

# LICENSING SUB COMMITTEE

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Tuesday, 10 September 2019 at 2.30 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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Website: <http://www.towerhamlets.gov.uk/committee>

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agenda



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## **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 - 38)**

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 9<sup>th</sup> and 23<sup>rd</sup> July 2019.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Application for a New Premises Licence for Papa John's, 1A Westward Parade, Pepper Street, London E14 9DZ</b>	<b>39 - 108</b>	<b>Blackwall &amp; Cubitt Town</b>

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Environmental Health

**4 .2 Application for a New Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS 109 - 210 Canary Wharf**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)
- Fire Authority

**4 .3 Application for a New Premises Licence for (Nomadic Community Gardens), Fleet Street Hill, London E1 5ES 211 - 328 Spitalfields & Banglatown**

Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Environmental Health
- 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

<b>Date Last Reviewed:</b>	14 <sup>th</sup> June 2016
<b>Reviewed By:</b>	Senior Corporate and Governance Legal Officer
<b>Approved By:</b>	Licensing Committee
<b>Date Approved:</b>	14 <sup>th</sup> June 2016
<b>Version No.</b>	1
<b>Document Owner:</b>	Paul Greeno
<b>Post Holder:</b>	Senior Corporate and Governance Legal Officer
<b>Date of Next Scheduled Review:</b>	31 <sup>st</sup> 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](http://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 6.30 P.M. ON TUESDAY, 9 JULY 2019**

**COMMITTEE ROOM C3, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Eve McQuillan (Chair)  
Councillor Mohammed Ahabab Hossain  
Councillor Zenith Rahman

**Officers Present:**

Luke Wilson – (Legal Services)  
Kathy Driver – (Principal Licensing Officer)  
Simmi Yesmin – (Democratic Services)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
Philip Kolvin QC	3.1	(Counsel)
Marcus Lavell	3.1	(Legal Advisor)
Robert Sutherland	3.1	(Legal Advisor)
Jamie Kerr	3.1	(Manager/DPS)
Adrian Studd	3.1	(Independent Consultant)                      Licensing
Jonty Stewart	3.1	(Noise Consultant)
Dino Constantinou	3.2`	(Applicant's Representative)
Faraz Nagree	3.2	(Applicant)

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
Daniel Bland	3.1	(Resident)
Michele Scarr	3.1	(Resident)
Olivia Spring	3.1	(Resident)

**Apologies**

Councillor Kevin Brady – (Item 3.2 – To speak in objection on behalf of residents)

**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 Hotel, 419 - 437 Hackney Road, London E2 8PP**

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Mama Shelter Hotel, 419-437 Hackney Road, London E2 8PP. It was noted that objections had been received on behalf of local residents. It was further noted that since the publication of the agenda, the Licensing Authority had withdrawn their objection to the application.

At the request of the Chair, Mr Philip Kolvin QC, representative on behalf of the Applicant, explained that the hotel was a part of a chain of boutique hotels worldwide and would be the first of its kind to open in the UK. Mr Kolvin stated that following consultation, all Responsible Authorities had withdrawn their objections and were satisfied with the hours and conditions offered and agreed.

It was noted that the 10 local resident objections had been made to the original application which was for a 24 hour operation. The hours of operation had now been reduced . Mr Kolvin gave a brief background history of Mr Jamie Kerr, the manager of the hotel. It was noted that it was vital for the hotel to ensure that they were good neighbours to local residents. If there were any issues, there are powers of enforcement that could be taken. It was noted that the premises was not a night club or pub but an exclusive and premium hotel with a restaurant which would be open to the public. He explained that the revenue for the hotel was primarily from customers using the hotel to sleep and therefore any noise disturbance would be contrary to its interests. It was further noted that the inside courtyard would have a glass enclosure fitted to prevent any noise leakage.

Mr Kolvin then went on to highlight the following:

1. The restaurant had 80 percent seating area.
2. No drinks would be allowed to be taken outside the premises.
3. The CCTV system had been upgraded to cover all four sides of the premises.
4. Security staff would patrol the outside area regularly.
5. The hours proposed were consistent with the hours suggested by the Responsible Authorities.
6. Two SIA registered door supervisors would be on duty to manage customers entering and exiting the premises, and to monitor the smoking area.

The Acoustic Assessment report from Vanguardia and the Licensing Report from Mr Adrien Studd, Independent Licensing Consultant, were noted.

Mr Kolvin stated that the hotel seeks to attract families and tourists. The premises was not in the Cumulative Impact Zone and other venues in close proximity had longer licensing hours. He explained that objections were initially for a 24 hours licence however this had since been reduced. Management would be looking to enhance relations with residents and a number for the manager would be available so that he can be contacted directly. The directors had provided the manager with all necessary powers to enable him to effectively deal with any issues that may arise.

Members also heard from local residents Mr Daniel Bland, Ms Michelle Scarr and Ms Olivia Spring who expressed concerns about the public nuisance impact on local residents from a late night venue situated in a residential area. Concerns were raised as to why the hours were not in line with the Council's framework hours. Residents stated that other premises with late hours were a mile away and not in close proximity to residents. Concerns were raised about noise nuisance from customers, in particular smokers, standing and talking outside the premises late at night. Residents suggested that the noise report failed to adequately address the ambient noise levels in the area late at night. Lastly, there were concerns that the premises would attract beggars and increase drug use and crime in the area.

In response to Members questions, the following was noted:

1. The opening times would be the same as the existing premises licence.
2. The rationale to limit the number of smokers to 20 was decided using the Tower Hamlets methodology.
3. The hours and conditions had been accepted by the Responsible Authorities.
4. Security staff would manage the smoking area outside the premises.
5. There would be no drinks allowed outside the premises and this would be enforced by security staff.
6. There would be 45 members of staff and 195 guest rooms.
7. Any anti-social behaviour and beggars would be managed by the security staff.
8. Body cameras worn by security staff would act as a deterrent and there would be 24 hour CCTV on all four sides of the building.
9. Objectors were of the view that there had previously been no more than 8 smokers outside the premises at any one time. The noise of the smokers' conversations outside the hotel could be heard clearly from the nearby residential dwellings.
10. The pre-booked private events would operate under standard licensing hours and therefore non-standard hours were no longer required for private events and could be removed from the application.
11. Any less than 20 smokers allowed outside to smoke at any one time would make the venue non-operational.
12. The capacity of the restaurant was 250.

13. There would be no noise disturbance from the courtyard as a glass canopy would be fitted and the area would be covered from 10pm onwards.
14. The current licence would be surrendered subject to the granting of the new licence.
15. The Applicant agreed to conditions outlined in paragraph 6 of the Vanguardia report.

Both parties gave brief concluded remarks.

Members adjourned again at 7.45pm for deliberations and reconvened at 8.25pm. The Chair announced the decision to which Mr Kolvin urged Members to reconsider the limit on the number of smokers.

Members adjourned again at 8.30pm and reconvened at 8.40pm to reconsider a condition on the limit of smokers.

### **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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered all of the evidence before them and had heard representations from the Applicant's Legal Representative and from the Objectors 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 Responsible Authorities.

The Sub-Committee agreed to grant the licence subject to the following amendments and additional conditions: the non-standard times are amended to remove the exception for pre-booked private events, the premises is to have two SIA registered door supervisors on duty between 9pm and closing, no drinks are to be taken outside the premises, the Applicant is to implement a Challenge 25 Policy and the noise conditions suggested in the Vanguardia Acoustic Assessment Report are adopted. Members noted that one of the main concerns raised by objectors was the level of noise outside the premises late at night. Members were of the view that a condition requiring the Applicant to allocate a designated smoking area on Hackney Road and to limit



the number of smokers to 10 persons after 10pm would help alleviate those concerns and minimise the risk of noise nuisance.

These conditions, as amended by the Sub-Committee, gave Members the assurance that public nuisance would be prevented.

The Chair highlighted that the granting of this application would be subject to the surrender of the current licence for the premises.

Members reached a decision and the decision was unanimous. Members were satisfied that the granting of the licence on these stringent conditions will help promote the licensing objectives in particular the prevention of crime and disorder and public nuisance.

Accordingly, the Sub-Committee unanimously

### **RESOLVED**

That application for a New Premises Licence for **Mama Shelter** Hotel, 419-437 Hackney Road, London E2 8PP be **GRANTED** with conditions.

#### Sale of Alcohol (on sales only)

Monday to Thursday from 08:00 hrs to 00:00 hrs (midnight)

Friday from 08:00 hrs to 01:00 hrs (the following day)

Saturday from 09:00 hrs to 01:00 hrs (the following day)

Sunday from 09:00 hrs to 00:00 hrs (midnight)

#### Provision of Regulated Entertainment (Indoors) (plays and films, live music, recorded music, performance of dance and anything of a similar description)

Monday to Thursday from 08:00 hrs to 00:00 hrs (midnight)

Friday from 08:00 hrs to 01:00 hrs (the following day)

Saturday from 09:00 hrs to 01:00 hrs (the following day)

Sunday from 09:00 hrs to 00:00 hrs (midnight)

#### The Provision of Late Night Refreshments

Sunday to Thursday from 23:00 hrs to 00:00 hrs (midnight)

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

#### Non-Standard Timings

24 hours to hotel residents and their guests (limit of 4 guests per resident)

#### Hours Premises Open to the Public

Monday to Thursday from 08:00 hrs to 00:30 hrs (the following day)

Friday from 08:00 hrs to 01:30 hrs (the following day)

Saturday from 09:00 hrs to 01:30 hrs (the following day)

Sunday from 09:00 hrs to 00:30 hrs (the following day)

Non-standard Timings

24 hours to hotel residents and their guests (limit of 4 guests per resident)

Conditions

1. No licensable activities shall take place at the premises until premises licence 27280 (or such other number subsequently issued for the premises) has been surrendered.
2. There shall be two SIA registered door supervisors on duty between 21:00 hours to 00:30 hours Sunday to Thursday and between 21:00 hours to 01:30 hours Friday and Saturday.
3. No drinks shall be taken outside the premises.
4. In order that music noise levels do not exceed the assumed 90dBA internal entertainment noise level, a sound limiting device shall be installed and set accordingly. Only the premises licence holder and the designated premises supervisor shall have access to the sound limiting device.
5. An audio cut-out device shall be connected to the sliding windows and doors on the Hackney Road façade. If any of these are open, the level of music shall cut out completely or fall to the ambient levels that are not intrusive to local residents.
6. The Premise Licence Holder or Duty Manager shall make regular patrols at no less than hourly intervals around the perimeter of the premises when regulated entertainment is taking place. Noise levels shall be adjusted to ensure local residents are not disturbed by noise breakout.
7. 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.
8. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
9. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23.00 hours and 07.00 on Monday to Friday and 08.00 hours on Saturday and Sunday.
10. 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.

11. 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.
12. All emergency exit doors shall be available at all material times without the use of a key, code, card or similar means.
13. All emergency doors shall be maintained effectively self-closing and not held open other than by an approved device.
14. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
15. Curtains and hangings shall be arranged so as not to obstruct emergency safety signs or emergency equipment.
16. All fabrics, curtains, drapes and similar features including materials used in finishing and furnishing shall be either non-combustible or be durably or inherently flame-retarded fabric. Any fabrics used in escape routes (other than foyers), entertainment areas or function rooms, shall be non-combustible.
17. Provision of emergency lighting system shall be implemented in all public areas, staircase and fire escapes.
18. The certificates listed below shall be submitted to the licensing authority upon written request.
  - i. Any permanent or temporary emergency lighting battery or system
  - ii. Any permanent or temporary electrical installation
  - iii. Any permanent or temporary emergency warning system
19. Staff are to receive documented training and refresher training in:
  - i. procedures to deal with spillages/hazards;
  - ii. emergency response, including evacuation procedures;
  - iii. dealing with illness or injuries.
20. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
21. Signage shall be displayed in prominent positions highlighting the proof of age policy.

22. All staff who sell or supply alcohol shall be given induction training and annual refresher training on the legislation relating to the sales of alcohol to underage persons.
23. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested. Signage shall be displayed in prominent positions highlighting the CCTV system.
24. The lobby/reception shall be permanently staffed.
25. There shall be a personal licence holder on duty on the premises after 20:00.
26. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following: (a) all crimes reported to the venue (b) all ejections of patrons (c) any complaints received (d) all seizures of drugs or offensive weapons (e) any refusal of the sale of alcohol (f) any visit by a relevant authority or emergency service.
27. Substantial food and suitable beverages other than intoxicating liquor, including drinking water shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.
28. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
29. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

30. 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.
31. No substantial deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
32. The premises shall designate a smoking area on Hackney Road.
33. Between 08:00 hours and 22:00 hours, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 20 persons at any one time. Between 22:00 hours and closing time, patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 10 persons at any one time.

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

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report which detailed the application for a new premises licence for Lean Kitchen, Railway Arch 4, Gales Gardens, London E2 0EJ. It was noted that objections had been received on behalf of local residents.

At the request of the Chair, Mr Dino Constantinou, Representative on behalf of Applicant, explained that the premises was situated under the railway arch and was part of 10-15 kitchen units. It provided a delivery service of food and beverages over a 2 mile radius. He explained that they were not currently selling alcohol from the premises.

Mr Constantinou explained that the train lines run until 1am and deliveries were mainly made by bicycles and mopeds. It was noted that the Applicant had put in a petition which led to the introduction of a 5mph speed limit in the area. It was noted that the residential houses/flats have their kitchens and bathrooms facing the archway to minimise the noise disturbance from the trains.

It was noted there was no consumption of food and drink on the premises. The Applicant had met with the Responsible Authorities and had agreed conditions. They tried to communicate with the resident objectors but none had responded. Mr Constantinou explained that they had installed CCTV inside and outside the premises, implemented a driver's code of conduct, introduced an internal waiting/lobby area for delivery drivers, set up a designated parking area, displayed additional signage and published a feedback email address for residents to raise with management any concerns they may have. Mr Constantinou stated that they would report abusive drivers

to Uber Eats and have CCTV to deter such behaviour. It was noted that the hours applied for were within the Council's framework hours.

It was noted that the objectors were not present at the meeting, therefore the Sub Committee noted and considered the written objections contained in the agenda.

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

- There were two members of staff during the lunch period and four members of staff during busy periods.
- They were awaiting a Health & Safety rating from the Council.
- The unit was close to residential buildings but there was a fence in the middle creating a separation.
- The Overground trains above the railway arch pass by approximately every 7 minutes.
- A 5mph speed limit had been recently introduced as a direct result of the Applicant's petition.
- They could ask UberEats for a particular driver not to be used if the driver was found to be abusive or in breach of their code of conduct.
- They have not received any reports of bad behaviour by their drivers.
- In order to prevent noise, cowls had been fitted at the premises.
- They receive approximately 30-40 orders per day.
- It was difficult for members of the public to link a driver to a particular kitchen unit.
- A driver waiting area had been introduced in the last 1-2 weeks.
- There had been no response received by objectors in relation to the reduced hours and added conditions.

In accordance with Part 4, 9.1 of the Council's Constitution, Mr Luke Wilson, Legal Officer, extended the meeting by one hour.

Members adjourned the meeting at 9.15pm for deliberations and reconvened at 9.50pm.

### **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. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

### **Consideration**

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the representation made by the Applicant and his Business Representative, and had noted and considered the written objections included in the agenda from local residents.

The Sub-Committee noted that the premises is situated in the Bethnal Green Cumulative Impact Zone. The Special Cumulative Impact Policy creates a rebuttable presumption that where relevant representations are received, the application will be refused.

The Sub-Committee noted that the onus was on the Applicant to adequately rebut the presumption by demonstrating why the granting of its application would not negatively add the cumulative impact already experienced in the Cumulative Impact Zone.

The Sub-Committee noted the written representations made by objectors regarding the impact of the premises on the Cumulative Impact Zone. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour, and their concerns about increased public nuisance if the application were to be granted.

The Sub-Committee acknowledged the efforts made by the Applicant. However, having carefully considered the material in the agenda and supplementary agenda and the representations made at the meeting, Members were not satisfied that the granting of this application would not negatively add to the public nuisance already experienced in the area. Accordingly, the CIZ presumption had not been rebutted.

Members made a decision and the decision was unanimous. The application was refused.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Lean Kitchen, railway Arch 4, Gales Gardens, London E2 0EJ be **REFUSED**.

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

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

<b>Premises</b>	<b>Hearing Date</b>	<b>Decision by</b>
Nelson's Head, 32 Horatio Street, London E2 7SB (MA)	<b>30/07</b>	<b>15/07</b>
Mick's Garage), Queens Yard, White Post Lane, London E9 5EN (MA)	<b>30/07</b>	<b>12/07</b>
The London Shuffleboard Club, 28 Redchurch St, London E2 7DP (SN)	<b>27/08</b>	<b>20/07</b>
Nomadic Community Gardens, Fleet Street Hill, London E1 5ES (CH)	<b>27/08</b>	<b>25/07</b>
Marquis of Cornwallis, 304 Bethnal Green Rd, London E2 0AG (SN)	<b>17/09</b>	<b>23/07</b>
Malinda, 62 Mellish Street London E14 8NS (KD)	<b>17/09</b>	<b>10/06</b>
Papa John's, Unit 2 Westward Pepper Street (LMJ)	<b>24/09</b>	<b>30/07</b>
24/7 Off Licence, 141 Commercial Road, London E1 1PX (CH)	<b>24/09</b>	<b>08/08</b>

The meeting ended at 9.55 p.m.

Chair, Councillor Eve Mcquillan  
Licensing Sub Committee



**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**  
**HELD AT 6.45 P.M. ON TUESDAY, 23 JULY 2019**

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

**Members Present:**

Councillor Peter Golds (Chair)  
Councillor Mohammed Ahbab Hossain  
Councillor Sufia Alam

**Officers Present:**

Corinne Holland	–	(Licensing Officer)
Nicola Cadzow	–	(Environmental Health Officer)
Lavine Miller-Johnson	–	(Licensing Officer)
David Wong	–	(Legal Services)
Simmi Yesmin	–	(Democratic Services)

**Representing applicants**

	<b>Item Number</b>	<b>Role</b>
Tom O'Maoileion	4.2	(Legal Representative)
James Pears	4.2	(Applicant)

**Representing objectors**

	<b>Item Number</b>	<b>Role</b>
Nicola Cadzow	4.2	(Environmental Health Officer)
Lavine Miller-Johnson	4.2	(Licensing Officer)

**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 meeting were agreed and approved as a correct record.

**4. ITEMS FOR CONSIDERATION****4.1 Application for a New Premises Licence for: Lord Napier, 25 White Post Lane London E9 5EN**

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

**4.2 Application for a Variation of the Premises Licence for Genesis Vegan Restaurant, 144-146 Commercial Street, London, E1 6NU**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Genesis Vegan Restaurant, 144-146 Commercial Street, London E1 6NU. The application was to amend conditions on the existing licence. It was noted that objections had been received on behalf of the Licensing Authority and Environmental Protection (Noise).

At the request of the Chair, Mr Tom O'Maoileion, Legal Representative on behalf of the Applicant explained that the application was for the proposal to allow drinking outside the premises. He explained that they had been granted planning permission/permissions from Street Trading for a licence for tables and chairs outside the premises until 10pm. Mr O'Maoileion therefore amended the application to 10pm – and said that sales of alcohol would be until 9.30pm and there would be a 30 minute drinking up time and tables and chairs would be cleared and rendered unusable by 10pm.

He explained the nature of the restaurant, and said that the tables and chairs would be stacked up and brought back into the premises when they were closing. It was noted that they had received permission for four tables and eight chairs. It was also noted that the sale of alcohol to the outdoor area would only be sold and served by waiter/waitress, and only served ancillary to a meal and part of a table service.

Mr O'Maoileion explained that they were not seeking to increase hours or capacity, but to have the flexibility to serve alcohol to customers sitting outside having a meal. He stated that the Cumulative Impact Zone (CIZ) policy was mainly for alcohol led venues, vertical drinking establishments and late night venues and these premises were none of the above.

He referred to paragraphs 18.10 and 18.11 of the Tower Hamlets Licensing Policy, where it states that within the policy, that the Council may be able to approve licences that are unlikely to add significantly to the saturation and will consider the circumstances of each individual application. He asked Members to consider this as he believed that the variation would not add significantly to the cumulative impact in the area.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer, she explained that her representation was on the basis of the prevention of public nuisance. She explained that it was difficult to say how much impact

the premises would have on the area, but was very likely to cause noise disturbance to nearby residents by allowing people sitting and drinking outside the premises until 10pm. Ms Cadzow was of the view that the application for drinking outside until 10pm was far too late and likely to cause disturbance to residents living nearby.

Members also heard from Ms Lavine Miller-Johnson, Licensing Officer, she explained that the hours applied for were excessive. She referred to her representation on page 163-164 of the agenda and was of the view that the applicant had not fully demonstrated how this application would not add to the cumulative impact in the Brick Lane Cumulative Impact Zone. Ms Miller-Johnson stated that if Members were minded to grant the licence then Members should consider reducing the hours to 8pm which would be a more reasonable time and to impose the conditions which she had suggested on page 164 of the agenda.

In response to questions the following was noted;

- That the Applicant had recently received permission from Street Trading for a licence for tables and chairs outside the premises.
- That every year, the permission for tables and chairs will need to be renewed and if there were to be any problems or complaints than this would affect the renewal.
- That having an outside eating area would create a civilising effect to the restaurant.
- That staff would manage the outdoor area, the premises had a glass frontage, so staff would be able to see through and monitor accordingly.
- That food and drinks would be served to seated customers and served by waiter/waitress.
- That alcohol would be served ancillary to a meal.
- There would be no music played outside and there have been no complaints about the premises in general.
- Notices would be displayed around the premises asking customers to leave the area quietly and respect the needs of local residents.
- That smoking was not permitted outside the premises.
- That alcohol consumption at the premises was very small, there was no bar area and no vertical drinking.
- The maximum number of seats outside would be for 8 people
- That there was no capacity figure on current licence but there were currently 70 covers inside the restaurant.
- There were no concerns relating to crime and disorder and the Police had not objected.
- The conditions offered in the operating schedule addressed concerns of public nuisance.
- That all conditions proposed by the Licensing Officer on page 164 on agenda were accepted by the Applicant.

All parties gave brief concluding remarks.

Members adjourned the meeting at 7.40pm for deliberations and reconvened at 8.15pm.

### **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. 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 had carefully considered all of the evidence before them and considered written and verbal representation from both the Applicant's Legal Representative and Officers representing the Licensing Authority and Environmental Health objecting to the application with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question were situated in the Brick Lane Cumulative Impact Zone and when a representation is received, the licence will be refused, unless the applicant can demonstrate exceptional circumstances whereby the application, if granted, would not add to the cumulative impact in that zone. The Sub-Committee noted that effect of the Council's Statement of Licensing Policy in relation to a cumulative impact zone, is to create a rebuttable presumption against granting an application relating to premises in a cumulative impact zone.

The Sub-Committee considered that the onus lay upon the applicant to show through the operating schedule, with appropriate supporting evidence that the application, if granted, would not add to the cumulative impact already being experienced, as added cumulative impact would undermine any of the four licensing objectives.

The Sub-Committee noted the representations made by Responsible Authorities regarding the added cumulative impact which would arise from a grant of the application. The Sub-Committee noted objectors' concerns relating to the existing levels of noise nuisance in the area and noted concerns about the likely increase in noise nuisance when dining and drinking outside the premises, and thereby the likely added impact on the Brick Lane Cumulative Impact Zone.

