

Licensing Sub Committee

Agenda

Tuesday, 27 February 2024 at 6.30 p.m. Council Chamber - Town Hall, Whitechapel

Contact for further enquiries:

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020 7364 4120
Town Hall, 160 Whitechapel Road, London, E1 1BJ
http://www.towerhamlets.gov.uk/committee



Public Information

Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

Please note: Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

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Scan this QR code to view the electronic agenda



A Guide to Licensing Sub Committee

The Licensing Sub Committee is made up of 3 Members of the Licensing Committee. In summary, the Sub Committee will determine applications to grant, vary or review a license submitted under the Licensing Act 2003 where representations have been made.

Public Engagement

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.



London Borough of Tower Hamlets Licensing Sub Committee

Tuesday, 27 February 2024

6.30 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

DECLARATIONS OF INTEREST (PAGES 7 - 8) 1.

Members are reminded to consider the categories of interest, identified in the Code of Conduct for Members to determine: whether they have an interest in any agenda item and any action they should take. For further details, see the attached note from the Monitoring Officer.

Members are also reminded to declare the nature of the interest at the earliest opportunity and the agenda item it relates to. Please note that ultimately it is the Members' responsibility to identify any interests and also update their register of interest form as required by the Code.

If in doubt as to the nature of an interest, you are advised to seek advice prior the meeting by contacting the Monitoring Officer or Democratic Services.

RULES OF PROCEDURE (PAGES 9 - 18) 2.

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

ITEMS FOR CONSIDERATION 3.

3.1 Application for a New Premise Licence for Code Floors 3-4, 34 Westferry Circus London E14 8RR (Pages 19 - 166)

Licensing Objectives:

- The prevention of public nuisance
- The prevention of crime and disorder

Representations:

Metropolitan Police



Tower Hamlets Council Tower Hamlets Town Hall 160 Whitechapel Road London E1 1BJ

- Licensing Authority
- Environmental Health (Noise)
- Residents

3.2 Application for a New Premise Licence for Wang Wang, 4a Commercial Street, London, E1 6LP (Pages 167 - 250)

Licensing Objectives:

- The prevention of public nuisance
- The prevention of crime and disorder

Representations:

Residents

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Tuesday, 12 March 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



Tower Hamlets Council Tower Hamlets Town Hall 160 Whitechapel Road London E1 1BJ



Agenda Item 1

<u>DECLARATIONS OF INTERESTS AT MEETINGS- NOTE FROM THE</u> MONITORING OFFICER

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C. Section 31 of the Council's Constitution

(i) Disclosable Pecuniary Interests (DPI)

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

DPI Dispensations and Sensitive Interests. In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless**:

• A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. If so, you must withdraw and take no part in the consideration or discussion of the matter.

(iii) Declarations of Interests not included in the Register of Members' Interest.

Occasions may arise where a matter under consideration would, or would be likely to, affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

Guidance on Predetermination and Bias

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting

In such circumstances the member may not vote on any reports and motions with respect to the matter.

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Further Advice contact: Janet Fasan, Monitoring Officer, Tel: 0207 364 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	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. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	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— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
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	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—
	(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
	(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.

TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

4. Exclusions

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

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



Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub- Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

Public Seating	Objectors Benches	Sub-Committee
Public Seating		Members
Public Seating		Chair
		Legal Officer
Public Seating	Applicants	Committee Officer
	Applicants Benches	
Public Seating	Deficites	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.



Agenda Item 3.1

Committee:	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	27 February 2024	Unrestricted		

Report of:

David Tolley

Head of Environmental Health & Trading

Standards

Originating Officer: Lavine Miller-Johnson Licensing Officer Title:

Licensing Act 2003 Application for a New Premise Licence for Code Floors 3-4, 34 Westferry Circus

London E14 8RR

Ward affected: Canary Wharf

1.0 **Summary**

Applicant: E14 Lounge Ltd

Name and CODE

Address of Premises: Floor 3-4, 34 Westferry Circus

Canary Wharf, London

E14 8RR

Licence sought: Licensing Act 2003

Sales of Alcohol

Regulated Entertainment Late Night Refreshment

Objectors: Environmental Protection, Licensing, Police &

Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Section 182 Guidance Lavine Miller-Johnson 020 7364 2665

LBTH Licensing Policy

3.0 Background

- 3.1 This is an application for a new Premise Licence for, Floor 3-4, 34 Westferry Circus Canary Wharf, London E14 8RR.
- 3.2 The applicant has described the premises as restaurant on the 4th floor and a lounge bar and restaurant on the 3rd floor.
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

Regulated Entertainment, plays, films, live music, recorded music and performance of dance. (indoors)

Monday- Sunday from 12:00 hours to 02:00 hours

(Occasional dance shows which will take place on the 3rd floor of the premises only)

Late Night Refreshments

Monday to Sunday from 23:00 hours to 02:00 hours

Sales of Alcohol (on sales only)

Monday to Sunday from 12:00 hours to 02:00 hours

Opening times

Monday to Sunday from 12:00 hours to 02:00 hours

- 4.0 Location and Nature of the premises
- 4.1 A copy of the site plan is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3.**
- 4.3 Photographs of the premises are included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5.**
- 5.0 Licensing Policy and Government Advice
- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2023.

- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 12.**
- 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.
 - Nicola Cadzow (Environmental Protection) Appendix 7
 - Corinne Holland (Licensing) Appendix 8
 - Residents (petition) Appendix 9
 - Alastair Newton (Resident) Appendix 10

- 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 Heath
 - 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 relate to:
 - Public nuisance
 - ASB
 - Crime and disorder
- 6.12 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.
- 6.13 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.
- 6.14 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 – See Appendix 11

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.
- 2. The CCTV system serving the premises shall:
 - a) be maintained fully operational and in good working order at all times;
 - b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol; and
 - c) show an accurate date and time that the images were made.
- 3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 4. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
- 5. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
- 6. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service)

- are called without delay;
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
- 7. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.
- 8. On any occasion that regulated entertainment is provided, not less than 2 SIA registered door supervisors will be engaged to control entry to the premises and additional SIA registered door supervisors will be engaged inside the premises to monitor and supervise customers.
- 9. Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.
- 10. A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises.
- 11. The sale of alcohol to customers on the 4th floor of the premises shall be to persons who are seated at the premises, i.e. table service only.
- 12. Staff will be trained in respect of the Fire Risk Assessment, Health and Safety Risk Assessment and other policies and procedures in respect of the emergency evacuation of the premises.
- 13. First Aid facilities shall be provided at the premises.
- 14. Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.
- 15. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 16. All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

- 17. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 18. A direct telephone number for the manager at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
- 19. A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.
- 20. After 22.30hrs, access to the premises shall be by way of the entrance in the underground car park at the premises the doors at the top of the stairway along the Canary Wharf Promenade shall not be used after this time.
- 21. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00hrs and 09.00hs on the following day.
- 22. No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.
- 23. 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.
- 24. All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.
- 25. Entry by children under the age of 18 to the premises is prohibited unless accompanied by an adult (a person who is over the age of 18)

8.0 Conditions Agreed/Requested by Responsible Authority (Police)

 The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31-day period.

- 2. 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.
- 3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. 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.
- 4. In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
- 5. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 6. No open containers of alcohol to be taken outside the premises.
- 7. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.
- 8. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken;

- according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.
- 9. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy of all people entering the venue and the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.
- 10. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.
- 11. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.
- 12. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.
- 13. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.

- 14. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.
- 15. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.
- 16. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)

1. Licensing Officer Comments

- (a) 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.
- (b) 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)
 - (c) 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.
 - (d) In all cases the Members should make their decision on the civil burden of proof, that is "the balance of probability."
 - (e) 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.

- (f) 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)
- (g) The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- (h) In Appendices 12 17 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.

2. Legal Comments

(a) The Council's legal officer will give advice at the hearing.

3. Finance Comments

(a) There are no financial implications in this report.

4. Appendices

Appendix 1 A copy of the application Appendix 2 Copy of site plan Appendix 3 Maps of the vicinity Appendix 4 Photographs of the premises Appendix 5 Other licensed premises in the area Noise management plan Appendix 6 Appendix 7 Representation from Environmental Protection Appendix 8 Representation from Licensing Officer Appendix 9 Representation from residents (petition) Appendix 10 Representation from resident Appendix 11 Agreed conditions with police and drugs policy Appendix 12 Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations Appendix 13 Licensing Officer comments on public nuisance Appendix 14 S182 advice on public nuisance Appendix 15 ASB leaving the premises Appendix 16 Licensing Policy relating to hours of trading Appendix 17 Planning

Appendix 1



Tower Hamlets Application for a premises licence Licensing Act 2003

For help contact

licensing@towerhamlets.gov.uk

Telephone: 020 7364 5008

* required information

Section 1 of 21			
You can save the form at any	y time and resume it later. You do not need to l	be logged in when you resume.	
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.	
Your reference	FF/CODE	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 b	pehalf of the applicant?	Put "no" if you are applying on your own	
• Yes	No	behalf or on behalf of a business you own or work for.	
Applicant Details			
* First name	E14 Lounge Ltd		
* Family name	E14 Lounge Ltd		
* E-mail			
Main telephone number		Include country code.	
Other telephone number			
	plicant would prefer not to be contacted by te	lephone	
Is the applicant:			
Applying as a business	s or organisation, including as a sole trader	A sole trader is a business owned by one	
 Applying as an individ 	lual	person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.	
Applicant Business			
Is the applicant's business registered in the UK with Companies House?	YesNo	Note: completing the Applicant Business section is optional in this form.	
egistration number 14033460			
Business name	E14 Lounge Ltd	If the applicant's business is registered, use its registered name.	
VAT number -		Put "none" if the applicant is not registered for VAT.	
Legal status Private Limited Company			
	Page 34		

Continued from previous page		
Applicant's position in the		
business		
Home country	United Kingdom	The country where the applicant's headquarters are.
Registered Address		Address registered with Companies House.
Building number or name	Suite G041 Quality Court	
Street	Chancery Lane	
District		
City or town	London	
County or administrative area		
Postcode	WC2A 1HR	
Country	United Kingdom	
Agent Details		
* First name	Frank	
* Family name	Fender	
* E-mail		
Main telephone number		Include country code.
Other telephone number		
☐ Indicate here if you wou	ld prefer not to be contacted by telephone	
Are you:		
An agent that is a busine	ess or organisation, including a sole trader	A sole trader is a business owned by one person without any special legal structure.
 A private individual actir 	ng as an agent	person without any special regardination.
Agent Business		
Is your business registered in the UK with Companies House?	○ Yes	Note: completing the Applicant Business section is optional in this form.
Is your business registered outside the UK?		
Business name	FJF Licensing Solutions	If your business is registered, use its registered name.
VAT number -		Put "none" if you are not registered for VAT.
Legal status	Sole Trader	

Continued from previous page		
Your position in the business	Owner	
Home country	United Kingdom	The country where the headquarters of your business is located.
Agent Business Address		If you have one, this should be your official
Building number or name	11	address - that is an address required of you by law for receiving communications.
Street	Whitton Way	
District		
City or town	Newport Pagnell	
County or administrative area		
Postcode	MK16 OPR	
Country	United Kingdom	
Section 2 of 21		
PREMISES DETAILS		
	ply for a premises licence under section 17 of the premises) and I/we are making this application the Licensing Act 2003.	
Premises Address	J	
Are you able to provide a posta	al address, OS map reference or description of t	he premises?
AddressOS map	p reference O Description	
Postal Address Of Premises		
Building number or name	CODE	
Street	Floor 3/4, 34 Westferry Circus	
District	Canary Wharf	
City or town	London	
County or administrative area		
Postcode	E14 8RR	
Country	United Kingdom	
Further Details		
Telephone number		
Non-domestic rateable value of premises (£)	107,000	
	Page 36	

Section 3 of 21						
APPL	ICATION DETAILS					
In wh	at capacity are you apply	ing for the premises licence?				
	An individual or individu	als				
\boxtimes	A limited company / limi	ted liability partnership				
	A partnership (other than	n limited liability)				
	An unincorporated association					
	Other (for example a sta	tutory corporation)				
	A recognised club					
	A charity					
	The proprietor of an edu	cational establishment				
	A health service body					
		ed under part 2 of the Care Standards Act 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	e of a police force in England and Wales				
Conf	irm The Following					
\boxtimes	I am carrying on or properthe use of the premises f	osing to carry on a business which involves for licensable activities				
	I am making the applicat	tion pursuant to a statutory function				
	I am making the applicat virtue of His Majesty's pr	tion pursuant to a function discharged by erogative				
Secti	on 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						
Nam	e	E14 Lounge Ltd				
Deta	ils					
_	stered number (where cable)	14033460				
Description of applicant (for example partnership, company, unincorporated association etc)						

Continued from previous page		
Private Limited Company		
Address		
Building number or name	Suite G041, Floors 3/4	
Street	34 Westferry Circus	
District		
City or town	London	
County or administrative area		
Postcode	E14 8RR	
Country	United Kingdom	
Contact Details		
Telephone number		
Other telephone number		
* Date of birth		
	dd mm yyyy	Documents that demonstrate entitlement to
* Nationality		work in the UK
	Add another applicant	
Section 5 of 21		
OPERATING SCHEDULE		
When do you want the premises licence to start?	dd mm yyyy	
If you wish the licence to be valid only for a limited period, when do you want it to end	dd mm yyyy	
Provide a general description of	of the premises	
licensing objectives. Where yo	ses, its general situation and layout and any other ur application includes off-supplies of alcohol ar plies you must include a description of where the	nd you intend to provide a place for
	and 4 of 34 Westferry Circus, London E14 8RR. Ad f Promenade. Access will also be available from	
The 4th floor of the premises w	/ill operate primarily as a resignifiand the 3rd	floor will operate primarily as a lounge bar

Continued from previous	nago			
and restaurant.	paye			
				stration purposes only. They are not fixed ms are to be used on any particular day.
A fire risk assessment is	submitted to the counc	cil for distribution to	o the respons	sible authorities.
If 5,000 or more people expected to attend the premises at any one tin state the number expedattend	ne,			
Section 6 of 21				
PROVISION OF PLAYS				
See guidance on regula				
Will you be providing p	olays?			
Yes	○ No			
Standard Days And Ti	mings			
MONDAY				Give timings in 24 hour clock.
	Start 12:00	End	02:00	(e.g., 16:00) and only give details for the days
	Start	End		of the week when you intend the premises to be used for the activity.
TUESDAY				Š
	Start 12:00	End	02:00	
	Start	End		
WEDNIEGDAY	otal t	LIIG		
WEDNESDAY	0 10.00			
	Start 12:00	End	02:00	
	Start	End		
THURSDAY				
	Start 12:00	End	02:00	
	Start	End		
FRIDAY				
	Start 12:00	End	02:00	
	Start	End		
CATLIDDAY		2710		
SATURDAY	CL - 1 10 00	- .	00.00	
	Start 12:00	End	02:00	
	Start	End		

Continued from previous page						
SUNDAY						
Start End Mara taking place in a building prather						
Will the performance of a play take place indoors or outdoors or both? Where taking place in a building or other structure tick as appropriate. Indoors may						
IndoorsOutdoorsBothinclude 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.						
Occasional plays or similar performances which will take place on the 3rd floor of the premises only.						
State any seasonal variations for performing plays						
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 performance of a play at different times from those listed in the column on the left, list below	1					
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.						
To oxample (but not exclusively), where you wish the detivity to go on longer on a particular day e.g. offistillas eve.						
Section 7 of 21						
PROVISION OF FILMS						
See guidance on regulated entertainment						
Will you be providing films?						
YesNo						
Standard Days And Timings						
MONDAY Give timings in 24 hour clock.						
Start 12:00 End 02:00 (e.g., 16:00) and only give details for the d						
Start End of the week when you intend the premise to be used for the activity.	3					
TUESDAY						
Start 12:00 End 02:00						
Start End						
Page 40						

Continued from previous pa	а g е						
WEDNESDAY							
S	Start	12:00		End	02:00		
S	Start			End			
THURSDAY							
S	Start	12:00		End	02:00		
S	Start			End			
FRIDAY							
	Start	12:00		End	02:00		
		12.00			02.00	 	
	Start			End			
SATURDAY							
Ç	Start	12:00		End	02:00		
S	Start			End			
SUNDAY							
Ş	Start	12:00		End	02:00		
S	Start			End			
Will the exhibition of films	s take	place indoc	ors or outdoors or	both	?	Where taking place in a building or other	
Indoors		Outdoo	ors O	Both		structure tick as appropriate. Indoors may include a tent.	
State type of activity to be exclusively) whether or no			•	_		urther details, for example (but not	
Occasional film shows wh	ich w	rill take place	on the 3rd floor	of the	premises on	ıly.	
State any seasonal variation	ons fo	or the exhibit	tion of film				
3				ur on :	additional da	avs during the summer months	
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 exhibition of film at different times from those listed in the column on the left, list below							
For example (but not excl	For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.						
			Pa	age	41		

Continued from previous	page			
Section 8 of 21				
PROVISION OF INDOO				
See guidance on regula	ated entertainment			
Will you be providing in	ndoor sporting events?			
○ Yes	No			
Section 9 of 21				
PROVISION OF BOXING	G OR WRESTLING ENT	ERTAINMENTS		
See guidance on regula	ated entertainment			
Will you be providing b	oxing or wrestling ente	ertainments?		
○ Yes	No			
Section 10 of 21				
PROVISION OF LIVE M	USIC			
See guidance on regula	ated entertainment			
Will you be providing li	ve music?			
Yes	○ No			
Standard Days And Ti	mings			
MONDAY				Oh a Aliasia as is OA beautists at
	Start 12:00	End	02:00	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days
	Start	End		of the week when you intend the premises
	Start	Liid		to be used for the activity.
TUESDAY				
	Start 12:00	End	02:00	
	Start	End		
WEDNESDAY				
	Start 12:00	End	02:00	
	Start	End		
THIRDODAY	otal t	Elia		
THURSDAY				
	Start 12:00	End	02:00	
	Start	End		
FRIDAY				
	Start 12:00	End	02:00	
	Start	End		
CATLIDDAY		24		
SATURDAY	0			
	Start 12:00	End	02:00	
	Start	Pageng4	2	

Continued from previous page					
SUNDAY					
Start 12:00 End 02:00					
Start End End					
Will the performance of live music take place indoors or outdoors or both? Where taking place in a building or other structure tick as appropriate. Indoors may					
 Indoors Outdoors Both 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.					
Live music entertainment which will take place on the 3rd floor of the premises only.					
State any seasonal variations for the performance of live music					
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 performance of live music 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.					
For example (but not exclusively), where you wish the activity to go of honger on a particular day e.g. chiristinas eve.					
Section 11 of 21					
PROVISION OF RECORDED MUSIC					
See guidance on regulated entertainment					
Will you be providing recorded music?					
YesNo					
Standard Days And Timings					
MONDAY Cive the in the 24 hours alook					
Give timings in 24 hour clock. Start 12:00 End 02:00 (e.g., 16:00) and only give details for the days					
Start End of the week when you intend the premises to be used for the activity.					
TUESDAY					
Start Page 43					

Continued from previous page						
WEDNESDAY			_			
Star	t 12:00	End 02:00				
Star	t	End				
THURSDAY						
Star	t 12:00	End 02:00				
Star	t	End				
FRIDAY						
Star	t 12:00	End 02:00				
Star	t	End				
SATURDAY			•			
Star	t 12:00	End 02:00				
Star	t	End				
SUNDAY			1			
Star	t 12:00	End 02:00				
Star		End				
	nusic take place indoors or out		Where taking place in a building or other			
Indoors	Outdoors	Both	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						
3.	nusic will be amplified or unamp	•	dither details, for example (but not			
Recorded music entertainme	nt which will take place on the 3	3rd floor of the pre	emises only.			
State any seasonal variations	for playing recorded music					
For example (but not exclusive	vely) where the activity will occu	ur on additional da	ays during the summer months.			
Non-standard timings. Where the premises will be used for the playing of recorded music at different times from those listed in the column on the left, list below						
For example (but not exclusive	vely), where you wish the activit	ty to go on longer	on a particular day e.g. Christmas Eve.			
	Pac	10.44				
	rag	je 44				

Continued from previous	 page				
Section 12 of 21	, ,				
PROVISION OF PERFO	RMANCES OF DANCE				
See guidance on regula	ated entertainment				
Will you be providing p	performances of dance?				
Yes	○ No				
Standard Days And Ti	mings				
MONDAY				Give timings in 24 hour clock.	
	Start 12:00	End	02:00	(e.g., 16:00) and only give details for the days	
	Start	End		of the week when you intend the premises to be used for the activity.	
TUESDAY					
	Start 12:00	End	02:00		
	Start	End			
WEDNESDAY					
WEDINESDI	Start 12:00	End	02:00		
	Start Start	End	02.00		
THIRDOMY	Start	LIIG			
THURSDAY	01 10.00	Fnd	22.20		
	Start 12:00	End	02:00		
	Start	End			
FRIDAY					
	Start 12:00	End	02:00		
	Start	End			
SATURDAY					
	Start 12:00	End	02:00		
	Start	End			
SUNDAY					
	Start 12:00	End	02:00		
	Start	End			
Will the performance of	f dance take place indoors	or outdoors or b	oth?	Where taking place in a building or other	
Indoors	Outdoors	Both		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.					
Occasional dance shows which will take place on the 3rd floor of the premises only.					
Page 45					

Continued from previous	page					
State any seasonal variations for the performance of dance						
For example (but not exclusively) where the activity will occur on additional days during the summer months.						
Non-standard timings. The column on the left,	•	the performance of dance at different times from those listed in				
For example (but not ex	xclusively), where you wish the activ	vity to go on longer on a particular day e.g. Christmas Eve.				
Section 13 of 21						
PROVISION OF ANYTH DANCE	ING OF A SIMILAR DESCRIPTION	TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF				
See guidance on regula						
Will you be providing a performances of dance	nything similar to live music, record ?	ed music or				
○ Yes	No					
Section 14 of 21						
LATE NIGHT REFRESHM	MENT					
Will you be providing la	ate night refreshment?					
Yes	○ No					
Standard Days And Ti	mings					
MONDAY		Give timings in 24 hour clock.				
	Start 23:00	End 02:00 (e.g., 16:00) and only give details for the days of the week when you intend the premises				
	Start	End to be used for the activity.				
TUESDAY						
	Start 23:00	End 02:00				
	Start	End				
WEDNESDAY						
	Start 23:00	End 02:00				
	Start	End				

