



Licensing Sub Committee

Agenda

**Tuesday, 12 March 2024 at 2.00 p.m.
Council Chamber - Town Hall, Whitechapel**

Contact for further enquiries:

Simmi Yesmin, Democratic Services Officer,

simmi.yesmin@towerhamlets.gov.uk

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.

Meeting Webcast

The meeting is being webcast for viewing through the Council's webcast system.

<http://towerhamlets.public-i.tv/core/portal/home>

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available on the Modern.Gov, Windows, iPad and Android apps



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, 12 March 2024

2.00 p.m.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF INTEREST (PAGES 7 - 8)

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.

2. RULES OF PROCEDURE (PAGES 9 - 18)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 19 - 60)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 4th & 19th December 2023, 25th January and 13th February 2024.



4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premise Licence for the Troxy, 490 Commercial Road, London, E1 0HX (Pages 61 - 184)

Licensing Objectives:

- The prevention of public nuisance

Representations:

- Residents

4.2 Application for a New Premises Licence for (A.V Wholesale), 47 Goulston Street, London E1 7TP (Pages 185 - 276)

Licensing Objectives:

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

Representations:

- Licensing Authority
- Residents

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Next Meeting of the Licensing Sub Committee

Thursday, 11 April 2024 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



This page is intentionally left blank

Agenda Item 1

DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE 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.

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:	31 st March 2018

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 2.35 P.M. ON MONDAY, 4 DECEMBER 2023

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Gulam Kibria
Choudhury
Councillor Shahaveer Shubo
Hussain

Mr Mangrio
Saidajan Hassankheil
Kathy Driver, Licensing Authority
Nicola Cadzow, Environmental Protection
Mr Peter Coinsbee
Mr Jonathan Melnick, Licensing Lawyer
Ms Farzana Chowdhury, Democratic Services

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a new Premise Licence for Milano Express Pizza and Peri Peri, 479 Cambridge Heath Road, London, E2 9BU

The Sub-Committee considered an application by Milano Express Pizza and Peri Peri Ltd. ("the Applicant") for a new licence to be held in respect of 479 Cambridge Heath Road, London, E2 9BU ("the Premises"). The application sought authorisation for the provision of late-night refreshment from 23:00 hours to 01:00 hours Sunday to Thursday and from 23:00 hours to 02:00 hours on Friday and Saturday. The application did not state whether this was for consumption on or off the Premises but given the size of the Premises from the photographs supplied and the description of the Premises as a

takeaway, the Sub-Committee understood the application to be for consumption off the Premises only.

Applicant

The Sub-Committee heard from the Applicant's agent, Mr. Mangrio, and the Applicant's director, Saidajan Hassankheil. Mr. Mangrio stated that the concerns raised by the responsible authorities related to previous operators and that they were nothing to do with the Applicant. It was accepted that he had a connection to the former operator in having previously operated a company at an address in Upton Lane, London, E7. However, they were entirely separate businesses and could not be taken into account.

The allegations of nuisance were not accepted. Mr. Mangrio suggested that the Premises would benefit the local community by providing a safe environment for locals purchasing food at the end of a night out. He drew the Sub-Committee's attention to the lack of any residential objections.

Licensing Authority

The Sub-Committee heard from Kathy Driver on behalf of the Licensing Authority, who accepted that each application needed to be judged on its own merits. However, there had been a number of objections in respect of the Premises since 2021, there had been prosecutions brought against some of the operators, and a previous licence had been revoked.

Ms. Driver said that residents had reported feeling intimidated and may not have objected because of that. The last complaint received in October 2023 alleged that the previous owner was still present and that the Premises were operating after 23:00 hours. Two applications had been made since the previous licence revocation and the Licensing Authority believed the people involved were all linked. She had no confidence in the Applicant's ability to ensure compliance with the law.

Ms. Driver also expressed concerns about the number of businesses apparently operating from this address.

Environmental Protection

Nicola Cadzow addressed the Sub-Committee on behalf of the Environmental Health Service. She referred to complaints received from April 2022 to early 2023 which related to drunkenness, nuisance from delivery drivers, and similar. She opposed the application but had suggested conditions in her representation which she asked the Sub-Committee to impose in the event Members were minded to grant the application.

Members queried with the Applicant about the other websites and businesses allegedly operating from the Premises. Mr. Mangrio explained that those websites were the property of their owners and nothing to do with the Applicant, who could not exercise any control over them. He had asked the previous owners to take them down.

The Applicant denied that he had operated outside of permitted hours and that he had only the one website. Members queried the sale and transfer of the business. The Sub-Committee was told that the Applicant currently had a licence to occupy from the freeholder and was seeking a fresh lease. If that was not possible, however, then the Applicant would look to have the lease assigned. The Sub-Committee was told that there had been contracts for the sale of the business although it seemed that there was very little sell beyond some equipment.