The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed

conditions. However, the Sub Committee heard no evidence that rebutted the above presumption. Members considered that planning permission or permission to operate on part of the public highway under a Street Trading Licence do not in themselves create exceptional circumstance rebutting the presumption against granting a licensing application relating to premises in a cumulative impact zone.

The Sub Committee was therefore not satisfied that the applicant had successfully demonstrated that a grant of the application would not add to the cumulative impact in the Brick Lane Cumulative Impact Zone. In making their decision, the Sub Committee took into account paragraphs 19.6 and 19.8 of the Tower Hamlets Statement of Licensing Policy, relating to the Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Areas. The Sub-Committee also considered that, whilst the applicant had sought to rely upon paragraphs 18.10 and 18.11 of the Tower Hamlets Statement of Licensing Policy, no one part of that Statement of Licensing Policy could be read out of context, and that document as a whole had to be read in the context of paragraphs 19.6 and 19.8 of the same, as those latter two paragraphs relate to the Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Areas.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

That the application for a Variation of the Premises Licence for Genesis Vegan Restaurant, 144-146 Commercial Street, London E1 6NU 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
Nomadic Community Gardens, Fleet Street Hill, London E1 5ES (CH)	10/09 Ext mtg	25/07
Malinda, 62 Mellish Street London E14 8NS (KD)	10/09 Ext mtg	10/06
Papa John's, Unit 2 Westward Pepper Street (LMJ)	10/09 Ext mtg	30/07
24/7 Off Licence, 141	17/09	08/08

<b>Premises</b>	<b>Hearing Date</b>	<b>Decision by</b>
Commercial Road, London E1 1PX (CH)		
The Turks Head, Green Bank, London E1W 2PA (CH)	<b>17/10</b>	<b>08/08</b>
Ozone Coffee Roastery, 8 Oritchards Road, London (MA)	<b>01/10</b>	<b>13/08</b>
221 East India Dock Road, London E14 (LMJ)	<b>01/10</b>	<b>16/08</b>
Containerville, 455-459 Hackney Road, London E2 9DY (MA)	<b>15/10</b>	<b>19/08</b>
Make it Group, 5 Hancock Rd, London E3 3DA (MA)	<b>15/10</b>	<b>28/08</b>
Bier Café Ltd, 2 Gales Garden, London E2 0EJ (SN)	<b>29/10</b>	<b>29/08</b>
Old George, 379 Old Bethnal Green Road London E2 (KD)	<b>29/10</b>	<b>29/08</b>

The meeting ended at 8.30 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

# Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	10 September 2019	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a New Premises Licence for: 1A Westward Parade, Pepper Street, London E14 9DZ</b>
Originating Officer: <b>Lavine Miller-Johnson</b> <b>Licensing Officer</b>	Ward affected: <b>Blackwall &amp; Cubitt Town</b>

## 1.0 Summary

Applicant: **PJ BALTIMORE LTD**  
Name and

1.1 Address of Premises: **Papa John's 1A Westward Parade, Pepper Street, London E14 9DZ**

Licence sought: **Licensing Act 2003 –**  
• **The provision of late night refreshment**

Representations: **Environmental Health Officer, Metropolitan Police, Licensing Authority**

## Recommendations

1.2 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

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

Lavine Miller-Johnson  
020 7364 2665

## 2.0 **Background**

- 2.1 This is an application for a new premises licence for Papa John's 1A Westward Parade, Pepper Street, London E14 9DZ
- 2.2 The applicant has described the premises as follows:  
Pizza takeaway and delivery service.
- 2.3 A copy of the application is enclosed as **Appendix 1**.
- 2.4 The applicant has applied for the following licensable activities and timings:

### **Late night refreshment (Indoors and Outdoors)**

- Monday to Wednesday from 23:00 hours to 02:00 hours
- Thursday to Sunday 23:00 hours to 04:30 hours

### **Hours premises are open to the public:**

- Monday to Wednesday from 10:00 hours to 02:00 hours
- Thursday to Friday from 09:30 hours to 02:00 hours
- Saturday from 10:00 hours to 04:30 hours
- Sunday from 10:00 hours to 04:30 hours

### **Non-standard Timings**

New Year Eve and New Year's Day 11:00 hours to 04:30 hours

## 3.0 **Location and Nature of the premises**

- 3.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 3.2 The site plan of the venue is included as **Appendix 2**.
- 3.3 Maps showing the vicinity are included as **Appendix 3**.
- 3.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

## 4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2018.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.



4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2018.

4.4 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.

## 5.0 Representations

5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing

5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

5.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.

5.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Responsible Authority (RA):

<b>Responsible Authority / Other persons</b>	<b>Appendix</b>
Nicola Cadzow (EHO)	<b>6</b>
PC Mark Perry (Licensing Police)	<b>7</b>
Samantha Neale (Licensing Authority)	<b>8</b>

5.9 All of the responsible authorities have been consulted about this application. They are as follows:

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

5.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

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

5.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

5.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## 6.0 **Conditions consistent with Operating Schedule**

6.1 All staff are highly trained on the licensing objectives.

6.2 Notices displayed for customers to leave the premises quietly.

6.3 Staff will carry out regular litter patrols around the premises.

6.4 Up to date CCTV has been installed to monitor the safety of the public. Police and other responsible authorities will have full access to footage.

6.5 The manager on duty will be fully trained on dealing with issues related to children.

## 7.0 **Conditions Agreed/Requested by Responsible Authority**

7.1 N/A

## 8.0 **Licensing Officer Comments**

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

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

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

### 8.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all

parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) 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.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

- 8.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.5 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

8.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

8.9 In **Appendices 9-16** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 9.0 **Legal Comments**

9.1 The Council's legal officer will give advice at the hearing.

#### 10.0 **Finance Comments**

10.1 There are no financial implications in this report.

## 11.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Site Plan
- Appendix 3** Maps of the surrounding area
- Appendix 4** Other licensed venues in the area
- Appendix 5** Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations
- Appendix 6-8** Representations from EHO, Licensing Police & L.A
- Appendix 9** Licensing officer comments on noise while the premise is in use
- Appendix 10** Licensing officer comments on access/egress Problems
- Appendix 11** Licensing policy advice on public nuisance
- Appendix 12** Section 182 guidance public nuisance
- Appendix 13** Licensing Policy advice on crime & disorder
- Appendix 14** Section 182 guidance on crime & disorder
- Appendix 15** Planning
- Appendix 16** Licensing Policy relating to hours of trading

# Appendix 1

\* required information

**Section 1 of 21**

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes  No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Include country code.

**You must enter a valid telephone number**

Other telephone number

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

Are you:

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

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

**Applicant Business**

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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



*Continued from previous page...*

Legal status

Your position in the business

Home country

The country where the headquarters of your business is located.

**Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Section 2 of 21**

**PREMISES DETAILS**

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Further Details**

Telephone number

Non-domestic rateable value of premises (£)

28,250

### 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

PJ BALTIMORE LTD

#### Details

Continued from previous page...

Registered number (where applicable)

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

**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  /  /

\* Nationality

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

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off- supplies you must include a description of where the place will be and its proximity to the premises.

*Continued from previous page...*

PIZZA TAKEAWAY AND DELIVERY

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

Continued from previous page...

**Section 12 of 21**

**PROVISION OF PERFORMANCES OF DANCE**

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes  No

**Section 13 of 21**

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

[See guidance on regulated entertainment](#)

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

- Yes  No

**Section 14 of 21**

**LATE NIGHT REFRESHMENT**

Will you be providing late night refreshment?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

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

- Indoors       Outdoors       Both

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

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

N/A

State any seasonal variations

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

N/A

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

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

NEW YEARS EVE AND NEW YEARS DAY  
23:00 TO 04:30

## Section 15 of 21

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes       No

### 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)

*Continued from previous page...*

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.

N/A

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

*Continued from previous page...*

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 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.

NEW YEARS EVE AND NEW YEARS DAY  
11:00 TO 04:30

**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)

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

WE HAVE HIGHLY TRAINED STAFF TO UNDERSTAND THE 4 LICENSING OBJECTIVES.  
WE WILL PUT UP NOTICES FOR CUSTOMERS TO LEAVE OUR PREMISES QUIETLY.  
WE WILL SET UP REGULAR LITTER PATROLS AROUND THE STORE. WE WILL  
MONITOR CCTV TO ENSURE PUBLIC SAFETY, PLUS A DEDICATED STAFF HANDLER  
FOR CHILDREN.

b) The prevention of crime and disorder

WE HAVE INSTALLED A STATE OF THE ART CCTV SYSTEM TO RECORD AND  
MONITOR ACTIVITY, THE POLICE AND OTHER LAW ENFORCEMENT AGENCIES WILL  
HAVE FULL ACCESS. STAFF HAVE BEEN TRAINED TO TACKLE DISORDERLY  
CUSTOMERS.

c) Public safety

WE HAVE INSTALLED CCTV SYSTEMS THAT THE POLICE CAN USE. WE WILL ENSURE  
DISABLED CUSTOMERS ARE GIVEN HELP WHEN NEEDED OR REQUESTED. WE WILL  
NOT ENGAGE IN ANY ACTIVITY THAT WILL PUT PUBLIC SAFETY AT RISK.

d) The prevention of public nuisance

WE RESPECT OUR NEIGHBOURS AND THE GENERAL PUBLIC AND WILL KEEP THE  
LOCAL STREET CLEAN OF LITTER AND NOISE TO AN MINIMUM AND ALSO REQUEST  
CUSTOMERS TO DO THE SAME.



*Continued from previous page...*

e) The protection of children from harm

THE MANAGER ON DUTY WILL BE FULLY TRAINED ON DEALING WITH ISSUES  
RELATED TO CHILDREN.

**Section 19 of 21**

**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](http://www.voa.gov.uk/business_rates/index.htm)

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00\*

Band E - £125001 and over = 635.00\*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

\* Fee amount (£)

190.00

## DECLARATION

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

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

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

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

\* Full name

RAHEEL CHOUDHARY

\* Capacity

DIRECTOR

\* Date

04 / 06 / 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**

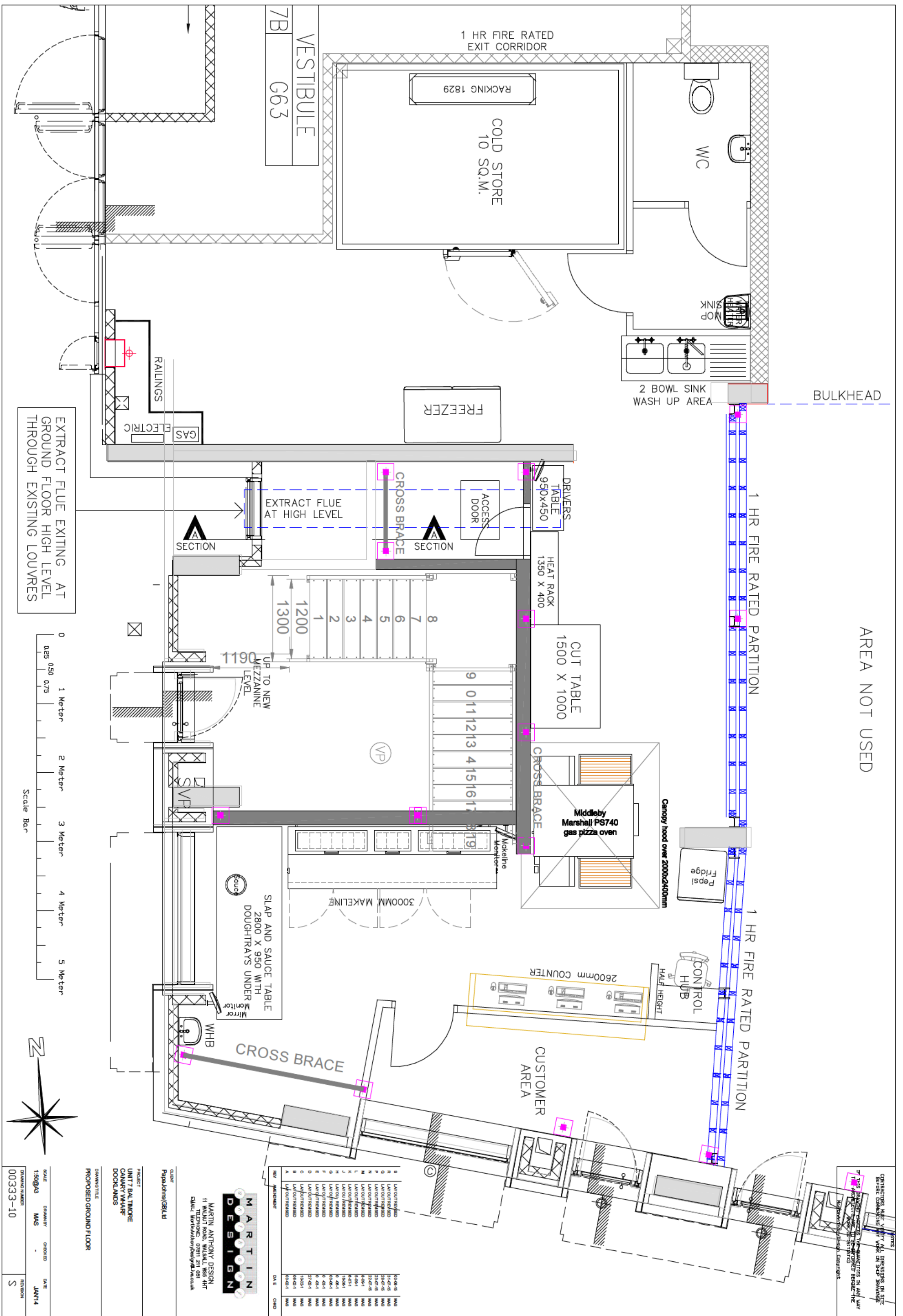
**OFFICE USE ONLY**

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Payment provider reference	<input type="text"/>
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Approval deadline	<input type="text"/>
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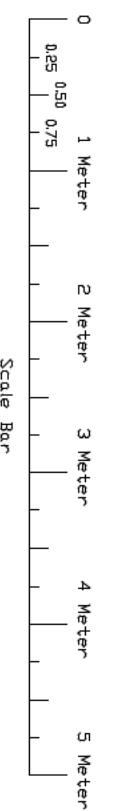


# Appendix 2



AREA NOT USED

EXTRACT FLUE EXITING AT GROUND FLOOR HIGH LEVEL THROUGH EXISTING LOUVRES



REV	REVISION	DATE	BY
A	As per design	10/06/15	MAS
B	As per design	11/07/15	MAS
C	As per design	23/07/15	MAS
D	As per design	23/07/15	MAS
E	As per design	23/07/15	MAS
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G	As per design	23/07/15	MAS
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K	As per design	23/07/15	MAS
L	As per design	23/07/15	MAS
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BJ	As per design	23/07/15	MAS
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CB	As per design	23/07/15	MAS
CC	As per design	23/07/15	MAS
CD	As per design	23/07/15	MAS

**MARTIN ANTHONY DESIGN**

MARTIN ANTHONY DESIGN  
11 WALWORTH ROAD, WALWORTH, LEA1 5PP  
EMAIL: martin@martinanthonydesign.co.uk

CLIENT: Papadimitriou/CBLLtd

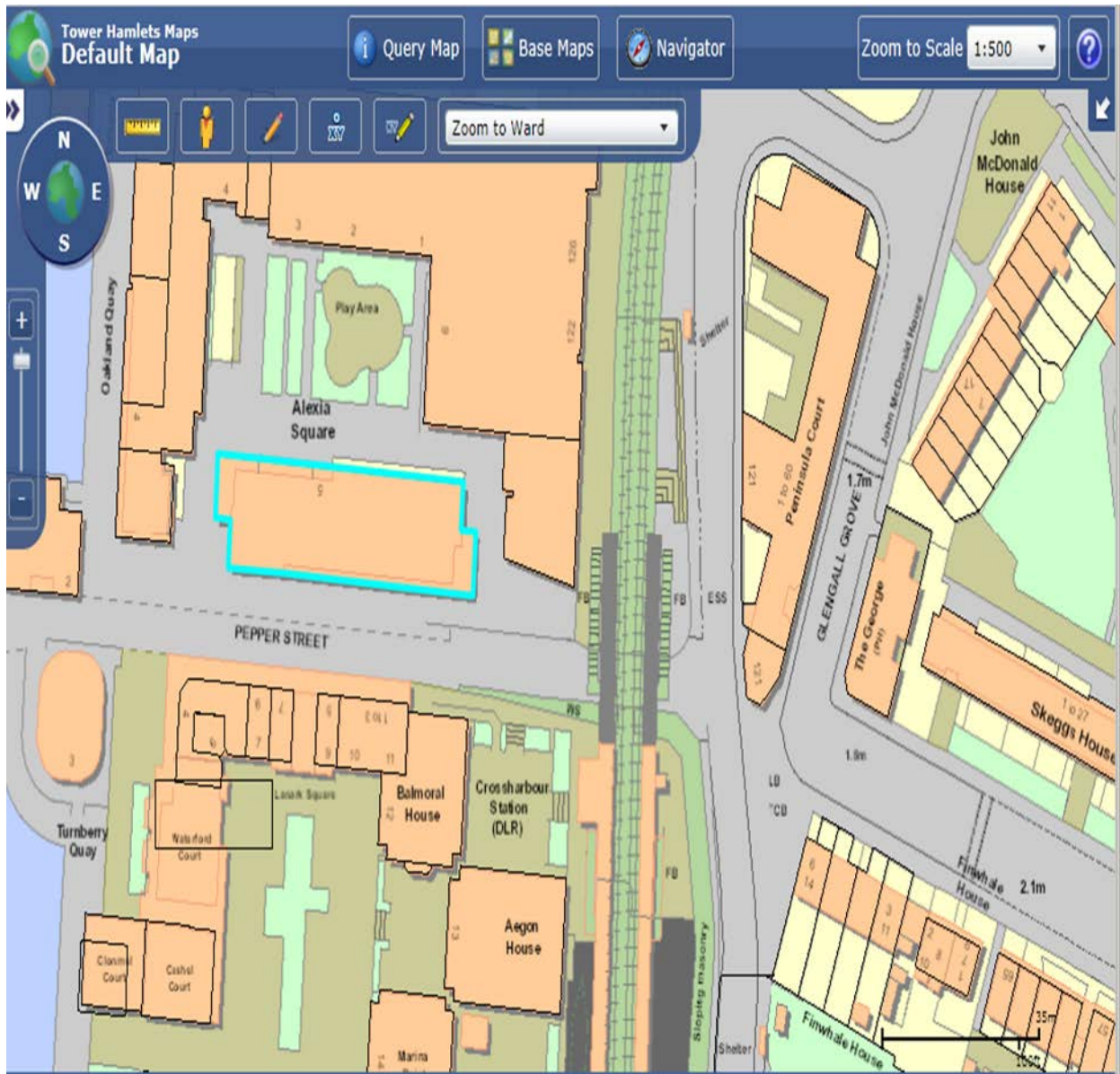
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DRAWING TITLE: PROPOSED GROUND FLOOR

SCALE: 1:50@A3  
DRAWN BY: MAS  
CHECKED BY: MAS  
DATE: JAN14  
SHEET NUMBER: 00333-10  
REGION: S

# Appendix 3

Map of surrounding area of Pepper Street



# Appendix 4

## Other licensed venues in the area

Premises Name & Address	Licensing Activity	Opening Times
<p>(Firezza) Unit 6B Baltimore Wharf Pepper Street London E14 9RH</p>	<p><u>Regulated entertainment.</u> Recorded music only. Monday to Sunday 12:00 noon – midnight.</p> <p><u>Late night refreshment.</u> Monday to Sunday 12:00 noon – midnight.</p> <p><u>Sale of alcohol by retail.</u> Monday to Sunday 12:00 noon – midnight</p> <p><b>On and off sales</b></p>	<p>Monday to Sunday 12:00 noon – midnight</p>
<p>(Oki-Doki Nails Limited) Unit 3 Westward Parade Pepper Street London E14 9DZ</p>	<p><u>The Supply of Alcohol (on sales only)</u> Monday to Saturday from 10:00hrs to 19:00hrs Sunday from 12:00hrs (midday) to 17:00hrs</p> <p><b>On sales only</b></p>	<p>Monday to Saturday from 10:00hrs to 19:00hrs</p> <p>Sunday from 12:00hrs (midday) to 17:00hrs</p>
<p>(Tesco Baltimore IOD Express) Westward Parade Pepper Street Isle of Dogs London E14 9RB</p>	<p><u>Sale by retail of alcohol</u> Monday to Sunday, from 06:00 hours to 00:00 hours (midnight)</p> <p><b>Off sales only</b></p>	<p>Monday to Sunday, from 06:00 hours to 00:00 hours (midnight)</p>
<p>(Pepper Saint Ontiod) 21 Pepper Street Crossharbour London E14 9RP</p>	<p><u>The sale by retail of alcohol:</u> Monday, Tuesday and Wednesday from 10:00 hours to midnight Thursday and Friday from 10:00 hours to 01:00 hours the following day Saturday from 08:00 hours to 01:00 hours the following day Sunday from 12:00 hours to midnight</p>	<p>Monday, Tuesday and Wednesday from 10:00 hours to 00:30 hours the following day</p> <p>Thursday and Friday from 10:00 hours to 01:30 hours the following day</p> <p>Saturday from 08:00 hours to 01:30 hours the following day</p>

	<p><u>Regulated Entertainment Recorded Music:</u> Monday, Tuesday and Wednesday from 10:00 hours to 00:30 hours the following day Thursday and Friday from 10:00 hours to 01:30 hours the following day Saturday from 08:00 hours to 01:30 hours the following day Sunday from 12:00 hours to 00:30 hours the following day</p> <p><u>Live Music, Indoor Sporting events, provision of facilities for dancing, provision of facilities for entertainment to include Karaoke:</u> Monday, Tuesday and Wednesday from 10:00 hours to midnight Thursday and Friday from 10:00 hours to 01:00 hours the following day Saturday from 08:00 hours to 01:00 hours the following day Sunday from 12:00 hours to midnight</p> <p><u>Late Night Refreshment:</u> Monday, Tuesday and Wednesday from 23:00 hours to midnight Thursday and Friday from 23:00 hours to 01:00 hours the following day Saturday from 23:00 hours to 01:00 hours the following day Sunday from 23:00 hours to midnight</p> <p>In addition to the above: A further additional hour until 01:00 hours when the following fall on a Sunday</p>	<p>Sunday from 12:00 hours to 00:30 hours the following day</p> <p>A further additional hour until 01:30 hours when the following fall on a Sunday through to a Wednesday:- Christmas Eve, Boxing Day, St Georges Day, Waitangi Day(6 February), Australia Day (26 January), Anzac Day (25 April), Australian Football League Finals, the Melbourne Cup, Tri-Nations and London Marathon.</p> <p>In addition no more than 12 occasions per annum giving the police 7 days' notice of application and requiring their approval in advance of the event taking place, to remain open until 02:30 hours.</p> <p>Note: New Year's 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 Year's Eve and 11am on New Year's Day.</p>
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	<p>through to a Wednesday:- Christmas Eve, Boxing Day, St Georges Day, Waitangi Day(6 February), Australia Day (26 January), Anzac Day (25 April), Australian Football League Finals, the Melbourne Cup, Tri-Nations and London Marathon.</p> <p>Also, no more than 12 occasions per annum giving the police 7 days notice of application and requiring their approval in advance of the event taking place, special events until 02:00 hours.</p> <p>Note: 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><b>On and off sales</b></p>	
(Maitre D's Patisserie) 27/29 Pepper Street London E14 9RP	<p>The sale by retail of alcohol Provision of Regulated Entertainment (recorded music only) Monday to Saturday 11 00 hrs to 23 00 hrs Sunday 12 noon to 22 30 hrs</p> <p><b>On and off sales</b></p>	Monday to Saturday 11 00 hrs to midnight Sunday 12 noon to 23 30 hrs
(Hot News) 25 Pepper Street London E14 7AE	<p>The sale by retail of alcohol</p> <p>Monday - Sunday from 08:00 hours to 21:00 hours</p> <p><b>Off sales only</b></p>	There are no restrictions on the opening times of the premises



<p>(Asda)  151 East Ferry Road  London  E14 3BT</p>	<p><b>The sale by retail of alcohol:</b>  Monday to Sunday 24 hours a day</p> <p><b>Late Night Refreshment:</b>  Monday to Sunday until 05:00 hours the following day  An additional hour to the standard and non standard times on the day when British summer time begins</p> <p><b>Off sales only</b></p>	<p>Monday to Sunday 24 hours a day</p>
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# 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

## Lavine Miller-Johnson

---

**From:** Nicola Cadzow  
**Sent:** 12 June 2019 12:35  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** MAU REPRESENTATION 118679 New premises application for Papa John's Pizza Unit 2, Westward Parade", Pepper Street, London

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing,

Having considered the new premise licence application for Papa John's Pizza Unit 2, Westward Parade", Pepper Street, London and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours,

It must be noted that the Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant is proposing the hours as follows:

- **Monday to Wednesday until 02:00 hours (two and a half hours later than framework hours)**
- **Thursday until 04:30 hours (five hours later than framework hours)**
- **Friday and Saturday until 04:30 hours (four and a half hours later than framework hours).**

The applicant has also not provided sufficient information in the operating schedule to show how they are going to promote the four licensing objectives, and in particularly the prevention of public nuisance and the prevention of crime and disorder.