Continued from previous pag	ge				
THURSDAY					
St	art 23:00	End 02:00			
St	art	End			
FRIDAY					
St	art 23:00	End 02:00			
St	art	End	1		
SATURDAY			_		
St	art 23:00	End 02:00	7		
St	art	End			
SUNDAY			_		
St	art 23:00	End 02:00	7		
St	art	End	_]		
Will the provision of late ni both?	ght refreshment take pla	ace indoors or outdoors or	_		
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.					
State any seasonal variatio	ns				
For example (but not exclu	sively) where the activit	y will occur on additional c	lays during the summer months.		
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 exclu	sively), where you wish	the activity to go on longe	r on a particular day e.g. Christmas Eve.		
Section 15 of 21		Page 47			

Continued from previous p	nage				
SUPPLY OF ALCOHOL					
Will you be selling or su	upplying alcohol?				
Yes	○ No				
Standard Days And Tir	mings				
MONDAY					Give timings in 24 hour clock.
	Start 12:00	F	End	02:00	(e.g., 16:00) and only give details for the days
	Start	E	End		of the week when you intend the premises to be used for the activity.
TUESDAY					
	Start 12:00	į.	End	02:00	
	Start	ſ	End		
WEDNESDAY					
	Start 12:00	ſ	End	02:00	
	Start	ſ	End		
THURSDAY					
-	Start 12:00	ſ	End	02:00	
	Start		End		
FRIDAY					
THE T	Start 12:00	ſ	End	02:00	
	Start		End		
SATURDAY	otart	-	L116.		
3/11 OILD/11	Start 12:00	ſ	End	02:00	
	Start		End	02.00	
SUNDAY	Start		LIIG		
SUNDAT	Start 12:00	ſ	End	02:00	
	Start Start		End	02.00	
Will the sale of alcohol b		L	EHU		If the sale of alcohol is for consumption on
On the premises	Off the premis	ses 🔘 E	Both		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 varia	ations				
For example (but not ex	clusively) where the activit	y will occur	r on a	additional da	ys during the summer months.
Page 48					

Continued from previous page			
Non-standard timings. Where to column on the left, list below	the premises will be used for the supply of alcohol at different times from those listed in the		
For example (but not exclusive	ely), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.		
State the name and details of t licence as premises supervisor	he individual whom you wish to specify on the		
Name			
First name	Davia		
Family name	Williams		
Date of birth	dd mm yyyy		
Enter the contact's address			
Building number or name			
City or town			
County or administrative area			
Country	United Kingdom		
Personal Licence number (if known)			
Issuing licensing authority (if known)			
PROPOSED DESIGNATED PRE	MISES SUPERVISOR CONSENT		
How will the consent form of t be supplied to the authority?	he proposed designated premises supervisor		
 Electronically, by the proposed designated premises supervisor 			
• As an attachment to this	application		
Reference number for consent form (if known)	Page 49		
	i ayo to		

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 ENTERTAINMEI					
premises that may give				entertainmer	nt or matters ancillary to the use of the
Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.					
None					
Section 17 of 21					
HOURS PREMISES ARE	OPEN	TO THE PUB	LIC		
Standard Days And Tir	mings				
MONDAY					
	Start	12:00	Enc	02:30	Give timings in 24 hour clock. (e.g., 16:00) and only give details for the days
		12.00			of the week when you intend the premises
	Start		Enc		to be used for the activity.
TUESDAY					
	Start	12:00	Enc	02:30	
	Start		Enc	1	
WEDNESDAY					•
WEBINEODIKI	Start	12:00	Enc	02:30	
		12.00]
	Start		Enc	1	
THURSDAY					
	Start	12:00	Enc	02:30	
	Start		Enc	I	
FRIDAY					
	Start	12:00	Enc	02:30	
	Start		Enc	1	
CATLIDDAY	otart				
SATURDAY	C+- '	12.00	F	1 02 22	
	Start	12:00	Enc]
	Start		End	i	

Continued from previous page			
SUNDAY			
Start 12:00 End 02:30			
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.			
Section 18 of 21			
LICENSING OBJECTIVES			
LICENSING OBJECTIVES Describe the steps you intend to take to promote the four licensing objectives:			
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)			
LICENSING OBJECTIVES Describe the steps you intend to take to promote the four licensing objectives:			
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)			
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. Staff working at the premises who are involved in the sale of alcohol shall be trained in respect of their legal and social			
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. Staff working at the premises who are involved in the sale of alcohol shall be trained in respect of their legal and social responsibilities. They will also be trained in respect of the contents of the premises licence. A record of such training shall be maintained by the premises licence holder, and this record shall be made available for			
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. Staff working at the premises who are involved in the sale of alcohol shall be trained in respect of their legal and social responsibilities. They will also be trained in respect of the contents of the premises licence. A record of such training shall be maintained by the premises licence holder, and this record shall be made available for inspection by Police and Authorised Officers of the Licensing Authority upon request.			

The CCTV system serving the premises shall:

- a) be maintained fully operational and in good working order at all times;
- b) make and retain clear images that include the points of sale of alcohol and facial images of the purchasers of the alcohol;
- c) show an accurate date and time that the images were made. Page 51

- 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. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
- 5. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.

In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:

- a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
- b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
- c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

On any occasion that regulated entertainment is provided, not less than 2 SIA registered door supervisors will be engaged to control entry to the premises and additional SIA registered door supervisors will be engaged inside the premises to monitor and supervise customers.

Where SIA registered door supervisors are used at the premises, a record must be kept of their SIA registration number and the dates and times they are on duty.

A written search policy that aims to prevent customers or staff bringing illegal drugs, weapon or other illegal items onto the premises at any time shall be in place and operate at the premises.

The sale of alcohol to customers on the 4th floor of the premises shall be to persons who are seated at the premises, i.e. table service only.

c) Public safety

Staff will be trained in respect of the Fire Risk Assessment, Health and Safety Risk Assessment and other policies and procedures in respect of the emergency evacuation of the premises.

First Aid facilities shall be provided at the premises.

Patrons permitted to temporarily leave and then re-enter the premises, e.g., to smoke, shall not be permitted to take drinks or glass containers with them.

d) The prevention of public nuisance

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

All windows and external doors shall be kept closed at any time when regulated entertainment takes place, except for the immediate access and egress of persons.

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

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

A written dispersal policy shall be in place and implemented at the premises to move customers from the premises and the immediate vicinity in such a way as to cause minimum disturbance or nuisance to neighbours.

After 22.30hrs, access to the premises shall be by way of the entrance in the underground car park at the premises - the doors at the top of the stairway along the Canary Wharf Promenade shall not be used after this time.

No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 20.00hrs and 09.00hs on the following day.

No advertisements of any kind (including placard, poster, sticker, flyer, picture, letter, sign or other mark) that advertises or promotes the establishment, its premises, or any of its events, facilities, goods or services shall be inscribed or affixed upon the surface of the highway, or upon any building, structure, works, street furniture, tree, or any other property, or be distributed to the public.

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.

All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

Entry by children under the age of 18 to the premises is prohibited unless accompanied by an adult (a person who is over the age of 18)

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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.

- 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.

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.

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NOTES ON REGULATED ENTERTAINMENT

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.

- 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.

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33.001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 - 14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00 Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page			
* Fee amount (£)	450.00		
DECLARATION			
Iicensing act 2003, to make a [APPLICABLE TO INDIVIDUAL LIABILITY PARTNERSHIP] I UN ENTITLEMENT TO LIVE AND W RELATING TO THE CARRYING BE ENTITLED TO LIVE AND WO FORM IS ENTITLED TO WORK WORK RELATING TO A LICENS WORK, IF APPROPRIATE (PLEA	false statement ir APPLICANTS ONL DERSTAND I AM I JORK IN THE UK (O ON OF A LICENSA DRK IN THE UK (PL IN THE UK (AND II SABLE ACTIVITY) A ASE SEE NOTE 15).	n or in connection with this ap LY, INCLUDING THOSE IN A PA NOT ENTITLED TO BE ISSUED V OR IF I AM SUBJECT TO A CONI ABLE ACTIVITY) AND THAT MY LEASE READ GUIDANCE NOTE S NOT SUBJECT TO CONDITIOI AND I HAVE SEEN A COPY OF F . and understood the above de	ARTNERSHIP WHICH IS NOT A LIMITED WITH A LICENCE IF I DO NOT HAVE THE IDITION PREVENTING ME FROM DOING WORK LICENCE WILL BECOME INVALID IF I CEASE TO 15). THE DPS NAMED IN THIS APPLICATION WAS PREVENTING HIM OR HER FROM DOING HIS OR HER PROOF OF ENTITLEMENT TO
This section should be completed behalf of the applicant?"	ed by the applica	ant, unless you answered "Yes'	" to the question "Are you an agent acting on
* Full name	Frank Fender		
* Capacity	Authorised Licer	nsing Consultant	
* Date	28 / 11 / dd mm	ууууу	
	Add	l another signatory	

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

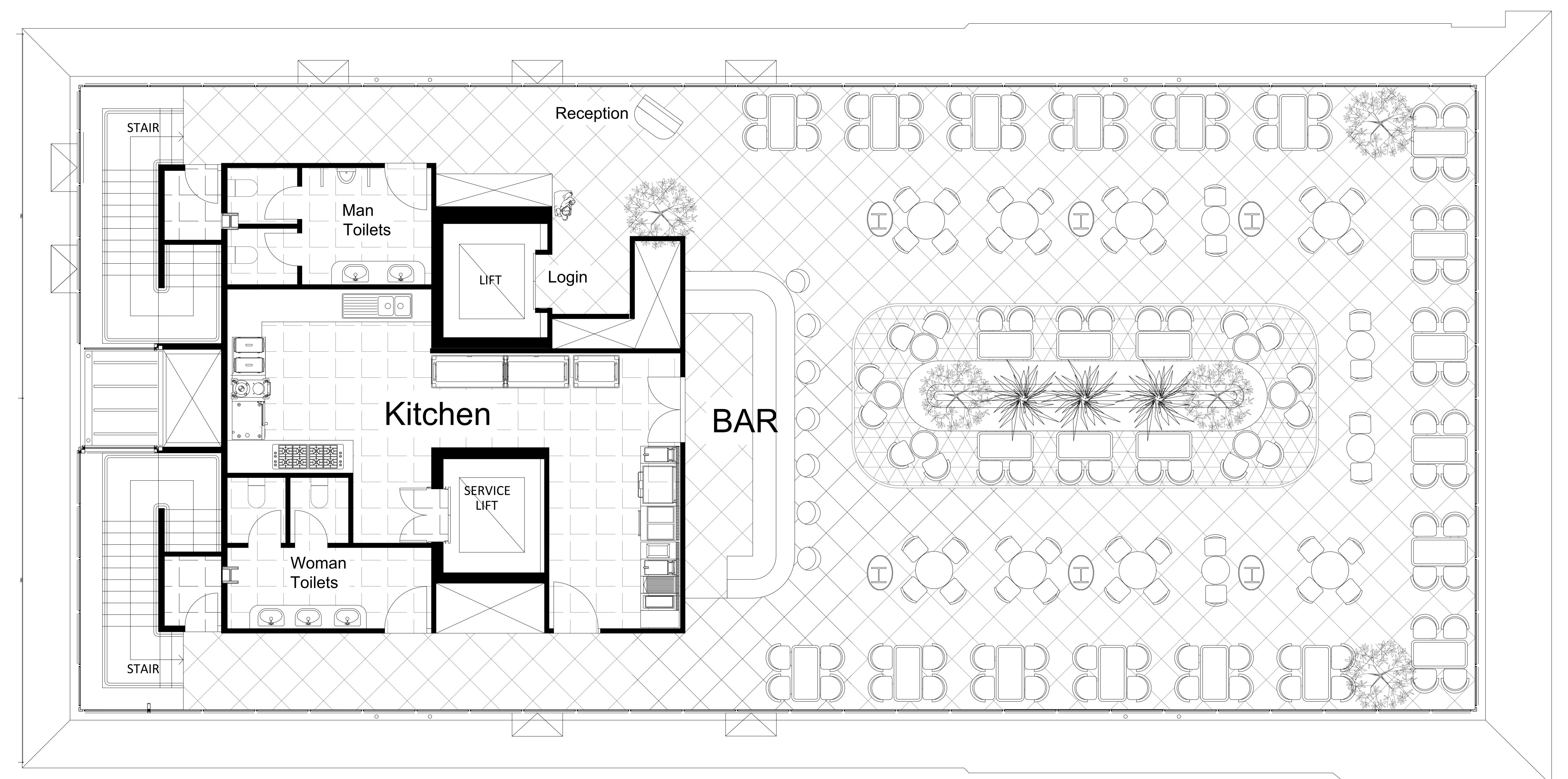
- 1. Save this form to your computer by clicking file/save as...
- 2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1 to upload this file and continue with your application.

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

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

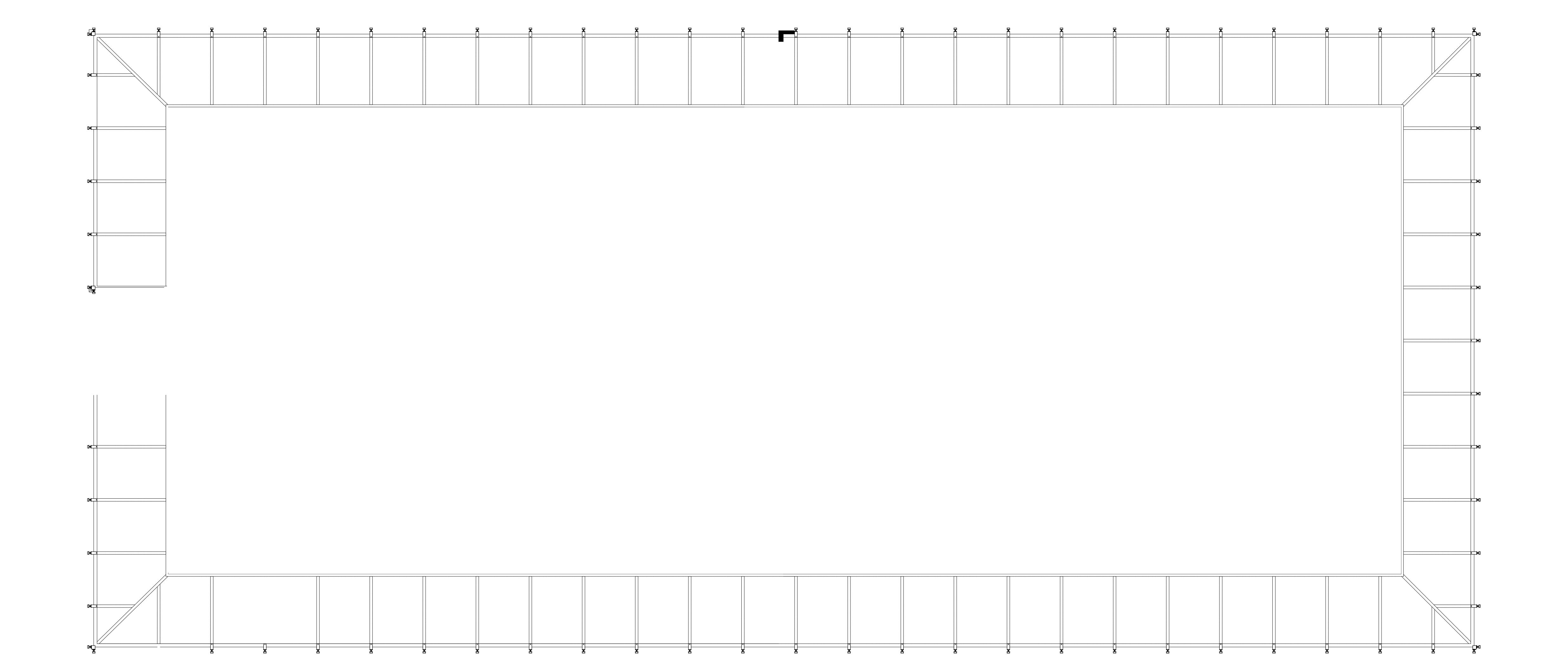
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY	
Applicant reference number	FF/CODE
Fee paid	
Payment provider reference	
ELMS Payment Reference	
Payment status	
Payment authorisation code	
Payment authorisation date	
Date and time submitted	
Approval deadline	
Error message	
Is Digitally signed	
1 2 3 4	5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 Next >



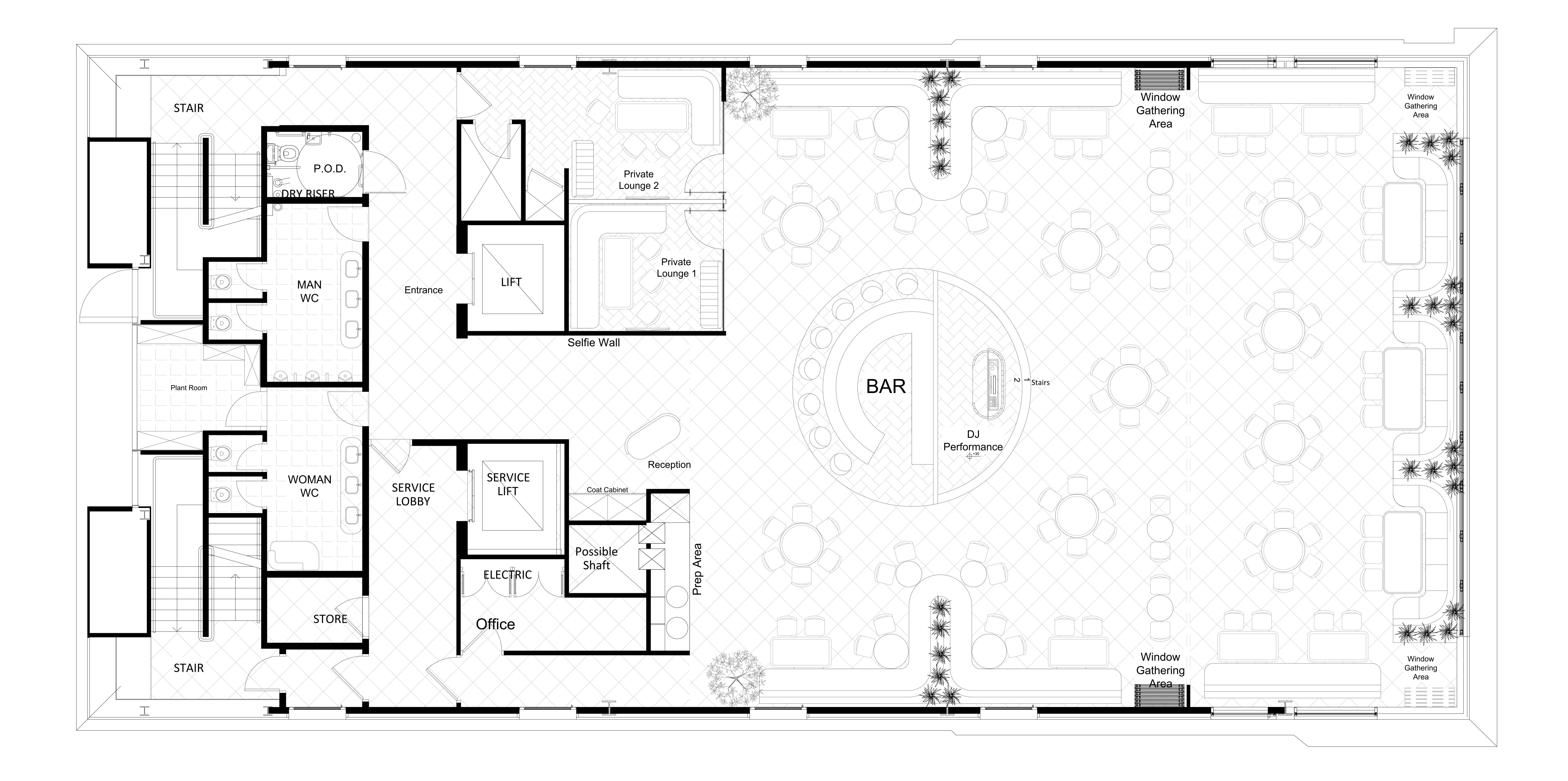
Layout Plans

Total Seating: 145



Roof Windov

3rd floor plan



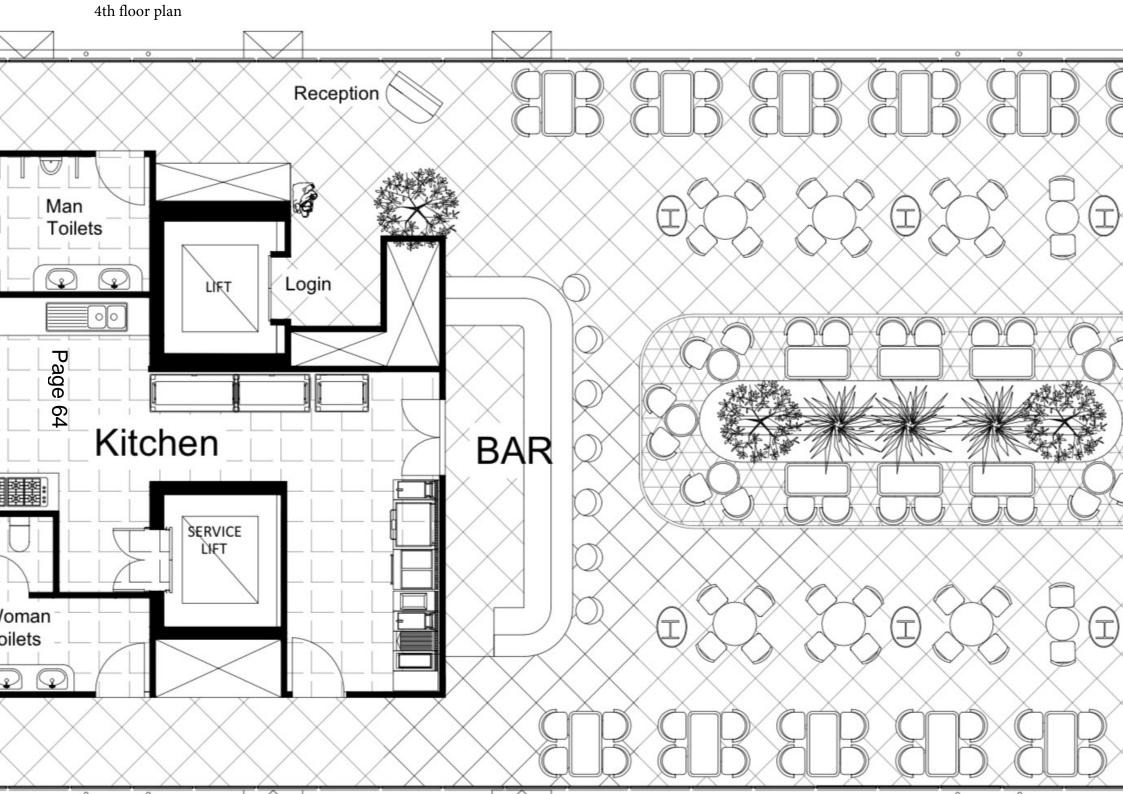
JUSSO

PROJECT NAME: CODE

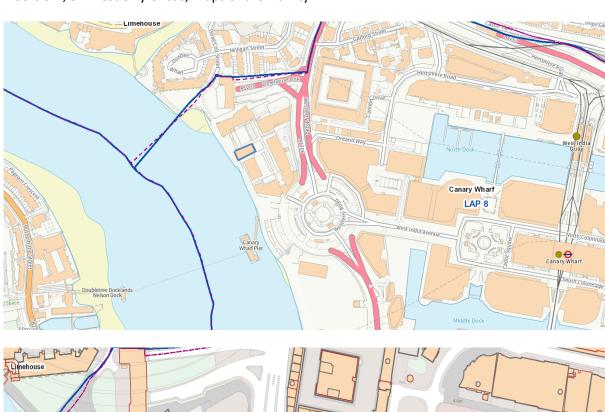
NAME OF THE SHEET: 3rd BAR & Lounge Layout Plan