Ms. Driver clarified that the last complaint had been received around 22nd October 2023 and this had alleged late opening most days. There was a more general complaint around August 2023 in which a resident had confirmed that the Premises were closing at 23:00 hours and that they did not want the Premises to be permitted to operate beyond that. They had been advised to make a representation but had not done so due to fear of intimidation as they lived close to the Premises.

The Legal Adviser asked the Applicant whether he would be willing to agree to a condition, if the licence were granted, that Haroon Hamidi, Islam Hamidi, Feradoon Hamidi, Umid Hussain Khel and Mohammed Mangal Jillani not be permitted to have any involvement in the day-to-day running of the business or be permitted to be on the Premises when licensable activity was taking place. Mr. Mangrio did not object to the first part but suggested that the Applicant could not stop them being on the Premises.

This application engages the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. The Sub-Committee did consider the possibility of adjourning so that more documentation could be provided in respect of the sale of the business and the lease or occupation arrangements, but ultimately decided it was able to deal with the application without that information.

The Sub-Committee noted that each application must be considered on its own merits. It accepted that there had been prosecutions of previous operators. However, neither the Applicant nor its director had not been prosecuted for any offences nor was it suggested that they were involved in any such offences. The Police had not made any representation in respect of crime and disorder and whilst that did not prevent anyone else from doing so, it did not suggest any wider crime and disorder concerns.

The Sub-Committee noted in particular the lack of representations from residents. Whilst it was said that residents felt intimidated, there was no evidence of this before the Sub-Committee. Residents could have asked for personal information to have been withheld or could have made representations regardless and not attended or asked for someone else to speak on their behalf. The Sub-Committee noted in particular that the last complaint produced in the representations was dated in January 2023, some ten months ago. The Sub-Committee was told of a comment or complaint in August that the Premises were closing at 23:00 hours, which post-dated the Applicant taking over the business. There was an allegation in October of opening late almost every week but, again, this was not directly before the

Sub-Committee and there was nothing to substantiate this in any way. It is for those making representations to ensure that they can withstand scrutiny and the Sub-Committee considered the benefit of any doubt here needed to be given to the Applicant. If the Premises were opening beyond 23:00 hours since late July 2023, the Sub-Committee would have expected clear and cogent evidence to have been produced in support.

The Sub-Committee took account of the concern over the websites. However, this was explained by the Applicant and there was no reason to consider the explanation to be untrue. The Sub-Committee noted the connection between the applicant and prior operators but did not consider that it had been given sufficient evidence to show that this was a sham and that it was a front for the previous operators. The mere fact that the Applicant knew at least one of the previous operators did not justify a conclusion that this operator could not be trusted or that the change of business was in any way a sham. The Sub-Committee considered that this was a genuine sale or transfer of the business and that the Applicant had demonstrated that he was able to comply with a licence and its conditions and promote the licensing objectives. There was no evidence that this Applicant had or was likely to undermine the licensing objective of the prevention of public nuisance.

Decision

The Sub-Committee therefore granted the application as sought and with the conditions proposed in the operating schedule, those sought by Ms. Cadzow, and those discussed with our Legal Adviser in respect of the previous operators. The Sub-Committee did not accept Mr. Mangrio's assertion that the people named could not be "conditioned off" the Premises; the Applicant was in control of the Premises and ultimately had the right to refuse entry to anybody. Given the concerns raised in respect of those previous operators, the Sub-Committee was satisfied that it was entirely reasonable and proportionate for the promotion of the licensing objectives to ensure not only that they were not involved in the business but also that they could not be present when licensable activity was taking place.

Provision of late night refreshment (off the premises)

Sunday to Thursday	23:00 hours to 01:00 hours
Friday and Saturday	23:00 hours to 02:00 hours

Conditions

1. One SIA registered member of staff will be on duty after 23:00 hours on Sunday to Saturday.
2. The Licence Holder shall ensure that an incident report book is kept, in which full details of all incidents are recorded. This shall be completed as soon as possible, and in any case no later than the close of business on the day of the incident. The time and date when the report was completed, and by whom, is to form part of the entry with details of the following:
 - a) Any incidents of crime & disorder or anti-social behaviour inside or immediately outside the

- premises;
 - b) Any ejections of customers;
 - c) any refusals to serve customers
 - d) any faults in the CCTV system,
 - e) any visits by the police or an officer of the Local Authority;
 - f) any call to an emergency service.
3. The incident book is to be kept on the premises at all times and shall be produced to a police officer or authorised officer from the Local Authority upon request.
4. No person shall be permitted to bring alcohol into the premises.
5. The Licence Holder shall install a CCTV system at the premises and ensure that it is maintained in working order. The system shall conform to the following points:
- a) The CCTV shall monitor all the internal areas of the premises to which the public have access and immediately outside the entrance;
 - b) Cameras on the entrance shall capture full frame, head and shoulders, images of all people entering the premises i.e capable of identification of evidential standard in any light conditions.
 - c) Cameras overlooking the floor areas shall be wide angled to give an overview of the premises.
 - d) The recording device shall be located in a secure area or locked cabinet:
 - e) CCTV will have a monitor to review images and recorded picture quality.
 - f) Digital images shall be kept for 31 days (with date and time stamping) and made available to police or authorised officer from the Local Authority upon request.
 - g) The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.
 - h) The CCTV equipment shall have a suitable export method e.g CD/DVD writer so that the police can make an evidential copy of the data they require. Copies shall be made available to Police and authorised officers from the Local Authority upon request or within 48 hours at the latest.
 - i) To ensure that no image quality is lost when making a copy. If this format is non-standard then the manufacturer shall supply the replay software to ensure the video on the CD can be replayed on a standard computer
 - j) Should the CCTV become non-functional this shall be reported as soon as possible to the Licensing Authority. Repairs shall commence the next working day or at the availability of the CCTV technician and the Local Authority will be informed when it is complete or if there are any significant delays.