**Noise Sensitive premises:** residential apartments in close proximity on Pepper Street

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 Papa John's Pizza Unit 2, Westward Parade, Pepper Street, London as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

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

# Appendix 7



Tom Lewis  
Head of Licensing  
Tower Hamlets Council

**HT - Tower Hamlets Borough**

Licensing Office  
Bethnal Green Police Station  
12 Victoria Park Square  
E2 9NZ

Telephone: [REDACTED]

[REDACTED]  
[www.met.police.uk](http://www.met.police.uk)

27th June 2019

Dear Sir,

Tower Hamlets Police formally object to the application to vary a premises License for Papa Johns Pizza, 1A Westward Parade, Pepper Street. This objection is on the grounds of preventing Public Nuisance, and prevention of Crime and Disorder.

The applicant is asking for very late hours, until 4:30 am most nights. The vast majority of customers who attend the venue at the early hours of the morning will most likely be those who have attended other licensed premises and consumed alcohol, and therefore more likely to be intoxicated. With customers who are intoxicated there is greater risk of crime and disorder taking place to impaired decision making and increased aggressive behaviour.

The area has a large number of residential properties, who's residents we believe will suffer from the noise coming from customers of Papa Johns as they arrive, wait for their pizza's which can take 10 to 15 minutes, and when they leave. This disturbance will be exacerbated if these customers are drunk, as their voices will be raised, and behaviour more likely to be anti-social.

The premises is currently licensed until 1am on Friday and Saturday, a jump to 4:30 am is excessive. We suggest that the hours are increased to 2:00am Thursday, Friday and Saturday and remain the same for the rest of the week.

We are also concerned that the current license has specific conditions on CCTV and the keeping of an incident book which have not been transferred to the new application. We would ask that these conditions are added to the new license should it be granted.

Tower Hamlets Police objects to this application and requests for it to be refused.

PC Mark Perry  
Police Licensing  
Bethnal Green Police Station  
12 Victoria Park Square  
E2 9NZ



# Appendix 8

## Lavine Miller-Johnson

---

**From:** Samantha Neale  
**Sent:** 01 July 2019 16:30  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** New Premises - Ref. M/118679 Papa John's Pizza, Unit 2 Westward Parade, Pepper Street, London, E14 9DZ

Dear Raheel Choudhury of PJ Baltimore Ltd.

### Licensing Act 2003

**Ref: M/118679 Papa John's Pizza, Unit 2 Westward Parade, Pepper Street, London, E14 9DZ**

I am a Licensing Officer acting on behalf of the Licensing Authority as a responsible authority and have been served your application to be consulted on. I have reviewed and considered this application and I do not support the application as it stands as feel that it will have an adverse impact on the licensing objectives.

The premises currently holds a licence , whereby late night refreshment is permitted for the following timings:

#### **The provision of late night refreshment**

- Sunday to Thursday, from 23:00 hours to 01:00 hours the following day (delivery only from 00:00 hours)
- Friday and Saturday, from 23:00 hours to 02:00 hours the following day (delivery only from 01:00 hours)

Non standard timings: New Year's Eve, from 23:00 hours to 04:00 hours on New Year's Day

The current application seeks for the following:

- Monday to Wednesday, from 23:00 hours until 02:00 hours the day following
- Thursday to Sunday, from 23:00 hours to 04:30 hours the day following.

Non standard timings: New Year's Eve and New Year's, 23:00 hours to 04:30 hours on the day following.

The applicant has sought a two and a half hour extension for Friday and Saturday, a one hour extension for Monday to Wednesday and Thursday and Sunday will be extended by three and a half hours. As per the application, the licensing authority does not believe that the applicant has provided substantive measures to uphold the licensing objectives in order to benefit for the grant of such a hefty extension of permitted licensable activities. The applied timings fall largely outside of Tower Hamlets' frame work hours policy. I must note that there has also been no inclusion of limiting the hours for delivery within the application which is included on the current licence.

The current licence includes the following conditions, of which none have been included as a measure to uphold the licensing objectives for this application:

1. A CCTV camera system covering both internal and external to the premise shall be installed.
2. The CCTV recordings shall 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 shall be maintained and fully operational throughout the hours that the premises are open for any licensable activity.
3. At all times 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 them immediately on request by a police officer or other responsible authority.
4. An Incident Book shall be kept and maintained, this will document all refusals of people entering the premises, refusals of the sale of alcohol, any incidents of crime and disorder, as well as all other incidents of note. This book shall be updated regularly and made available to Police or any responsible authority upon request.
5. Signs shall be prominently displayed both inside and in the outside asking customers to respect local residents and to be quiet when leaving the premises.

Having looked back at our records, I can see that a complaint was made to the licensing authority on 14<sup>th</sup> February 2019, regarding public nuisance and ASB caused by delivery mopeds driving recklessly around the area and causing noise nuisance. I feel that these issues will be exacerbated and the licensing authority will receive further complaints if the licence were to be granted to such later permitted hours establishing that the premises does not successfully uphold the four licensing objectives.

On behalf of the licensing authority, I propose the following amendments:

**Licensable hours for the provision of late night refreshment:**

Sunday to Wednesday, from 23:00 hours until 01:00 hours the following day

(No sales to take place on the premises to persons, instead only deliveries permitted from 00:00 hours until 01:00 hours)

Thursday to Saturday, from 23:00 hours to 02:00 hours on the following day

(No sales to take place on the premises to persons, instead only deliveries permitted from 01:00 hours until 02:00 hours)

(This has allowed an extension of one hour later for late night refreshment on Thursdays.)

Opening times:

Sunday to Wednesday, from 10:00 hours until 00:00 hours

(No sales to take place on the premises to persons, instead only deliveries permitted from 00:00 hours until 01:00 hours)

Thursday to Saturday, from 09:30 hours to 01:00 hours on the following day

(No sales to take place on the premises to persons, instead only deliveries permitted from 01:00 hours until 02:00 hours)

I also propose the following conditions:

1. A CCTV camera system covering both internal and external to the premise shall be installed.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
4. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching equipment or scanning equipment;
  - g) any visit by a relevant authority or emergency service.
5. Signs shall be prominently displayed both inside and in the outside asking customers to respect local residents and to be quiet when leaving the premises.
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.
7. There shall be no idling of delivery vehicles outside of the premises.
8. Staff shall be instructed to respect the needs of local residents and leave the premises quietly when they arrive and leave after 23:00 hours.

I have copied in the licensing officer who is processing this application for her attention. Please will you respond with your comments whether you wish to accept these amendments. If you do accept my amendments, I will withdraw my representation subject to those amendments being imposed on the granted licence.

Kind Regards,

**Samantha Neale - Licensing Officer**

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

 :020 7364 3873/5008 

 :[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)



# Appendix 9

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

#### Guidance Issued under Section 182 of the Licensing Act 2003

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

#### Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 10



## **Anti-Social Behaviour 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 11

## Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

# Appendix 12

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

Updated April 2018

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.



# Appendix 13

## Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.

7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## **Smuggled goods**

7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
  - i. Seller's name and address
  - ii. Seller's company details, if applicable
  - iii. Seller's VAT details, if applicable
  - iv. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

## **Olympic Park – Football Ground**

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
  - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
  - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

# Appendix 14

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

Updated April 2018

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. 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.



# Appendix 15

## **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 16

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub Committee</b>	10 September 2019	<b>Unclassified</b>		

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003 Application for a Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS</b>  Ward affected: <b>Canary Wharf</b>
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## 1.0 Summary

Applicant: **Xian Ran Zhao**  
Name and **Mailinda**  
Address of Premises: **62 Mellish Street**  
**London E14 8NS**

Licence sought: **Licensing Act 2003**  
**The Sale of Alcohol**

Objectors: **Local Residents**  
**Fire Brigade**

## 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 new premises licence for Mailinda, 62 Mellish Street, London E14 8NS.

3.2 A licence exists for the ground floor, however a new application has been made as the applicant wishes to increase the area from ground floor to include ground and first floor.

A transfer and variation of Designated Premises Supervisor was applied on 26<sup>th</sup> March 2018 to Mr. Xinran Zhao. A copy of the existing licence is enclosed as **Appendix 1**.

An application for new premises licence for the ground floor and first floor was made on 22<sup>nd</sup> June 2018, this included holding karaoke on the first floor. The application received objections from local residents of which a hearing took place and was refused on 25<sup>th</sup> September 2018. An appeal against this decision was lodged but later withdrawn.

3.3 A copy of the application is enclosed as **Appendix 2**.

3.4 The hours have been amended since making the application through agreement with Environmental health the hours being applied for are as follows:-

#### **Sale of alcohol**

Monday to Sunday from 12:00 hours to 23:00 hours

From the start of New Years Eve until the terminal New Years Day

#### **Hours premises is open to the public:**

Monday to Saturday from 12:00 hours to 23:00 hours

From the start of New Years Eve until the terminal New Years Day

No regulated entertainment has been applied, Members should take into account deregulation of live and recorded music when a premises is granted the sale of alcohol for consumption on the premises, see point 9 and 9.1 of the report. The applicant's solicitors have confirmed their position in regards to Regulated Entertainment. See **Appendix 3**

### 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 4**.

4.3 Maps showing the vicinity are included as **Appendix 5**.

4.4 There are no licensed premises in the immediate vicinity of the premises.

## 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 1<sup>st</sup> November 2013.
- 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](http://www.homeoffice.gov.uk). It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to

have met the requirements of the Licensing Act 2003.

- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents. **Appendix 10** includes a petition signed by residents, some of which are excluded as not all addresses were provided

	<b>Appendix</b>
London Fire Brigade	<b>7</b>
Francis McKevitt	<b>8</b>
Mohammed Abdul Malik	<b>9</b>
Petition of local residents	<b>10</b>

- 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
- Anti social behaviour from patrons leaving the premises
  - Disturbance from patrons leaving the premises on foot
  - Disturbance from patrons leaving the premises by car
  - Close proximity to residential properties
  - Close to residential home for the elderly
- 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 An incident log shall be kept at the premises and made available on request to the police or an authorised officer which will record:

- (a) Any allegations of crime and disorder reported at the venue
- (b) Any and all complaints received by any party;
- (c) Any fault in the CCTV System
- (d) Any visit by a relevant Authority or emergency service
- (e) Any ejection of patrons;
- (f) any and/or seizures of drugs or offensive weapons
- (g) Any refusal of the sale of alcohol

7.2 CCTV Shall be installed, operated and maintained to function at all times that the premises is open for licensable activities. CCTV will comply with the following:

- (a) The licensee will ensure that the system is checked every 2 weeks to ensure that the system is working properly and the date and time is correct;
- (b) A Record of these checks showing the date and name of person checking, will be kept and made available to the police or other authorised officer on request;
- (c) The Police will be informed if the system will not be operating for longer than 1 day of business for any reason;
- (d) one camera will show a close up of the entrance to the premises to capture a clear full length view of anyone entering
- (e) The system shall provide full coverage of the interior of the premises both on the ground floor and the first floor premises. They will also provide coverage of any exterior part of the premises accessible to the public;
- (f) The system will record in real time and recordings will be date and time stamped
- (g) At all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow the Police or any authorised Council officer to view footage on request;
- (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the Police or any other authorised officers (subject to data Protection Act 1998) within 24 hours of any requests.

7.3 Refuse such as bottles shall be placed in receptacles outside the premises at times that will minimise the disturbance to nearby residents.

- 7.4 Notices will be placed at the entrance to the premises requesting customers to respect local residents and leave quietly.
- 7.5 Noise or vibration shall not emanate from the premises so as to cause any nuisance to nearby properties.
- 7.6 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 7.7 A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

## 8.0 Licensing Officer Comments

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

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

- 8.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken."

Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
  - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
  - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
  - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
  - ❖ Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 8.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 8.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

- 8.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 8.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 8.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 8.9 In **Appendices 11-14** 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.

#### 9.0 **Legal Comments**

- 9.1 The Council's legal officer will give advice at the hearing.

#### 10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

## 11.0 Appendices

<b>Appendix 1</b>	A copy the existing licence
<b>Appendix 2</b>	A copy of a new premises application
<b>Appendix 3</b>	Agent confirmation of no Regulated Entertainment
<b>Appendix 4</b>	Site Plan
<b>Appendix 5</b>	Maps of the surrounding area
<b>Appendix 6</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 7</b>	Representations of Fire Brigade
<b>Appendix 8</b>	Representation of Mr. McKevitt
<b>Appendix 9</b>	Representation of Mr. Malik
<b>Appendix 10</b>	Local Resident Petition
<b>Appendix 11</b>	Licensing officer comments on anti-social behaviour patrons leaving the premises
<b>Appendix 12</b>	Licensing officer comments on Access and egress problems
<b>Appendix 13</b>	Planning
<b>Appendix 14</b>	Licensing Policy relating to hours of trading.

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# Appendix 1

**(Mailinda)**  
62 Mellish Street  
London  
E14 8NS

**Licensable Activities authorised by the licence**

The sale by retail of alcohol

**See the attached licence for the licence conditions**

**Signed by**

**David Tolley**   
**Head of Environmental Health & Trading Standards**

**Date: 6<sup>th</sup> July 2012**





LICENSING ACT 2003

## Part A - Format of premises licence

Premises licence number

26849

### Part 1 - Premises details

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

(Mailinda)

62 Mellish street

**Post town**

London

**Post code**

E14 8NS

**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 times the licence authorises the carrying out of licensable activities**

**The sale by retail of alcohol:**

Monday to Sunday 12:00 hours to 23:00 hours

**The opening hours of the premises**

Monday to Sunday 12:00 hours to 23:00 hours

**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**

Mr Xinran Zhao

[REDACTED]

[REDACTED]

[REDACTED]

Tel: [REDACTED]

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

Not applicable

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

Mr Xinran Zhao

[REDACTED]

[REDACTED]

[REDACTED]

Tel: [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: Darford

Personal Licence Number: DH/PER/1450/2018

## Annex 1 - Mandatory conditions

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

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

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

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

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
  
3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price

- (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
  - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
- (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
- (i) the holder of the premises licence
  - (ii) the designated premises supervisor (if any) in respect of such a licence, or
  - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
- (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
- (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

## **Annex 2 - Conditions consistent with the operating Schedule**

1. No nudity or semi nudity permitted.
2. A CCTV camera system is to be installed.
3. 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 be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

4. At all times 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 them immediately on request by a Police officer or other responsible authority.
5. Use of Challenge 25 trading initiative and acceptance of accredited proof of age cards bearing the PASS logo, an EU photocard, full photocard driving licence or a passport bearing the photograph and date of birth of bearer.
6. Delivery sales will also require proof of age identification at the point of delivery and alcohol shall only be delivered to a residential or business address where the customer is clearly a resident inside the building. No alcohol will be delivered to a person in a public place.
7. Alcohol will only be sold to and consumed by persons ancillary to a meal being consumed at a table.
8. Alcohol will only be supplied with a takeaway food order and will not be served or supplied to a customer waiting for a meal to be prepared.
9. A refusals book must be kept on the premises and must record date, time and circumstances surrounding an attempted purchase by an under age customer and to be provided upon request to either a Police officer or an officer of any other responsible Authority.

### **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:

10<sup>th</sup> May2012/3540Mailinda.dgn



**Part B - Premises licence summary**

**Premises licence number**

26849

**Premises details**

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

(Mailinda)  
62 Mellish Street

**Post town**

London

**Post code**

E14 8NS

**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 times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:  
Monday to Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday 12:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Xinran Zhao  
41 Phoenix Place  
Dartford  
DA1 2XF

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

On and off sales

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

Not applicable

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

Mr Xinran Zhao

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

No restrictions

# Appendix 2

**Application for a premises licence to be granted  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We **XIN RAN ZHAO**

*(Insert name(s) of applicant)*

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

**Part 1 – Premises details**

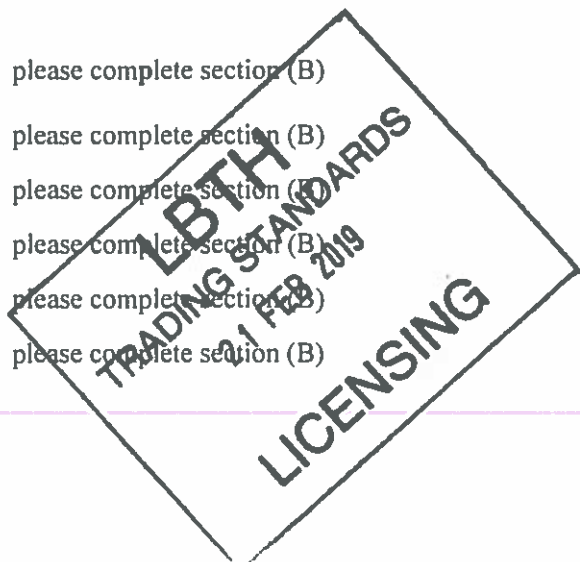
Postal address of premises or, if none, ordnance survey map reference or description <b>“MAILINDA” 62 MELLISH STREET LONDON E14 8NS</b>			
Post town	LONDON	Postcode	E14 8NS

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£13,000

**Part 2 - Applicant details**

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

- a) an individual or individuals \*       please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership       please complete section (B)
  - ii as a partnership (other than limited liability)       please complete section (B)
  - iii as an unincorporated association or       please complete section (B)
  - iv other (for example a statutory corporation)       please complete section (B)
- c) a recognised club       please complete section (B)
- d) a charity       please complete section (B)



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

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b> ZHAO			<b>First names</b> XINRAN		
<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
<b>Nationality</b> CHINESE					
<b>Current residential address if different from premises address</b>		[REDACTED]			
<b>Post town</b>	[REDACTED]			<b>Postcode</b>	[REDACTED]
<b>Daytime contact telephone number</b>					
<b>E-mail address (optional)</b>					

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
<b>Surname</b>			<b>First names</b>		

<b>Date of birth</b>		I am 18 years old or over <input type="checkbox"/> Please tick yes	
<b>Nationality</b>			
Current residential address if different from premises address			
Post town		Postcode	
<b>Daytime contact telephone number</b>			
<b>E-mail address (optional)</b>			

**(B) OTHER APPLICANTS**

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	N/A		
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	N/A		<b><u>Please give further details here</u></b> (please read guidance note 4)		
Tue					
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the performance of live music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon	N/A				
Tue					
Wed			<b><u>State any seasonal variations for the performance of live music</u></b> (please read guidance note 5)		
Thur					
Fri			<b><u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sat					
Sun					



F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	N/A		Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for <u>the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

**G**

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	N/A		<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

# H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	N/A			Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

**I**

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	N/A		<b>Please give further details here</b> (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed				<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 5)	
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption</b> - please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)  FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY		
Mon	12.00	23.00			
Tue	12.00	23.00			
Wed	12.00	23.00			
Thur	12.00	23.00			
Fri	12.00	23.00			
Sat	12.00	23.00			
Sun	12.00	23.00			
			<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		

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

Name XINRAN ZHAO	
Date of birth 27/02/1991	
Address  41 PHOENIX PARK DARTFORD KENT	
Postcode	DA1 zXF
Personal licence number (if known) DH/PER/1450/2018	
Issuing licensing authority (if known) DARTFORD	



K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)	
Day	Start	Finish		
Mon	12.00	23.00	FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY	
Tue	12.00	23.00		
Wed	12.00	23.00		
Thur	12.00	23.00		<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 6)
Fri	12.00	23.00		
Sat	12.00	23.00		
Sun	12.00	23.00		

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

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

PLEASE SEE ATTACHED

**b) The prevention of crime and disorder**

PLEASE SEE ATTACHED

**c) Public safety**

PLEASE SEE ATTACHED

**d) The prevention of public nuisance**

PLEASE SEE ATTACHED

**e) The protection of children from harm**

**M - Describe the step you intend to take to promote the full licensing objectives**

**A) General – all four licensing objectives**

The Applicant will ensure full compliance with all general licensing requirements, and existing Health & Safety and Fire Safety requirements.

The Applicant refers to the specific steps which are set out below at items B, C, D & E in relation to the general licensing objectives.

**B) The prevention of crime and disorder**

1) In the event that crime or serious disorder is, or appears to have been, committed on the premises, the manager will immediately ensure that:-

a) The Police, and where appropriate, the London Ambulance Service, are called immediately.

b) As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspect pending the arrival of the police.

c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.

d) Any and all appropriate measures, are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

2) An incident log shall be kept at the premises and made available on request to the police or an authorised officer, which will record

a) Any and all allegations of crime or disorder reported at the venue;

b) Any and all complaints received by any party;

c) Any fault in the CCTV system;

d) Any visit by a relevant authority or emergency service;

e) Any ejections of patrons;

f) Any and/or seizures of drugs or offensive weapons;

g) Any refusal of the sale of alcohol.

3) CCTV shall be installed, operated and maintained, to function at all times that the premises is open for licensable activities. The said CCTV will comply with the following criteria :-

a) The Licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct;

b) A Record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;



- c) The police will be informed if the system will not be operating for longer than 1 day of business for any reason;
- d) One camera will show a close up of the entrance to the premises to capture a clear, full length in each of anyone entering;
- e) The system will provide full coverage of the interior of the premises both on the ground floor and the first floor premises. They will also provide coverage of any exterior part of the premises accessible to the public;
- f) The system will record in real time and recordings will be date and time stamped
- g) At all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow the police or any authorised council officer to view footage on request;
- h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or any other authorised officers on request (subject to the Data Protection Act 1998) within 24 hours of any requests.

#### C) Public Safety

The Applicant repeats the steps set out at B above, and D and E below.