SHEET NO: 1

SCALE: 1/1

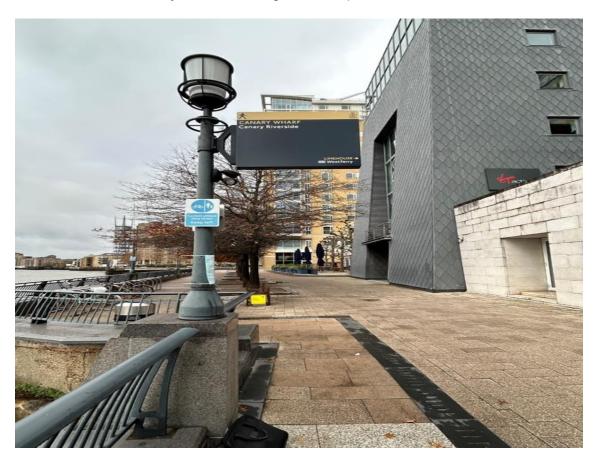


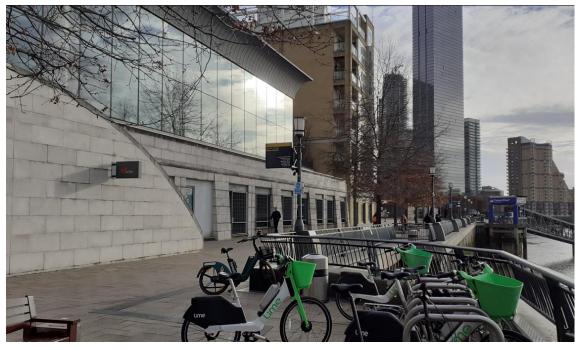
Floors 3-4, 34 Westferry Circus, Maps of the vicinity





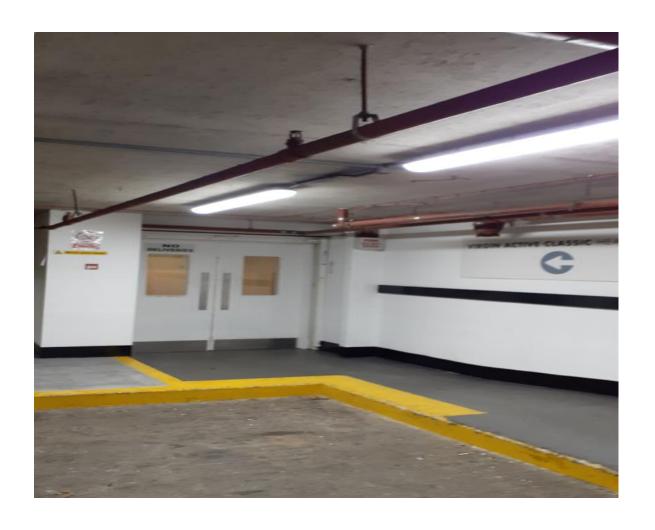
Floor 3-4, 34 Westferry Circus – images of the premises











Premises	Licensable Activities	Opening Hours
Cafe Brera 31 Westferry Circus London E14 8RR	Sale by retail of alcohol (on & off sales) Monday to Sunday 11:00 hours to 22:00 hours	Monday to Sunday 07:00 hours to 22:00 hours
(Zizzi Restaurant) 33 Westferry Circus	Sale of alcohol (on & off sales) a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December)	There are no restrictions on the hours during which this premises is open to the public
Mala Indian Kitchen & Bar 37 Westferry Circus	The sale by retail of alcohol (on and off sales) Monday to Sunday from 12:00 hours (noon) to 23:00 hours The provision of regulated entertainment consisting of Live and Recorded Music and performance of dance (indoors) Live Music – Monday to Sunday from 12:00 hours to 22:30 hours Recorded Music - Monday to Sunday from 12:00 hours to 23:00 hours Performance of Dance - Monday to Sunday from 12:00 hours (noon) to 22:00 hours	Monday to Sunday from 12:00 hours to 23:00 hours

(Royal China Restaurant) 30 Westferry Circus

Supply of Alcohol/Late Night Refreshments / Regulated entertainment

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

In this condition, permitted hours means:

Monday - Sunday10.00 until 01.00 hours the following day 31st December 10.00 to 01.00 hours on January 2nd

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

The sale by retail of alcohol (on sales)

On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 11 a.m. to 11 p.m.

b. On Sundays, other thanChristmas Day or New Year'sEve, 12 noon to 10.30 p.m.c. On Good Friday, 12 noon to

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

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

Assenheims UK Ltd Unit B2.S.10 7 Westferry Circus

Regulated Entertainment Recorded music (Indoors)

Sunday to Thursday from 23:00 hours to 23:30 hours
Friday to Saturday from 23:00 hours to 01:00 hours

Nonstandard timings

Sundays prior to bank holidays 23:00 hours -01:00 hours

<u>Late Night Refreshment</u> (Indoors)

Sunday to Thursday from 07:00 hours to 00:00 hours Friday to Saturday from 07:00 hours to 01:30 hours

Nonstandard timings

Sundays prior to bank holidays 23:00 hours -01:00 hours

From the end of standard hours until 05:00 for the delivery of hot food and

Sunday to Thursday from 23:00 hours to 23:30 hours Friday to Saturday from 23:00 hours to 01:00 hours

non-alcoholic beverages within the estate (delivery only - no public access to the premises during that time)

Nonstandard timings

Sundays prior to bank holidays 23:00 hours -01:00 hours

From the end of standard hours until 05:00 for the delivery of hot food and non-alcoholic beverages within the estate (delivery only - no public access to the premises during that time)

Supply of Alcohol (on and off sales)

Sunday to Thursday from 07:30 hours to 23:30 hours Friday to Saturday from 07:30 hours to 01:00 hours

Nonstandard timings

Sundays prior to bank holidays 23:00 hours -01:00 hours

Canary Riverside Plaza Hotel) 46 Westferry Regulated Entertainment On Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and

Circus

Saturdays, 10a.m. to 3.00 a.m. the following morning.

The Retail Sale of Alcohol (on sales)

On Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, 11a.m. to 3.00 a.m. the following morning.

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in

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

means that while that order is in

Page 74

effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.	
The Provision of Late Night Refreshment On Sundays, Mondays, Tuesdays, Wednesdays, Thursdays, Fridays and Saturdays, until 3.00 a.m. the following morning.	

Appendix 6



VENT

Report VA5082.240115.NMP1.1

Code, 3rd/4th Floor, 34 Westferry Circus

Noise Management Plan

17 January 2024

Fan Rescue Ltd Unit 129 Ability House 121 Brooker Road Waltham Abbey





Contents

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3.	London Borough of Tower Hamlets Requirements	1
4.	Proposals	2
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	Noise Management Plan	
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(6.2 Management Controls	3
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	6.2.2 Noise Limiter	4
(6.3 Neighbour Relations	4
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Attachments

VA5082/SP1 Indicative Site Plan

Appendix A Acoustic Terminology

Appendix B Noise Calcs

Appendix C Sample Complaint Form

Report Version	Author	Approved	Changes	Date
NMP	Jamie Duncan	Steven Liddell	-	15/1/24
NMP1.1	Jamie Duncan	Steven Liddell	Updated operational hours	17/1/24

The interpretations and conclusions summarised in this report represent Venta Acoustics' best technical interpretation of the data available to us at the time of assessment. Any information provided by third parties and referred to in this report has not been checked or verified by Venta Acoustics, unless otherwise expressly stated in the document. Venta Acoustics cannot accept any liability for the correctness or validity of the information provided. Due to a degree of uncertainty inherent in the prediction of all parameters, we cannot, and do not guarantee the accuracy or correctness of any interpretation and we shall not, except in the case of gross or wilful negligence on our part, be liable for any loss, cost, damages or expenses incurred or sustained by anyone resulting from any interpretations, predictions of conclusions made by the company or employees. The findings and conclusions are relevant to the period of the site survey works, and should not be relied upon to represent site conditions at later dates. Where additional information becomes available which may affect the findings of our assessment, the author reserves the right to review the information, reassess the findings and modify the conclusions accordingly.

1. Introduction

A new premises licence application is being made by Code, 3rd/4th Floor, 34 Westferry Circus.

As part of the application, Tower Hamlets Environmental Protection has requested a noise management plan be submitted to support the application.

2. Premises Description

As illustrated on attached site plan VA5082/SP1, the premises is located on the east bank of the Thames, to the north of the Canary Wharf river ferry terminal. Adjacent to the building to the south is a Virgin Active gym. To the east is the Canary Riverside Plaza hotel, as well as apartments to the north (40m away) and north east (30m away).

The fourth floor of the building has a solid roof, and is a double height space, with glazing on all sides. At third floor level, the façade is clad, with smaller windows located on the north and south façades.

There are no external terraces or similar at third or fourth floor level.

In the surrounding area, there are various nearby restaurants and bars.

3. London Borough of Tower Hamlets Requirements

Nicola Cadzow, Environmental Protection Officer at the London Borough of Tower Hamlets has provided the following comment on the application.

Please take this as my holding representation to the new premises licence application for Code 3/4th Floor 34 Westferry Circus E14 8RR until I have received and reviewed the applicant's Noise management plan, and am satisfied of the promotion of the licensing objective for the prevention of public nuisance.

In an email to the operator, further advice was provided, as below.

From noise team perspective, I would like to see a noise management plan to include

- 1. How you are going to mitigate music noise levels, people noise including access and egress from you venue so as not to cause a noise nuisance to neighbour residential premises.
- 2. Music noise levels
- 3. Limit on numbers of patrons outside to smoke, etc, and how you will ensure they will not be causing disturbance to residents, particularly at the late hours of operation. Particularly after 22:30 hours.
- 4. Sound insulation of the property.

4. Proposals

It is understood that the operator intends to use the space for dining and the serving of alcohol. The fourth floor is to be used for dining only, and will have background ambient music in the space. Third floor level is to be used as a bar space, again with background music and hosting occasional live creative contemporary performances.

The venue is to be open between 12:00 and 02:30 Monday to Sunday.

As there are no external areas available at the upper floor, smokers would have to go to ground floor level and smoke by the entrance to the building, which is located to the south of the building. Access to the premises is via lift from the ground floor main entrance and private lift to the basement carpark.

5. Noise Impact Assessment

An assessment of predicted noise levels to the nearby receivers has been undertaken for each of the two floors based upon the proposed 'ambient' music to be played in the space. The glazing on the floors is understood to be part of a curtain walling system, and does not have openable windows.

An evaluation of likely noise levels from the top floor has been undertaken for two scenarios;

- Lively dining space with ambient music at 4th floor level
- Live jazz in busy bar at 4th floor level

As previously highlighted, the 4th floor is to be used for dining, so the second scenario is included only to evaluate a worst case scenario, as well as allow for future flexibility, should the operator wish to change the configuration of the space.

Calculations of the noise emissions from the space have been undertaken for the lively dining space (L_{Aeq} 76dB) and live jazz in bar (L_{Aeq} 86dB) to the nearest receiver, the hotel, 30m away. The summarised calculations are shown in Appendix B.

The predictions show that at the hotel 30m away, noise in the rooms with partially open windows are predicted to be 0dB (calculated to be -5dB) from the lively dining room, and 5dB from the bar with live jazz. These noise levels are very low and would be expected to be inaudible in the hotel.

Noise levels at the apartments, 40m away would be expected to be a further 2dB quieter.

Due to the 3^{rd} floor being predominantly clad, rather than glazed, noise breakout would be expected to be approximately 10-15dB quieter than from the 4^{th} floor.

It should be noted that, although there is not understood to be an intent to increase noise levels in the bar significantly, these could be increased by at least 10dB from the modelled noise levels and would still not be expected to impact on nearby residents.

Noise from people smoking externally cannot be controlled through the use of physical mitigation measures, and hence management of smokers will need to be carefully considered, and is discussed further in section 6.

6. Noise Management Plan

The following noise management plan includes many measures that would be recommended for adoption by management of the premises. This plan address both music noise and noise from customers. These measures are intended to minimise the noise impact on the neighbours.

6.1 Potential Noise Sources

The management understand that the identification and recognition of potential causes of disturbance assists greatly in planning to avoid disturbances to the surroundings.

The following noise sources have been identified in relation to the proposed operation of the premises:

- Noise from customers smoking outside the building (shouting, laughing, etc.);
- Customers leaving throughout and at the end of the night

6.2 Management Controls

The responsibility for the management controls will be assumed by the manager. Other members of staff may assume the role in the future following suitable training. Where the venue is hired out, this responsibility will be shared with the event organisers as will be included in the contract for the hire of the venue.

A culture of neighbourly consideration will be encouraged amongst patrons through the use of signs and polite reminders from staff.

Patrons are expected to access and leave the premises on foot or by car, leaving from the basement carpark. Signs will be installed reminding patrons and smokers of the amenity of neighbours.

The main entrance to the premises will be closed at 22:30 so no new customers can enter after this time. From 22:30 onwards until closing, customers will leave the premises via the private lift to the basement carpark, which will reduce the potential for disturbance to the neighbours, as is enclosed and well screened from the nearby residnces.

At the end of the night, where possible, groups will be staggered when leaving to reduce the likelihood of loud numbers of people grouping together.

6.2.1 External Noise Management – Smoking Area

A culture of neighbourly consideration will be encouraged amongst guests through the use of signs prominently displayed by the door and polite reminders from staff.

Signs should be in place reminding guests of the proximity of neighbours and encouraging them to keep their voices down.

During the day, it is not expected that noise from people going outside to smoke would cause a significant level of noise to the apartments, on the opposite side of the building. However, as the premises gets busier during the evening, the potential for disturbance would increase.

From 22:30 onwards, as highlighted above, the premises will close off the main entrance to the restaurant, with the exit being via the basement car park. This space will be a no-smoking area, and hence from 22:30 the premises will not be able to accommodate smokers.

6.2.2 Noise Limiter

Due to the activities being mostly at ambient levels, with occasional live events, it is considered unlikely that a noise limiter would be required in this situation. However, should the operator wish to implement a control on this element, a sound limiter system could be installed to control the upper limits for noise emissions from site. Any music played in the venue would have to be through this system.

It is recommended that, although a guide figure has been identified, specific limits may want to be set where music in the premises is adjusted until an agreeable level is achieved at, or preferably in, the neighbouring dwellings. The limiter would then be set with this level as the maximum permitted level.

6.3 Neighbour Relations

The management will endeavour to maintain a friendly, open and informative relationship with the nearby residents to allow concerns to be raised and addressed without hostility. Residents will be made aware of planned events with a reasonable notice period and concerns regarding these will be noted and acted upon.

6.3.1 Complaints Procedure

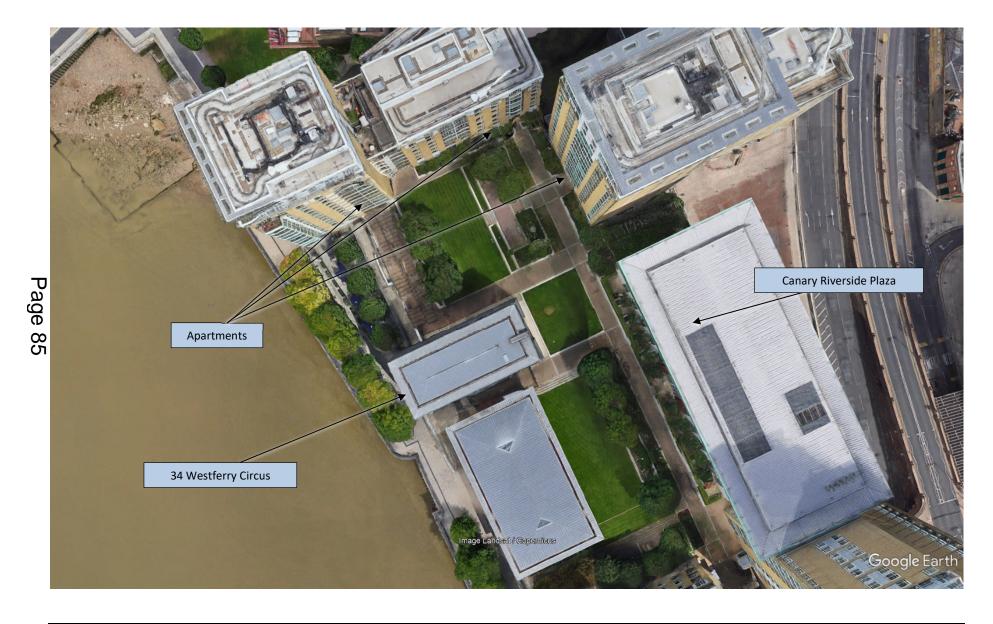
A phone number and email address will be provided to nearby residents to allow efficient notification of the premises if noise levels are causing a disturbance. Clear instructions would be given to those likely to answer on these procedures for handling complaints.

A complaint action procedure will be produced and made available to staff who will be instructed to follow it on receiving a complaint. This procedure would include checking on and supervising customers outside the premises.

A timed and dated log will be kept in the office of all complaints, including actions taken and responses given. Other information recorded in the complaints log will include the approximate number of guests and staff present at the time of the complaint, and any specific activities or conditions which were noteworthy at the time. A sample complaint log sheet is attached at Appendix B. Any other notes or email communications should be copied and a record kept in the complaint log folder.

All complaints will be addressed promptly, with a response/explanation as well as any future actions or improvements that can be implemented.

16 January 2024



APPENDIX A



Acoustic Terminology & Human Response to Broadband Sound

1.1 Acoustic Terminology

The human impact of sounds is dependent upon many complex interrelated factors such as 'loudness', its frequency (or pitch) and variation in level. In order to have some objective measure of the annoyance, scales have been derived to allow for these subjective factors.

Sound	Vibrations propagating through a medium (air, water, etc.) that are detectable by the auditory system.
Noise	Sound that is unwanted by or disturbing to the perceiver.
Frequency	The rate per second of vibration constituting a wave, measured in Hertz (Hz), where 1Hz = 1 vibration cycle per second. The human hearing can generally detect sound having frequencies in the range 20Hz to 20kHz. Frequency corresponds to the perception of 'pitch', with low frequencies producing low 'notes' and higher frequencies producing high 'notes'.
dB(A):	Human hearing is more susceptible to mid-frequency sounds than those at high and low frequencies. To take account of this in measurements and predictions, the 'A' weighting scale is used so that the level of sound corresponds roughly to the level as it is typically discerned by humans. The measured or calculated 'A' weighted sound level is designated as dB(A) or L _A . A notional steady sound level which, over a stated period of time, would contain the same
L _{eq} :	amount of acoustical energy as the actual, fluctuating sound measured over that period (e.g. 8 hour, 1 hour, etc). The concept of Leq (equivalent continuous sound level) has primarily been used in assessing noise from industry, although its use is becoming more widespread in defining many other types of sounds, such as from amplified music and environmental sources such as aircraft and construction. Because Leq is effectively a summation of a number of events, it does not in itself limit the magnitude of any individual event, and this is frequently used in conjunction with an absolute
L ₁₀ & L ₉₀ :	sound limit. Statistical L _n indices are used to describe the level and the degree of fluctuation of non-steady sound. The term refers to the level exceeded for n% of the time. Hence, L ₁₀ is the level exceeded for 10% of the time and as such can be regarded as a typical maximum level. Similarly, L ₉₀ is the typical minimum level and is often used to describe background noise. It is common practice to use the L ₁₀ index to describe noise from traffic as, being a high average, it takes into account the increased annoyance that results from the non-steady nature of traffic flow.
L _{max} :	The maximum sound pressure level recorded over a given period. L_{max} is sometimes used in assessing environmental noise, where occasional loud events occur which might not be adequately represented by a time-averaged L_{eq} value.

