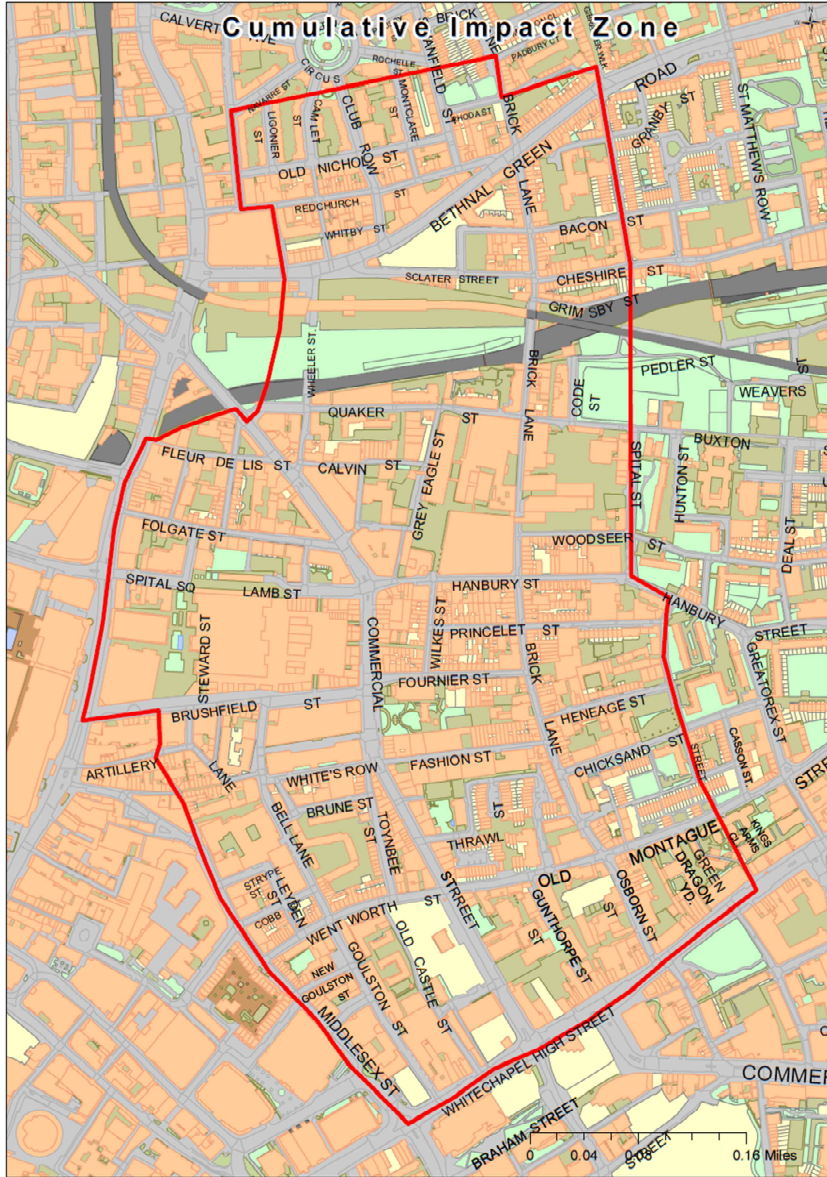
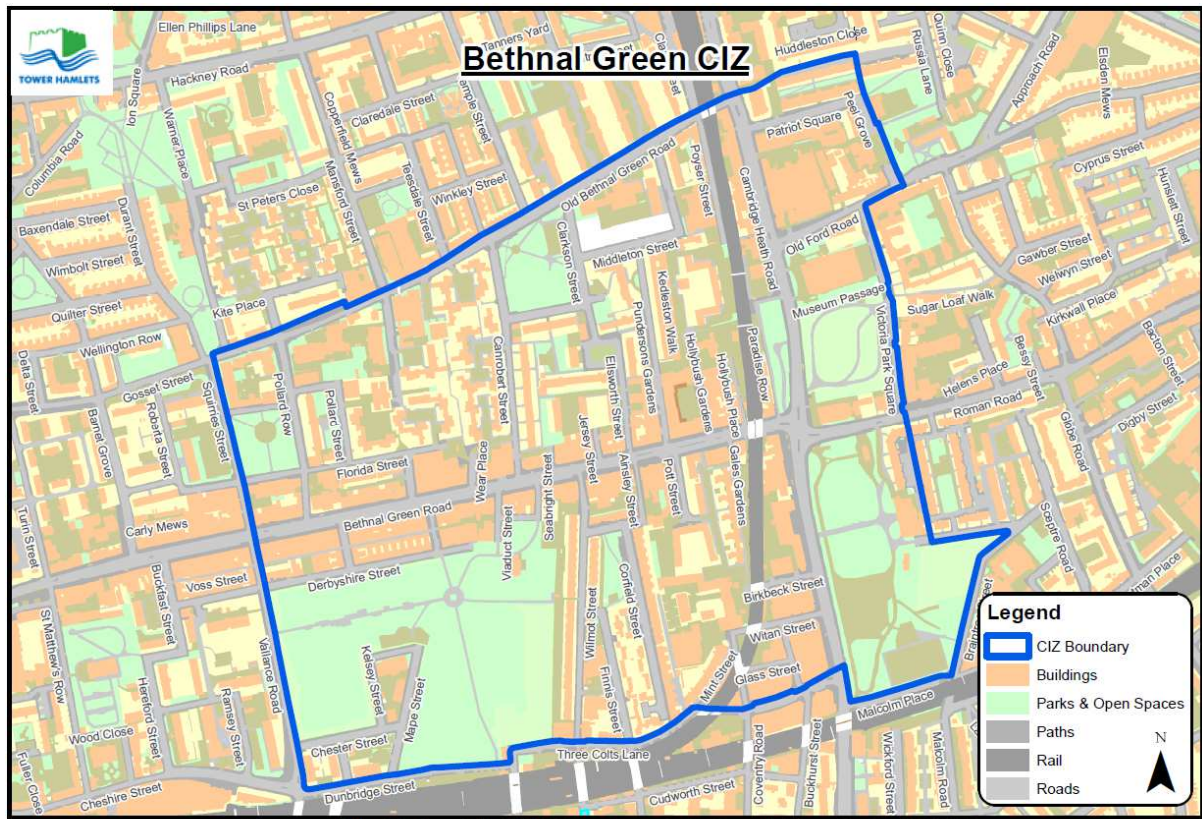


Figure Two:
Bethnal Green Area



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