#### D) The Prevention of Public Nuisance

- 1) Refuse such as bottles shall be placed in receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- 2) The Applicant will post Notices at the entrance to the premises requesting customers to respect local residents and leave quietly in the evening.
- 3) The sound insulation properties of the premises must be maintained and kept in good order.
- 4) Noise or vibration shall not emanate from the premises so as to cause any nuisance to nearby properties

#### E) The protection of children from harm

- 1) The Licensee shall adopt a "Challenge 25" to prevent the sale of alcohol to children, including proxy sales when adults buy alcohol for children. the Retail of Alcohol Standards Groups advice for Off Licences promoted through the prominent display of posters.
- 2) The Licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, steps are taken to require an accredited proof of age, incl proof of age cards carrying "pass" logo (and no others), passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

---

3) That there be Age Restricted Products Training to members of staff to cover the following steps - the assessment of age, how one challenges to require proof of age, acceptable proofs of age, how one checks it and the recording of refusals.

PLEASE SEE ATTACHED

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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

**Part 4 – Signatures** (please read guidance note 11)

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

<b>Declaration</b>	<ul style="list-style-type: none"> <li>[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).</li> <li>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)</li> </ul>
Signature	[REDACTED]
Date	15/02/2019
Capacity	SOLICITOR FOR APPLICANT

For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	SOLICITOR FOR APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
MR SPARROW SPARROW AND TRIEU SOLICITORS 76 SHAFTESBURY LONDON			
Post town	LONDON	Postcode	W1D 6ND
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
[REDACTED]			

#### Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:

# Appendix 3

SOLICITORS  
COMMISSIONERS FOR OATHS

Your Ref:

Our Ref:

Date:

DS/f/Zhao/8116

21st May 2019

**FAO: Nicola Cadzow**  
**Environmental Health & Trading Standards**

John Onslow House

1 Ewart Place

London

E3 5EQ

**By email: Nicola.Cadzow@towerhamlets.gov.uk**

Dear Sirs,

**RE: Your Ref: M/114576 - Application for a New Premises Licence –**  
**Property: Mailinda, 62 Mellish Street, London E14 8NS**

We refer to our telephone conversation of today and are pleased to confirm that the application is simply in effect to extend the existing licence terms to the new First Floor of the premises. The existing Licence No: 26849 provide as the only licensable activity the sale of alcohol between 12:00 noon to 23:00hrs Monday to Sunday. It is proposed that the same terms should apply to the new licence if approved.

Although the previous application did include proposal for use of the Upper Floor for karaoke, this is no longer intended, and the First Floor will be used simply to provide additional dinning facilities.

Please let us know if you need any further information.

Yours sincerely

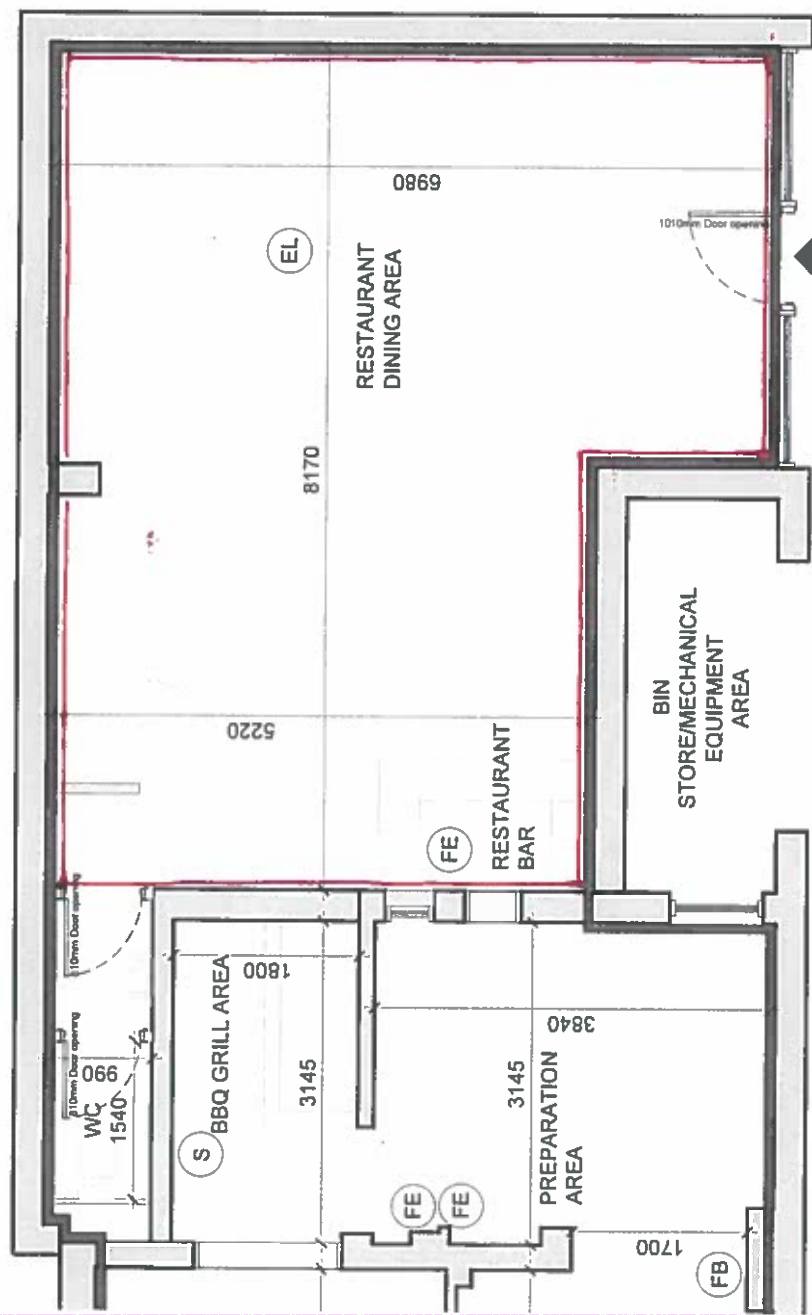
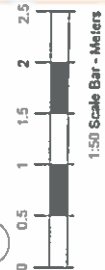
**DAVID SPARROW**

# Appendix 4

**Warning:**  
 Do not scale from this drawing.  
 This drawing is to be used in conjunction with all relevant design team documents.  
 All dimensions shall be indicated on this plan by appropriate dimension lines.  
 All dimensions shall be taken from the internal face of walls unless otherwise indicated.  
 All dimensions shall be taken from the internal face of walls unless otherwise indicated.  
 All dimensions shall be taken from the internal face of walls unless otherwise indicated.

**LEGEND**

- Survey Area
- (S) Smoke Detector
- (EL) Emergency Light
- (FE) Fire Extinguisher
- (FB) Fire Blanket

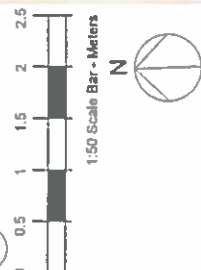


A	SETLINE	Final Issue	03
REV	DATE	DESCRIPTION	BY/CHKD
<b>62 MELLISH STREET</b>			
LICENCE APPLICATION			
62 MELLISH STREET ISLE OF DOGS, LONDON E14 6NS			
Measured Survey			
Existing Ground Floor Plan - 2 of 2			
DATE	15/01/18	SCALE	A3
NO.	001	DOF	A
BY	BG	PLANNING	

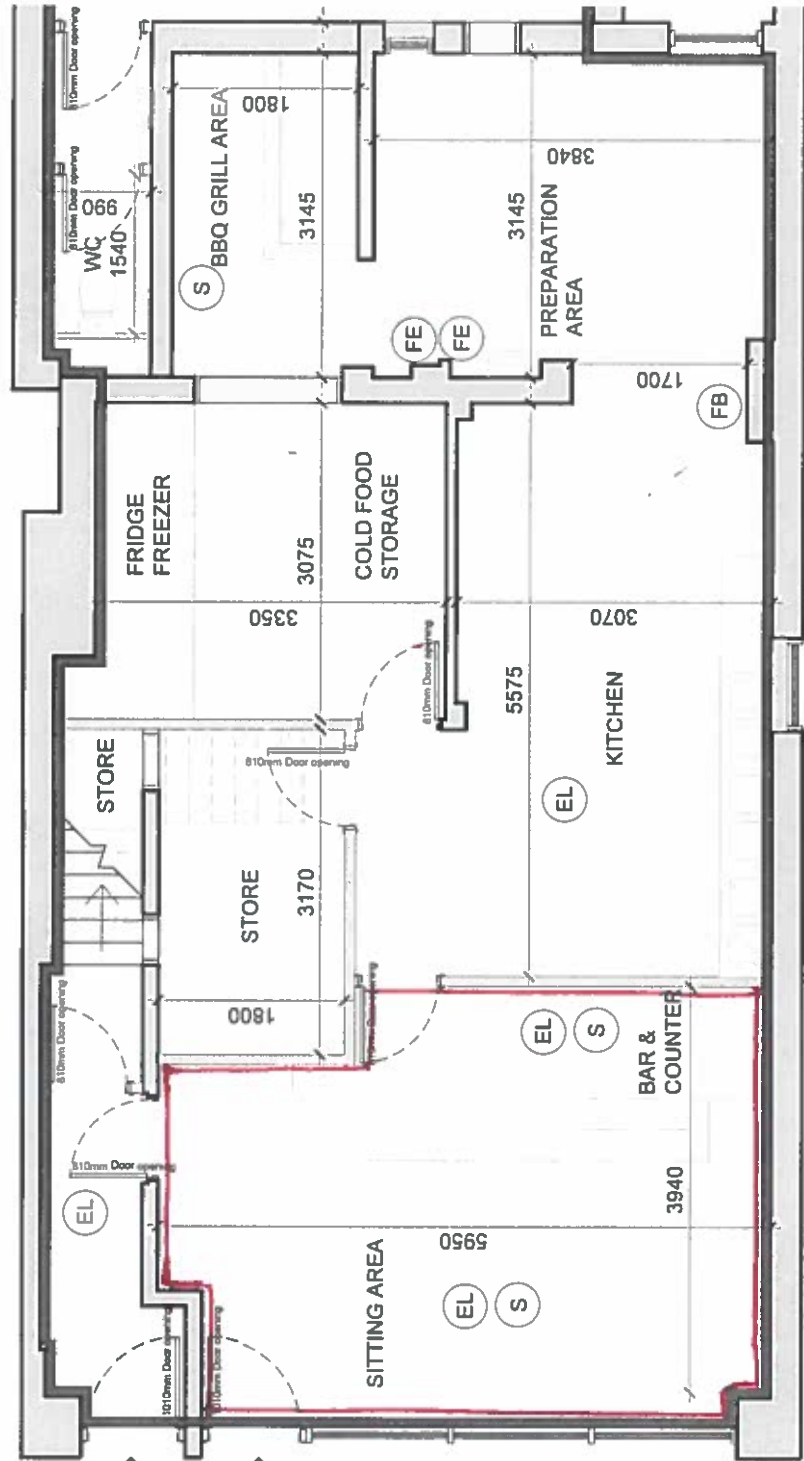


**General Note:**  
 Draw and details from this drawing  
 are to be used for construction only. All relevant design data  
 for the construction of the building is to be taken from the  
 relevant drawings. All dimensions are to be checked on site prior to commencement of  
 construction. All materials and components are to be specified, approved,  
 available and finished in accordance with the manufacturer's  
 recommendations.

- LEGEND**
- Survey Area
  - S Smoke Detector
  - EL Emergency Light
  - FE Fire Extinguisher
  - FB Fire Blanket



NO	DESCRIPTION
62	MELLISH STREET
LICENCE APPLICATION	
62 MELLISH STREET ISLE OF DOGS, LONDON E14 6NS	
Measured Survey	
Existing Ground Floor Plan - 1 of 2	
NO1	DATE
001	15/01/19
NO2	BY
6G	PLANNING




FIRE EXIT DOOR  
 KTV & TAKE AWAY ENTRANCE

**General Notes**  
 1. This drawing is to be used in conjunction with all relevant design documents.  
 2. All dimensions are to be checked on site prior to commencement of work.  
 3. All work is to be carried out in accordance with the relevant standards and codes of practice.  
 4. All materials and components are to be installed, stored, protected and handled strictly in accordance with the manufacturer's instructions.

**LEGEND**

- Survey Area
- S Smoke Detector
- EL Emergency Light
- FE Fire Extinguisher
- FB Fire Blanket

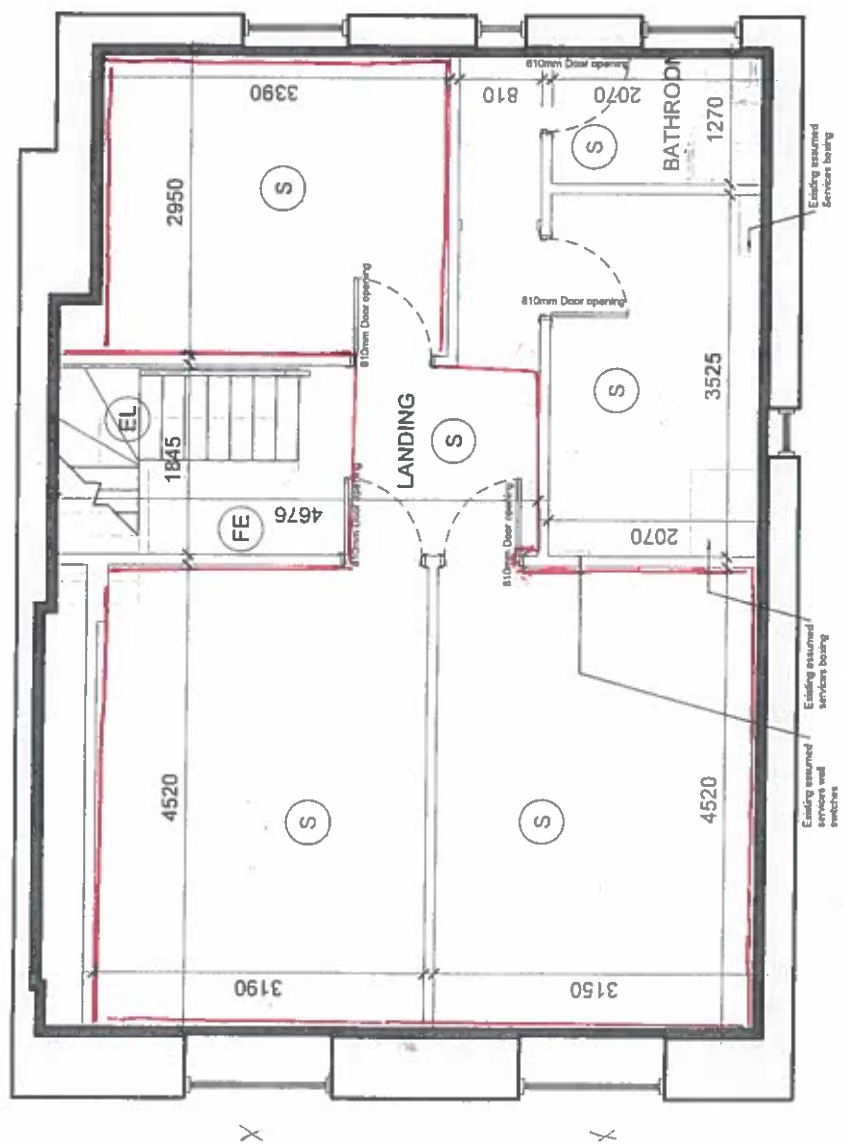
0 0.5 1 1.5 2 2.5  
 1:50 Scale Bar - Meters



A	REV	DATE	DESCRIPTION	BY

<b>62 MELLISH STREET</b>	
LICENCE APPLICATION	
62 MELLISH STREET ISLE OF DOGS, LONDON E14 8NS	
Measured Survey	
Existing First Floor Plan	
DATE	1.5000 A3
NO	003
BY	BC PLANNING



# Appendix 5





# 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

Licensing Team  
London Borough of Tower Hamlets  
John Onslow House,  
1 Ewart Place,  
London E3 5EQ

The London Fire Commissioner is the  
fire and rescue authority for London

Date 15 March 2019  
Our Ref 05-002753

Dear Sir/Madam

### **LICENSING ACT 2003**

**Premises: Mailinda, 62 Mellish Street, London E14 8NS**

The London Fire Commissioner (the Commissioner) is the fire and rescue authority for London. The Commissioner is responsible for enforcing the Regulatory Reform (Fire Safety) Order 2005 (The Order) in London.

With reference to the application dated February 15,, 2019 , the application has been examined and **the Commissioner will make a representation** to the Licensing Authority.

The Applicant has been informed, by copy of this letter, of this representation.

The Commissioner has not received all of the information required and has not therefore been able to form a judgement as to whether the public safety objective of the Licensing Act has been adequately addressed.

The items that are of concern to this authority are detailed below:

**The applicant has not provided a fire risk assessment.**

**The applicant has not provided details of the safe capacity within the premises.**

**The applicant has not provided sufficient detail regarding the fire safety systems within the premises.**

The representation may be withdrawn if all of the matters detailed in the attached schedule are addressed to the satisfaction of the Commissioner. The Commissioner must be advised of the completion of the work at least 5 working days before the committee hearing date, so that an inspection can be arranged.

This letter is without prejudice to the powers of the Licensing Authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by the Commissioner under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Regulations 2014. All alterations should comply with the appropriate provisions of the current Building Regulations.

Any queries regarding this letter should be addressed to the person named below. If you are dissatisfied in any way with the response given, please ask to speak to the Team Leader quoting our reference.

Yours faithfully,

**for Assistant Commissioner (Fire Safety)**

Directorate of Operations

FSR-AdminSupport@london-fire.gov.uk

C.C.: Mr Sparrow, Sparrow & Trieu Solicitors, 76 Shaftesbury, London W1D 6ND

Encl: FS\_GN\_71

Reply to Sam Bennett

[REDACTED]

# Appendix 8



7 MAY 2019.

Dear Sir/Madame,

REFERENCE:- ALCOHOL LICENCE APPLICATION @ 62 MERVITT STREET  
LONDON E14 6NS  
(CHINESE RESTAURANT)

I object to this application on the following grounds:-

1. The premises is next to an elderly persons block - Supporting people. Many of the residents are extremely vulnerable - some senile - some with dementia.

2. On the other side of the premises is a block with very young families. Many people in the area have very young children

3. I have impaired Wellish St, Mowat and they also strongly disagree. The premises applying for the alcohol licence is just a few yards from the mowat on Wellish Street.

7. 62 Wellish St has 2 entrances/exits - 1 on Wellish St - 1 on Alpha Grove. The restaurant is also a take-away

This greatly increases disturbance and very heavy traffic already. There is also a great increase in pedestrian traffic

The noise levels are already extremely excessive and very anti-social, causing much to local residents, some of whom are elderly.

On the previously stated grounds I strongly object to the granting of an Alcohol licence at 62 Wellish St, Poplar London E14 8NS.  
I have already sent an email.

Yours sincerely,



# Appendix 9

## Kathy Driver

---

**From:** Mohammed Malik [REDACTED]  
**Sent:** 07 May 2019 16:35  
**To:** Licensing  
**Cc:** Kathy Driver  
**Subject:** Objection to alcohol licensing application.

I object to the licensing application made by  
62 mellish street e14 8ns

This application will bring  
Anti social behaviour and cause public disorder  
We the resident object to this application and request the committee to reject this application. Thank you.

Mohammed Abdul Malik  
[REDACTED]  
[REDACTED]  
[REDACTED]



# Appendix 10

To: licensing@towerhamlets.gov.uk

CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to Licensing application made by  
62 Mellish Street, London E14 8NS

We the following signatories object this application  
as this will create anti-social behaviour and will cause  
serious public disorder. So requesting the committee  
to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
1	ABCIL KALAM KHAN [REDACTED]	[REDACTED]	[REDACTED]
2	RAMEM HOQUE [REDACTED]	[REDACTED]	[REDACTED]
3	IMRAN SIDDIQI [REDACTED]	[REDACTED]	[REDACTED]
	Zateer Ahmed	[REDACTED]	[REDACTED]
4	Omar Azur Khan [REDACTED]	[REDACTED]	[REDACTED]
5	Aminul Haque [REDACTED]	[REDACTED]	[REDACTED]
6	Sadiqur Rahman [REDACTED]	[REDACTED]	[REDACTED]
7	Sakil Uddin [REDACTED]	[REDACTED]	[REDACTED]
8	Flat 5 Forecast @ Coam [REDACTED]	[REDACTED]	[REDACTED]
9	Shahid Hussain [REDACTED]	[REDACTED]	[REDACTED]







To: licensing@towerhamlets.gov.uk  
 CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to licensing application made by  
 62 Mellish Street, London E14 8NS

We the following signatories object this application  
 as this will create anti-social behaviour and will cause  
 serious public disorder. So requesting the committee  
 to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
20	IMRAN AHMED [REDACTED]	[REDACTED]	[REDACTED]
21	MD. KOYES AHMED [REDACTED]	[REDACTED]	[REDACTED]
22	Abdur Rehman [REDACTED]	[REDACTED]	[REDACTED]
23	WAJEE MAH [REDACTED]	[REDACTED]	[REDACTED]
24	Muski uddin Ahmed [REDACTED]	[REDACTED]	[REDACTED]
25	Mamun Qureshi [REDACTED]	[REDACTED]	[REDACTED]
26	ALI HUSSAIN [REDACTED]	[REDACTED]	[REDACTED]
27	EMRAN HUSSAIN [REDACTED]	[REDACTED]	[REDACTED]
28	KAMRAN HUSSAIN [REDACTED]	[REDACTED]	[REDACTED]

To: licensing@towerhamlets.gov.uk  
 CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to licensing application made by  
 62 Mellish Street, London E14 8NS

We the following signatories object this application  
 as this will create anti-social behaviour and will cause  
 serious public disorder. So requesting the committee  
 to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
29	ABDUL MALIK	[REDACTED]	[REDACTED]
30	MD MASUD AHMED [REDACTED]	[REDACTED]	[REDACTED]
31	LUGMAN AKHTAR [REDACTED]	[REDACTED]	[REDACTED]
32	Abul Kassa [REDACTED]	[REDACTED]	[REDACTED]
33	AL AMIN	[REDACTED]	[REDACTED]
34	RAHIM BAKSI [REDACTED]	[REDACTED]	[REDACTED]
35	Mohammed UDDIN	[REDACTED]	[REDACTED]
36	Nadeem Sayeed, [REDACTED]	[REDACTED]	[REDACTED]
37	Kazi Islam [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]
38	Yaseen Rahman [REDACTED] [REDACTED]	[REDACTED]	[REDACTED]

To: licensing@towerhamlets.gov.uk

CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to licensing application made by  
62 Mellish Street, London E14 8NS

We the following signatories object this application  
as this will create anti-social behaviour and will cause  
serious public disorder. So requesting the committee  
to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
39	FARUK MIAH [REDACTED]	[REDACTED]	[REDACTED]
40	ZISHAN AHMED [REDACTED]	[REDACTED]	[REDACTED]
41	Sajjad Hussain	[REDACTED]	[REDACTED]
42	M AMR	[REDACTED]	[REDACTED]
43	MO ABUL HASNATH [REDACTED]	[REDACTED]	[REDACTED]
44	Muhammad Z Rahim	[REDACTED]	[REDACTED]
45	Mabrouk Shtawi	[REDACTED]	[REDACTED]
46	MO. RADWANUL KARIM [REDACTED]	[REDACTED]	[REDACTED]
	Abdirahman Abdi	[REDACTED]	[REDACTED]
47	Shahjahan Hussain	[REDACTED]	[REDACTED]



To: licensing@towerhamlets.gov.uk  
 CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to licensing application made by  
 62 Mellish Street, London E14 8NS

We the following signatories object this application  
 as this will create anti-social behaviour and will cause  
 serious public disorder. So requesting the committee  
 to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
48	AZIZUL HOQUE [Redacted]	[Redacted]	[Redacted]
49	ZABIR ALMEED [Redacted]		
50	Mohammed Foyzul Hossain [Redacted]		
51	RAHIM JANNI [Redacted]		
52	ZAKIR KHAN [Redacted]		
53	MASUD AHMED [Redacted]		
54	MUHAMMAD DERWER HUSSAIN [Redacted]		
55	ABDUL MATIN [Redacted]		
56	M. Ahmed [Redacted]		

To: Licensing@towerhamlets.gov.uk  
 CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to licensing application made by  
 62 Mellish Street, London E14 8NS

We the following signatories object this application  
 as this will create anti-social behaviour and will cause  
 serious public disorder. So requesting the committee  
 to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
57	Tauvir Hussain [Redacted]	[Redacted]	[Redacted]
58	MOHAMMED CHOWDHURY [Redacted]	[Redacted]	[Redacted]
59	MASUM AHMED [Redacted]	[Redacted]	[Redacted]
60	SAMSUZ ZAMAN CHOWDHURY [Redacted]	[Redacted]	[Redacted]
61	AKHTAR HUSSAIN [Redacted]	[Redacted]	[Redacted]
62	ABDUL SATTAR [Redacted]	[Redacted]	[Redacted]
63	SHERWAN HUSSAIN [Redacted]	[Redacted]	[Redacted]

To: [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

CC: [Kathy.driver@towerhamlets.gov.uk](mailto:Kathy.driver@towerhamlets.gov.uk)

Sub: Objection to licensing application made by  
62 Mellish Street, London E14 8NS





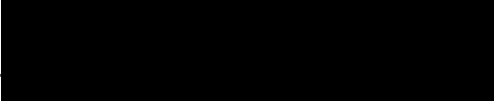

We the following signatories object this application as this will create anti-social behaviour and will cause serious public disorder. So requesting the committee to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
64.	Muskuh d Ahmed [REDACTED]	[REDACTED]	[REDACTED]

To: licensing@towerhamlets.gov.uk  
 CC: Kathy.driver@towerhamlets.gov.uk

Sub: Objection to licensing application made by  
 62 Mellish Street, London E14 8NS

We the following signatories object this application  
 as this will create anti-social behaviour and will cause  
 serious public disorder. So requesting the committee  
 to reject this application.

SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
65	Zahid Hussain		
66	Alomgir Hussain		
67	Shishu Miah		
68	Sumon Ahmed		
69	MUNIR SULAIMAN		
70	SHAH MIAN		
71	RUTHEL AMIN 		
72	AKTAR HUSSAIN 		
73	ATIQUE ICHAN 		
74	SHEIKH OHEMUDDUJA 		

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CC: Kathy.driver@towerhamlets.gov.uk

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
75	M. HASAN		
76	A. Petrie		
	T. HUSSAIN		
77	MOHAMMED Ali		
78	OMAR HUSSAIN		
79	AZIZ HUSSAIN		
	Loqah Memon		
80	Abdul Bari		
81	Md Johirul Islam		
82	T. Mahmud		
83	F YEASMIN		

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
<del>81</del>	SHAMIM AHMED [REDACTED]		
84	Shahen Iyand [REDACTED]	[REDACTED]	[REDACTED]
85	Shahnian Kabir [REDACTED]	[REDACTED]	[REDACTED]
86	Hanif Ahmed [REDACTED]	[REDACTED]	[REDACTED]
87	Waqar Ahmad [REDACTED]	[REDACTED]	[REDACTED]
88	Zayan Ahmed [REDACTED]	[REDACTED]	[REDACTED]
89	Amir Ali [REDACTED]	[REDACTED]	[REDACTED]
90	Husein Rattun [REDACTED]	[REDACTED]	[REDACTED]

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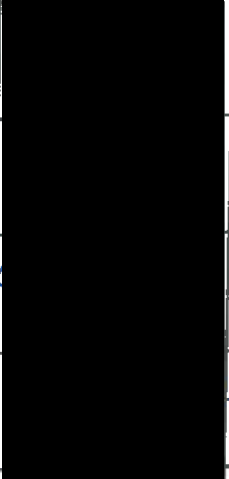
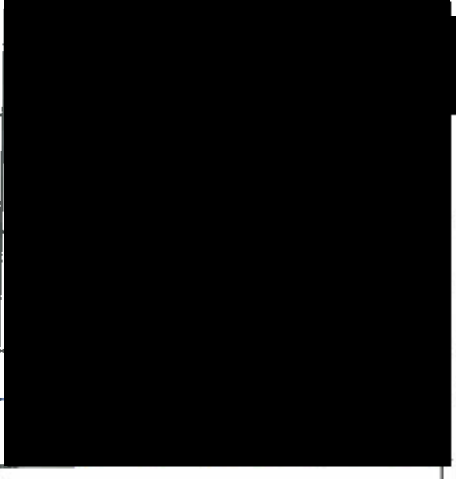
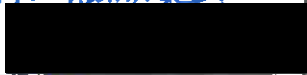
SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
91	MOMIN UDDIN	[Redacted]	[Redacted]
92	NASIR UDDIN		
93	Mouazzur RAHMAN [Redacted]		
94	Tajahed Choudhury [Redacted]		
95	Farooq AHMED E149FE [Redacted]		
96	Azad miah [Redacted]		

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<del>97</del> 97	BASSER		
<del>98</del> 98	MUSTAFA AHMED		
<del>99</del> 99	ABDUL SHAKER		
100	Mian Muhammad Farhan, 		



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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
	Piara Begun		
	R-anna Begun		
101	Lotifa Khatun		
102	Sadia Khatun		
103	RUKEYA ALI		

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104	Marzina Choudhury [REDACTED]	[REDACTED]	[REDACTED]
105	Ronuma Akter [REDACTED]	[REDACTED]	[REDACTED]
106	MAYANUR UDDIN [REDACTED]	[REDACTED]	[REDACTED]
107	Kulsoma Khator, [REDACTED]	[REDACTED]	[REDACTED]
108	S. BEGUM	[REDACTED]	[REDACTED]

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109	Fazna Begum [Redacted]	[Redacted]	[Redacted]
110	SAMIRUN NESSA [Redacted]	[Redacted]	[Redacted]
111	Samia Begum [Redacted]	[Redacted]	[Redacted]
112	Kudeja Khatun [Redacted]	[Redacted]	[Redacted]
113	HAFSA BEGUM [Redacted]	[Redacted]	[Redacted]
114	Luthfa Khatun [Redacted]	[Redacted]	[Redacted]
115	Rashida [Redacted]	[Redacted]	[Redacted]
116	[Redacted] PIARA	[Redacted]	[Redacted]
117	RAJNA BEGUM [Redacted]	[Redacted]	[Redacted]

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
118	Afia Shikder, [Redacted]	[Redacted]	[Redacted]
119	D MESSIA [Redacted] [Redacted]		[Redacted]
120	TASLIMA Begum [Redacted]		
121	Nabila, [Redacted]		[Redacted]
	SUFIVA Choudury		
122	Alima		[Redacted]
123	Aysha Begum <del>begum</del>		[Redacted]
	Mina Begum		

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
124	N. Ali [Redacted]	[Redacted]	[Redacted]
125	Abdul Mazid - [Redacted]	[Redacted]	[Redacted]
126	Mohammad Khanlil [Redacted]	[Redacted]	[Redacted]
127	ABDUR RAHMAN ABID - [Redacted]	[Redacted]	[Redacted]
128	MD. Fakhruul Islam - [Redacted]	[Redacted]	[Redacted]

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
129	M. A. MUNIM [REDACTED]	[REDACTED]	[REDACTED]
130	KOYES AHMED	[REDACTED]	[REDACTED]
131	Abdulwahab Musse [REDACTED]	[REDACTED]	[REDACTED]
132	Hassan Farah Mohammed [REDACTED]	[REDACTED]	[REDACTED]
133	ARMAN SHARIF [REDACTED]	[REDACTED]	[REDACTED]
134	NOOR UDDIN [REDACTED]	[REDACTED]	[REDACTED]

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
135	A SAAM CORVETTE COURT [REDACTED]	[REDACTED]	[REDACTED]
136	Mohamed HANAN [REDACTED]	[REDACTED]	[REDACTED]
137	REYIADA MYATBUR	[REDACTED]	[REDACTED]
138	Fbrahim Ben-Hsien	[REDACTED]	[REDACTED]
139	MOBARAK MIAH	[REDACTED]	[REDACTED]
140	Md Fakhrul Islam	[REDACTED]	[REDACTED]
141	Md NAZMUL Islam	[REDACTED]	[REDACTED]

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142	ALOMD AR AER [REDACTED]	[REDACTED]	[REDACTED]
143	Faizul Tabal [REDACTED]	[REDACTED]	[REDACTED]
144	Tarek Choudhury [REDACTED]	[REDACTED]	[REDACTED]
145	Syed. Ahmad [REDACTED]	[REDACTED]	[REDACTED]
146	Anwar Mah. [REDACTED]	[REDACTED]	[REDACTED]
147	Abu choudhury [REDACTED]	[REDACTED]	[REDACTED]
148	Asrabs Khan [REDACTED]	[REDACTED]	[REDACTED]
149	Dedar Ahmed [REDACTED]	[REDACTED]	[REDACTED]
150	Adnaan Rahman [REDACTED]	[REDACTED]	[REDACTED]
151	MURTAZIR KHAN [REDACTED]	[REDACTED]	[REDACTED]



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152	IBRANEN AHMED [REDACTED]	[REDACTED]	[REDACTED]
153	Muhammad M. Rahman [REDACTED]	[REDACTED]	[REDACTED]
154	Kamran Khan [REDACTED]	[REDACTED]	[REDACTED]
155	ALI HUSSAIN [REDACTED]	[REDACTED]	[REDACTED]
156	EMRAN HUSSAIN [REDACTED]	[REDACTED]	[REDACTED]
157	KAMRAN HUSSAIN [REDACTED]	[REDACTED]	[REDACTED]
158	FOYSUN NAHAR CHY [REDACTED]	[REDACTED]	[REDACTED]

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SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
159	MG ABBAS		
160	<del>ABDUL SHEKER</del>		
161	Saleh Ahmad Sayeed		
162	FRANCIS JAMES MCLEVITT		

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163	MUMINUL ISLAM FARUQI [Redacted]	[Redacted]	[Redacted]
164	R. ISLAM [Redacted]	[Redacted]	[Redacted]
165	M. NESSA [Redacted]	[Redacted]	[Redacted]

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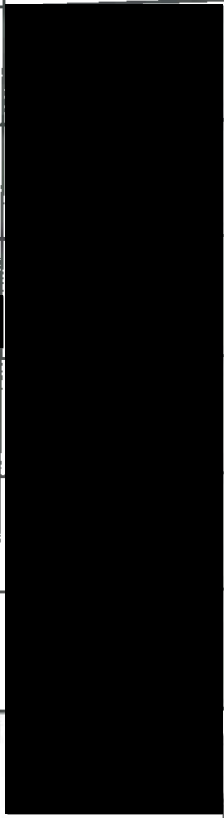
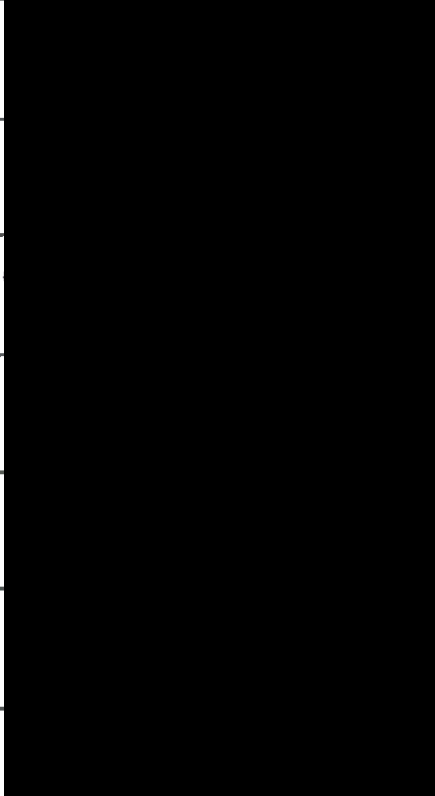



SL NO.	Name and Address	Signature	Contact: MOB E-mail (if any)
166	Himal Kussalinda [Redacted]	[Redacted]	[Redacted]
167	Sahar Noave [Redacted]	[Redacted]	[Redacted]
168	Eramul Haque [Redacted]	[Redacted]	[Redacted]
169	ADDEB ISLAM [Redacted]	[Redacted]	[Redacted]
170	Nafis Zakereen [Redacted]	[Redacted]	[Redacted]
171	Naymul Alam [Redacted]	[Redacted]	[Redacted]
172	[Redacted]	[Redacted]	[Redacted]
173	Yahya Khan [Redacted]	[Redacted]	[Redacted]
175	[Redacted]	[Redacted]	[Redacted]



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177	Mohammad Miah		
178	Mohammed Abbas		
179	ABDUL HAE 		
180	SHAHRIAN AHMED		
181	SHUJA MIAH 		
182	RIMON CHOWDHURY 		
183	Mahfuz Islam		

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184	HARUN MIAH [REDACTED]	[REDACTED]	[REDACTED]
185	ABDUL BASIT [REDACTED]	[REDACTED]	[REDACTED]
186	SALMAN KHALID [REDACTED]	[REDACTED]	[REDACTED]
187	K AHMED [REDACTED]	[REDACTED]	[REDACTED]

# Appendix 11



## **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 12

## 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 13

## **Planning**

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



# Appendix 14

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Agenda Item 4.3

Committee :	Date	Classification	Report No.	Agenda Item No.
<b>Licensing Sub-Committee</b>	10 September 2019	<b>Unclassified</b>		

Report of: <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Corinne Holland</b> <b>Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a new Premises Licence for (Nomadic Community Gardens), Fleet Street Hill, London E1 5ES</b>  Ward affected: <b>Spitalfields &amp; Banglatown</b>
---	---

## 1.0 Summary

Applicant: **James Wheale**

Name and **Nomadic Community Garden**

Address of Premises: **Fleet Street Hill**  
**London**  
**E1 5ES**

Licence sought: **Licensing Act 2003 – New Premises Licence**  
• **Sale of Alcohol**

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

## 2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

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

Corinne Holland  
020 7364 3986

### 3.0 Background

3.1 This is an application for a premises licence for (Nomadic Community Garden), Fleet Street Hill, London E1 5ES.

3.2 The applicant has described the premises as follows:  
*“Nomadic is a community garden operating as a private company. It provides 160 allotment beds to the local community for free. The space is also used as a community centre where arts and crafts are encouraged and also provides plenty of space for people to just relax and socialise. It has also become a popular tourist attraction. Daytime music events will be held usually on a Saturday or Sunday, within the conditions of deregulation. The purpose of this application is to sell alcohol to visitors to help cover the cost of the gardens.*

3.3 An application for a Time Limited Licence was submitted by the same applicant in June 2017 which received objections from local residents. A Licensing Sub Committee hearing took place on 23<sup>rd</sup> August 2017 and the application was refused.

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

3.5 The applicant has applied for the following licensable activities.

#### **The Sale of Alcohol (on the premises)**

- Tuesday - Friday 14:00 hours to 21:00 hours
- Saturday to Sunday 12:00 hours to 21:00 hours

#### **The opening hours of the premises**

- Tuesday to Sunday 09:00 hours to 22:00 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 There are no immediate neighbouring licensed premises. Railway tracks border two sides of the Community Gardens.

### 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 1<sup>st</sup> 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](http://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 4**.
- 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 a relevant representation has been made by the following responsible authorities and residents:
  - Licensing Authority - **Appendix 5**
  - Environmental Protection – **Appendix 6**
  - Alison Retz – **Appendix 7**

- Charles Dunlop – **Appendix 8**
- Felix Frixou – **Appendix 9**
- Ben James – **Appendix 10**
- David Knight – **Appendix 11**
- Maria Papageorgiou – **Appendix 12**
- Christina Monteiro – **Appendix 13**
- Rachpal Singh – **Appendix 14**
- David Spurring – **Appendix 15**

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

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

6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

## 7.0 Conditions consistent with Operating Schedule (as offered by the Applicant)

1. All volunteers will undergo a training session prior to being given permission to sell alcohol at the premises, which will include essential training in licensing law, details of the mandatory and specific conditions of this Premises Licence records.
2. A written record of persons given permission to sell alcohol, along with the date permission was given will be kept at the premises.
3. A refresher training session will be provided every six months for volunteers given permission to sell alcohol and continuing to offer their support to the gardens.
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police. It will be updated within 24 hours of any incident and will record the following:
  - (a) any refusal of the sale of alcohol
  - (b) any visit by a relevant authority or emergency service.
  - (c) any complaints received concerning crime and disorder or public nuisance
  - (d) any person ejected from the premises on grounds of being in possession of illegal substances or unacceptable behaviour.
  - (e) any incidents of disorder
5. External lighting will be installed to cover the entrance and exit to the gardens, along with outdoor areas within the gardens where licensable activities will take place.
6. A risk assessment will be completed on occasions when live music is going to take place (within the conditions for it to be deregulated) or when more than 100 are expected to attend any planned event, and a minimum of 2 security personnel will be engaged whenever the risk of crime and disorder is sufficient for an SIA presence to be required.
7. Hourly patrols of the gardens will be undertaken throughout the times the premises is open to the public, increased to every half hour during times when live music is played.
8. There will be a zero tolerance policy in relation to illegal substances or aggressive behaviour in the gardens, with persons involved in such activities being asked to leave immediately.
9. A pre-opening safety check will be completed every morning based on risk assessments focussing on all aspects of public safety.
10. No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. No deliveries to the premises shall take place between 21.00 and 09.00 on the following day.
13. No waste or recyclable materials shall be moved, removed from or placed in outside areas between 22.00 hours and 09.00 hours on the following day.
14. Nomadic Community Gardens will operate a proactive policy to prevent public nuisance to local residents, by the use of sound level meters to control the level of noise escape from music or persons visiting the gardens.
15. The premises will operate a customer dispersal policy to prevent nuisance caused by visitors leaving the gardens at closing time.
16. Local residents will be provided a contact telephone number on request to advise the DPS of any issues of relevance to the four licensing objectives.
17. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
18. Children entering the gardens must be accompanied by an adult at all times.

#### **8.0 Policy agreement & Condition agreed in consultation with the Police - Appendix 16**

- Drugs and weapons policy
- The premises will have a security plan agreed with Central East Police Licensing, this security plan will outline the necessary security steps for each type of event and cover things such as number of SIA security staff, searching of customers, and checks carried out by management on any acts that are booked to perform



## 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 17 - 26** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### **10.0 Legal Comments**

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

#### **11.0 Finance Comments**

11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Section 182 Guidance by the Home Office
<b>Appendix 5</b>	Representation of Licensing Authority
<b>Appendix 6</b>	Representation of Environmental Protection
<b>Appendix 7</b>	Representation of A. Retz
<b>Appendix 8</b>	Representation of C. Dunlop
<b>Appendix 9</b>	Representation of F. Frixou
<b>Appendix 10</b>	Representation of B. James
<b>Appendix 11</b>	Representation of D.Knight
<b>Appendix 12</b>	Representation of M. Papageorgiou
<b>Appendix 13</b>	Representation of C. Monteiro
<b>Appendix 14</b>	Representation of R.Singh
<b>Appendix 15</b>	Representation of D. Spurring
<b>Appendix 16</b>	Agreement with Police
<b>Appendix 17</b>	Licensing Officer comments on noise while the premise is in use
<b>Appendix 18</b>	Licensing Officer comments on access/egress Problems
<b>Appendix 19</b>	Licensing Officer comments on anti-social behaviour on the premises
<b>Appendix 20</b>	Licensing Officer comments on anti-social behaviour from patrons leaving the premises
<b>Appendix 21</b>	Licensing Policy advice on crime and disorder
<b>Appendix 22</b>	Section 182 Advice regarding crime and disorder
<b>Appendix 23</b>	Licensing Policy advice on Public Nuisance

<b>Appendix 24</b>	Section 182 Advice on Public Nuisance
<b>Appendix 25</b>	Licensing Policy relating to hours of trading
<b>Appendix 26</b>	Planning

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# Appendix 1



\* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes
- No

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

**Applicant Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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



Continued from previous page...

**Your Address**

Address official correspondence should be sent to.

* Building number or name	Nomadic Community Gardens
* Street	Fleet Street Hill
District	
* City or town	London
County or administrative area	
* Postcode	E1 5ES
* Country	United Kingdom

**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	Nomadic Community Gardens
Street	Fleet Street Hill
District	
City or town	London
County or administrative area	
Postcode	E1 5ES
Country	United Kingdom

**Further Details**

Telephone number	
Non-domestic rateable value of premises (£)	500

**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**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

### Current Residential Address

Is the address the same as (or similar to) the address given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

### Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

- Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text" value="dd"/> / <input type="text" value="mm"/> / <input type="text" value="yyyy"/>
* Nationality	<input type="text" value="British"/>
Right to work share code	<input type="text"/>

[Documents that demonstrate entitlement to work in the UK](#)  
[Right to work share code if not submitting scanned documents](#)

## 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

*Continued from previous page...*

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.

Nomadic is a community garden operating as a private company limited by guarantee without share capital, that provides 160 allotment beds to the local community for free. The space is also used as a community centre where arts and crafts are encouraged and also provides plenty of space for people to just relax and socialise. It has also become a popular tourist attraction with people from around the world visiting each day to see the art and culture. Daytime music events will be held in Spring and Summer, usually on a Saturday or Sunday, within the conditions of deregulation. The purpose of this application is to be able to sell alcohol to visitors from Tuesday to Sunday until 21:00 only, to help cover the cost of the gardens.

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

Continued from previous page...

**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?

- Yes  No

**Section 13 of 21**

**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

**Section 15 of 21**

**SUPPLY OF ALCOHOL**

Will you be selling or supplying alcohol?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

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.

Continued from previous page...

THURSDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="14:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="21:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

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

State any seasonal variations

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

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

Continued from previous page...

Date of birth

/  /   
dd mm yyyy

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

Continued from previous page...

MONDAY

Start

End

Start

End

Give timings in 24 hour clock.  
(e.g., 16:00) and only give details for the days  
of the week when you intend the premises  
to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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.



*Continued from previous page...*

## 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)

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

All volunteers will undergo a training session prior to being given permission to sell alcohol at the premises, which will include essential training in licensing law, details of the mandatory and specific conditions of this Premises Licence records. A written record of persons given permission to sell alcohol, along with the date permission was given will be kept at the premises.

A refresher training session will be provided every six months for volunteers given permission to sell alcohol and continuing to offer their support to the gardens.

An incident log shall be kept at the premises, and made available on request to an authorised officer of the council or the police. It will be updated within 24 hours of any incident and will record the following:

(a) any refusal of the sale of alcohol

(b) any visit by a relevant authority or emergency service.

(c) any complaints received concerning crime and disorder or public nuisance

(d) any person ejected from the premises on grounds of being in possession of illegal substances or unacceptable behaviour.