1.2 Octave Band Frequencies

In order to determine the way in which the energy of sound is distributed across the frequency range, the International Standards Organisation has agreed on "preferred" bands of frequency for sound measurement and analysis. The widest and most commonly used band for frequency measurement and analysis is the Octave Band. In these bands, the upper frequency limit is twice the lower frequency limit, with the band being described by its "centre frequency" which is the average (geometric mean) of the upper and lower limits, e.g. 250 Hz octave band extends from 176 Hz to 353 Hz. The most commonly used octave bands are:

Octave Band Centre Frequency Hz 63 125 250 500 1000 2000 4000 8000

APPENDIX A



Acoustic Terminology & Human Response to Broadband Sound

1.3 Human Perception of Broadband Noise

Because of the logarithmic nature of the decibel scale, it should be borne in mind that sound levels in dB(A) do not have a simple linear relationship. For example, 100dB(A) sound level is not twice as loud as 50dB(A). It has been found experimentally that changes in the average level of fluctuating sound, such as from traffic, need to be of the order of 3dB before becoming definitely perceptible to the human ear. Data from other experiments have indicated that a change in sound level of 10dB is perceived by the average listener as a doubling or halving of loudness. Using this information, a guide to the subjective interpretation of changes in environmental sound level can be given.

Change in Sound Level dB	Subjective Impression	Human Response
0 to 2	Imperceptible change in loudness	Marginal
3 to 5	Perceptible change in loudness	Noticeable
6 to 10	Up to a doubling or halving of loudness	Significant
11 to 15	More than a doubling or halving of loudness	Substantial
16 to 20	Up to a quadrupling or quartering of loudness	Substantial
21 or more	More than a quadrupling or quartering of loudness	Very Substantial

APPENDIX B

VA5082 - Code 3, 4th Floor, 34 Westferry Circus

Noise Impact Assessment

		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Lively restaurant/bar with ambient music	L _{p(rev)}	64	66	71	74	73	68	61	50	76
Loss for glazing (6-12-6)	R	-21	-27	-25	-31	-34	-27	-36	-38	
Loss of rev. component	-6	-6	-6	-6	-6	-6	-6	-6	-6	
Distance loss	To 30m	-30	-30	-30	-30	-30	-30	-30	-30	
Level at receiver (outside)		7	3	10	7	4	5	-11	-23	10
Loss for partially open window (BS8233)			-15	-15	-15	-15	-15	-15	-15	
Level inside receiver			-12	-5	-8	-11	-10	-26	-38	-5

		63 Hz	125 Hz	250 Hz	500 Hz	1 kHz	2 kHz	4 kHz	8 kHz	dB(A)
Bar with live jazz	L _{p(rev)}	80	80	81	84	83	76	69	62	86
Loss for glazing (6-12-6)	R	-21	-27	-25	-31	-34	-27	-36	-38	
Loss of rev. component	-6	-6	-6	-6	-6	-6	-6	-6	-6	
Distance loss	To 30m	-30	-30	-30	-30	-30	-30	-30	-30	
Level at receiver (outside)		23	18	21	17	13	14	-3	-12	20
Loss for partially open window (BS8233)			-15	-15	-15	-15	-15	-15	-15	
Level inside receiver		8	3	6	2	-2	-1	-18	-27	5

Appendix C

Sample Noise Complaint Log Sheet

Data	Time	T :	Time	Staff	No. of Staff &		Complainant		Details		Daniera Datailaí
Date	Time	Name	Customers	Name	Address	Phone/email	Description ¹	Duration	Solution?	Response Details ¹	

¹ Attach noted and email correspondence as appropriate

Appendix 7

Lavine Miller-Johnson

From: Nicola Cadzow

Sent: 08 Januar 2024 10:59

To: Cc:

Subject: 165179 Objection Code Floor 3/4, 34 Westferry Circus

Good morning All,

Following on from Mark's email, I am waiting a detailed copy of your noise management plan (NMP), to show how the venue is going to mitigate noise nuisance, and hence promote the licensing objective for the prevention of public nuisance.

Along with the NMP, please see list of noise conditions that I wish to be considered for the licence application for Code 3/4/34 Westferry Circus as follows:

- 1. No Music or Amplified Sound shall be generated on the premises to give rise to a public nuisance to neighbouring residents
- 2. Loudspeakers shall not be located in the entrance lobby, or outside the premise building nor on ceilings. And anti-vibration mounts used is speakers attached to the walls
- 3. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons.
- 4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
- 5. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 15 persons at any one time.
- 6. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
- 7. Noise Limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of an acoustic consultant who is a member of the Institute of Acoustics so as to ensure that no noise nuisance is caused to local resident
 - or businesses. The operation panel of the noise limiter shall then be secured by a key or password to the satisfaction of the acoustic consultant and access shall only be by persons authorised by the Premises Licence Holder. No alteration or modification to
 - any existing sound system(s) should be affected without prior agreement with an acoustic consultant. No additional sound generating equipment shall be used on the premise without being routed through the sound limiter device."

Look forward to receipt of Noise management plan, and response to noise conditions 1-7, as above.

Kind regards

Nicola Cadzow
Environmental Protection Officer
Communities Directorate

From:

Sent: Monday, January 8, 2024 10:26 AM

To:

Cc:

Subject: RE: Objection Code Floor 3/4, 34 Westferry Circus

Hi,

Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 2. 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.
- 3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. 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.

- 2) In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- 4. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
- 5. No open containers of alcohol to be taken outside the premises.
- 6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.
- 7. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.
- 8. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy

of all people entering the venue and the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

- 9. Where indicated by the event risk assessment, searches of all persons entering or reentering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.
- 10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.
- 11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.
- 12. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.
- 13. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.
- 14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.
- 15. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)

Email

A: Licensing Office, 1st Floor Stoke Newington Police Station





From: Perry Mark J - CE-CU Sent: 24 December 2023 19:47

To:

Subject: Objection Code Floor 3/4, 34 Westferry Circus

Dear all,

Central East Police Licensing formally objects to the application of a premises license for Code, floors 3 and 4 of Westferry Circus E14 8RR, on the grounds of preventing Crime, Public Safety and Disorder and Public Nuisance.

The applicant wishes to be able to sell alcohol and regulated entertainment, including recorded and live music until 2am every day in an area with hundreds of residential premises in close proximity and little in the way of background noise.

There is little in the way of public transport to get the people away from the premises at that time of the morning, and the applicant has not said how they will leave the premises without causing noise nuisance as the applicant has not submitted a dispersal plan. The applicant has not submitted a detailed entrance plan either so we do not know the those visiting the venue will safely enter the premises without causing noise nuisance to local residents.

With hours the applicant has requested with drinking and entertainment until 2am every night the venue could be used as a late night club, yet the applicant has failed to put in place any security plan, welfare plan, drugs policy or risk assessments, as requested by the councils own licensing Policy. Without these policies in place we do not know

how the venue will deal with any disorder at the venue, or protect those who become vulnerable through drink or drugs.

The risk of crime and disorder or vulnerability increases the later a venue is open and selling alcohol. Without these policies or plans it simply too big a risk to allow this venue to operate till such late hours, and we therefore ask that this application is rejected.

Should the applicant provide sufficiently detailed and acceptable policies plans and risk assessments then we will consider removing our objection. However at this time with no such plans we maintain our objection to this application and ask that it is rejected.

Kind Regards

Mark Perry



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Lavine Miller-Johnson

From:

14 Februar 2024 09:36

To:

Cc:

Subject:

RE: Objection Code Floor 3/4, 34 Westferry Circus

Attachments: DRUGS POLICY Final.doc

Thanks Frank,

I have read the policies and have made some comments below.

Firstly we would want our drugs Policy attached to be adopted by the premises – apologies if you have already said you would adopt this and I missed it.

Second when it comes to ejections, especially for people who are intoxicated or vulnerable through drink or drugs then the venue have a duty of care to them, given the unusual egress of the venue under a roundabout where there are obvious risks then staff have a dusty to help them leave the area safely. I would expect that people who are ejected who are vulnerable are given water, offered to have a taxi called for them, or have friends take them away. If the person(s) refuse this then that is their decision, but the venue must make a genuine attempt to help them, which must be recorded in all instances.

Third, all use of force or ejection or refusal of entry will be written in a security log, signed off by the manager and made available to relevant authorities upon request.

Fourth, given the nature of the venue there should be a plan as to show where customers being removed from the venue can wait if a taxi is picking them up.

I am still waiting for the other policies, Welfare, Entrance, Egress etc policies, when can I expect to see them?

Kind Regards

Mark





From: Frank Fender <

Sent: 23 January 2024 09:40 **To:** Perry Mark J - CE-CU

Cc: Nicola Cadzow Lekan Moweta <

Subject: Re: Objection Code Floor 3/4, 34 Westferry Circus

Good morning Mark

Please find attached policies in respect of Code. I look forward to hearing from you.

Kind regards

Frank

Frank Fender
FJF Licensin Consultants

Please note that the

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FJF Licensing Consultants

On 2024-01-09 11:52,

Hi Frank,

Thanks for agreeing conditions, I look forward to receiving the policies. Once I have had a chance to study them I will be in contact.

Hopefully this can be resolved before the hearing.

Kind Regards
Mark
i
PC Mark Perry
Central East Licensing Unit Metropolitan Police Service (MPS)
I wheth openitually is office service (ivil 5)
Email
From: Sent: 08 January 2024 17:23
To: Perry Mark Cc: L Iicensing@towerhamlets.gov.uk Subject: Re: Objection Code Floor 3/4, 34 Westferry Circus

Good evening Mark

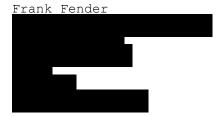
Thank you for your email and proposed conditions.

Having discussed the conditions with my client, I can tell you they can be agreed. Some form part of the application already, others are noted and agreed.

The policies you are requesting will be forwarded once I have received them.

Kind regards

Frank



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FJF Licensing Consultants

On 2024-01-08 10:25,

Hi,

Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.

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.

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. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. 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; Any faults in the CCTV system, searching equipment or scanning equipment; g) Any visit by a relevant authority or emergency service. 2) In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that: a) The police (and, where appropriate, the London Ambulance Service) are called without delay; b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

5. No open containers of alcohol to be taken outside the premises.

6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.

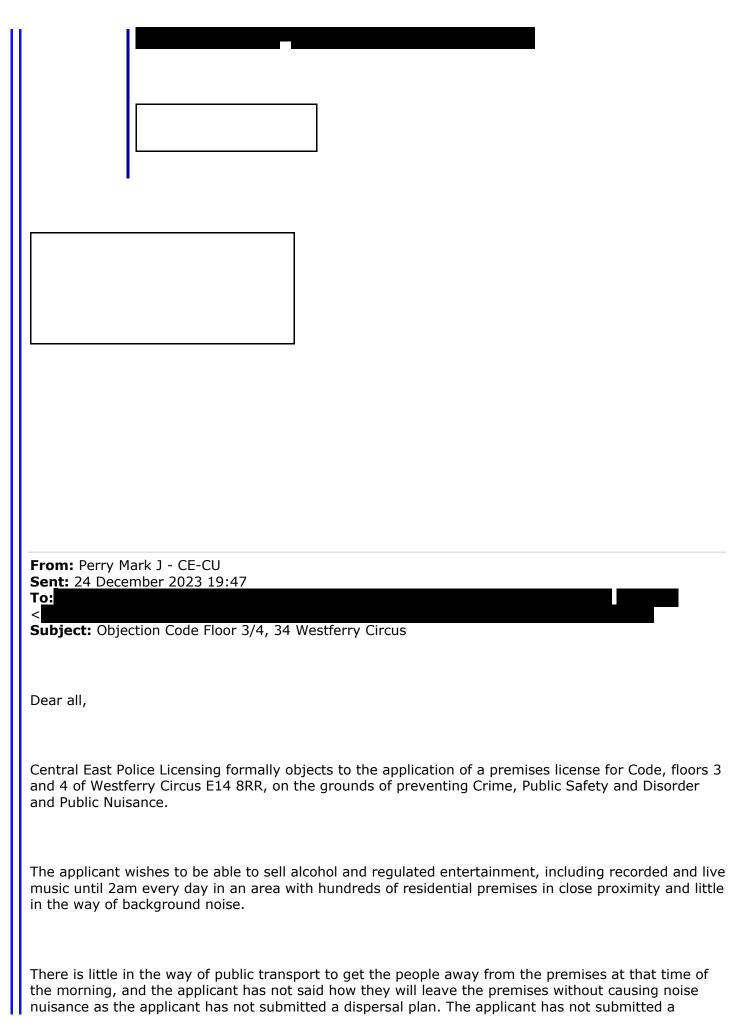
The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.

We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy of all people entering the venue and the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

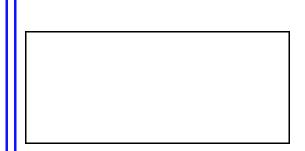
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- 10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.
- 11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.

without ca	mises shall have a written egress policy that shows how the venues customers will leave the venue ausing noise nuisance to local residents, and shall enable customers to leave the area safely. This show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers ave.
-	mises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall red yearly and the results made available to the MPS Central East Police Licensing Office upon
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15. The prem	ises shall agree to the Central East Police Licensing Drugs Policy (Attached)
Kind Regards	
Mark	
1	
	PC Mark Perry
	Central East Licensing Unit
	Metropolitan Police Service (MPS)
	Page 103



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DRUGS POLICY

The premises is to operate a zero tolerance policy towards drugs.

When the premises is running a promoted event where DJ's will be performing, customers as well as artists will be searched for illegal drugs.

This will be a thorough search of customers, including customers bags, jackets, pockets etc. Searching to be done in an area covered by CCTV.

If a guest is found in possession of Drugs/illicit substances and it is believed it is for personal use then the drugs must be seized, the duty manager informed and the drugs must go into a numbered sealable bag. Confiscated drugs must be placed in a safe as soon as practicable. The person is not to be allowed entry to the premises.

The drugs log must then be filled out with the name and SIA number of the person finding and seizing the drugs, date and time of seizure, location of drugs find, description of the drugs, number of drugs and date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs, which Police say is anything over a combination of 4 wraps/pills then the following applies:

- The member of staff, door supervisor or security guard will immediately inform the DPS or other manager on duty.
- The DPS/manager and door supervisor/security guard will ask the individual to step into a quiet area (or if appropriate, a room) and ask the person to turn out their pockets and bags.
- If a personal/bodily search is unavoidable then the Police's assistance will be sought.
- Any drugs found will be confiscated and handed to the DPS or other manager to store and record in accordance with the procedures in this Policy.
- Security guards will (subject to the security guard firm's own policies, procedures, and health & safety requirement) seek to calmly detain suspected drug dealers in the Premises while the Police are contacted.
- However if there is difficulty in this respect with material resistance by the suspected drug dealer and/or if the Police are unable to attend the Premises without delay, to the

extent that the situation in seeking to detain the person becomes unmanageable, the security guards will not use powers of detainment under a citizens' arrest.

• In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the Police have not yet attended the Premises. In such instances the person will be removed from the Premises and a full Incident Report of the incident shall be completed and added to the Premises' Incident Report File.

Drugs are to be sealed in Police bags that will be supplied to the venue.

At the beginning of every month the premises will contact Tower Hamlets Police Licensing and arrange to the licensing officers to come and collect the drugs. A receipt will be signed for at the premises to document that the drugs have been taken by Police.

WEAPONS

When a person is found in possession of a knife or other weapon then the Police are to be called immediately. If safe to do so, and in line with the security company's policies and procedures, the weapon is to be seized and the subject detained.

SIGNAGE

There will be signage in a visible location in the entrance to the premises confirming the following:

- 1) There is to be a zero tolerance to drug use or supply at the premises.
- 2) Drug use and the supply of drugs in the premises is not permitted.
- 3) An enforced search policy identify drugs on customers entering the Premises.
- 4) Persons suspected of being involved in the supply of drugs will be detained, the drugs seized and the Police called.
- 5) No person found with drugs will be allowed onto the premises.
- 6) Entry to the premises may be conditional on searching.
- 7) Any drugs found on customers will be confiscated and given to the Police.

- 8) Any customer refusing a search will be refused entry to the Premises.
- 9) Female customers will be searched by a female door supervisor only.

TOILETS

Toilets are to be checked every 30 minutes during promoted event where DJ's will be performing.

The checks will be to see if there is any drug usage taking place, and will include cubicles and the communal areas.

Any customers acting suspiciously are to be taken to a private area and searched for drugs, if drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

In the toilets all flat surfaces are to be either removed or altered in such a way so as to make it difficult for drugs to be taken on them.

SIA PATROLS

SIA security are required to carry out patrols inside the venue to check on the customers and look for signs of drug use or taking.

Any person found taking drugs are to be taken to a private area and searched for drugs. If drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

Any person who has taken drugs or who looks like they have taken drugs, is to be taken to a private area and searched for drugs with the usual conditions applying. Medical assistance is to be offered and the London Ambulance Service called.

Appendix 8

Corinne Holland

From: Corinne Holland

Sent: 22 December 2023 18:47

To: Frank Fender

Cc: Lekan Moweta; Lavine Miller-Johnson; Licensing

Subject: Code - LA Representation - 3rd & 4th floor, 34 Westferry - M/165179

Dear Frank

Thank you for your response to my questions and the plan. I do not appear to have an email from Andy Dempster which you refer to.

I have the following representation to make.

Due to the location of the premises which is surrounded by residential flats and being waterside (which often enhances the noise to a further distance) due to the lateness of the licence application there is a high probability that customers are likely to cause a public nuisance as they leave at 2.30am.

It seems that the 4th floor will be a restaurant with seated customers only but the 3rd floor is open to much more with the application being for the provision of plays, films, live and recorded music, dance, late-night refreshments and the sale of alcohol until 2.00am. This lends itself to being a nightclub/bar style of operation.

I appreciate that you state it will be high-end but this does not distract from the fact that anyone who has consumed alcohol late into the night can be rowdy and noisy on leaving, not necessarily being disorderly but often shouting to their friends as they leave, hanging around for cabs to arrive. This would be as late as 2.30am -3.00am and being very close to a large group of resident flats.

The Licensing Authority opposes the late hours requested.

There is also the question of where smokers will go which has to be a consideration. My understanding is that the entrance/exit after 22:30 hours is via the underground car park which is also off of the underground roundabout of Westferry Circus. It has to be considered as to whether realistically patrons will walk the distance to smoke or stand in the car park and smoke. This is likely to be a safety risk as smoking is not allowed in the car park. I cannot see anything in the operating schedule which addresses where patrons will smoke or how they will get there.

I would like to see the dispersal policy to be able to address this further.

Kind regards

Corinne Holland Licensin Officer

Appendix 9

Canary Riverside 32, 36, 38 and 48 Westferry Circus Canary Wharf

London

Hanover House E14 8RH
Belgrave Court E14 8RJ
Eaton House E14 8RN
Berkeley Tower E14 8RP

20 December 2023

The Licensing Section
Tower Hamlets Town Hall
4th Floor
160 Whitechapel Road
London E14 1BJ

Dear Sir/Madam

Re: Licencing Act 2003 – Application for a Premises Licence LIC/165179 – Code, Flr 3-4, 34 Westferry Circus, London E14 8RR

We the undersigned residents of Canary Riverside are writing to express **our strong objection** to the licence application for the above premises. **This is a totally misguided application, which would permit the operation of a noisy night-club until 2:30 a.m., seven nights a week in the middle of a residential development.** If it is granted, the licence application will cause **considerable** public nuisance, **significantly** increase the risk of crime and disorder and present a **serious** risk to public safety. Furthermore, the application is **materially non-compliant** with several Tower Hamlets policies and regulations (Appendix 1).

Below we provide a detailed list of objections. However, at the outset we highlight one of several critical objections that we believe are glaring flaws in the application. There is a single access point to the premises from the Thames Pathway. The application states that this access point will be used until 22:30, presumably to avoid gatherings and loitering outside the premises after that time. The only access/egress after 22:30 until closing time at 02:30 a.m. will be the underground car park where smoking is not permitted. There are several serious problems with this proposal, which we explain below.

Please note that access via the gardens of our estate is prohibited to anyone other than residents and hotel guests. The officers report to PA/22/00143/NC states '7.13 Concerns have also been expressed around security and public access to the site. The entrance to the site would be from the Thames Path. However, those residing in the hotel or residents of the surrounding blocks could enter through the private garden. Only those with access rights would be able to traverse the private garden and this would not change as a result of this proposal.'

We note that the agent who submitted this application, Mr. Frank Fender, is a sole trader based in Newport Pagnell, Bedfordshire. We doubt he has ever visited the site. The Licensing Committee should also note that E14 Lounge Limited, the proposed business operator, is a recently formed £100 company with no assets or trading history (Appendix 2). None of its Directors are associated with companies with trading histories or have ever even filed annual accounts.

A. Introduction – Background Considerations

1. Location

The building that is 34 Westferry Circus ("the premises") stands entirely within the gardens of the Canary Riverside Estate ("the estate"). A total of 325 flats across four blocks plus the Canary Riverside Plaza Hotel surround the premises (Appendix 3). All four residential blocks have flats facing and overlooking the gardens and the premises. Their residents will be directly impacted by the noise, light, public nuisance, crime and disorder and safety risks inherent in this application.

2. Existing planning consent

The premises currently have two planning consents. These are as follows:

i) PA/23/00513

Site: 5th floor, 34 Westferry Circus, London, E14 8RR Canary Wharf

'Permitting alterations to the façade to include the addition of new bi-folding glass doors to the 3rd floor to provide an internal terrace, minor alterations to the glass façade including the addition of bi-folding doors to the 4th floor and proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant.'

ii) PA/22/00143/NC

Site: 4th & 5th Floor, 34 Westferry Circus, London, E14 8RR

'Proposed roof extension with the creation of an external terrace space with outdoor seating to existing restaurant and new plant. Alterations to the facade to include addition of new bi-folding glass doors to the 3rd floor in order to provide a terrace creating amenity space and minor alterations to the glass facade on the 4th floor in order to provide bi-folding doors.'