(e) any incidents of disorder

b) The prevention of crime and disorder

External lighting will be installed to cover the entrance and exit to the gardens, along with outdoor areas within the gardens where licensable activities will take place.

A risk assessment will be completed on occasions when live music is going to take place (within the conditions for it to be deregulated) or when more than 100 are expected to attend any planned event, and a minimum of 2 security personnel will be engaged whenever the risk of crime and disorder is sufficient for an SIA presence to be required.

Hourly patrols of the gardens will be undertaken throughout the times the premises is open to the public, increased to every half hour during times when live music is played.

There will be a zero tolerance policy in relation to illegal substances or aggressive behaviour in the gardens, with persons involved in such activities being asked to leave immediately.

c) Public safety

A pre-opening safety check will be completed every morning based on risk assessments focussing on all aspects of public safety but in particular, fire prevention, all external lighting in full working order, and any slipping and tripping hazards, throughout the premises, both indoors and outdoors.

All fire exits and fire assembly points will be clearly signed, and first aid equipment visible and kept well stocked.

d) The prevention of public nuisance

No fumes, steam or odours shall be emitted from the licensed premises so as to cause a nuisance to any persons living or carrying on business in the area where the premises are situated.

*Continued from previous page...*

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

No deliveries to the premises shall take place between 21.00 and 09.00 on the following day.

No waste or recyclable materials shall be moved, removed from or placed in outside areas between 22.00 hours and 09.00 hours on the following day.

Nomadic Community Gardens will operate a proactive policy to prevent public nuisance to local residents, by the use of sound level meters to control the level of noise escape from music or persons visiting the gardens. In addition, the premises will operate a customer dispersal policy to prevent nuisance caused by visitors leaving the gardens at closing time. Local residents will be provided a contact telephone number on request to advise the DPS of any issues of relevance to the four licensing objectives.

e) The protection of children from harm

A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

Children entering the gardens must be accompanied by an adult at all times.

#### **Section 19 of 21**

#### **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](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 (£)

100.00

## 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

James Wheale

\* Capacity

Founder Director

\* Date

30 / 05 / 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**

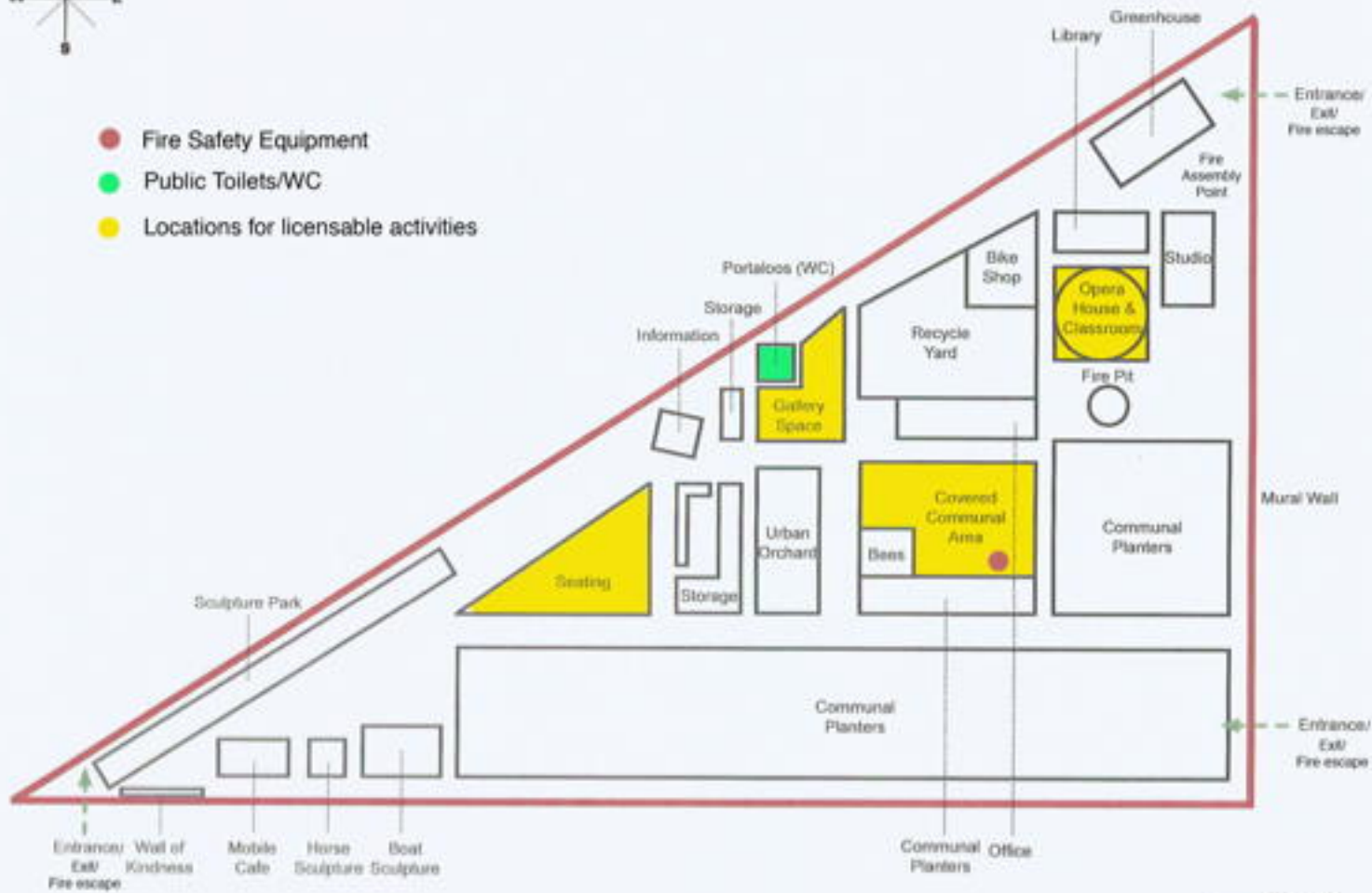
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Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
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Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
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# Appendix 2

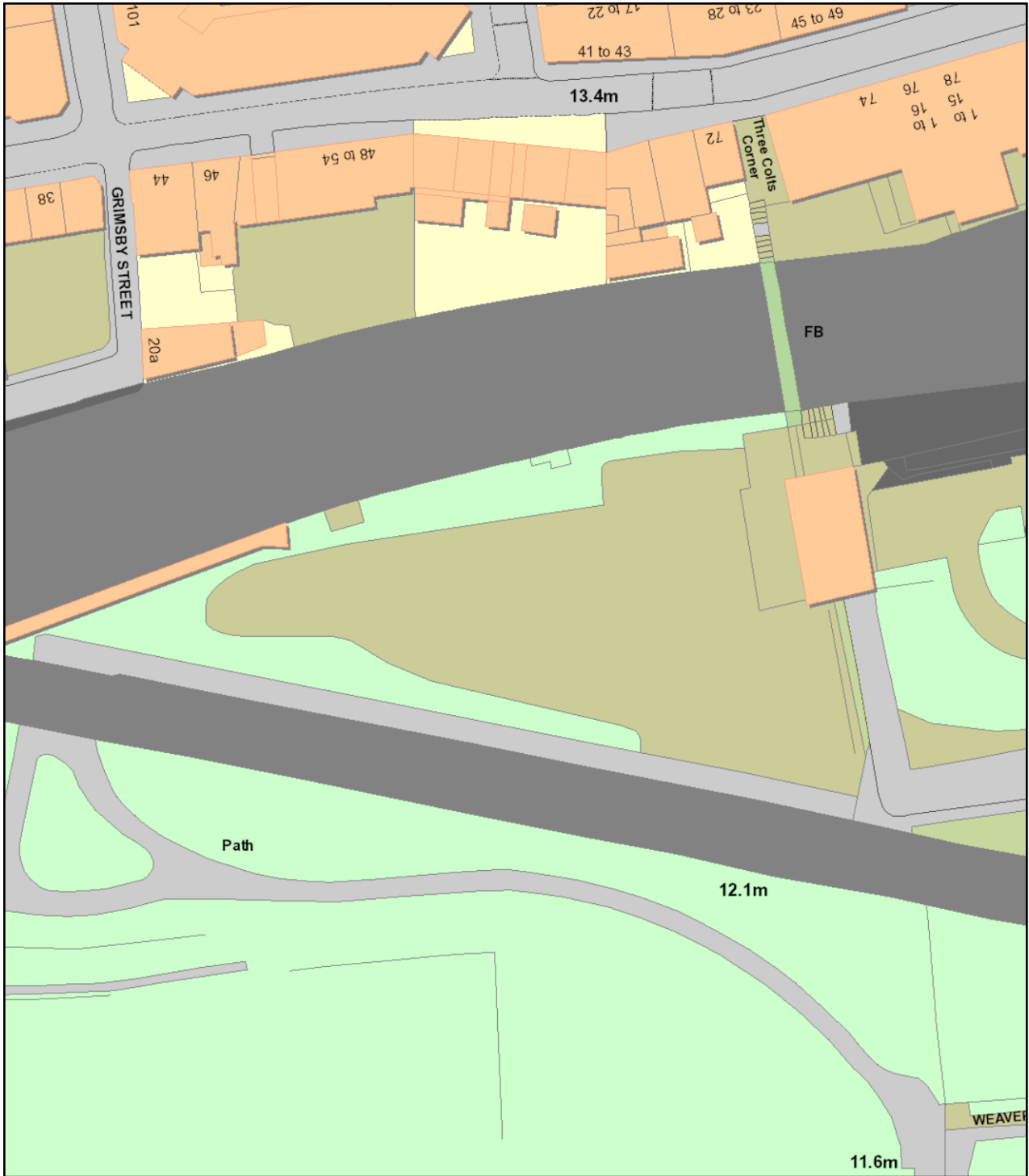


- Fire Safety Equipment
- Public Toilets/WC
- Locations for licensable activities



Plan 2

# Appendix 3

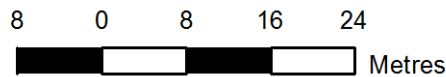


# Nomadic Community Garden

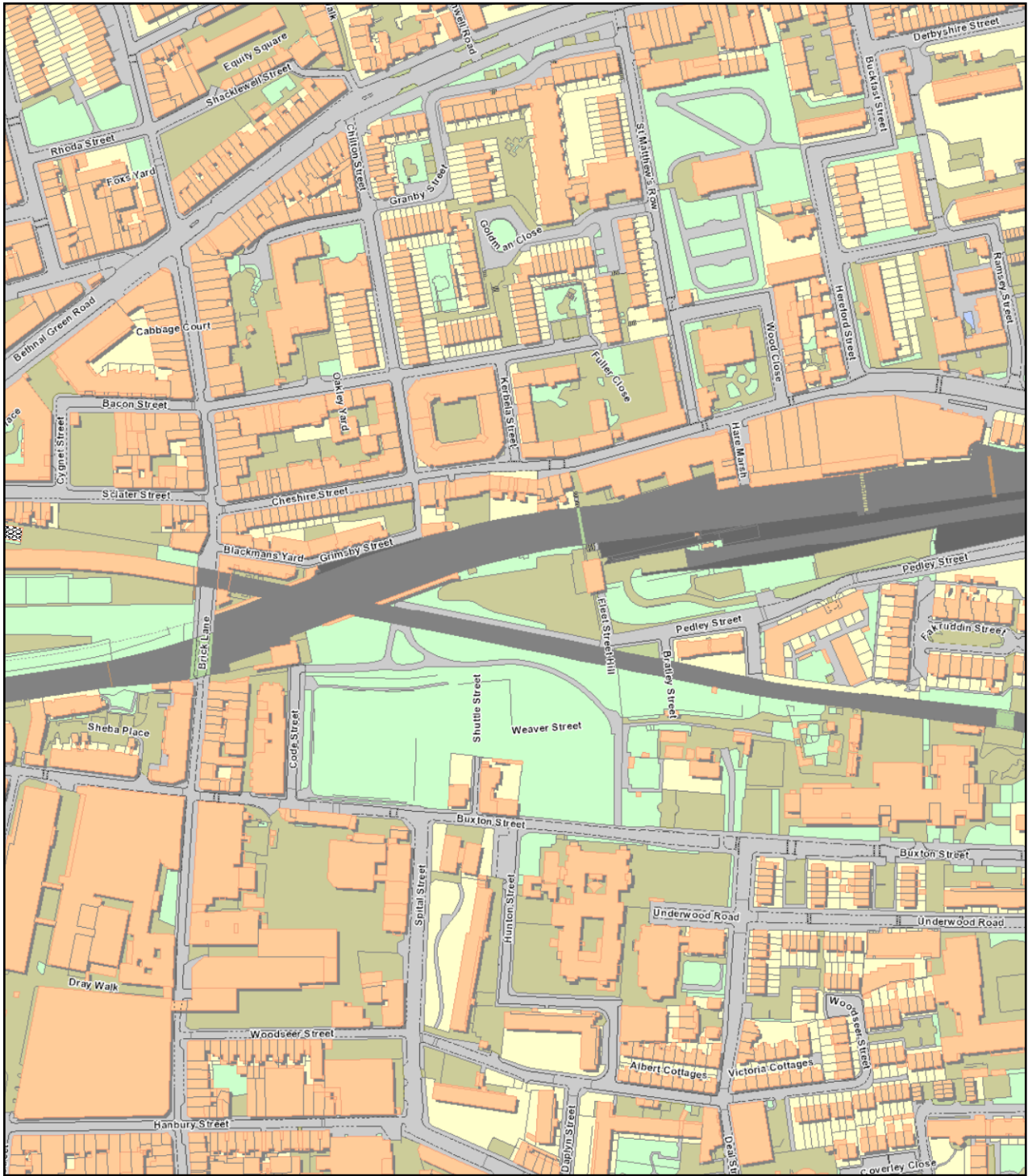
## Map 1



Scale 1:875



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# Nomadic Community Garden

## Map 2



Scale 1:3501

30 0 30 60 90



Metres



**TOWER HAMLETS**

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# Appendix 4

**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 5

## Place Directorate Public Realm

Licensing Authority  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

Head of Environmental Health & Trading  
Standards **David Tolley**

Licensing Section  
John Onslow House  
1 Ewart Place  
London  
E3 5EQ

Email: [Corinne.Holland@](mailto:Corinne.Holland@towerhamlets.gov.uk) [REDACTED]

Tel **020 7364 5498**  
Fax **020 7364 0863**  
Enquiries to **Mohshin Ali**

27<sup>th</sup> June 2019

Your reference  
My reference: EHTS/LIC/118609/MA

Email [mohshin.ali@](mailto:mohshin.ali@towerhamlets.gov.uk) [REDACTED]

Dear Sir/Madam,

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

### **Licensing Act 2003**

New premises licence application: Nomadic Community Gardens, Fleet Street Hill, London E1 5ES

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

- *the prevention of crime and disorder and*
- *the prevention of public nuisance*

I have looked at the history of the premises and the following relevant Complaints (CMU) are registered on the Council's system Civica Authority Protection (APP):

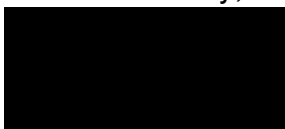
- **25/06/2019 (CMU: 095466)** – Licensing received a complaint from a resident that the premise is planning to hold an unlicensed event on the 28<sup>th</sup> June 2019. A warning letter was sent to the applicant on the 25<sup>th</sup> June 2019 (See enclosed letter).
- **11/05/2018 (CMU: 091130)** – Licensing received a complaint on the 5<sup>th</sup> May 2018, from a resident about noise and unlicensed alcohol sales. This was being dealt with by the ASB Team.
- **27/04/2018 (CMU: 091000)** – EH Noise Team copied a warning letter (see enclosed) to Licensing about loud music at the premises (date of event was 22<sup>nd</sup> April 2018). A warning letter was also sent by Licensing to Nomadic Community Gardens on the 26<sup>th</sup> April 2018. Licensing did not receive any response to this letter.

- **26/10/2016 (CMU: 085754)** – Licensing received a complaint from a resident about noise from a granted TEN. Complainant referred to EH Noise Team and Police Licensing.
- **22/06/2016 (CMU: 084547)** – Licensing received a complaint from a resident about continuous noise disturbance from the premises. Complainant referred to EH Noise Team and Police Licensing.
- **3/08/2015 (CMU: 081112)** – Licensing received a complaint from a resident about loud noise from DJ. Complainant advised that a TEN was in place for the event and was given the contact details for EH Noise and Police Licensing.

I should remind also remind the Sub-committee that James Wheale made a similar application and this application was refused at the hearing on the 23<sup>rd</sup> August 2017 and I enclose that decision.

On a balance of probability the applicant is likely to undermine the licensing objectives if this application is granted.

Yours faithfully,



Mohshin Ali  
**Senior Licensing Officer**  
**(Acting as a Responsible Authority)**

**Place Directorate  
Public Realm**

Head of Environmental Health and Trading  
Standards **David Tolley**

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

Tel **020 7364 3986**  
Enquiries to **Corinne Holland**  
Email: **Corinne.holland@**

Nomadic Community Gardens

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

25<sup>th</sup> June 2019

My reference: EH/TS/LIC/95466

Dear Mr Wheale,

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

**Licensing Act 2003**

Premises: Nomadic Community Gardens, Fleet Street Hill, London E1 5ES

It has been brought to the Licensing Authorities attention that you are advertising an event on Friday 28<sup>th</sup> June 2019 which is called Nomadic Nights.

We are going to give you all a night to remember where you will find vegan food traders, live music, fire performers, health bar, sound healing, massage, AYM, Reiki, Tarot and more...

ONE LOVE - ONE COMMUNITY - ONE GARDENS



Some of these advertised events are classed as regulated entertainment and would therefore require a Temporary Event Notice (TEN). I note you have not applied for a TEN for this event.

Amplified music, live or recorded, is a licensable activity (Regulated Entertainment) under the Licensing Act 2003 for which a licence is required at your premises/garden.

Your gardens do not fall under the description of a 'Community Building' whereby you would be exempt from requiring a licence under the deregulation of the Live Music Act 2012.

**Section 4.53 of the Section 182 guidance states:**

***Community premises are defined as premises that are or form part of a church hall, chapel hall or other similar building; or a village hall, parish hall or community hall or other similar building***

Nomadic Community Gardens is a Limited Company with James Wheale and Pandora Wheale as Directors, and therefore run as a private business.

This is the second time I have written to you regarding unlicensed regulated entertainment. You will recall I wrote to you in April 2018 drawing your attention to the same matter.

I have also had a report that you have recently been showing films regularly starting at 9.00pm in the evening. The 'exhibition of a film' is also a licensable activity for which you require a licence. As you are not classed as a Community premises under the Licensing Act you are not exempt from requiring a licence in order to show these films.

Also what are the types of films being shown? Are they properly classified by the British Board of Film Classification (BBFC)? If they are not then they are required to be classified by the Licensing Authority. Please see our website.

[https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol\\_and\\_entertainment/Film\\_Classification.aspx](https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/Film_Classification.aspx)

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation.

**The ACT covers;**

- 1) the sale by retail of alcohol (off or on sales)
- 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment

4) the provision of late night refreshment (selling hot food and hot drinks between 11pm to 5am)

**A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.**

**You are advised not to hold any unlicensed activities on your premises.**

For further advice please contact your legal representative. Further information is available on our website: [www.towerhamlets.gov.uk/licensing](http://www.towerhamlets.gov.uk/licensing)

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to your attention and invite you to make any comments you consider appropriate. Enforcement visits could also be carried out to check the legitimacy of the complaint.

Yours sincerely,

A black rectangular redaction box covering the signature of the Licensing Officer.

**Licensing Officer**



The Licensee/Manager  
Nomadic Community Garden  
Fleet Street Hill  
London  
E1 5ES

25 April 2018

Dear Sir/Madam,

**Environmental Protection Act 1990 (Section 80)**  
**Licensing Act 2003**  
**Alleged Noise Nuisance – Out of Hours Noise- Loud Music**  
**Nomadic Community Garden, Fleet Street Hill, London E1 5ES**

I am writing to inform you that the Council has recently received a complaint alleging excessive noise amounting to a nuisance coming from your premises.

The Noise Team has a duty to investigate this complaint and I will be making appropriate arrangements to monitor the situation. You are welcome to contact me with any observations or comments you wish to make.

If you or your business are responsible for creating noise of the type complained about, I would respectfully request you to consider whether it may be excessive having regard to the effect on neighbouring properties, particularly in relation to the time of day.

Where the Council is satisfied that a noise nuisance exists, a notice under the Environmental Protection Act 1990 will be served requiring the nuisance to stop. If the situation does not improve, legal proceedings may be commenced, which could lead to an unlimited fine upon conviction.

If your premise is a licensed venue, we may also consider taking a review of your current Premises Licence. This may include adding extra conditions, suspension or ultimately revocation in order to prevent Public Nuisance.

If you have any comments regarding the allegation, please contact us quoting the above reference number

Yours faithfully,

**Noise Team**

cc: Licensing Team, London Borough of Tower Hamlets

**Place Directorate**  
**Public Realm**

**Head of Service**

David Tolley  
Head of Environmental Health and Trading Standards

John Onslow House  
1 Ewart Place  
London E3 5EQ

Enquiries **Noise Team**

Tel **020 7364 5007/5008**

Fax **020 7364 6831**

App Ref **277747**

Email: environmental.protection@towerhamlets.gov.uk

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)



## Place Directorate Public Realm

Head of Environmental Health and Trading  
Standards **David Tolley**

Nomadic Community Gardens

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

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

Tel **020 7364 3986**  
Enquiries to **Corinne Holland**  
Email: **Corinne.holland@** [REDACTED]

26th April 2018

My reference: EH/TS/LIC/91000

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir/Madam,

### **Licensing Act 2003**

Premises: Nomadic Community Gardens, Fleet Street Hill, London E1 5ES

The Licensing Authority has received complaints following an event held on Sunday 22<sup>nd</sup> April 2018 regarding excessive noise coming from your venue.

Reported on 22/4/18 at 20:58

*'loud amplified music coming from the nomadic community centre. Been going on loudly for the past half hour, can hear people playing instruments. Regular issue.*

Reported on 22/4/18 at 21:17

*Comp reports of loud amplified music coming from the nomadic community centre, there also seems to be a person using a PA system. The disturbance has been going on since 7pm. Regular issue.*

Amplified music, live or recorded, is a licensable activity (Regulated Entertainment) under the Licensing Act 2003 for which a licence is required at your premises/garden.

**According to Council records you did not have a Temporary Event Notice in place under the Licensing Act 2003.**

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. **The ACT covers;**

- 1) the sale by retail of alcohol (off or on sales)
- 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club (or permitted guest)
- 3) the provision of regulated entertainment
- 4) the provision of late night refreshment (selling hot food and hot drinks between 11pm to 5am)

**A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.**

**You are advised to cease the unauthorised licensing activity with immediate effect.**

I notice you have applied for a Temporary Events Notice (TEN) for 6<sup>th</sup> May 2018 which is for the sale of alcohol only. No 'regulated entertainment' was applied for as part of this TEN so please note you will be committing an offence under the Licensing Act 2003 if you have any form of regulated entertainment which requires a licence as part of this event (this included amplified live music and/or recorded music).

For further advice please contact your legal representative. Further information is available on our website: [www.towerhamlets.gov.uk/licensing](http://www.towerhamlets.gov.uk/licensing)

The authority appreciates that not all complaints are justified when they are made but it is our procedure to bring them to your attention and invite you to make any comments you consider appropriate, otherwise visits will be carried out to your residential premises for us to establish the facts.

Yours sincerely,



**Licensing Officer**

Mr James Wheale

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

31<sup>st</sup> August 2017

My reference P/EHTS/LIC/101482

**Place Directorate**

**Public Realm**

Environmental Health and Trading Standards  
Head of Service: David Tolley

Licensing Section  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel **020 7364 5008 option 3**

Fax **020 7364 0863**

Enquiries to **Licensing**

Email [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk)

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

Dear Sir,

**Licensing Act 2003**

**New Premises Licence Application:**

**Nomadic Community Gardens, Fleet Street Hill, London, E1 5ES**

I write to you following your application for a new Premises Licence for the above premises which was heard by the Licensing Sub Committee on 23rd August 2017. The licence application was considered by the Committee who made a decision to refuse the application.

The reasons for this decision are attached in **Appendix A**.

Your rights of appeal are contained in **Appendix B**

If I can be of any further help please let me know.

Yours faithfully,

[REDACTED]

**Corinne Holland**  
**Licensing Officer**

## Appendix A

### **Reasons for refusing a premises licence:**

#### **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. 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 had carefully considered all of the evidence before them and listened to the verbal representations made by the applicant and all objectors present at the meeting with particular regard to the licensing objectives of crime and disorder, prevention of public nuisance and public safety.

The Sub Committee expressed serious concerns over public safety due to a lack of a management structure and believed that the applicant was unable to demonstrate how he would manage and control the number of patrons frequenting the gardens where licensable activities would take place. There were also a number of other concerns which Members noted;

- That there was little indication as to who would be working in gardens and in what capacity as they were referred to as volunteers by the applicant. It was unclear as to what experience they had and what training they would receive in order to sell alcohol responsibly.
- There was no evidence of a strict noise policy in place and how noise would be measured.
- That it is was an open site with three entry and exit points.
- The ad hoc nature of camp fire events with no procedures in place to monitor the number of visitors that attend and the level at which music is played.
- That the applicant was only at the site on Mondays and not present during the weekend which was the busiest time.
- That there had not been an opportunity to hear from the DPS

Whilst Members noted the conditions offered by the applicant members were not satisfied on how the condition relating to employing SIA door staff for events with over 100 persons would be met. As there was no evidence of how this would be monitored or controlled and questioned how practical it was to arrange for an SIA door staff to be present prior to knowing who would be

attending. As the applicant during his submissions was unclear on how many people visit the gardens.

Members noted that no formal objections had been raised by Responsible Authorities in respect of public nuisance however Members gave due weight to the representations made by local residents and accepted that public nuisance did occur.

### **Decision**

Members were not satisfied that sufficient evidence was provided by the applicant to alleviate the concerns raised and there were no additional conditions which Members felt that could be imposed to promote the licensing objectives.

Accordingly, the Sub Committee unanimously

### **RESOLVED**

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

## **Appendix B**

### **Appeal Rights under Section 5 of Licensing Act 2003.**

The appeal must be made to the Magistrates Court which has jurisdiction in the area of the London Borough of Tower Hamlets.

A notice of appeal must be given to the justices' chief executive for the Magistrates Court within a period of 21 days beginning with the day on which notification was sent by the Licensing Authority.

**Please note that the licensing authority will always be a party to the appeal.**

# Appendix 6

## Corinne Holland

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**From:** Nicola Cadzow  
**Sent:** 13 June 2019 12:10  
**To:** Licensing  
**Cc:** 'MARK.J.Perry@[REDACTED]'; Thomas.Ratican@[REDACTED]  
Wheale  
**Subject:** MAU REPRESENTATION 118519 New premises licence application for Nomadic Community Gardens Fleet Street Hill, London

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Licensing,

I have considered the new premise licence application for Nomadic Community Gardens Fleet Street Hill, London and the potential impact of public nuisance and measures to prevent noise generated from within the external space which could cause disturbance to people in the vicinity.

The applicant is proposing the following opening hours:

- **Sale of Alcohol Tuesday to Sunday until 21:00 hours (closing an hour later at 22:00 hours)**

Consideration has to be given to the fact that whilst the applicant has not applied for regulated entertainment: live or recorded music on the application, this would be allowed under deregulation of the Live Music Act 2012 should the licence be granted for sale of alcohol. This would mean that Nomadic Community Gardens would be able to have regulated entertainment (recorded or live music) between 0800 hours and 23:00 hours Tuesday to Sunday, for up to 500 persons.

It must be noted that the Council received a noise complaint from loud amplified music emanating from Nomadic Community Gardens as recently as the 31<sup>st</sup> March 2019.

**Noise Sensitive premises:** residential premises are in close proximity including at Buxton Street & Pedley Street 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

### **CONCLUSION**

Environmental Protection **does not** support the application for Nomadic Community Gardens Fleet Street Hill, London, as there is great likelihood of disturbance to residential premises if the licence was granted.

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



# Appendix 7

## Corinne Holland

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**From:** Alison Retz [REDACTED]  
**Sent:** 27 June 2019 11:58  
**To:** Licensing  
**Subject:** Re: Nomadic community gardens - objection to premises licence of 30.05.2019

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Corinne,

It is:

Alison Retz  
[REDACTED]  
[REDACTED]  
[REDACTED]

Best,  
Alison

On Thu, 27 Jun 2019, 10:34 Licensing, <[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)> wrote:

Dear Ms Retz

Thank you for your email. In order for us to accept your representation we do require your full name and address in order to accept it. If you wish us to include your email, please send us your details before the close date detailed below.

Please note that the last date for the Licensing Authority to receive representations is **27<sup>th</sup> June 2019 (midnight tonight)**.

Representations should be sent to [licensing@towerhamlets.gov.uk](mailto:licensing@towerhamlets.gov.uk) . In the meantime, you can find further information on our website: <http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Kind regards

*Corinne Holland - Licensing Officer*

☎ [redacted] | ☎ :020 7364 5008 | 💻 :[corinne.holland@\[redacted\]](mailto:corinne.holland@[redacted])  
📧 :[Licensing@towerhamlets.gov.uk](mailto:Licensing@towerhamlets.gov.uk)

**From:** Alison Retz [mailto:[redacted]]  
**Sent:** 26 June 2019 19:35  
**To:** Licensing  
**Subject:** Nomadic community gardens - objection to premises licence of 30.05.2019

Hello,

I am a resident of [redacted], writing to object to the request made by the Nomadic community garden, next to Allen Gardens, to get a licence to sell alcohol at events in to the evenings throughout the week and weekend.

We already experience drug dealing and ASB throughout the night, on a very frequent and often daily basis, on Spital street. We have seen this increase in frequency as well as increasing in the number of people and the size of the groups partaking in this illegal activity over recent months. We have been reporting this consistently to the police and to the council, through John Fortune, but the problem persists.

I am concerned that by allowing this alcohol licence, the above problems of drug dealing and ASB will worsen. This affects all residents of Spital street, it makes residents feel unsafe on their own street and is disruptive to our normal lives as the groups of people shouting up and down the street at all times of the night affects our ability to sleep on a consistent basis.

Please let me know if you require further details from me to register these objections.

Kind regards,

Alison Retz

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

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not

# Appendix 8

## Corinne Holland

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**From:** Charlie Dunlop <[REDACTED]>  
**Sent:** 25 June 2019 08:59  
**To:** Licensing  
**Subject:** Object to License Application - Nomadic Community Gardens

Dear Licensing team

I am writing to object to the license applicator of James Wheale and the Nomadic Community Gardens - Date 30th May 2019. This site brings much disruption to an area that is already overrun with anti social behavior and drug dealing with very little support from the police to regulate it. It beggars believe that the site is allowed to operate as it does already let alone extending its license. Weekends involve large amounts of visitors to the area using it as party ground with loud music, drunken behavior, drug use and with zero regard for local residents. As far as I can tell the Nomadic Community Gardens does nothing to prevent this disruption and moreover encourages it. Please accept this email as an objection on the strongest terms to this license application.

Regards,  
Charles Dunlop

[REDACTED],  
[REDACTED]

# Appendix 9

**RE: Licensing Act 2003, Nomadic Community Gardens, Fleet Street Hill, London E1 5ES.  
Representation –Objection, Felix Frixou**



Head of Environmental Health & Trading Standards  
David Tolley  
Licensing Section  
John Onslow House  
1 Ewart Place  
London, E3 5EQ

Dear sir,

**RE: Licensing Act 2003, Nomadic Community Gardens, Fleet Street Hill, London E1 5ES.**

I reside some 30 meters away from the above site considered for a licensing application , my apartment is located closest, in the nearest residential building and has all rooms including bedrooms located on ground floor. I am writing to object to the licensing application.

LBTH licensing objectives:

**The prevention of crime and disorder.**

The application concerns a space that is temporary open land awaiting development subject to planning approval and marked by a wire fence.

Since the Nomadic Community Gardens has been operating, with an informal, unlicensed bar currently selling small quantities of alcoholic beverages, I have experienced an increase in crime and disorder in the immediate space outside the rooms of my flat.

The police are frequent visitors and have already made several repeated arrests for the same issues regarding persons dealing and consuming drugs and alcohol and for violent offences. The problems have continued despite the arrests. A licensed bar granted to the applicant will simply attract more patrons and more people willing to sell drugs to such patrons. The police do not have the resources to constantly monitor my street. The street is now isolated by a new road layout. My building has also suffered from repeated vandalism and flats in my block are much more at risk of burglary due to such social problems and an increased inflow of people attending 'Nomadic Gardens'. The licensing application if granted will exacerbate these problems.

I have visited 'Nomadic Gardens on several occasions, every time without exception people were consuming drugs in the open space and offering drugs for sale, sometimes aggressively. My impression is that most patrons attending, did so, mainly due to the space being excluded from smoking regulations of enclosed spaces. By applying for a license to sell alcohol, I feel that the applicant and site freeholder have both disregarded the needs of people in neighbouring properties. The claims in the application concerning monitoring drug taking and ejecting anyone found to be using drugs are complete nonsense. The main attraction for patrons is free entry to a smoking venue.

The applicant has absolutely no means of controlling the behaviour of patrons inside or outside the fenced enclosure as they exit. Police, that have previously attended in several vehicles have not managed. So, the applicant, by means of 'displayed notices' and two amateur volunteers will certainly not be able to prevent crime and disorder.

I would urge the licensing officers investigating this application to contact the relevant Tower

**RE: Licensing Act 2003, Nomadic Community Gardens, Fleet Street Hill, London E1 5ES.  
Representation – Objection, Felix Frixou**

Hamlets police personnel, regarding crime outside Nomadic Gardens and Pedley Street.

**The prevention of public nuisance.**

With all rooms including bedrooms of my flat located on the ground floor, increased noise emanating from the proposed licensing application will exacerbate an already significant problem with amplified and live music and people shouting in an open space immediately next to the property. The patrons that Nomadic Gardens attracts – free music, free entry, allowed to smoke- are much more likely to bring their own alcohol rather than pay more to buy it from the applicant. Much of this alcohol is likely to be consumed after the licensing hours of the application, on the street immediately outside the living room and bedrooms of my flat on the ground floor. I believe that many other flats on the street will experience disturbance if the licensing application is granted. Pedley Street is now mostly a residential street, together with some light industrial buildings.

**Public Safety**

A licensed bar is likely to present increased problems for public safety for local residents and potential patrons.

Pedley Street is a cul-de-sac and difficult for police and emergency services to access due to the new road layout and railway. It is also an area with a high incidence of crime and anti social behaviour because it is relatively isolated by its location.

**The protection of children from harm**

Families with young children live on Pedley Street. Children also attend the area as visitors and for Spitalfields Farm next door. I have been informed that Nomadic Gardens in its present operating form without a licensed bar already makes parents have concerns for the safety of children due to some the patrons it attracts and incidents of anti social behaviour.

**Nuisance to neighbouring properties arising from granting a licensing application, is in the interest of the site freeholder.**

LBTH licensing officers should be made aware that the person named on this licensing application is directly or indirectly employed by the freeholder of the site 'London Newcastle'. The 'Nomadic Gardens' is a transient project, temporary use of land, agreed by the freeholder while awaiting planning permission to be granted for the site. Previous applications by 'London Newcastle' for the site have met with local objections and were turned down by LBTH.

I strongly believe that any nuisance, distress or anti social behaviour experienced by neighbouring properties will serve the interests of the site freeholder. The freeholders likely motivation for applying for a licence to sell alcohol from this open air site is that it will serve to erode local objections to their forthcoming planning proposals. Temporary land use projects, such as 'Nomadic Gardens' have become common practice by land developers in metropolitan cities. I urge LBTH to thoroughly investigate this licensing application and refuse it. I view it as an aggressive form of public relations by the site freeholder to gain planning approval by first causing disturbance and distress to neighbouring properties. The site is an open air enclosure, there is no commercial or social need for a licensed bar. 'London Newcastle' have already caused distress to their neighbours without the additional problems of this licensing application.

Yours faithfully,

Felix Frixou.



# Appendix 10

## Kathy Driver

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**From:** Ben James <[REDACTED]>  
**Sent:** 24 June 2019 21:34  
**To:** Licensing  
**Subject:** Objection to licensing application, Nomadic Community Gardens

Dear Licensing Authority Team,

I am writing to object to the application for a Premises Licence by James Wheale at Nomadic Community Gardens, Fleet Street Hill, London E1 5ES (Date of Application: 30 May 2019).

In addition to my objection to this licensing application I'd like to express my concern that this licence application does not appear on the Council's current register of licence applications currently in consultation:

[https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol\\_and\\_entertainment/Licence\\_applications\\_currently\\_in\\_consultation.aspx](https://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/Licence_applications_currently_in_consultation.aspx)

Moreover as a previous objector to a premises application on this site I was under the impression that the council would contact me to consult me on future applications for this premises - this has not happened on this occasion

Please would you be able to confirm in writing that the council has carried out its full responsibility in consulting local residents on this licensing application. If this is not the case I hope the licence application consultation process will be repeated to allow local residents to be fully consulted.

I am writing to express my objection in the strongest terms to the licensing application permitting the sale of alcohol by James Wheale at Nomadic Community Gardens. This venue is a blight on the local community and a focal point for anti social behaviour which damages the local environment. Allowing the sale of alcohol on this premises would compound the problems this venue is already causing for local residents.

My partner, Rose Popham, and I live at [REDACTED] with our 2 year-old and four month old children. The windows of our ground floor flat directly face the Nomadic Community Garden across Allen Gardens, with the Overground railway line travelling between us and the site.

Since Nomadic Community Gardens Ltd - the private limited company that Mr Wheale is a Director of - took over the site, we have faced regular disruption with loud recorded and live music being played or performed over amplified PA equipment during weekends, often late in the evening. Nomadic Community Gardens is operated as an open-air venue and there is no barrier other than the railway line, which has no discernible effect on the noise, between our home and the sound equipment.

These events attract large numbers of visitors without sufficient provision for the impact they have on the local area. During these events Allen Gardens is full of inebriated people urinating in public and generating huge volumes of litter, which the council then organises a substantial operation to clean up on Monday mornings.

Nomadic Community Gardens is notorious locally as a focal point for the sale and consumption of illegal drugs. This has begun to be recorded on independent online review sites including trip advisor and google:

[https://www.tripadvisor.co.uk/ShowUserReviews-g186338-d11907380-r679132035-Nomadic\\_Community\\_Garden-London\\_England.html](https://www.tripadvisor.co.uk/ShowUserReviews-g186338-d11907380-r679132035-Nomadic_Community_Garden-London_England.html)

[https://www.tripadvisor.co.uk/ShowUserReviews-g186338-d11907380-r657628495-Nomadic\\_Community\\_Garden-London\\_England.html](https://www.tripadvisor.co.uk/ShowUserReviews-g186338-d11907380-r657628495-Nomadic_Community_Garden-London_England.html)

[https://www.tripadvisor.co.uk/ShowUserReviews-g186338-d11907380-r657655243-Nomadic\\_Community\\_Garden-London\\_England.html](https://www.tripadvisor.co.uk/ShowUserReviews-g186338-d11907380-r657655243-Nomadic_Community_Garden-London_England.html)

This behaviour is tolerated on the Nomadic Community Gardens site in defiance of the Metropolitan Police Service - which to its discredit is listed as a sponsor on Nomadic Community Gardens website. I do not see how Tower Hamlets council can begin to conceive of granting an alcohol licence to a venue with such an established track record of illegality and anti-social behaviour.

Allen Gardens, which has a children's play area, has become a no-go area for children at the weekend. It has become impossible to walk along Buxton Street with my 2 year-old on a Saturday or Sunday afternoon without her being exposed to drunken behaviour, public urination, verbal and physical arguments and drug dealing.

I would like to note that Nomadic Community Gardens Ltd is a private limited company operating the site on a temporary basis on behalf of a property developer, London and Newcastle Capital Ltd, which has planning consent for its Fleet Street Hill development on the site. The websites of both companies give the impression that theirs is a mutually beneficial partnership, where each provides a service on behalf of the other. They also make it clear that Nomadic Community Gardens is a temporary occupant of the site and will eventually make way to allow the development of the site as housing.

We have an excellent neighbour on Buxton Street that provides the local community with an opportunity to participate in gardening and a variety of activities on an otherwise derelict site - Spitalfields City Farm. The city farm has operated on Buxton Street since 1978 - amply demonstrating that there is a sustainable way to provide this type of city farm/garden project without the need to raise funds through disruptive weekly amplified music, performance events and the sale of alcohol. In contrast to Nomadic Community Gardens Ltd, the City Farm is a registered charity and has repeatedly demonstrated a long-term interest in fostering genuine links with the local community.

I feel extremely strongly that James Wheale and Nomadic Community Gardens Ltd's application for a premises license to allow the sale of alcohol has nothing to do with the creation of an urban garden and is instead an attempt to create an open-air entertainment venue for short-term profit. The preferential relationship between the operator and the property developer, in addition to the well established example of the city farm, demonstrate that the sale of alcohol is not necessary to ensure the financial sustainability of a community garden project, and that there are other means to achieve financial sustainability that have less of a negative impact on the surrounding homes.

The community garden site is completely unsuitable for an open air venue for the sale of alcohol as it is surrounded by homes, both on Buxton Street to the south and on Cheshire St to the north. In addition the sale of alcohol and the concomitant increase in alcohol related disorder and other antisocial behaviour will make Allen Gardens even more unpleasant and unsafe for children attempting to use the council-provided play facilities.

This is a temporary project that will eventually make way to allow the development of the site: Nomadic Community Gardens Ltd has no long-term interest in building a relationship with the community in the surrounding area and every incentive to maximise its profitability in the short term. This should not be allowed to happen to the detriment of householders who face an onslaught of noise and anti-social behaviour with no mitigation put in place to limit its impact on their homes. I urge the licensing team to refuse this application and to more closely monitor and regulate anti social behaviour at Nomadic Community Gardens

Your Sincerely

Ben James

counter-signed, Rose Popham

[REDACTED]

# Appendix 11

## Kathy Driver

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**From:** David Knight <[REDACTED]>  
**Sent:** 24 June 2019 23:39  
**To:** Licensing  
**Subject:** Objection to premises licence application, Nomadic Community Gardens 30.05.2019

Dear Licencing Team,

I am writing to object in the strongest possible terms to the premises application by James Wheale, Nomadic Community Gardens, Fleet Street Hill, London E1 5ES, dated 30 May 2019.

Our home of 13 years is immediately south of the premises, our windows directly face the garden across Allen Gardens park. I previously objected to a licencing application for events at this site and spoke against the proposals at a licencing committee at tower hamlets council chamber. Happily this previous licence was rejected, with the chair of committee pointing out that the NCG project had done nothing to reassure the committee that its application for activities at the site could be safely and satisfactorily managed. At this committee the applicant, Mr. Wheale, noted that he had never attended one of the NCG's weekend events and had no management plans in place to ensure that events would be safely and responsibly managed. Nothing has changed since then to our knowledge and the NCG's impact on our lives and those of our neighbours has become ever worse.

I am very surprised that given my objection to the previous application I, nor anyone I know in our local area, has been notified of this application.

Licencing the sale of alcohol on these premises would exacerbate this business's incredibly negative impact on our local area and on our home lives.

Yesterday the NCG began playing loud recorded music at 1:30pm until around 9pm. At the outset this music was so loud that I could hear the needle touch the vinyl before the song started in my kitchen, with our doors and windows closed. The music was unbearable until I finally decided to relocate my young family out of our house to a friends home until the end of the event. This is now a weekly event and we feel unable to live in our home at the weekends due to the NCG's events programming, which exceeds all sensible noise levels. Sadly, as your noise team opens at 8pm on weekends they have not recently been able to witness the noise levels that cause us so much disruption. This is becoming a mental health and quality of life issue for myself and for my family, and is having negative impact on the quality of life of my four year old daughter and, I know, on that of my neighbours' two young children. Following yesterday's disruption, which is the latest in a string of Summer weekends stretching over several years, my daughter could only go to bed and sleep extremely late, after the noise had finished, and could not be woken up this morning until 8:45, and was therefore late for nursery school. Providing a drinks licence on several nights of the week would validate and support this utterly irresponsible events programming and worsen our quality of life immeasurably.

We and our neighbours have a string of noise disturbance reports documented, though recently we have called less because we have simply abandoned our home when we know we can expect noise from this business.

The adjacent city farm provides wonderful public gardening and access to nature , and occasional, very well managed evening and daytime events. The 'community gardens' instead provide negligible community gardening (if any) and instead is acting like an events and social venue, something it has no infrastructure, other than a sound system, to support, for example a management team controlling volume, controls on numbers of attendees, or noise-reducing materials or equipment. We have visited the NCG in person on many occasions to ask for the noise to be turned down, this has never led to anything more than five minutes reduction, so have now given up trying to communicate.

We are aware of past abatement notices served on the gardens and yet they continue to behave with a total disregard for the communities they claim to be supporting.

On visits to the site we have seen significant amounts of alcohol changing hands, officially or unofficially we have no idea, and ample evidence of drug taking. Reviews on TripAdvisor frequently mention the prevalence of weed on site, which on its own would be enough to alienate many people in this diverse, multicultural place in which many families live and which hosts several schools. Drug dealing on Buxton Street and Hunton Street has spiked hugely since the NCG arrived in our neighbourhood and the immediate area around the NCG has become an extremely unwelcoming space. The quantity of litter in and around the site is enormous, we have many photographs of this. There appears to be no proper commercial waste plan in place, with piles of rubbish accumulating at the alleyway junction of Allen Gardens and Brick Lane, which we have witnessed being carried from the NCG site. Urination on our home and in the surrounding streets is unbelievably prevalent, surely in part because of the park but again hugely spiked since the NCG's arrival. Human faeces and, yesterday and many times before pool of blood, have become commonplace around our home - I am not joking. At the start of the summer we were walking across the park and a group of five superbikes drove across the grass of Allen Gardens park and into the NCG, with a steward holding open the gate for them. This sort of thing simply didn't happen a few years ago prior to this business starting and is utterly against the spirit of a place in which families live, reside and play. The situation, already extremely negative and with a hugely negative impact on the conservation area of Brick Lane, would be made even worse with more regular and more official alcohol sales.

The NCG has claimed to have a licence until 9pm on Sundays (we don't know if this is the case) but regularly exceeds this. After that, events and sound systems frequently spill out into Allen Gardens after the NCG has closed down and continue late into the night. These after-events have often been shut down following confrontations with the LBTH noise team or the police, responding to 101 calls. Again, this problem can only grow if alcohol sales are granted and on more nights of the week.