It is understood that neither of the above consents will be used for this licensing application. That is, there will be **NO addition of bi-folding doors** to glass doors to the 3rd floor to provide a terrace creating amenity space and **NO minor alterations** to the glass facade on the 4th floor to provide bi-folding doors. Tower Hamlets must confirm this with the Applicant.

It should also be noted that at the Development Committee meeting on the 30th November to decide PA/23/00513 the applicant (the Landlord of the property) stated that the proposed rooftop open-air restaurant was the only commercially feasible development for these premises. The applicant's representatives categorically stated that the commercial utilisation of the floors immediately below this on their own (i.e.

the floors to which this application relates) was not possible because the proposed operator needed outdoor space as well. We were therefore stunned to find out that this licensing application was made two days before the Development Committee meeting and was not disclosed to it. (Below you will see that the Development Committee imposed a closing time condition of 20:00 on the rooftop open-air restaurant).

3. Consultation

This has been a **flawed consultation process** on the part of Tower Hamlets council. There has been a very limited circulation of the licensing application to residents of Canary Riverside, primarily to residents in Eaton House and Belgrave Court. While a "within 40 metres" test is applied to determine recipients of notifications, this is **unfair and unreasonable in the context of the Canary Riverside estate as this proposal affects it in its entirety**. The premises is fully located within the courtyard gardens of the estate which includes 325 flats and is in the **very centre of an amphitheatre into which it will project noise outwards and upwards**.

In addition, the proposed late night entrance/exit route to and from the premises passes directly through the private car parking areas of Canary Riverside residents from all buildings. Many of those residents have not been consulted.

The list of licensing applications is not available on the Tower Hamlets Council website. **Several residents have failed to find the application**. It required one of us to contact the licensing team who provided a link. No other documents such as a noise assessment survey have been filed.

We continue to request the Licensing Team to widen the consultation to include all residents of Canary Riverside and to extend the deadline for objections by at least two weeks.

4. The Application

The Application is seeking inter alia:

- 1. Opening hours from 12:00 midday until 02:30 a.m. every day of the week, including Saturday and Sunday. Given the need for pre opening and post closing facility operations this effectively means 11:00 through to 03:00 a.m., 7 days per week.
- 2. A permit to put on a range of entertainment including plays, films, live music and dance events on the 3rd floor.
- 3. A restaurant permit.
- Regulated entertainment provides for a capacity of up to 500 people.
 Actual capacity is not included in the application.
- 5. A permit for recorded music to be played without any noise restriction.
- 6. A late night drinking licence from 22:30 until 02:00 a.m. with public to have exited the premises by 02:30 a.m.
- 7. It is said that the 4th floor of the premises will operate primarily as a restaurant and the 3rd floor will operate primarily as a lounge bar and restaurant.

The inclusion of such a variety of uses and entertainment makes it difficult to ascertain exactly the final use of these premises, except that it is clear that it will include the operation of a noisy nightclub in a totally inappropriate residential location until 2:30 a.m., 7 days a week.

B. Objections to the Premises Licence Application LIC/165179 ("the application")

We object to the application on the grounds of the prevention of public nuisance, the prevention of crime and disorder and in the interests of ensuring public safety. Our homes are the 'nearest noise sensitive premises', with our bedrooms and living rooms located <u>directly opposite and surrounding the premises</u>. Belgrave Court and Eaton House are less than 30 metres and Hanover House and Berkeley Tower are 50 metres from the premises.

1. Prevention of public nuisance – noise pollution

No acoustic survey report has been produced by the applicant, and no data is provided as to what the planned noise levels will be, nor the **measures proposed** in the application **to limit noise levels**. We believe the walls of the premises including the glass panels of the 4th floor **will not meet the acoustic standards** required to ensure that the proposed live and recorded music and other noise will **not be audible outside the premises**.

Policy D.ES9 and para 33.19 of Appendix 6 of the Tower Hamlets Local Plan (2020) require the submission of a noise report for potentially noise generating uses. The application includes live and recorded music, plays, dance shows, films and other noise generating activities as well as operating plant. The noise generated will be substantially greater than the existing nearby restaurants which are located two floors below the estate. Appendix 6, para 33.4 requires that existing ambient noise levels will not be worsened and sets out the measuring points in the tables included in para 33.14. The applicant must conduct an acoustic survey and show that the noise and any associated vibration from the entertainment activities, including live and recorded music, will not reach the inside of our flats.

Patron noise. Canary Riverside is a quiet residential neighbourhood, particularly at night. We already know that noise from the riverside and Thames Pathway wafts upwards as residents of Belgrave Court are occasionally disturbed by the loud voices of patrons leaving Mala, the nearest restaurant (37 Westferry Circus) and 2 levels below our estate. The construct and environment of the Canary Riverside estate, with all 4 tall residential blocks surrounding the gardens facing the river and with the premises at the centre, creates an ampitheatre which will amplify any noise emitted, projecting it outwards and upwards.

Entry/exit routes. The entry/exit from the premises is proposed to be via the riverside stairs to the Thames Pathway until 22:30, then through the underground car park until closing time. When exiting via the car park, patrons

must either return to the ground floor level of Westferry Circus or to the Thames Walkway to make their way home. Both routes go past Hanover House, Berkeley Tower and Belgrave Court. Noise from a large number of patrons who will have been enjoying several hours of drinking and entertainment will carry upwards and will be significant in the early hours of each morning, seven days per week.

Other restaurants – all the local restaurants have opening hours to 22:30 and all have either no music or background music only and any background music is restricted to indoors.

Planning application PA/23/00513/NC. This imposed additional conditions for the rooftop bar/restaurant at the premises of a closing time of 20:00 and a noise limiter to be installed to audio equipment to ensure that background music remains below the agreed noise limit. This planning application was for a restaurant capacity of 80 persons.

Café Brera (now known as Brera) This café is located on the ground floor of Hanover House. The Licensing Committee imposed a condition requiring any music played within Brera to not be audible outside, including when the entrance door and/or windows are open and to cease at 21:00. This application will have an even greater impact on residents of the estate as the result of the location of the premises at its centre.

2. Prevention of public nuisance – transportation

There is **no public transport operating in the area past 12:00 midnight** with some of it ceasing to operate even earlier. The presumption that people will be travelling to/from the venue via motor vehicle does not comply with Policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020).

3. Prevention of public nuisance – sale/supply of alcohol.

The proposed licensing hours and entertainment would make the premises a late-night drinking venue. Alcohol and people out to enjoy themselves at

night and in the early hours is a damaging anti-social mix for children, working adults and other residents who are trying to sleep. It only takes one loud conversation between a few people to cause a disturbance, and the application will open the potential for nightly disturbances, inevitably straying well beyond 02:00 a.m., seven days a week. The premises would be a magnet for people seeking a drink and a cigarette in this area.

In short, if this application is granted the mental health of a large number of people will be adversely affected.

4. Prevention of public nuisance – light pollution.

The types of entertainment proposed will utilise a range of types of illumination including ambient, task and feature lighting. The application is silent on what mechanisms will be put in place to ensure that this lighting does not emit outside the premises and particularly the 4th floor which has floor to ceiling glass panels which are not opaque, nor do they have reflective film. Residents, particularly those facing the premises, will suffer light pollution until at least 02:00 a.m., including impacting their sleep.

5. Prevention of public nuisance – loss of privacy

The fourth floor restaurant looks directly into many flats, including bedrooms, and the occupants will suffer a major and **unacceptable reduction in privacy**.

Access to the Canary Riverside estate from either Westferry Road or the Thames Pathway is via a security gate available only to residential leaseholders and hotel guests. The applicant and its patrons are not entitled to utilise the gate into and/or pathway across the private gardens of the estate.

6. Prevention of public nuisance – waste management.

No waste management plan is provided or details of how the application complies with the Council's recycling policies. The premises will have a bar and restaurant and will share waste arrangements with the gym in a small cellar in the car park. The premises does not have its own dedicated cellar space. There is no chute from the premises to the cellar so that all waste will have to be carried down to it and across the car park.

The existing cellar space is small (Appendix 4), could become overused and it is not suitable for dealing with waste oil, fat and grease. There have already been issues with local restaurants disposing of such waste into drainage causing blockages and flooding.

There would be an **increase in littering in the neighbourhood**, particularly from smokers who will congregate at the ground floor entrance of the premises and potentially in the underground car park where smoking is already prohibited,

7. Prevention of crime and disorder.

The premises would be the only local licensed venue offering alcohol after 22.30. There is no Public Spaces Protection Order in operation in this part of the riverfront – the Ropemakers PSPO ends just before reaching Canary Riverside. Such **late night drinking venues are associated with issues of disorder** that arise when individuals might be prevented from entering the premises or mingle after exiting the venue. The lack of public transport available in the area beyond midnight is likely to exacerbate this.

Having the car park as the entry/exit point after 22:30 will also **exacerbate the risk of crime and disorder in this vicinity, with a significant risk of damage to residents' vehicles** parked adjacent to the lift utilised for access to the premises. This proposed late night entry/exit route also poses a significant risk to public safety as outlined in paragraph 8 below.

The application does not have a **comprehensive security plan** as per the minimum requirements of the Tower Hamlets Police Licensing Team.

8. Public Safety.

The proposed application carries **significant public safety risks**. The proposed closing time of 02:00 a.m., with members of the public to have exited by 02:30 a.m., will deliver large numbers of inebriated and noisy individuals out into a residential neighbourhood in which there is **no public transport operating** at that hour most days of the week.

There will be **no public conveniences open** in the area at that time.

The application indicates that patrons will only be able to use the outdoor stairs to/from the riverside to enter/exit until 22:30 (Appendix 5a) and subsequently will use the lifts from the underground car park. 70% of the car park spaces are utilised by the residential leaseholders. The lift proposed for the exit of patrons leaving after 22:30 is located in the back corner of the car park, adjacent to 2 private parking areas assigned to Canary Riverside residents from all residential buildings (Appendix 5b). There is no dedicated or clearly sign-posted entry/exit path to/from the lift and through the car park. The car park entrance is itself accessed via the underground level of the Westferry Circus roundabout, an area which is busy with motor vehicles, lacks any pedestrian crossings and where the route back to ground level is via a footpath cluttered by commercial waste bins (Appendix 5d) & e).

After 22.30 it is also intended that patrons wishing to smoke will have to go via the residential car park, presumably out to the underground roundabout and back up to the Thames Pathway. This is quite a distance from the premises and it seems unlikely that patrons will want to take this lengthy walk, particularly in winter months and the risk of breaches of public safety requirements is high. **Smoking is already prohibited in the car park for fire safety reasons** (Appendix 5c).

The emergency fire exit from the premises into the gardens of the Canary Riverside estate (Appendix 5f) is only to be utilised in those emergency circumstances. Access to the gardens of our estate is prohibited to anyone other than residents and hotel guests.

C. Conclusion

This is a spurious application. The applicant has simply ticked every box on the application form and asked for the longest possible opening hours for the highest number of entertainment activities - plays, dancing, films, live and recorded music – plus restaurants and late night drinking. It is impossible to determine the real purpose of the application. It is opportunistic, trying to find out which of the many diverse entertainment options on the application will be permitted. Our belief is that the real objective for the premises is the operation of a nightclub/bar/restaurant, open seven days a week up to 02.30 a.m. in an entirely inappropriate location.

Canary Riverside is a quiet residential development. The Estate is mixed use with a balance between the residential, hotel and existing commercial elements. This proposal would destroy that balance. The applicant is seeking to operate a live and recorded music venue with nightclub lighting in the courtyard of our development. Over 300 flats and the wellbeing of their residents will be severely impacted with the closest flats being just 30 metres from the premises.

The application is devoid of detail or substance. There is no noise assessment survey, no waste management strategy or proposals on lighting management. There is no transport strategy. Public transport ends at midnight, well before the nightclub closes.

The application will create **significant risks of public disorder**. The application does not include restrictions regarding the management of patrons entering/leaving the premises, safe transportation options for patrons exiting, processes for responding to noise complaints from residents, daily site cleaning up etc.

The only means of access to and exit from the premises after 22:30 is via the lower level of the underground car park. Use of the residential car park by smokers during

the late night opening times and as the sole entry/exit route after 22:30 is **impractical and unsafe.**

The recent planning decision for these premises (i.e. 34 Westferry Circus) imposed a closing time of 20:00 for the proposed rooftop bar/restaurant. The licencing decision for Café Brera, which is also part of the Estate, imposed a closing time of 22:00. Both decisions imposed noise limits on recorded music as outlined in paragraph 1 of section B above.

This is a wholly inappropriate and opportunistic application, clearly made by an applicant and agent with no knowledge of the location, with no consideration for the residents and who have not carried out the detailed analysis required for a considered serious assessment to be made.

It fails the licensing criteria in every respect because it would cause serious public nuisance, a significant increase in crime and disorder and a serious risk to public safety.

The Licensing Committee must reject it in its entirety.

Finally, please note that this letter of objection includes the following Appendices:

Appendix 1: Extract from Tower Hamlets policies.

Appendix 2: E14 Lounge Limited filing history.

Appendix 3: Layout of Canary Riverside Estate

Appendix 4: Waste management and cellar space.

Appendix 5: Entrances/Exits from the premises.

Yours sincerely,

- Alia Alkhudairi,
 Angela Jezard,
 Ann Davies,
 Argelia Wilkes,
 Arvind Vashisht,
 Bernard Altschuler,
 - Page 124

7. Carmen Montanel,	
8. Catherine Liddiard,	
9. Charlotte Denton,	
10. Cheng Sen Lim,	
11. Chongwei Wang,	
12. Choon Wah Lim,	
13. Chorong Yoo,	
14. Claudine Ahrens-Hillman,	
14. Gladdine Athens i minian,	
15. Clyde Hiscock,	
16. Colin Carscadden,	
10. Comi Carodaden,	<u></u>
17. Debra Wood,	
18. Dr Ashley Steel,	
19. Ebru Pancaroglu,	
20. Filip Remplakowski,	
21. Geoff Andrews,	
22. Hazel Watson,	
23. Hiren Sanghrajka,	
24. Jacqueline Abrahart,	
Jacqueline Tselentis,	
26. James Abrahart,	
27. James Bass,	
28. Javier Caldeiro,	
29. Jeffery Drew,	
30. Josephine (Jo) Swaby,	
31. John Dillon,	Ī
32. John Dillon,	•
33. John Wilkes,	
34. Jonathan Alvin,	
35. Juan Miguel Corvo Lopez,	
36. Kamal Gardiner,	
37. Karen Moss,	
38. Katie Bass,	
39. Kevin Bell,	
40. Leo Schmid,	
41. Leonard Green,	
42. Luigina Dimitri,	
43. Mac Xuan Fung,	
44. Majella Murphy Altschuler,	
45. Martin Penson.	

46. Matthew Gocher, 47. May Steele, 48. Menir Ahmed, 49. Michael Tselentis, 50. Michelle Noble, 51. Miranda Hui, 52. Myrna Metheringham,
53. Naoko Herai,
54. Naomi Stone,
55. Naseer Al – Khudairi,
56. Dr Natasha Gardiner,
57. Nick Land,
58. Pardeip Sahota,
59. Paul Hillman
60. Paul Marsden,
61.Rafiq Gasanov,
62. Rafiq Gasanov,
63. Ralph Hebgen,
64. Richard Moss,
65. Richard Noble,
66. Rita Sanghrajka,
67. Roger Gardiner,
68. Rosemary Bischoff
69. Satvinder Sohanpal,
70. Satvinder Sohanpal,
71. Sonia Land,
72. Sue Robinson,
73. Susan Brooks,
74. Tania Ng,
75. Victor Stone,
76. Virginie Raux,
77. Wendy Carpenter,
78. Xavier Bastin,
79. Yiannis Iacovides,

Appendix 1 - Tower Hamlets Policies

Our objections consider and refer to:

1. The London Borough of Tower Hamlets Statement of Licensing Policy effective 1st November 2023 which sets out Council's four licensing objectives: -

1.1. The prevention of crime and disorder

Consideration, among other things, a prescribed capacity; door supervisors; an appropriate ratio of tables and chairs to customers; and a requirement that security staff holding the appropriate SIA licence or exemption are present to control entry for the purpose of compliance with the capacity limit and to deny entry to individuals who appear drunk or disorderly or both.

1.2. Public safety

Consideration of requiring specific types of training for a DPS or security staff, including awareness of first aid or initiatives to protect women and vulnerable customers; provision and storage of CCTV footage; and ensuring safe departure of those using the premises.

1.3. The prevention of public nuisance

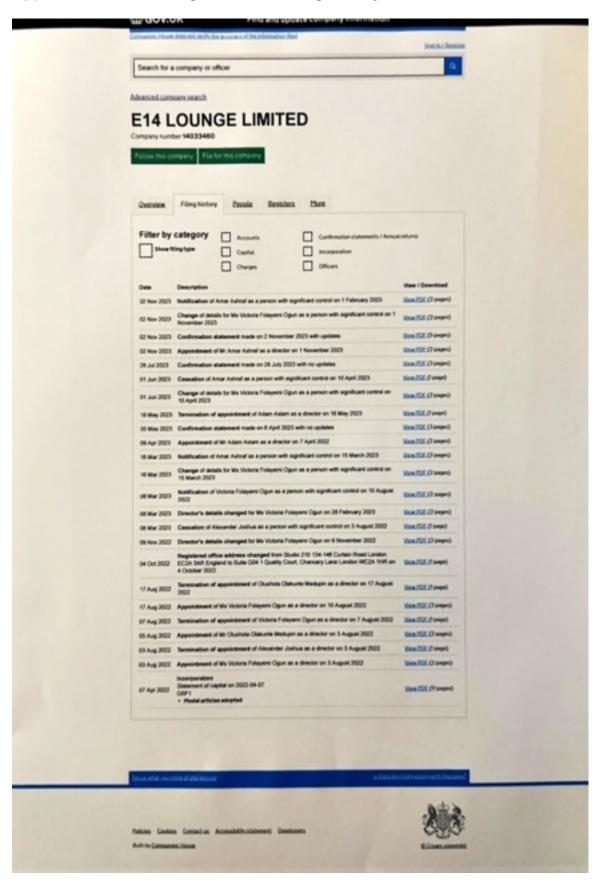
Consideration of the prevention of irresponsible promotions, methods of preventing and managing noise and light pollution, and ways of managing litter.

1.4. The protection of children from harm

Consideration of age verification schemes, test purchasing policies, and restrictions on the hours when children may be present.

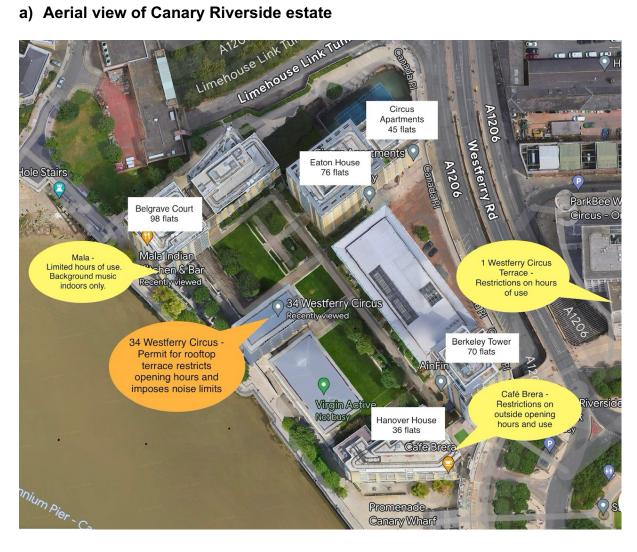
- 2. Policy D.DH8 of the Tower Hamlets Local Plan (2020) requires development to protect and improve the residential amenity of existing and future residents by protecting against loss of privacy, overlooking, loss of outlook, daylight, sunlight, noise, etc..
- 3. Policies S.TR1 and D.TR3 of the Tower Hamlets Local Plan (2020), which seeks to promote the uptake of green and active travel within the borough and reduce reliance upon carbon reliant travel patterns.
- 4. Section 33, Appendix 6: Noise of the Tower Hamlets Local Plan (2020) outlines sensible provisions for the management of noise to protect quality of life enjoyed by individuals and communities and specifically residential and community amenity (para 33.1).

Appendix 2 – E14 Lounge Limited – filing history



Appendix 3 - Canary Riverside estate

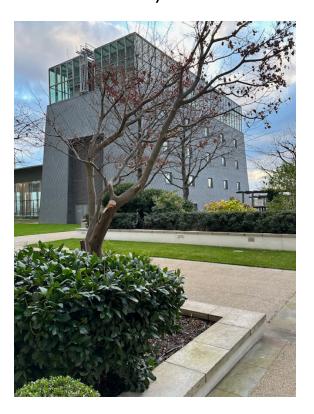
a) Aerial view of Canary Riverside estate



b) 34 Westferry Circus and proximity to Belgrave Court (taken from garden door of Eaton House)



c) 34 Westferry Circus and proximity to Eaton House (taken from garden door of Eaton House)



d) 34 Westferry Circus and proximity to Berkeley Tower (taken from front of Berkeley Tower building) and with Belgrave Court in background

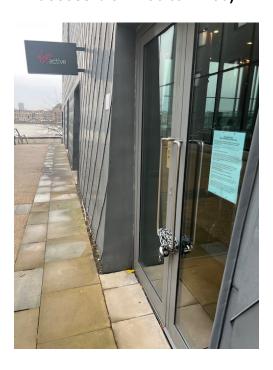


Appendix 4 – Waste management – existing cellar space is small, shared with the Virgin Active gym and there is no chute from the premises.