Through its @Nomadicnightsldn instagram account the NCG is currently promoting an event on Friday 28th June with a "health bar" DJs and performers. Has a licence to host an event with performance been sought for this Friday, and if so again why are the community not asked, especially after the earlier licence has been turned down by LBTH's licencing committee? It also held a week-long series of film night and live music performances last week, with the film screening starting every day at 9pm. Was this licensed and again why were the community not consulted? When similar events happen at the farm or the Truman Brewery, we may not always agree but we tend to be informed. Though we appreciate the on-the-ground efforts of the LBTH noise team, who we have invited into our home multiple times over the years and who have often been very useful in ceasing noise issues, ultimately we feel neglected and let down by the borough in this issue.

We love living next to Allen Gardens and to the City Farm, both of which provide us with much joy, community spirit and of course sometimes with noise and disruption, in a way which is part of city life. However the activities the NCG promotes far exceed this in the ways I have tried to summarise. If a commercial pub or bar on Brick Lane behaved in the way that NCG behaves we can't imagine it being tolerate by the licencing authorities.

I beg you for the reasons above not to grant this licence and to take a very serious look at the activities of this business. And I would be keen to attend or speak at any committee meeting to discuss or decide this and any future applications.

Yours sincerely,

Dr David Knight

[Redacted signature block]

# Appendix 12



## Corinne Holland

---

**From:** Samantha Neale  
**Sent:** 28 June 2019 11:32  
**To:** Corinne Holland  
**Subject:** FW: Objection to licensing application, Nomadic Community Gardens

---

**From:** maria papas [REDACTED]  
**Sent:** 27 June 2019 18:10  
**To:** Licensing  
**Subject:** Objection to licensing application, Nomadic Community Gardens

To Licensing,

I am writing to object to the application for a Premises Licence by James Wheale at Nomadic Community Gardens, Fleet Street Hill, London E1 5ES (Date of Application: 30 May 2019).

Nomadic Community has had a very negative impact on our lives. It is very disruptive to our peace and mental sanity.

We live in the building at [REDACTED] which borders Allen Gardens.

Nomadic attracts people that then spill out onto Allen Gardens and continue to spread their ASB of being drunk and loud, urinating, vomiting and defecating.

The two main problems that we have had to manage since Nomadic opened 5 years ago (or so) are the following:

- Noise (loud music) from their speakers
- ASB spilling over into Allen Gardens

Giving them an alcohol licence is not going to make our lives as residents, trying to get on with our work and lives any better.

Allen Gardens has a history of being an attraction for ASB and continues to receive a large volume of complaints regarding serious and persistent ASB of which we have records with Noise Team reference numbers and Police CAD or CHS numbers. This problem is greatly exacerbated by Nomadic Community activities. We also have a large amount of Noise Team reference numbers and Police CAD numbers for Nomadic Community.

In July 2017 Nomadic C put in an application for a premises licence which was refused at a hearing on the 23rd of August 2017.

All us residents were relieved as we had called the Noise Team and Police for several years already and had accumulated many Council and Police reference numbers for our calls over the years. Many of us made representations in writing and also attended the hearing.

This, we were hoping, would be the end of our repeated nightmare weekends of Noise and ASB.

But this was not the case. The noise coming from Nomadic C, continued and we had to continue to call the Noise Team of which we have, as always, reference numbers for.

Things actually got worse not better and we repeatedly were suffering the noise on weekends. Nomadic Community is totally disrespectful and dismissive of residents. The noise from the Nomadic Community

speakers and the ASB coming from Nomadic users, unfortunately would go on all day Saturday and day Sunday starting at 1pm till 10pm. No chance of rest on the weekend after a gruelling week at work.

In October 2017 an abatement notice had been served on Nomadic Community as Noise officers had come to my house on the 8th of October and witnessed and confirmed that a statutory noise nuisance existed.

January - April 2018 Nomadic C, continued to have events with very loud music. In spring of 2018 I discovered that from January through April of 2018, Nomadic C did not have a Permanent Licence or Temporary Event Notices in place for the events that they had been holding from January through April of 2018.

I discovered this because on the 22nd of April 2018 the music was very loud till 10pm as usual. I called the Noise team and a THEO called [REDACTED] who came to my house to witness the noise explained that NC told them they had a licence but that they did not show it to them. [REDACTED] explained to me that THEO's do not have access to online licensing information at night and therefore cannot prove or check that there is one in place.

So I called licensing on that Monday 23rd of April to discover what licence Nomadic Community had. I discovered that no TEN's had been applied for from Jan - April 2018. So Nomadic was in fact doing events without either Permanent or Temporary licenses.

The first Temporary Event Notice applied for by Nomadic Community in 2018 was on the 6th of May 2018 which was granted.

But for example, the following events, done by Nomadic C were without a licence:

- on Sunday 22nd of April 2018 COUNCIL Noise reference number 24969; POLICE CHS 30477 (CALL HANDLING SYSTEM)
- on Saturday 5th of May 2018 Council Noise reference number 25034

THESE EVENTS STARTED AT 1PM AND WENT ON TILL 10PM (Now, 2019, they go on till 9pm)

So it's an all day affair of Noise nuisance and ASB.

No one from the council can help us RESIDENTS until 8pm when the Noise Team starts work. By 8pm our nerves are way past the point of fried.

And I tell you it's not a great way to start the week over and over again.

ON Sunday 6th of May 2018, a TEN was applied for and granted. It was the first application of the year. But it was not the first event of the year.

And so it goes on and on.

Does licensing really want to grant an alcohol licence to applicants who have :

- made our residents lives a misery over the last 5 years BY NOT RESPECTING RESIDENTS with Noise Nuisance and ASB
- illegally held events without a Permanent Licence or Temporary Event Notices.

We residents really hope you don't issue an alcohol licence because already we feel totally unsupported by authorities and on many weekends TH and Police have no idea what is in fact happening round the corner from us at Nomadic Community. No one over the last 5 years has monitored on site what is going on. It is us residents who exasperatedly inform the authorities at 8pm when the Noise Team starts their shift.

And I think it's about time that the council realises that alcohol has been sold on the premises without an alcohol licence on occasion in the past, and also that drug use is rampant on the premises.

Kindly  
Maria Papageorgiou

██████████

██████████

# Appendix 13

## Kathy Driver

---

**From:** Cristina Monteiro <[REDACTED]>  
**Sent:** 25 June 2019 00:19  
**To:** Licensing  
**Subject:** Objection to licensing application, Nomadic Community Gardens

Dear Licensing Authority Team,

I am writing to object in the strongest terms to the application for a Premises Licence by James Wheale at Nomadic Community Gardens, Fleet Street Hill, London E1 5ES (Date of Application: 30 May 2019).

I would also like to understand why we haven't been notified of this application, noting that we are within the notifiable area and have been notified in the past of licensing applications in relation to the open-air venue. In addition to this we can not see it in the Council's current register of licence applications currently in consultation: [https://www.towerhamlets.gov.uk/ignl/business/licences/alcohol\\_and\\_entertainment/Licence\\_applications\\_currently\\_in\\_consultation.aspx](https://www.towerhamlets.gov.uk/ignl/business/licences/alcohol_and_entertainment/Licence_applications_currently_in_consultation.aspx) I happened to stumble across it walking past the fence of the allegedly "community garden" see photos attached. On this basis I trust that an extension of the notification period should be granted such that all local residents are duly notified and exercise their right to object/support this application.

The nomadic 'community' gardens is not a community space, it can only be described as an open-air venue that has brought a substantial material negative impact on the conservation area and the local community and it's a focal point for anti-social behaviour which damages the local environment. The conservation area has been blighted with graffiti, high levels of waste and antisocial behaviour such as public urination, drug dealing, amplified music... In the summer months this open-air venue operates as a weekend "music festival" without the infrastructure required for the footfall numbers. These events bring a vast number of visitors without adequate provision for the impact they have on the local area. This has a massive impact on Allen Gardens and surrounding areas that become full of inebriated people urinating and defecating in public, which the council struggles to adequately clean on Monday mornings, often our school run involves going through sick and high volumes of litter.

I am truly disappointed that despite the number of noise complaints, antisocial behaviour, and possible environment health complaints attached to this venue from local residents, the venue is still open and looking to expand their operational hours and offer. I urge you to not only refuse this application but review the current granted licenses to stop the license for amplified music that an open-air venue allegedly has without any infrastructure in place to buffer the amplification for neighbours.

In the recent years me and my family have been tormented by this venue, we no longer have a quiet weekend from lunch time onwards amplified music vibrates our house. This has had a huge impact on my 4 year old child whom finds it extremely hard to sleep with the noise or wakes up terrified with the noises of people screaming on amplified microphones. This really has to stop, it's affecting my child and my well being.

Furthermore there is ample online evidence that the Nomadic Community Gardens is a place for consumption of drugs, I am attaching a couple of screen-grabs for your records.

I seriously struggle to see how Tower Hamlets council can endorse an alcohol licence to an open-air venue with such an established track record of anti-social behaviour.

Again I feel extremely strongly that James Wheale and Nomadic Community Gardens Ltd's application for a premises license to allow the sale of alcohol has nothing to do with the creation of an urban community garden and it's indeed a 'trojan horse' as it functions very much as an open-air entertainment venue for

private profit. I am approaching photos of the Venue that I took today where there is evidence of Buddleja growing on the boundary, and very little planting on the raised beds. The entrance sign inadvertently summarised their remit “**Cafe+ art+ Music+ Green bits**” see attached photo for your records. Its not a community garden by any definition of the word.

I cannot further emphasise how this site is completely unsuitable for an open-air venue for the sale of alcohol as it is surrounded by homes, both on Buxton Street to the south and on Cheshire St to the north. Noting that the sale of alcohol would have and further negative impact and an inevitable increase in alcohol related disorder and other antisocial behaviour will make Allen Gardens even more dilapidated.

I urge the licensing team to refuse this application and to closely monitor and regulate anti social behaviour at Nomadic Community Gardens, and review any current licenses that the venue might have erroneously been granted.

In return please confirm the receipt of my email, and notify us of any further actions from your team in relation to this application and any other form this venue.

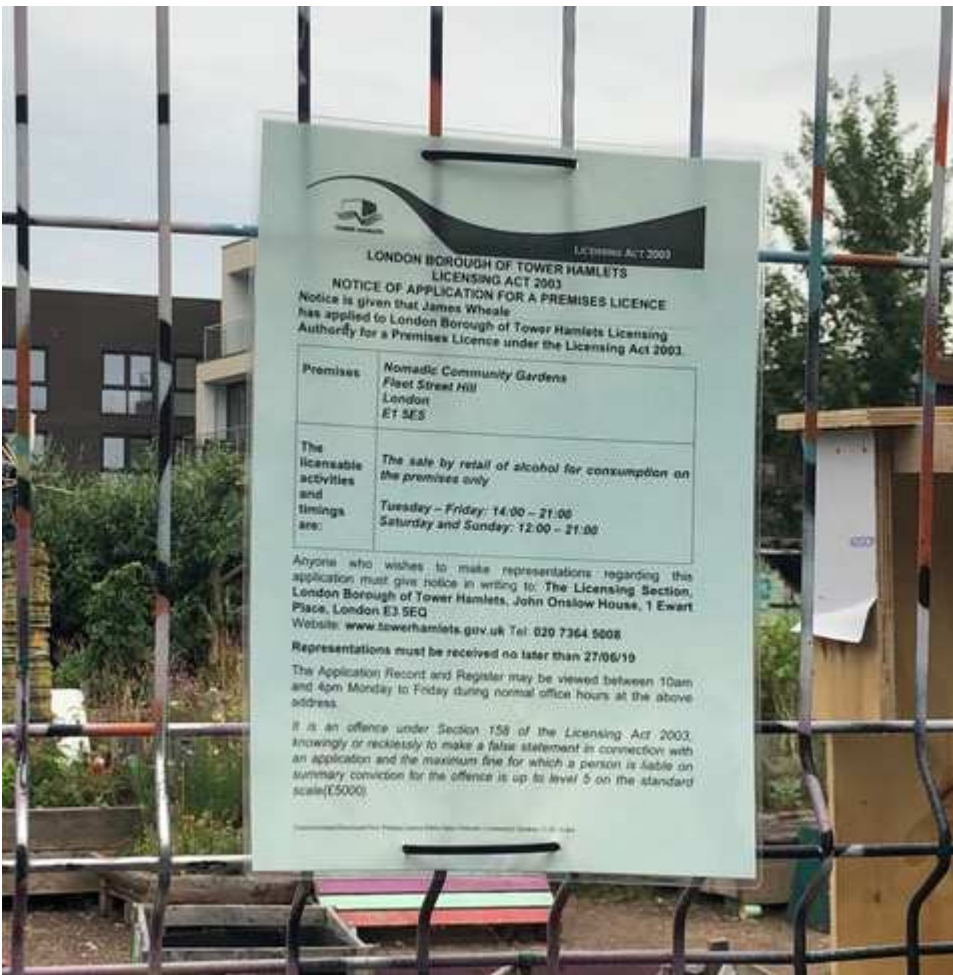
Your Sincerely

Cristina

–

Cristina Monteiro RIBA ARB

[Redacted signature block]









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### London's 'freetown' hangout

Review of Nomadic Community Garden

5/5
Reviewed 10 March 2019

Crawley, United Kingdom  
154 99

This place is a hidden community situated in the heart of Shoreditch. If you find the entrance, you'll enter a colourful world of graffiti, repurposed vehicles and trash, and a scattering of locally-run venues.

It's an adventure to explore, and has loads of hidden corners to relax in. Lots of people smoke weed here, so if you find that an issue, don't visit. It's a fun, laid-back place that I'm sure is great in the summer.

**Date of experience:** March 2019

[Ask vaug002 about Nomadic Community Garden](#)

1 Thank

This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC

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### For Hipsters

Review of Nomadic Community Garden  
Reviewed 10 March 2019

Glasgow, United Kingdom  
1981 likes 6913 followers

A quirky little hipster hangout with lots of graffiti, artwork from recycled items, lots furnishing built from scrap wood, people hanging around chatting and smoking weed etc. Kudos for the idea of building a community garden, but really there's not much to see for a city boy. There's mud everywhere and the gardens are empty. Maybe winter isn't the best time to go.

**Date of experience:** March 2019



Ask macedonboy about Nomadic Community Garden

2 Thank

*This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC*

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### Hippy Friendly

Review of Nomadic Community Garden  
Reviewed 2 weeks ago

London, United Kingdom  
49 likes 19 followers

It's a weird little spot tucked off the back of Brick Lane. It's not my cup of tea but could be yours. Lots of bongos, nitrous, and weed, if that is your thing, this is your spot. The graffiti there is very cool though and even some of the parts of the garden.

**Date of experience:** July 2018

Ask Trace115 about Nomadic Community Garden

Thank

*This review is the subjective opinion of a TripAdvisor member and not of TripAdvisor LLC*

[See all 40 reviews](#)

# Appendix 14

## Corinne Holland

---

**From:** Samantha Neale  
**Sent:** 28 June 2019 11:32  
**To:** Corinne Holland  
**Subject:** FW: Referring to Premises Licence 30.05.2019 Nomadic Community Gardens

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

**From:** [REDACTED]  
**Sent:** 27 June 2019 20:38  
**To:** Licensing  
**Subject:** Referring to Premises Licence 30.05.2019 Nomadic Community Gardens

I, Mr Rachpal Singh, of [REDACTED], object to granting a licence to sell alcohol at the Nomadic Community Gardens, the events are already causing anti social behaviour, noise and urinating in streets til late at night causing loss of sleep due to disturbance effecting the residence quality of life.

# Appendix 15

## Kathy Driver

---

**From:** Spurring <[REDACTED]>  
**Sent:** 25 June 2019 07:30  
**To:** Licensing  
**Subject:** Premises license put forward by James Wheale Fleet St Hill E1 5ES.  
30 May 2019.

I write to object to this licence being granted. !

I am still recovering after a week long sporadic music festival , on Sunday 23 June the volume of music from this premises reached quite phenomenal levels !

I am situated at [REDACTED] some 200 metres from this venue , the volume was such that the windows were vibrating continuously, the compression waves from the base were so great that they were palpable rather than audible .

The situation was so extremely mad that in desperation I called 999 police service !

It is an extraordinary state of affairs when a licensing authority grants these events but has no means of monitoring these events , the noise service , not a particularly useful service does not come on duty till 8.00 pm . Interesting to note at this time volume dropped .

We , the residents have been treated with no respect at all by nomadic gardens , their activities have considerably added to the problems of anti social behaviour in our area !

Adding this license will add to the sense that visitors already have that this small area of London is an exceptional place where you can do pretty much anything you like , and would never dream of doing in your own residential area !

What have been the effects of so much licensing for countless gigantic parties , on our locality ?

Does your team never visit ?

Our streets and our homes are now covered in graffiti, some of it of note , and executed with permission. But the vast majority is a visual broadcast to everyone that all forms of civic authority have collapsed here !

Our streets are full of evidence of drug dealing !

At any time of day or night drunken revellers May disturb us at night, or damage our properties or vehicles.

Excrement and gallons of urine appear in corners of our streets after a weekend of good weather

For those of us hanging in here, there are weekends and evenings where the volume from several licensed events at the same time forces us from our homes .

Many people have left , their homes bought by estate agents and let on a short term for just one 'season ' of partying , others have let out their homes for air b&b , sometimes without permission from the housing authority, some properties have been illegally sub let .

Our councillors, and our officers preside lazily over this unique state of affairs and do nothing to help us !

It is such an extraordinary and unique situation that many people who remain feel deserves the attention of the national press!

Our community is being destroyed by the very individuals paid , and trusted , to represent it !!

David Spurring

[REDACTED]  
[REDACTED]

[REDACTED]

# Appendix 16

## Corinne Holland

---

**From:** MARK.J.Perry@[REDACTED]  
**Sent:** 27 June 2019 16:04  
**To:** charles@[REDACTED]; Corinne Holland; Licensing  
**Subject:** RE: Nomadic Community Gardens Premises License App

Dear all,

Please see conditions agreed. I will therefore not be making a rep.

Kind Regards

Mark



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
T: 0207 161 8793 Int: 708793 Email [REDACTED]  
A: Licensing Office, 2nd Floor Bethnal Green Police Station E2 9NZ

---

**From:** Charles Innpacked <[REDACTED]>  
**Sent:** 27 June 2019 15:39  
**To:** Perry Mark J - CE-CU <[REDACTED]>  
**Cc:** James Wheale <[REDACTED]>; Nomadic Damien <[REDACTED]>  
**Subject:** FW: Nomadic Community Gardens Premises License App

Hi Mark

I have just heard from James:

“Of course, we are willing to work with the police and agree to their measures”

Was there any wiggle room in terms of your deadline?

Kind regards

Charles Denny  
Licensing Consultant  
Innpacked Ltd



---

**From:** [MARK.J.Perry@](mailto:MARK.J.Perry@)  
**Sent:** 27 June 2019 10:14  
**To:** Charles Innpacked <[charles](mailto:charles)>  
**Subject:** Nomadic Community Gardens Premises License App

Hi Charles,

Good to speak to you, attached is the drugs and weapons policy I would like the venue to agree to.

The condition I would like add to the license is as follows:

“The premises will have a security plan agreed with Central east Police Licensing, this security plan will outline the necessary security steps for each type of event and cover things such as number of SIA security staff, searching of customers, and checks carried out by management on any acts that are booked to perform”

Please can you confirm that these conditions are acceptable to your client, I will then inform Tower hamlets Council that we have reached agreement.

Kind Regards



PC Mark Perry  
Central East Licensing Unit  
Metropolitan Police Service (MPS)  
T: 0207 161 8793 Int: 708793 Email [mark](mailto:mark)  
A: Licensing Office, 2nd Floor Bethnal Green Police Station E2 9NZ

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# Appendix 17

## **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 18

## 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 19



## 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 20

## **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 21

## Crime and Disorder

- 7.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems and to store prescribed information.
- 7.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder licensing objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where the Metropolitan Police, acting as a responsible authority, makes recommendations in respect of an application relating to the licensing objectives the Licensing Authority would expect the applicant to incorporate these into their operating schedule.
- 7.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 7.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has duties under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough and to share prescribed information.
- 7.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in the Secretary of State's Guidance.
- 7.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.



7.7 **Touting** – This is soliciting for custom. There has been a historic problem with Touting in the borough, mainly in relation to restaurants, and as such in 2006 the Council introduced a byelaw under Section 235 of the Local Government Act 1972 for the good rule and government of the London Borough of Tower Hamlets and for the prevention and suppression of nuisances.

As a result, in relation to premises where there is intelligence that touting is, or has been carried out, the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-

- 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.( marked as Appendix -)
- 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.8 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group Code of Practice. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make in promoting the licensing objectives and is committed to working with them.

Model Pool Conditions can be found in the Secretary of State's Guidance.

7.9 **Criminal Activity** - There is certain criminal activity that may arise in connection with licensed premises which the Licensing Authority will treat particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;

- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

The Secretary State's Guidance states that it is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and this Licensing Authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence, even in the first instance, should be seriously considered.

7.10 In particular the Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".

7.11 From 1 April 2017, businesses which sell alcohol (for example, retailers of alcohol and trade buyers) will need to ensure that the UK wholesalers that they buy alcohol from have been approved by HMRC under the Alcohol Wholesaler Registration Scheme (AWRS). They will need to check their wholesalers Unique Registration Number (URN) against the HMRC online database which will be available from April 2017. This is an ongoing obligation and if a business is found to have bought alcohol from an unapproved wholesaler, they may be liable to a penalty or could even face criminal prosecution and their alcohol stock may be seized. Any trader who buys alcohol from a wholesaler for onward sale to the general public (known as a 'trade buyer') does not need to register unless they sell alcohol to other businesses. Examples of trade buyers would be pubs, clubs, restaurants, cafes, retailers and hotels. However, they will need to check that the wholesaler they purchase alcohol from is registered with HMRC. Further information may be found at: <https://www.gov.uk/guidance/the-alcohol-wholesaler-registration-scheme-awrs>.

## **Smuggled goods**

7.12 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

- 1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery to provide traceability.
- 2) The premises licence holder shall ensure that all receipts for goods bought include the following details:
  - i. Seller's name and address
  - ii. Seller's company details, if applicable
  - iii. Seller's VAT details, if applicable
  - iv. Vehicle registration detail, if applicable
- 3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.
- 4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.
- 5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

## **Olympic Park – Football Ground**

7.13 Premises where Police intelligence shows that football supporters congregate within the borough should consider in their application form the following conditions:

- 1) On Match Days for premises licensed for the supply of alcohol for consumption on the premises:
  - a) Drinks shall only be supplied in polypropylene or similar plastic and all bottled drinks shall be poured into such drinking vessels before being handed to the customer. These should be made of recyclable materials.
  - b) Registered door staff shall be employed to control the entry and exits to the premises and to manage any licensed outside area(s).

# Appendix 22

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

Updated April 2018

## Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. 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.

# Appendix 23

## Prevention of Public Nuisance

- 9.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 9.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.



# Appendix 24

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

Updated April 2018

## Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.19 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.20 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.21 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

# Appendix 25

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 26

## **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 or more of the Licensing Objectives. Members cannot refuse just because there is no planning permission. Where a Premises Licence is granted and which exceeds what is allowed by the Planning Permission and that Premises then operates in breach of planning then the operator would be liable to enforcement by Planning.

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