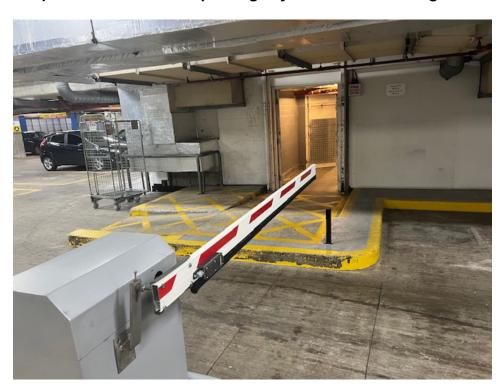


Appendix 5 – Entrances/exits from the premises

a) Riverside entrance/exit directly to Thames Pathway (proposed only to be accessible 12:00 to 22:30)



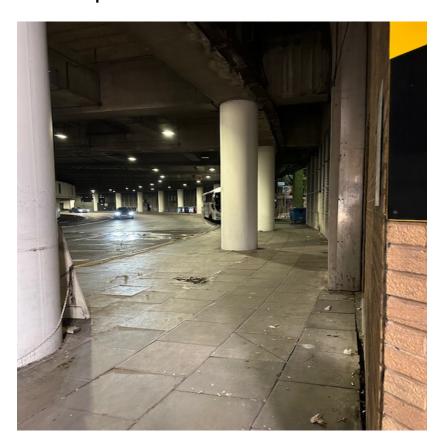
b) Proposed late night entrance/exit via lift into Canary Riverside underground car park with residential parking adjacent to the boom gate.



c) Smoking already prohibited in the car park as a fire safety precaution



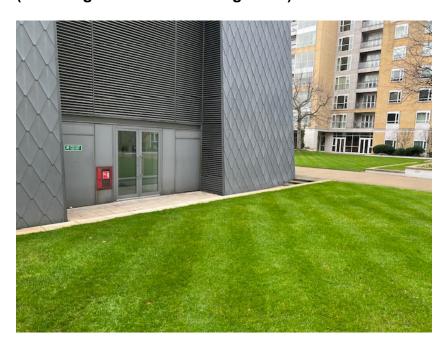
d) Canary Riverside underground car park - entrance from/exit into the underground roundabout of Westferry Circus, the proposed entry/exit route for the premises after 22:30.



e) Unsafe, cluttered route alongside the underground roundabout to/from the Thames Pathway/ground level



f) Emergency fire exit only, into private gardens of Canary Riverside estate – NOT AVAILABLE to patrons of the premises who do not have access rights (with Belgrave Court in background).



Appendix 10





2 January 2024

The Licensing Section
London Borough of Tower Hamlets
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

(by email only)

Dear Sir/Madam

Licensing Act 2003: Code, Flor 3-4 34 Westferry Circus E14 8RR

I am writing further to your letter of 28 November reference CLC/EHTS/LIC/165179 on behalf of the two co-owners of 33 Belgrave Court, ie Clare Sullivan and myself.

I wish to register our strong objections to the granting of a licence as is being sought for the above premises. Its granting would have a seriously detrimental impact on Canary Riverside and the lives of its residents as a whole. In particular we are firmly of the view that **the application should be rejected** on the following grounds:

- (a) Protection of children from harm, including sleep depravation through excessive noise;
- (b) Prevention of public nuisance, including within the gated grounds of Canary Riverside;
- (c) Prevention of crime and disorder; and,
- (d) The general safety of residents and their property.

You have asked us to explain explicitly how these grounds apply to us. We are not currently residing at our apartment but rent it out. Any and all of the risks inherent in the above would reduce the rental value of our property to our direct and immediate detriment as well as having a negative impact on the ultimate resale value.

Additionally, as responsible owners we believe it incumbent upon us to do whatever we can to protect our tenant(s) and their property from the sort of risks, including those listed above, which opening up the grounds in the manner proposed would involve. Indeed, I can safely say on behalf of our current tenant that she objects very strongly to any development which would — as would inevitably be the case - inappropriately and unnecessarily increase general noise in CR and put her at additional risk of harassment and crime inside the gated grounds which constitute part of her home territory.

Yours faithfully



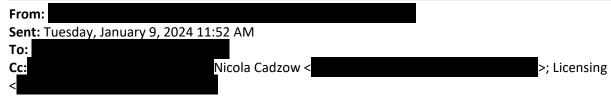
Alastair Newton

Appendix 11

Lavine Miller-Johnson

Subject:

FW: Objection Code Floor 3/4, 34 Westferry Circus



Subject: RE: Objection Code Floor 3/4, 34 Westferry Circus

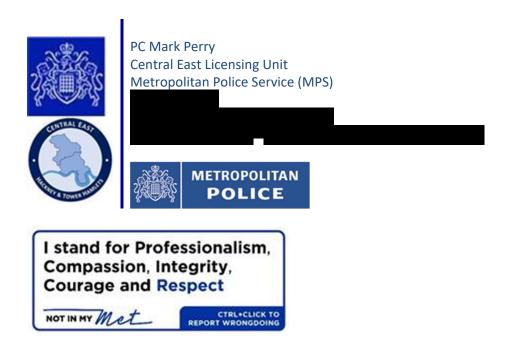
Hi Frank,

Thanks for agreeing conditions, I look forward to receiving the policies. Once I have had a chance to study them I will be in contact.

Hopefully this can be resolved before the hearing.

Kind Regards

Mark



From: Frank Fender
Sent: 08 January 2024 17:23

To: Perry Mark J - CE-CU

Cc:

Subject: Re: Objection Code Floor 3/4, 34 Westferry Circus

Good evening Mark

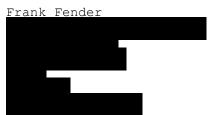
Thank you for your email and proposed conditions.

Having discussed the conditions with my client, I can tell you they can be agreed. Some form part of the application already, others are noted and agreed.

The policies you are requesting will be forwarded once I have received them.

Kind regards

Frank



Please note that the contents of this e-mail, including any attachments thereto, may contain information which is confidential or privileged, and which is solely for the use of the recipient named above. If you are not the intended recipient, please be aware that any disclosure, copying, distribution or use of the contents of this e-mail is strictly prohibited. If you have received this message in error, please notify the sender immediately.

FJF Licensing Consultants

On 2024-01-08 10:25,

wrote:

Hi.

Please have a look at the below conditions and feel free to contact me, to discuss or ask any questions. With regards to the policies I am happy to look / discuss them prior to the hearing, as I am sure the Council are.

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum

period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

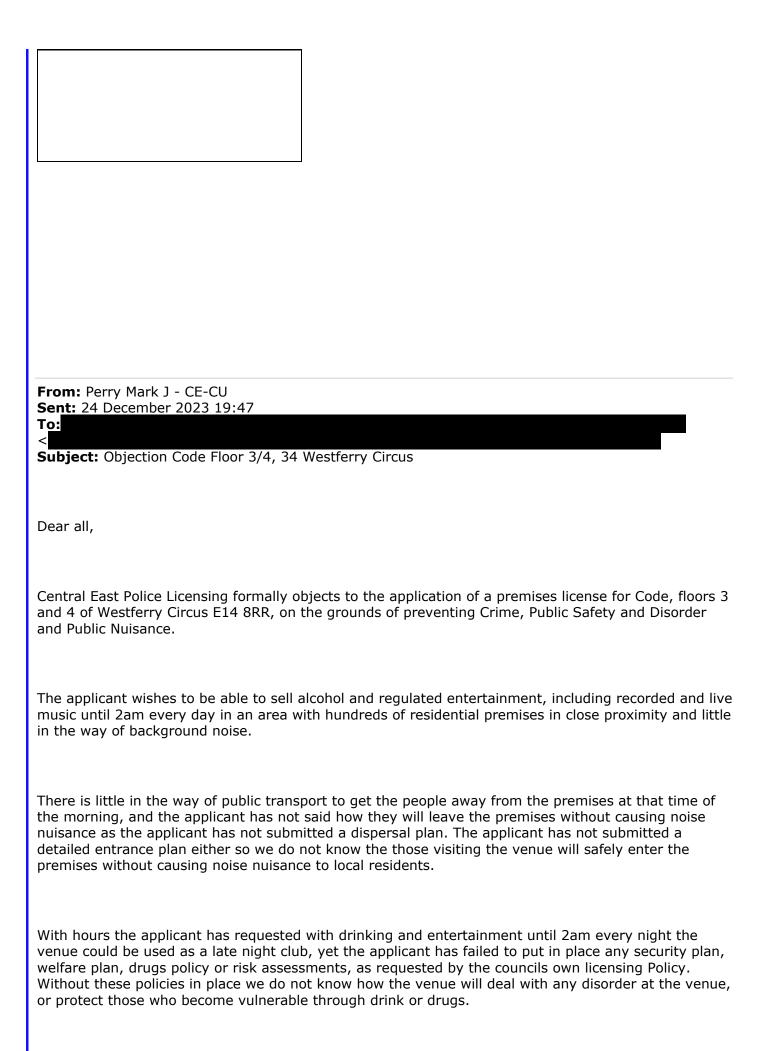
- 2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
- 3. An incident log shall be kept at the premises, and be available on request to the Police or authorised council officers. 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.
 - 2) In the event that a serious assault (for example, one which will require the attendance of London Ambulance Services) is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) The police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;

- c) Where reasonably practicable, the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
- 4. A Challenge 25 proof of age scheme shall be operated at the premises. The only acceptable forms of identification are nationally recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 5. No open containers of alcohol to be taken outside the premises.
 - 6. A record shall be kept detailing all refused sales of alcohol. The record must include the date and time of the refused sale, the name of the member of staff who refused the sale, and the reason for the refusal, and how the refusal was resolved. The record shall be available for inspection at the premises by police or authorised council officers all times during hours of licensable activities.
- 7. The premises shall risk assess all events taking place at the venue. The purpose of this is to identify risks associated with the event and the measures that can be put in place to mitigate against them. Risks could include but not limited to intoxicated customers, violence, drug use, and underage customers. Mitigating measures will include but is not limited to SIA numbers, male and female SIA ratio, SIA placement, searching and ID checks. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy. The risk assessment is to be recorded and made available to Police or relevant authority upon request.
- 8. We believe the innate risk of running a late night venue as requested by the applicant, requires the premises to have a minimum of 4 SIA security staff on duty on Thursday, Friday, and Saturday from 20:00 until after the last customers have left the area. When hosting promoted music events finishing past 00:00 the venue will instigate a search policy of all people entering the venue and

the use of an ID scanner. searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system.

- 9. Where indicated by the event risk assessment, searches of all persons entering or re-entering the venue will be undertaken by SIA licensed staff while monitored by the premises CCTV system. The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy.
 - 10. The premises must have a detailed documented security plan, that must include an ejections policy, search policy, anti-theft policy, and SIA numbers, The security plan will be made available to police upon request.
 - 11. A written entry policy shall be in place and implemented at the premises to move customers into the premises in such a way as to cause minimum disturbance or nuisance to neighbours. The licence holder shall ensure that any queue to enter the premises which forms outside the premises is orderly and supervised by door staff so as to ensure that there is no public nuisance or obstruction.
 - 12. The premises shall have a written egress policy that shows how the venues customers will leave the venue without causing noise nuisance to local residents, and shall enable customers to leave the area safely. This policy will show taxi pick up points, customer waiting areas and marshalling / security plans to protect customers as they leave.
 - 13. The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed yearly and the results made available to the MPS Central East Police Licensing Office upon request.

14. The premises shall have a written welfare policy (reviewable annually) that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, this policy will include the use of Welfare Officers at peak times. Dedicated, clearly identifiable welfare officers will in place during peak times and when required by the event risk assessment. The policy will be made available to Police upon request.
15. The premises shall agree to the Central East Police Licensing Drugs Policy (Attached)
Kind Regards
Mark
PC Mark Perry
Email



DRUGS POLICY

The premises is to operate a zero tolerance policy towards drugs.

When the premises is running a promoted event where DJ's will be performing, customers as well as artists will be searched for illegal drugs.

This will be a thorough search of customers, including customers bags, jackets, pockets etc. Searching to be done in an area covered by CCTV.

If a guest is found in possession of Drugs/illicit substances and it is believed it is for personal use then the drugs must be seized, the duty manager informed and the drugs must go into a numbered sealable bag. Confiscated drugs must be placed in a safe as soon as practicable. The person is not to be allowed entry to the premises.

The drugs log must then be filled out with the name and SIA number of the person finding and seizing the drugs, date and time of seizure, location of drugs find, description of the drugs, number of drugs and date and time of drugs being locked in the safe.

If the person is suspected of supplying drugs, which Police say is anything over a combination of 4 wraps/pills then the following applies:

- The member of staff, door supervisor or security guard will immediately inform the DPS or other manager on duty.
- The DPS/manager and door supervisor/security guard will ask the individual to step into a quiet area (or if appropriate, a room) and ask the person to turn out their pockets and bags.
- If a personal/bodily search is unavoidable then the Police's assistance will be sought.
- Any drugs found will be confiscated and handed to the DPS or other manager to store and record in accordance with the procedures in this Policy.
- Security guards will (subject to the security guard firm's own policies, procedures, and health & safety requirement) seek to calmly detain suspected drug dealers in the Premises while the Police are contacted.
- However if there is difficulty in this respect with material resistance by the suspected drug dealer and/or if the Police are unable to attend the Premises without delay, to the

extent that the situation in seeking to detain the person becomes unmanageable, the security guards will not use powers of detainment under a citizens' arrest.

• In such cases where the detention of the suspected drug dealer becomes reasonably unmanageable, the premises cannot take responsibility for detaining a person suspected of supplying drugs if they want to leave and the Police have not yet attended the Premises. In such instances the person will be removed from the Premises and a full Incident Report of the incident shall be completed and added to the Premises' Incident Report File.

Drugs are to be sealed in Police bags that will be supplied to the venue.

At the beginning of every month the premises will contact Tower Hamlets Police Licensing and arrange to the licensing officers to come and collect the drugs. A receipt will be signed for at the premises to document that the drugs have been taken by Police.

WEAPONS

When a person is found in possession of a knife or other weapon then the Police are to be called immediately. If safe to do so, and in line with the security company's policies and procedures, the weapon is to be seized and the subject detained.

SIGNAGE

There will be signage in a visible location in the entrance to the premises confirming the following:

- 1) There is to be a zero tolerance to drug use or supply at the premises.
- 2) Drug use and the supply of drugs in the premises is not permitted.
- 3) An enforced search policy identify drugs on customers entering the Premises.
- 4) Persons suspected of being involved in the supply of drugs will be detained, the drugs seized and the Police called.
- 5) No person found with drugs will be allowed onto the premises.
- 6) Entry to the premises may be conditional on searching.
- 7) Any drugs found on customers will be confiscated and given to the Police.

- 8) Any customer refusing a search will be refused entry to the Premises.
- 9) Female customers will be searched by a female door supervisor only.

TOILETS

Toilets are to be checked every 30 minutes during promoted event where DJ's will be performing.

The checks will be to see if there is any drug usage taking place, and will include cubicles and the communal areas.

Any customers acting suspiciously are to be taken to a private area and searched for drugs, if drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

In the toilets all flat surfaces are to be either removed or altered in such a way so as to make it difficult for drugs to be taken on them.

SIA PATROLS

SIA security are required to carry out patrols inside the venue to check on the customers and look for signs of drug use or taking.

Any person found taking drugs are to be taken to a private area and searched for drugs. If drugs are found then they are to be seized and the person ejected if the drugs are for personal use. If more drugs are found then would indicate personal use then the guidance for supplying drugs is to be followed.

Any person who has taken drugs or who looks like they have taken drugs, is to be taken to a private area and searched for drugs with the usual conditions applying. Medical assistance is to be offered and the London Ambulance Service called.

Section 182 Advice by the Home Office Updated on August 2023

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards.

If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Licensing Policy Section 11

Prevention of Public Nuisance

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has may areas of the borough where businesses and residents are "cheek by jowl" with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
 - a) Music/performances
 Measures to reduce impact of noise on residents
 - b) Queue management
 - Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
 - c) Ingress and Egress
 - Measure to prevent people noise during ingress and egress
 - d) Use of outside areas (see 11.7 below)
 - e) Deliveries, particularly pick-ups by vehicles

 Measures to prevent noise/fumes from engines, drivers (including smoking).
 - f) Bottle disposal
 - Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
 - g) Litter
 - Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose indented use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

- 11.6 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 Councils 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.
- 11.7 **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.
- 11.8 **Beer Gardens and outside areas** since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
 - limiting the amount of patrons permitted in the outside area, and/or,
 - restricting the use of areas after a certain time,
 - ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

11.9 **Party Boats** – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

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

Updated December 2022

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 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.

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder, but can relate to the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) CCTV inside & out, communication, police liaison, no glasses are all relevant

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

Licence conditions should not duplicate other legislation (1.16).

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

Anti-Social Behaviour Orders

- Child Curfew Schemes
- TruancyParenting Orders
- Reparation Orders
- Tackling Racism

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 16.8 of the Licensing Policy)

In considering the applicability of 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 16.9 of the Licensing Policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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.



Agenda Item 3.2

Committee:	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	27 th February 2024	Unrestricted		

Report of:

David Tolley

Head of Environmental Health & Trading

Standards

Originating Officer: Corinne Holland Licensing Officer Title:

Licensing Act 2003 Application for a new Premise Licence for Wang Wang, 4a Commercial Street,

London, E1 6LP

Ward affected:

Spitalfields and Banglatown

1.0 **Summary**

Applicant: Wang Wang 4a Limited (Balbinder Sidhu)

Name and Wang Wang

4a Commercial Street

Address of Premises: **London**

E1 6LP

Licence sought: Licensing Act 2003

Sale by retail of Alcohol (off sales)

Objectors: Licensing Authority

Resident / Resident Association

2.0 Recommendations

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

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 Corinne Holland 020 7364 3986

3.0 Background

- 3.1 This is an application for a new Premise Licence for Wang Wang, 4a Commercial Street, London, E1 6LP. This premises falls within the Brick Lane Cumulative Impact Area.
- 3.2 The applicant has described the premises as: A Grocery Store
- 3.3 A copy of the application is shown in **Appendix 1**.
- 3.4 The hours applied for are as follows:

Sale of Alcohol (off sales only)

Monday - Saturday 08:00 - 21:00 hours

Opening times

Monday - Saturday 08:00 - 21:00 hours

- 4.0 Location and Nature of the premises
- 4.1 The site plan of the venue is included as **Appendix 2**.
- 4.2 Maps showing the vicinity are included as **Appendix 3.**
- 4.3 Photographs of the premises are included in **Appendix 4**.
- 4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5.**
- 5.0 Licensing Policy and Government Advice
- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2023.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in December 2023.
- 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 10**
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following.

Licensing Authority	Appendix 6
Alan Williams	Appendix 7
Christopher Lloyd (SPIRE)	Appendix 8

- 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 Heath
 - 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 relate to:
 - Public nuisance
 - Crime and Disorder
 - CIA
- 6.12 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.
- 6.13 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.
- 6.14 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

- 1. A Personal Licence Holder will be on the premises from 18:00 hours to closing.
- 2. Alcohol will be limited to Oriental products (e.g Sake, Asahi and Soju).
- 3. The premise will have CCTV installed and recordings will be kept for 31 days. A member of staff will be available to download the images when required by the responsible authority during opening hours.
- 4. Notices shall be displayed asking customers to respect the neighbours.
- 5. The premises Licence holder shall operate a Challenge 25 age verification policy.

8.0 Conditions Agreed/Requested by Responsible Authority

Conditions agreed with the police – Appendix 9

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 2. 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.
- 3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
- 4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police:
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.

- 5. 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.
- 6. 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 must show the outcome of the person who was intoxicated. 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.

9.0 Licensing Officer Comments

- 9.1 The Live Music Act removed licensing requirements for the following:
 - amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.2 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.3 Guidance issued under section 182 of the Licensing Act 2003

- As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken." Therefore licensing authorities will need to give full reasons for their actions (1.9).

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

covered elsewhere.

- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 10 17** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1 A copy of the application Site Plan Appendix 2 Appendix 3 Maps of the surrounding area Appendix 4 Photographs of the premises Other licensed venues in the area Appendix 5 Appendix 6 Representations from LA Appendix 7 Representation from Resident Appendix 8 Representation from resident association Appendix 9 Condition agreed with Police Appendix 10 Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations Appendix 11 Licensing Officer comments on public nuisance Appendix 12 S182 advice on public nuisance Appendix 13 Licensing Officer comments on crime & disorder S182 advice on crime & disorder Appendix 14 Appendix 15 Cumulative Impact Area Appendix 16 Licensing Policy relating to hours of trading Appendix 17 Planning





Tower Hamlets Application for a premises licence Licensing Act 2003

For help contact

<u>licensing@towerhamlets.gov.uk</u> Telephone: 020 7364 5008

* required information

Section 1 of 21		
You can save the form at any t	ime and resume it later. You do not need to	be logged in when you resume.
System reference	Not Currently In Use	This is the unique reference for this application generated by the system.
Your reference	SID	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 be Yes • N	half of the applicant?	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	BALBINDER	
* Family name	SIDHU	
* E-mail		
Main telephone number		Include country code.
Other telephone number		
	ald 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	14906913	
Business name	WANG WANG 4A LIMITED	If your business is registered, use its registered name.
VAT number -	NONE	Put "none" if you are not registered for VAT.
Legal status Private Limited Company		

	Continued from previous page			
Your position in the business	DIRECTOR			
Home country	United Kingdom	The country where the headquarters of your business is located.		
Registered Address		Address registered with Companies House.		
Building number or name	4A			
Street	COMMERCIAL STREET			
District				
City or town	LONDON			
County or administrative area	TOWER HAMLETS			
Postcode	E1 6LP			
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 posta	al address, OS map reference or description of t	he premises?		
AddressOS ma	p reference O Description			
Postal Address Of Premises				
Building number or name	4A			
Street	COMMERCIAL STREET			
District				
City or town	LONDON			
County or administrative area	TOWER HAMLETS			
Postcode	E1 6LP			
Country	United Kingdom			
Further Details				
Telephone number				
Non-domestic rateable	57,000			
value of premises (£)				
	——————————————————————————————————————			

Secti	on 3 of 21				
APPL	ICATION DETAILS				
In wh	at capacity are you apply	ing for the premises licence?			
	An individual or individuals				
\boxtimes	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	e of a police force in England and Wales			
Conf	irm The Following				
\boxtimes	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 applicat	ion pursuant to a statutory function			
I am making the application pursuant to a function discharged by virtue of His Majesty's prerogative					
Section 4 of 21					
NON	INDIVIDUAL APPLICAN	rs			
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					
Nam	e	WANG WANG 4A LIMITED			
Deta	ils				
Registered number (where applicable) 14906913		14906913			
Description of applicant (for example partnership, company, unincorporated association etc)					

Continued from previous page		
COMPANY		
Address		
Building number or name	4A	
Street	COMMERCIAL STREET	
District		
City or town	LONDON	
County or administrative area	TOWER HAMLETS	
Postcode	E1 6LP	
Country	United Kingdom	
Contact Details		
Telephone number		
Other telephone number		
* Date of birth	dd mm yyyy	
* Nationality	BRITISH	Documents that demonstrate entitlement to work in the UK
	Add another applicant	
Section 5 of 21		
OPERATING SCHEDULE		
When do you want the premises licence to start?	25 / 12 / 2023 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	of the premises	
licensing objectives. Where yo	ses, its general situation and layout and any othour application includes off-supplies of alcohol are plies you must include a description of where th	nd you intend to provide a place for
PURPOSE BUILT GROCERY STO	RE	
	D 404	
	Page 181	

Continued from previous page	
If 5,000 or more people are	
expected to attend the premises at any one time,	
state the number expected to	
attend	
Section 6 of 21	
PROVISION OF PLAYS	
See guidance on regulated en	tertainment
Will you be providing plays?	
○ Yes	No
Section 7 of 21	
PROVISION OF FILMS	
See guidance on regulated en	tertainment
Will you be providing films?	
○ Yes	No
Section 8 of 21	
PROVISION OF INDOOR SPOR	RTING EVENTS
See guidance on regulated en	tertainment
Will you be providing indoor s	porting events?
○ Yes	No
Section 9 of 21	
PROVISION OF BOXING OR W	RESTLING ENTERTAINMENTS
See guidance on regulated en	tertainment
Will you be providing boxing of	or wrestling entertainments?
○ Yes	No
Section 10 of 21	
PROVISION OF LIVE MUSIC	
See guidance on regulated en	tertainment
Will you be providing live mus	ic?
○ Yes	No
Section 11 of 21	
PROVISION OF RECORDED M	USIC
See guidance on regulated en	tertainment
Will you be providing recorded	d music?
○ Yes	No
Section 12 of 21	
PROVISION OF PERFORMANO	CES OF DANCE
See guidance on regulated en	tertainment
Will you be providing perform	ances of dance? Page 182

Continued from previous	page					
Section 13 of 21						
PROVISION OF ANYTH DANCE	ING OF A	A SIMILAR	DESCRIPTION TO L	IVE	MUSIC, REC	CORDED MUSIC OR PERFORMANCES OF
See guidance on regula						
Will you be providing a performances of dance		similar to li	ve music, recorded n	nus	ic or	
○ Yes	(• No				
Section 14 of 21						
LATE NIGHT REFRESHI						
Will you be providing la	ate night	refreshme	nt?			
○ Yes	(• No				
Section 15 of 21						
SUPPLY OF ALCOHOL						
Will you be selling or su	upplying	alcohol?				
Yes) No				
Standard Days And Ti	mings					
MONDAY						Give timings in 24 hour clock.
	Start	08:00	Er	nd	21:00	(e.g., 16:00) and only give details for the days
	Start		Er	nd		of the week when you intend the premises to be used for the activity.
TUESDAY	_					,
10205711	Start	08:00	Er	nd	21:00	
		30.00			[21.00	
	Start		Er	ıu		
WEDNESDAY	_					
	Start	08:00	Er	nd	21:00	
	Start		Er	nd		
THURSDAY						
	Start	08:00	Er	nd	21:00	
	Start		Er	nd		
EDIDAV	- C. C.		<u>-</u> .			
FRIDAY	a [_			
		08:00	Łr	nd	21:00	
	Start		Er	nd		
SATURDAY						
	Start	08:00	Er	nd	21:00	
	Start		Er	nd		

Continued from previous page			
SUNDAY			
Start		End	
Start		End	
Will the sale of alcohol be for c	consumption:		If the sale of alcohol is for consumption on
On the premises	Off the premises	Both	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 exclusive	ely) where the activity will occ	ur on additional da	ays during the summer months.
NONE			
column on the left, list below	·		nol at different times from those listed in the on a particular day e.g. Christmas Eve.
NONE		<u> </u>	
State the name and details of licence as premises supervisor		to specify on the	
Name			
First name	BALBINDER		
Family name	SIDHU		
Date of birth	dd mm yyyy		

Continued from previous page		
Enter the contact's address		
Building number or name	4A	
Street	COMMERCIAL STREET	
District		
City or town	LONDON	
County or administrative area	TOWER HAMLETS	
Postcode	E1 6LP	
Country	United Kingdom	
Personal Licence number (if known)		
Issuing licensing authority (if known)		
PROPOSED DESIGNATED PRE	MISES SUPERVISOR CONSENT	
How will the consent form of the supplied to the authority?	ne proposed designated premises supervisor	
Electronically, by the proj	posed 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 entertainm premises that may give rise to	nent or services, activities, or other entertainme concern in respect of children	ent or matters ancillary to the use of the
rise to concern in respect of ch	ng intended to occur at the premises or ancilla ildren, regardless of whether you intend childr semi-nudity, films for restricted age groups etc	ren to have access to the premises, for example
NONE		
Section 17 of 21		
HOURS PREMISES ARE OPEN	TO THE PUBLIC	
Standard Days And Timings		
MONDAY		_ Give timings in 24 hour clock.
Start	08:00 End 21:00	(e.g., 16:00) and only give details for the days
Start	Page 185	of the week when you intend the premises to be used for the activity.

Continued from previous pag	Continued from previous page			
TUESDAY				
Sta	art 08:00	End	21:00	
Sta	art	End		
WEDNESDAY				
Sta	art 08:00	End	21:00	
Sta	art	End		
THURSDAY				
Sta	art 08:00	End	21:00	
Sta	art	End		
FRIDAY				
Sta	art 08:00	End	21:00	
Sta	art	End		
SATURDAY				
	art 08:00	End	21:00	
Sta	art	End		
SUNDAY				
Sta	art	End		
Sta		End		
		LIIG		
State any seasonal variations For example (but not explusively) where the activity will excur an additional days during the summer months.				
For example (but not exclusively) where the activity will occur on additional days during the summer months.				
NONE				
Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below				
For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.				
NONE				
Section 18 of 21				
LICENSING OBJECTIVES				
Describe the steps you intend to take to promote the four licensing objectives:				
a) General – all four licensin	a) General – all four licensing objectives (b,c,d,e)			

Continued from previous page
List here steps you will take to promote all four licensing objectives together.
STAFF TRAINING, THERE WILL BE TWO PERSONAL LICENCE HOLDERS, ONE WHO WILL BE ON THE PREMISES FROM 18.00 HRS. UNTIL CLOSING. ALCOHOL WILL ONLY BE SOLD FROM BEHIND THE TILL. THE RANGE OF ALCHOL WILL BE LIMITED TO ORIENTAL PRODUCTS SUCH AS SAKE, ASAHI AND SOJU. A CHALLENGE 25 POLICY A REFUSAL LOG WILL BE KEPT ON THE PREMISES
b) The prevention of crime and disorder
THE PREMISES HAVE CCTV INSTALLED AND RECORDINGS WILL BE KEPT FOR 31 DAYS.A MEMEBR OF STAFF WILL BE AVAILALBE TO DOWNLOAD THE IMAGES WHEN REQUIRED BY THE RESPONSIBLE AUTHORITIES DURING OPENING HOURS.
c) Public safety
THE PREMISES COMPLY WITH THE 2005 REGULATORY REFORM ACT
d) The prevention of public nuisance
APPROPRIATE NOTICES ASKING PATRONS TO RESPECT OUR NEIGHBOURS
e) The protection of children from harm
NOTICES ADVISING CUSTOMERS OF OUR UNDER 25 POLICY
Section 19 of 21
NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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.

- 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.

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

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.

- 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
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided 0 by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the 0 entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or O on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling 0 circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33.001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 - 14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00Capacity 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 registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police and Social Responsibility Act 2011. For registroscopic of the Police Respon latenightlevy

Continued from previous page			
* Fee amount (£)	315.00		
DECLARATION			
		viction to a fine up to level 5 or n or in connection with this ap	on the standard scale, under section 158 of the pplication.
LIABILITY PARTNERSHIP] I UN ENTITLEMENT TO LIVE AND WARELATING TO THE CARRYING BE ENTITLED TO LIVE AND WORK IS ENTITLED TO WORK WORK RELATING TO A LICENS WORK, IF APPROPRIATE (PLEASE) Ticking this box indicate	DERSTAND I AM I JORK IN THE UK (I ON OF A LICENSA DRK IN THE UK (PI IN THE UK (AND I SABLE ACTIVITY) J ASE SEE NOTE 15) es you have read	NOT ENTITLED TO BE ISSUED WOR IF I AM SUBJECT TO A CON ABLE ACTIVITY) AND THAT MY LEASE READ GUIDANCE NOTE IS NOT SUBJECT TO CONDITION AND I HAVE SEEN A COPY OF HE and understood the above de	ARTNERSHIP WHICH IS NOT A LIMITED WITH A LICENCE IF I DO NOT HAVE THE NDITION PREVENTING ME FROM DOING WORK Y LICENCE WILL BECOME INVALID IF I CEASE TO E 15). THE DPS NAMED IN THIS APPLICATION DNS PREVENTING HIM OR HER FROM DOING HIS OR HER PROOF OF ENTITLEMENT TO eclaration s" to the question "Are you an agent acting on
behalf of the applicant?"	, , , ,	•	, , , , ,
* Full name	BALBINDER SIDE	HU	
* Capacity	DIRECTOR		
* Date	27 / 11 / dd mm	уууу	
	Add	l another signatory	1

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

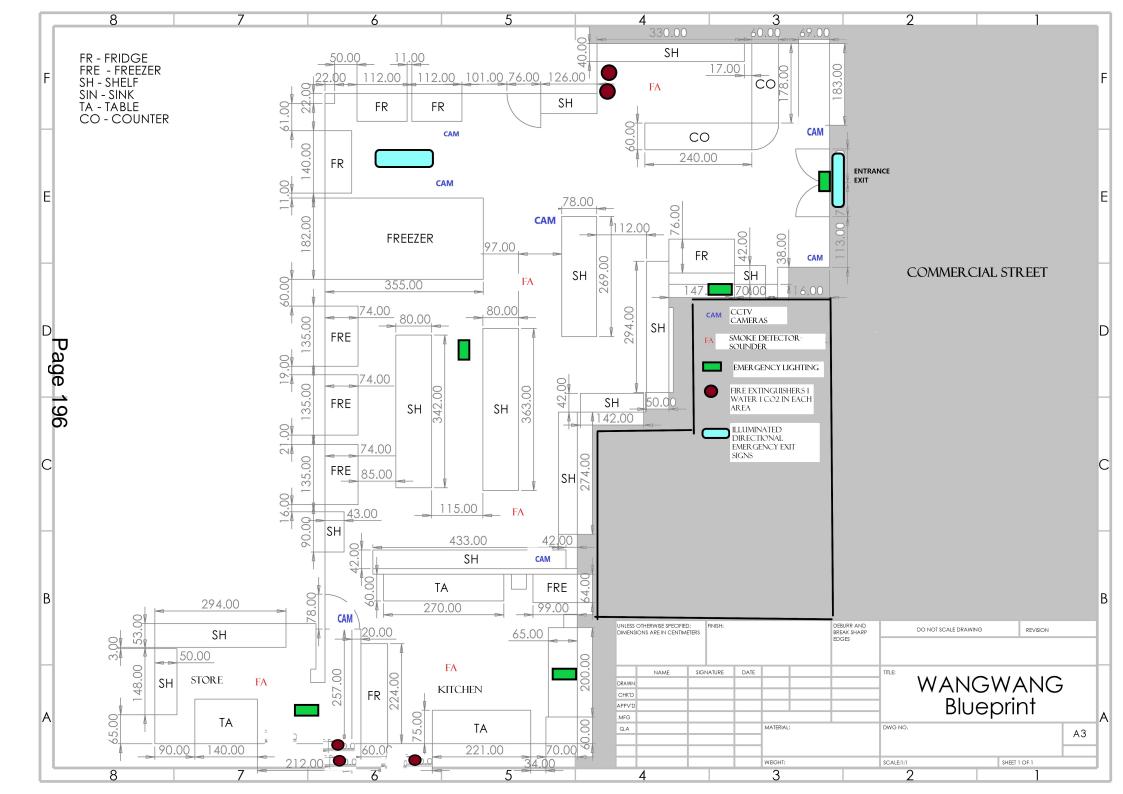
- 1. Save this form to your computer by clicking file/save as...
- 2. Go back to https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1 to upload this file and continue with your application.

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

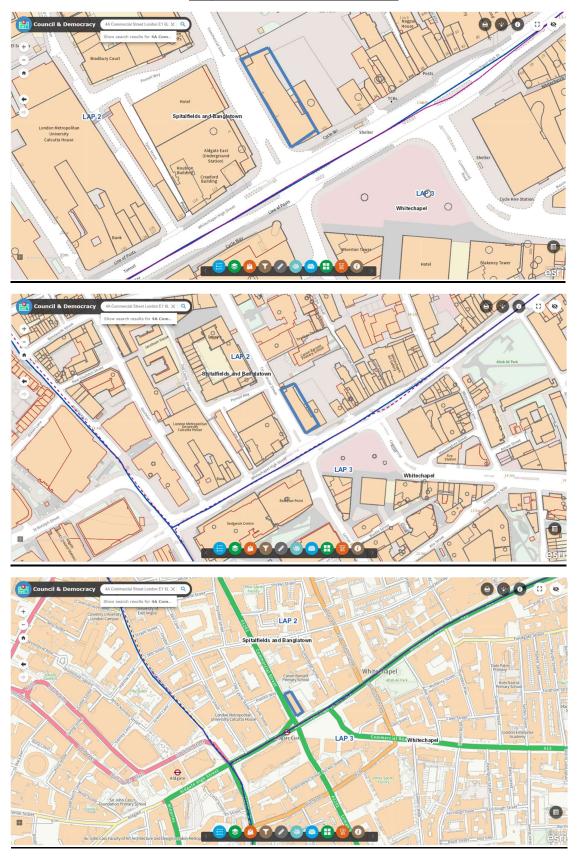
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

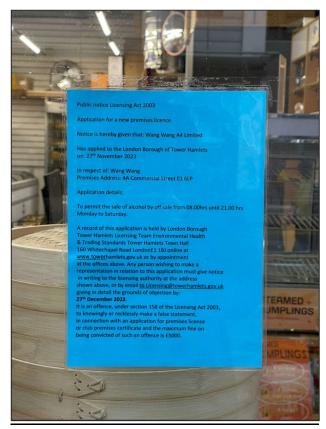
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Maps - 4a Commercial Street



Photos - 4a Commercial Street











Nearby Licensed Premises – 4a Commercial Street

Name & address	<u>Licensable activities</u>	Opening Hours
Tesco Metro 3 Commercial Street	Sale of alcohol (off sales) Monday to Sunday from 06:00hrs to 00:00hrs (midnight)	Monday to Sunday from 06:00hrs to 00:00hrs (midnight)
Taesan Ltd 4 Commercial Street	The sale of alcohol (on sales) Monday to Sunday, 11.00am to 23.00pm.	Monday to Sunday, 07.30am to 23.00pm
Ibis London City Hotel 5 Commercial Street	Alcohol (on & off sales) On Monday to Sunday, 09:00 hrs to midnight Non-standard timings New Year's Eve until 03:00 hours the following day For hotel residents and private friends of hotel residents the sale (and supply) of alcohol will not be restricted i.e. 24 hours on each day of the year. Late night refreshment On Monday to Sunday, 23:00 hrs to 05:00 hrs	On Monday to Sunday, 00:00 hrs to 24:00 hrs (24 hours)
Classic Football Shirts 17 Commercial Street	Sale of alcohol (On sales) Monday to Saturday from 11:00 hours to 23:00 hours Sunday from 11:00 hours to 22:30 hours	Monday to Saturday from 09:00 hours to 23:30 hours to 23:00 hours
The Culpeper 40 Commercial Street	Supply of Alcohol (on & off sales) and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and	 Monday to Wednesday, from 07:00hrs to 00:30hrs Thursday to Saturday, from 07:00hrs to 04:00hrs Sunday, from 10:00 hours to 23:30hrs

provision of facilities for dancing)

- Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday, from 07:00hrs to 03:00hrs
- Sunday, from 10:00hrs to 23:00hrs

Live music

- Monday to Saturday, from 07:00hrs to 23:30hrs
- Sunday, from 10:00hrs to 23:00hrs

Late Night Refreshment

- Monday to Wednesday, from 23:00hrs to 00:30hrs
- Thursday to Saturday, from 23:00hrs to 04:00hrs
- Sunday, from 23:00hrs to 23:30hrs

Non-standard timings Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)

- Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs
- Bank Holiday Mondays, from 07:00hrs to 01:00hrs
- St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs
- New Year's Eve, from 07:00hrs to 03:00hrs 2nd January

Late Night Refreshment

 Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs

Non-standard timings

- Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs
- Bank Holiday Mondays, from 07:00hrs to 01:30hrs
- St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs

New Year's Eve, from 07:00hrs to 03:00hrs 2nd January

Xian Biang Biang 62 Wentworth Street	Bank Holiday Mondays, from 23:00hrs to 01:30hrs St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs New Year's Eve, from 23:00hrs to 04:00hrs 2nd January The sale of alcohol (on sales only) Monday to Sunday from 11:00 hours to 22:30 hours	Monday to Sunday from 11:00 hours to 23:00 hours
Artsadmin Toynbee Studios 28 Commercial Street	The sale of alcohol (on sales only) Alcohol Monday to Sunday, from 11:30 hours to 12midnight Regulated entertainment (Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music and provision of facilities for dancing) Monday to Sunday, from 10:00 hours to 12midnight	Monday to Sunday, from 08:30 hours to 12midnight
YUU Kitchen Lt 29 Commercial Street	The supply by retail of alcohol (on & off) Monday – Thursday 12:00 hours – 23:00 hours Friday – Saturday 12:00 hours – 23:30 hours Sunday 12:00 hours - 22:30 hours Supply of Alcohol in external areas and off sales until 21:30 hours only. The provision of late night refreshment (indoors) Friday – Saturday 23:00 hours - 23:30 hours	Monday - Thursday hours - 23:30 hours Friday — Saturday hours - 00:00 hours Sunday hours - 23:00 hours Christmas Eve hours - 00:00 hours New Year's Eve hours - 02:00 hours

Jack the Chipper 96 Whitechapel High Street	Non- Standard Hours: Christmas Eve – Supply of alcohol and provision of late night refreshment to 00:00 hours (midnight) On New Year's Eve supply by retail of alcohol and provision of late night refreshment to 01:30 hours The sale of alcohol (on sales only) Monday – Sunday 11:00 – 22:00 hours The provision of late night refreshment - indoors	Monday – Saturday 07:00 0 00:00 hours (midnight) Sunday 07:00 – 23:00 hours
	Monday – Saturday 23:00 hours- 23:30 hour	
Nisa Local 93 Whitechapel High Street	The sale of alcohol (off sales only) Monday to Sunday 06 00 hrs to 02 00 hrs the following day	Monday to Sunday 06 00 hrs to 02 00 hrs the following day



Licensing Authority: licensing@towerhamlets.gov.uk

CC: Balbinder Sidhu Communities Directorate
Public Realm

Head of Environmental Health & Trading Standards: David Tolley

Enquiries to: Mohshin Ali

Tel: Email:

www.towerhamlets.gov.uk

21st December 2023

Your reference

My reference: EHTS/LIC/L1U:165129/MA

Dear Licensing Authority,

Licensing Act 2003

New premises licence application: (Wang Wang) 4A Commercial Street, London E1 6LP

The Licensing Authority (acting a Responsible Authority) is making a representation in relation to the above application.

Special Cumulative Impact Policy for the Brick Lane

This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.

The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.



Tower Hamlets Council
Tower Hamlets Town Hall
160 Whitechapel Road
London
F1 1B J



This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane CIA if they wish to rebut this presumption.

The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.

Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrated that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:

- Prevention of Crime and Disorder:
- Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
 - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only,
 - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away),

and.

- o Have arrangements to prevent vertical drinking, for example fully seated venues;
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments),
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

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



Licensable activities and times

The Licensing Authority has had regard to the Guidance to the Act when determining this policy. The end times set out in the policy are not (and should not be regarded as) the 'usual' or 'normal' terminal hour for licensable activities in the Borough. Instead, the 'framework hours' serve to identify cases where the Licensing Authority will pay particular regard to the likely effect on the local neighbourhood of carrying out the proposed licensable activities during the hours applied for. Applications for hours up to the end of the Framework Hours will not automatically be granted. This policy will be applied only where relevant representations are made. Each case will be considered on its merits.

Sunday – 06:00 hours to 22:30 hours
 Monday to Thursday – 06:00 hours to 23:30 hours

• Friday and Saturday – 06:00 hours to 00:00 hours (midnight)

Applications in respect of premises licences and club premises certificates to authorise licensable activities outside the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following.

- a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).
- b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.
- c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder and the prevention of public nuisance.
- d) Where the premises have been previously licensed, the past operation of the premises.
- e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.
- f) The proximity of the premises to other licensed premises in the vicinity and the hours of those other premises.

The Home Office guidance

under Section 182 of the Licensing Act2003 (8.42) says:

"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;
- any risk posed to the local area by the applicants' proposed licensable activities; and
- any local initiatives (for example, local derived pathon initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."



The applicant has not offered many conditions in the operating schedule. There is no reference in the application to the premises being within the CIA and therefore no additional provisions, on how the applicant intends to uphold the licensing objectives, to demonstrate how the premises will not have a negative effect on the already saturated area.

On a balance of probability, this Authority is concerned by the addition of another premises selling alcohol, potentially adding to the existing anti-social issues in the area, particularly through "off sales" and access and egress. The addition of alcohol to the existing premises could change the dynamic of customers in high spirits and therefore potentially undermining the licensing objectives.

If the applicant is unable to prove to the Licensing Sub-Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the following additional conditions are attached:

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team.
 - a. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
 - b. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - c. All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 2. 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.
- 3. An incident log shall be kept at the premises and record all incidents of crime and disorder associated with the premises. The incident log shall be made available on request to an authorised officer of the Council or the Police.
- 4. Signs shall be prominently displayed both inside and outside the premises asking customers to respect local residents and be quiet when leaving the premises.



5. When the designated premise supervisor is not on the premises any or all persons authorised to sell alcohol will be authorised by the designated premises supervisor in writing. This shall be available on request by the Police or any authorised officer.

Yours sincerely



Mohshin Ali - Senior Licensing Officer Licensing & Safety Team Environmental Health & Trading Standards

Lavine Miller-Johnson

From: Alan Williams <

Sent: 21 December 2023 08:25

To: Licensing

Subject: Objection to the proposed licensing application for Wang Wang at 4a Commercial Street,

London E1 6LP

Licensing Team

Environmental Health & Trading Standards

Dear Licensing Team

Proposed licensing application for Wang Wang at 4a Commercial Street, London E1 6LP

These premises are in one of the ward's most prolific hotspots for antisocial behaviour; and are within the CIA. This means that new licence applications should be limited, if not prohibited.

The location is a few minutes' walk from two of the ward's primary care hostels; these hostels deal with vulnerable people with a history of alcohol and substance abuse.

I understand that in the past, because they have tended to encourage alcohol sales to these vulnerable people, licences have been refused to similar types of off-sales business in the direct vicinity. Excessive alcohol use, particularly where vulnerable people are involved, often leads to other substance abuse; and this in turns adds to antisocial behaviour.

The main issue for me is that where alcohol is taken away and consumed off the premises, it is almost inevitable that it will lead to an increase in antisocial behaviour. Given the premises are near to local hostels, the risk to vulnerable people is such that it will inevitably led to what is well-documented antisocial behaviour hotspot in the ward.

So, I ask you to reject the licence application on the grounds that any such off-sales licence would inevitably lead to issues of public safety and public nuisance in what is an already saturated area with well documented antisocial behaviour problems.

Thank you. Would you please redact my personal information from any electronic reproduction of this letter.

Yours sincerely



Christopher Lloyd



20th December 2022

London Borough of Tower Hamlets
Licensing Team
Environmental Health & Trading Standards
160 Whitechapel Road
London
E1 1BJ

Sent via EMail

Re: Formal objection to the proposed licencing application for Wang Wang 4a Commercial Street, London E1 6LP

Dear Licensing Team

My name is Christopher Lloyd and I am the Vice Chair of Spitalfields Residents Against Anti-Social Behaviour ("SPIRE"), a community group established in 2012, which represents individuals and, at least, six of the largest resident associations including, Exchange Building Residents Association, St George's Residents Association, Spitalfields Community Group (SCG), Spitalfields Market Residents Association (SMRA), Norton Folgate Community Group (NFCG), and Spitalfields Society, in Spitalfields and Banglatown ("the Ward").

SPIRE reviews all new and/or amended applications for alcohol licences in the Ward to ensure the interests of individuals and groups it represents are not negatively impacted by any such application(s).

Specifically, SPIRE reviews all new and/or amended applications for alcohol licences to ensure they do not contravene applicable law, guidelines, and/or other acceptable practices for alcohol licences in the Ward. This includes, but not limited to, the appropriate enforcement of the Brick Lane Cumulative Impact Assessment (CIA), which applies to a majority of the Ward.

SPIRE is a 'pro-commerce' community group and supports the careful balance of a vibrant, diverse, and commercial ward with the needs of residents and visitors to appreciate a safe, clean, and liveable neighbourhood free from anti-social behaviour and related issues. Consequently, when a formal objection is raised by SPIRE, such as the case detailed below, it has been carefully considered and represents a substantial number of constituents in the Ward.

Formal Objection

SPIRE raises a formal objection to the proposed application for an off-sales alcohol licence for Wang Wand 4a Commercial Street, London E1 6LP

The Premise is located within the CIA and in one of the ward's most prolific hotspots for antisocial behaviour. New licence applications within this area are meant to be limited if not prohibited and this is of real concern given the location being a few minutes walk from 2 of the ward's primary care hostels. The Dellow Centre and Founders House. These hostels deal with vulnerable people with a history of alcohol and substance abuse and in the past licences have been removed from similar types of off-sales business in the direct vicinity as they have encouraged alcohol sales to these vulnerable people, sometimes with disastrous consequences to them and local residents. Excessive alcohol use frequently leads onto other substance abuse with vulnerable people which in turns adds to the antisocial behaviour.

SPIRE objects fully to the granting of a licence for off-sales of alcohol, the main issue is that alcohol is taken away and consumed off the applicant's premises and given the location to local hostels and the well documented antisocial behaviour hotspot in the ward it is inevitable that it would lead to an increase in antisocial behaviour.

In summary SPIRE asks the licencing committee to reject the licence application on the grounds that any such off-sales licence would inevitably lead to issues of public safety and public nuisance in what is an already saturated area with well documented antisocial behaviour problems,

Please acknowledge that our objection has been received and that the contents of this letter will be considered as part of the overall review process.

Yours sincerely

Christopher Lloyd Vice Chair, SPIRE

Corinne Holland

From: Licensing

Sent: 11 December 2023 17:31 **To:** Lavine Miller-Johnson

Subject: FW: Conditions agreed License App 4A COMMERCIAL STREET

From: MARK.J.Perry

Sent: Monday, December 11, 2023 12:43 PM

To: dstewart.

Cc: Licensing ; Nicola Cadzow

Subject: Conditions agreed License App 4A COMMERCIAL STREET

Good afternoon David,

In deed it has, I am fine thanks and hope you are well?

Thanks for agreeing conditions on behalf of your client so quickly.

Tower Hamlets Council Licensing please see below conditions agreed with the applicant.

Kind Regards

Mark



PC Mark Perry Central East Licensing Unit Metropolitan Police Service (MPS)

A: Licensing Office, 1st Floor Stoke Newington Police Station





From: David Stewart <

Sent: 11 December 2023 09:46

To: Perry Mark J - CE-CU <

Subject: Re: FW: Premises License Application 4A COMMERCIAL STREET

On Fri, 8 Dec 2023, 17:35

> wrote:

Good Morning Mark

I trust you are well it has been a while since we last spoke

I have been advising Wang Wang on this application, I have included cctv challenge 25 and refusal log in the application. I am happy to advise Wang Wang to accept your wording. The application is for off sales only the premises is a supermarket selling oriental products and wishes to sell a small and limited range of oriental alcoholic drinks. All alcoholic drinks will be sold from behind the counter. I therefore think your conditions 1,2,5 and 6 are entirely appropriate. I trust you agree.

I am away till the 17th December and will pop in to see Wang Wang on the 18th

Kind regards

David Stewart

From: MARK.J.Perry

Sent: Frida December 8 2023 2:42 PM

To:

Subject: Premises License Application 4A COMMERCIAL STREET

Hi,

I am PC Mark Perry from Central East Police Licensing and I am dealing with your license application. While I have no objection to your application in principle I would like the following conditions added to the license:

- 1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.
- 2. 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.

- 3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder
 - d) any incidents of disorder;
 - e) all seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system, searching equipment or scanning equipment;
 - g) any refusal of the sale of alcohol;
 - h) any visit by a relevant authority or emergency service.
- 4. In the event that a serious assault is committed on the premises (or appears to have been committed) the management will immediately ensure that:
 - a) the police (and, where appropriate, the London Ambulance Service) are called without delay;
 - b) all measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police;
 - c) the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
- 5. 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.
- 6. 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 must show the outcome of the person who was intoxicated. The record

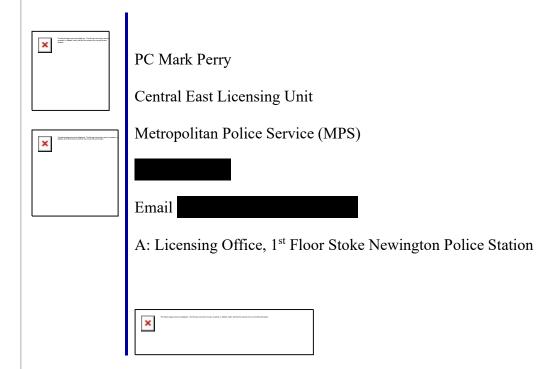
shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

If these conditions are acceptable or if you wish to discuss them, then please e-mail me, either to confirm that you agree and I will inform the council we have agreed terms. Or to arrange to discuss them.

I look forward to hearing from you.

Kind Regards

Mark



Section 182 Advice by the Home Office Updated on August 2023

Relevant, vexatious and frivolous representations

- 9.4 A representation is "relevant" if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority's corporate complaints procedure. A person may also challenge the authority's decision by way of judicial review.
- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards.

If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Licensing Policy Section 11

Prevention of Public Nuisance

- 11.1 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.
- 11.2 Like many London boroughs, Tower Hamlets has may areas of the borough where businesses and residents are "cheek by jowl" with each other. Thus, the correct balance needs to be adopted ensuring residents are not unduly disturbed by licensed premises, whilst ensuring this does not stifle growth in the licence trade.
- 11.3 Though all licensed premises must promote the licensing objectives, and thus actively try to prevent public nuisance being caused by their licensable activities, there are some factors that this Licensing Authority would expect to applicants to consider and where appropriate address in their operating schedule. These are:
 - a) Music/performancesMeasures to reduce impact of noise on residents
 - b) Queue management
 - Measure to prevent obstruct access to properties, pavements. Measure to reduce the impact of people noise on residents
 - c) Ingress and Egress
 - Measure to prevent people noise during ingress and egress
 - d) Use of outside areas (see 11.7 below)
 - e) Deliveries, particularly pick-ups by vehicles

 Measures to prevent noise/fumes from engines, drivers (including smoking).
 - f) Bottle disposal
 - Done at reasonable time to prevent impact on residents e.g. between 8am and 8pm
 - g) Litter
 - Measures to prevent littering around the venue from patrons
- 11.4 The Licensing Authority appreciates that it would not be necessary or appropriate for all applications to have measures to prevent the above issues. Nevertheless, we will take a strong view on applications for licences that are in close proximity to residential premises, and whose indented use has a higher likelihood of causing public nuisance. This also includes those applications in areas covered by a Cumulative Impact Assessment (CIA). Especially where the applications falls outside the scope of any exceptions to such CIAs.
- 11.5 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the

problems identified listed above, or any other conditions it considered appropriate and proportionate to promote the licensing condition of prevention of public nuisance.

- 11.6 **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 Councils 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.
- 11.7 **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.
- 11.8 **Beer Gardens and outside areas** since the ending of the restrictions imposed during the Coronavirus pandemic, we have seen an increase the use of outside areas. This has also been encouraged by Government under the Business and Planning Act 2020. We want to strike the right balance between allowing businesses to thrive whilst still protecting residents of the borough being unduly disturbed by the night time economy. Hence, we would encourage applicants address this concern in their operating schedule by detailing what mitigating measures they intend adopt to reduce any disturbance the use of the outside area is likely to have on neighbouring residents. Such measures could include:
 - limiting the amount of patrons permitted in the outside area, and/or,
 - restricting the use of areas after a certain time,
 - ceasing its use after a certain time.

Where disturbance of residents from outside areas is likely, and where its discretion is engaged, this Licensing Authority may add conditions limiting the numbers of person permitted to use any outside areas, and/or seek to cease the use of any outside areas after 21:00 hours.

11.9 Party Boats – An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the "Boat" conditions, listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Public Nuisance. Furthermore, where disturbance of residence from these party boats is likely, and where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.

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

Updated December 2022

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 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.

Licensing Policy Section 9

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. The applicant should also list such steps that are required to deal with these identified issues. Both risks and mitigating steps 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 Conditions in Appendix 3.
- 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 conditions from our model conditions in appendix 3, to prohibit 'touting':-

- 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.
- 7.9 **Psychoactive Substances, e.g. Nitrous Oxide (NOx) –** Misuse of nitrous oxide is associated with increased antisocial behaviour including littering, noise nuisance and vandalism, all of which are detrimental to residents' quality of life and feelings of safety. Use of nitrous oxide is also a health concern and has other associated harms.

As a result, this Licensing Authority expects Licence Holders to refuse entry to any person seen use or selling NOx as a psychoactive Substance. Refusals should also be entered into Licence Holders refusals logs.

Where its discretion is engaged this Licensing Authority impose conditions to formally require refusal of persons seen selling or using NOx as a psychoactive Substance.

7.10 **Drinks spiking** – in reference to the Local Governments Association (LGA) Guidance note on drink spiking prevention, this Licensing Authority expects licence holders and applicants to have a zero-tolerance policy towards drinks spiking. This involves as a minimum ensuring all reports of spiking are acted upon and that all incidents of alleged spiking are recorded and reported to the police. Licence holders and applicants should also be aware of the Metropolitan Police's definition of drink spiking:

"Spiking is where someone adds drugs or alcohol to another person's drink without them knowing, it is illegal."

The LGA has set some recommendations for Licence holder, and we would expect our Licence holders to follow these where appropriate to their venues:

https://www.local.gov.uk/publications/lga-guidance-note-drink-spiking-prevention#recommended-actions-for-licensed-premises-

Applicants for new and variations of exiting licences as well as those submitting TENs are expected to work with the Metropolitan Police in order to consider actions needed to prevent drinks spiking in their venues/events

Where its discretion is engaged this Licensing Authority will impose conditions on licences aimed at preventing drinks spiking, specifically any recommended by the metropolitan police.

- 7.11 **Welfare and Vulnerability** This Licensing Authority believes that all Licensed venues should train their staff in Welfare and Vulnerability Engagement (WAVE). As of 2023 this Licensing Authority in partnership with the Metropolitan Police and the London Borough of Hackney is delivering monthly WAVE training sessions for Licensed venues within both Tower Hamlets and Hackney. As a result, we expect that all Licensed venues who sell alcohol for consumption on their premises should train their staff in WAVE and adopt Ask for Angela or similar initiatives aimed at assisting vulnerability within alcohol licensed venues.
- 7.12 **Sexual Harassment in the Night Time Economy** sadly this is still an issues for women working in and visiting licensed venues in London. As a result, this Licensing Authority encourages Licensed venues to sign up to the Mayor of London's Women's Night Safety Charter:

https://www.london.gov.uk/programmes-strategies/arts-and-culture/24-hour-london/womens-night-safety-charter

As well as the Women's Night Safety Charter we would encourage applicants and licence holders to discuss applications with the Council's Violence Against Women and Girls Service, who can provide advice and training to venues on preventing misogyny within licensed premises.

Lastly, we expect Licence Holders to take a zero-tolerance approach to misogyny within their venues where this is towards customers or employees. We would expect licence holders to refuse to serve persons who commit acts of sexual harassment, even in the first instance, and report the matter to the Metropolitan Police.

- 7.13 Party Boats An increasing number of complaints have been received in London Boroughs that boarder the River Thames in relation to "Party Boats", which use the River. In respect of this we would encourage applicants for Party Boats to consider adopting the conditions listed in our Model Conditions in Appendix 3, where appropriate to promote the Licensing Objective of Prevention of Crime and Disorder. Furthermore, where its discretion is engaged, this Licensing Authority may add one or more of the boat conditions from our Model Conditions.
- 7.14 **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.

- 7.15 The Licensing Authority is mindful of the Secretary of State's Guidance "Reviews arising in connection with crime".
- 7.16 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.
- 7.17 **Smuggled Good**s The Licensing Authority will exercise its discretion to add conditions to licence where appropriate and proportionate to reduce the risk of receiving smuggled goods and encourage traceability.
- 7.18 **Olympic Park (Football Ground)** Premises where Police intelligence shows that football supporters congregate within the borough should consider adding the Olympic Park Football Ground conditions in our Model Conditions in appendix 3.

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

Updated December 2022

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 cooperate 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 evidence of a right to work check, either physical or digital (e.g. a copy of any document checked as part of a right to work check or a clear copy of the online right to work check) are retained at the licensed premises.

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 1. The Licensing Authority has adopted a special policy relating to cumulative impact in areas of:
 - Brick Lane
 - Bethnal Green

This special policy creates a rebuttable presumption that applications for the grant or variation of premises licences or club premises certificates which are likely to add to the existing cumulative impact will normally be refused following the receipt of representations, unless the applicant can demonstrate in the operation schedule that there will be no negative cumulative impacts with one or more of the licensing objectives.

2. The Council reviewed the Special Cumulative Impact Policy in 2021 and, following consultation, decided it was still of the opinion that the concentration of licensed premises within Brick Lane area was having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance. As part of the review in 2021, the Council also decided that the concentration of licensed premises within the Bethnal Green area was also having a cumulative impact on the licensing objectives of crime and disorder and prevention of public nuisance.

Review of Cumulative Impact Assessment - Supporting Evidence

- 3. In determining the Councils CIAs for the area of Brick Lane and Bethnal Green (Figures One and Two Below) the Council considered the following evidence:
 - Hot spot maps of incidents of crime and disorder and ASB linked to Licence premises in the defined areas for 2017 to 2020.
 - Complaint data from Environmental Health and Trading Standards relating to Noise and Licensing.
 - Licence Application data for the defined areas for 2017 to 2020
 - Results of the Consultation, that included Survey data and comments and written responses.

This evidence is published on our website:

http://democracy.towerhamlets.gov.uk/ieListDocuments.aspx?Cld=30 9&Mld=12361.

Cumulative Impact Assessments (Brick Lane and Bethnal Green)

- 4. The Licensing Authority is of the view that the number, type and density of premises selling/supplying alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane and Bethnal Green Areas (highlighted in Figures One and Two below) is having a cumulative impact on the licensing objectives. Therefore, it is likely that granting further licences would be inconsistent with the authority's duty to promote the licensing objectives. Thus, it has declared a cumulative impact assessment within these areas.
- 5. The Brick Lane and Bethnal Green CIAs aim to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on the local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 6. The effect of this Special Cumulative Assessment Policy will apply to the following types of applications:
 - New Premises Licences applications,
 - New Club Premises Certificates applications
 - Provisional Statements,
 - Variation of Premises Licenses and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

However, it will only apply where the application seeks to permit the Licensable activities of:

- the sale or supply of alcohol for consumption on or off the premises, and/or.
- the provision of late night refreshment.
- 7. This Policy will be strictly applied and where relevant representations are received and it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIAs if they wish to rebut this presumption.
- 8. The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications (Councillors, Members of the Public) within the CIA zones the application will be refused.
- 9. Where representations have been received in respect to applications within the CIA zones the onus is on the applicant to adequately rebut the presumption.

- 10. It must be stressed that the presumption created by this special policy does not relieve responsible authorities or other persons of the need to make a representation. If there are no representations, the licensing authority must grant the application in terms that are consistent with the operating schedule submitted in line with their delegated authority.
- 11. This special policy is not absolute and the Licensing Authority recognises that it has to balance the needs of businesses with local residents. The circumstances of each application will be considered on its merits and the Licensing Authority shall grant applications, when representations are not received. The applicant should demonstrated that the operation of the premises will not add to the cumulative impact on one or more of the following licensing objectives:
 - Prevention of Crime and Disorder;
 - Prevention of Public Nuisance.

Therefore, applicants will be expected to comprehensively demonstrate why a new or varied licence will not add to the cumulative impact. They are strongly advised to give consideration to mitigating potential cumulative impact issues when setting out steps they will take to promote the licensing objectives in their operating schedule.

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

Possible exceptions to the Brick Lane and Bethnal Green Cumulative Impact Assessments

- Applications for licences for small premises with a capacity of fifty persons or less who only intend to operate within framework hours, and that;
 - Only have consumption of food (late night refreshment) and drink (alcohol) on the premises only;
 - Only provide Off sales of food (late night refreshment) and drink (alcohol) for delivery (i.e. not for take away); and,
 - Have arrangements to prevent vertical drinking, for example fully seated venues.
- Applications for licences that are not alcohol led (e.g. Hairdressers wanting to provide alcohol to clients during their hair cut/treatments), .
- Applications for licences where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same CIA Area.

Licensing Authority will **not** consider the following as possible exceptions:

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

The Cumulative Impact Assessment Areas for the Brick Lane and Bethnal Green

13. The Cumulative Impact Assessment Areas are detailed in the maps below.

Figure One

Brick Lane area:

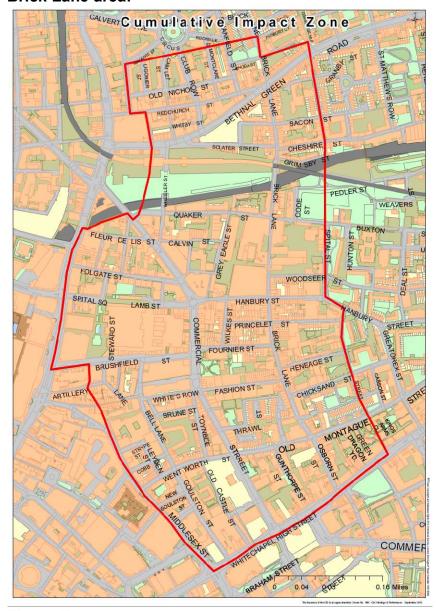
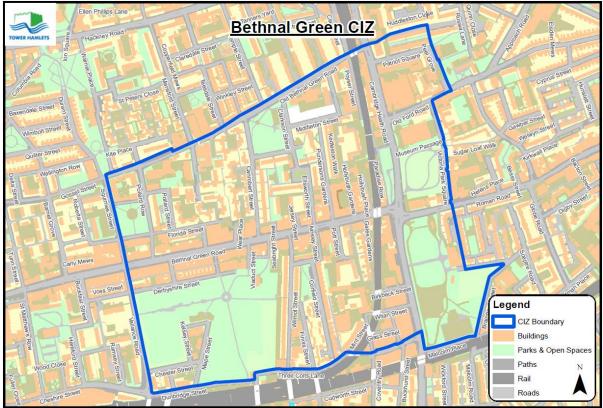


Figure Two:

Bethnal Green Area



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Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 16.8 of the Licensing Policy)

In considering the applicability of 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 16.9 of the Licensing Policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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.