6. 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.
7. The Licence Holder shall ensure staff undertake conflict awareness training.
8. A written record will be kept of all staff who receive such training and a written record will be kept at the premises and made available to a police officer or authorised officer from the Local Authority upon request.
9. No unaccompanied children under 18 years of age shall be allowed in the premises after 23:00 hours.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a public nuisance.
11. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
12. Notices shall be displayed within the premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum by waiting inside the premises to collect deliveries.
13. Notices shall be displayed within the premises requiring delivery drivers not to leave vehicle engines idling outside the premises whilst the premises are operating.
14. Patrons shall not be permitted to loiter outside the premises having ordered and received their takeaway.
15. There shall be no idling of delivery vehicle engines outside the premises nor drivers hooting, shouting or raised voices, or loud music or radios whilst the premises are operating.
16. Feradoon Hamidi, Islam Hamidi, Haroon Hamid, Umid Hussain Khel and Mohammed Mangal Jillani shall not be permitted to have any involvement in the day-to-day management or operation of the premises nor shall they be permitted to enter onto or remain on the premises when the premises are open for licensable activity.

3.2 Application for a new Premise Licence for 125-127 Bethnal Green Road Ground Floor & Basement London E2 7D

The Sub-Committee considered an application by Detination9Ltd. for a new premises licence to be held in respect of 125-127 Bethnal Green Road,

London, E2 (“the Premises”). The application originally sought authorisation for the sale by retail of alcohol for consumption on the Premises from 08:00 hours to 23:30 hours Monday to Sunday and for the provision of regulated entertainment, namely the exhibition of films, from 12:00 hours to 23:30 hours Monday to Sunday. The Premises would be open to the public from 12:00 hours to 00:00 hours.

Applicant

The Sub-Committee heard from the applicant’s agent, Peter Conisbee, who spoke briefly to the application. He told the Sub-Committee that the Licensing Authority had withdrawn their representation upon the agreement of a condition. They were willing to agree those requested by the Noise Service. They had reduced the total capacity to fifty patrons and confirmed that the Premises would not operate as a bar.

Mr. Conisbee confirmed that the Premises would not be a late-night venue. Numerous conditions had been offered up in order to address the licensing objectives. He also informed the Sub-Committee that there was no premises of a similar nature in the vicinity and that they were welcomed by residents. The supplemental agenda contained four emails to that effect.

Environmental Protection

The Sub-Committee heard from Ms. Cadzow on behalf of the Noise Service. She told the Sub-Committee she was concerned about the impact of the Premises on the licensing objective of the prevention of public nuisance and that when she had looked at the operating schedule, there were insufficient conditions proposed to address that objective.

The Sub-Committee noted the amendments made by the applicant to the operating schedule and licensable hours and to mitigate any impact upon the licensing objectives. The Sub-Committee welcomed those and the reduction in capacity and the agreement to the Noise Service’s proposed conditions.

The CIZ places the onus on the applicant to show that they will not add negatively to an already stressed area. The Statement of Licensing Policy provides a non-exhaustive list of possible exceptions. These include small premises with a capacity of fifty persons or less, operating to framework hours, and that have alcohol for on-sales only and where there are arrangements to restrict vertical drinking. The Premises falls within that exception. The Sub-Committee was satisfied that the operating schedule and proposed amendments were sufficiently robust to promote the licensing objectives and that the applicant had demonstrated that it would not adversely impact upon the CIZ. The Sub-Committee made some minor amendments that it considered appropriate and proportionate to promote the licensing objectives and to give clarity to the proposed conditions. These were:

1. An amendment to the opening times on Sunday so that the Premises close thirty minutes after licensable activity ceases;
2. Condition 3 is amended as it referred to a vessel;
3. Conditions 10 and 11 are amended with reference to the basement

area in order to reflect the changes offered up by the applicant and the condition agreed with the Licensing Authority;

4. Condition 16 is amended to provide greater clarity.

Decision

The applicant is therefore granted subject to amendments and additional conditions:

Sale by retail of alcohol (on-sales only)

Monday to Saturday 12:00 hours to 23:30 hours

Sunday 12:00 hours to 22:30 hours

Exhibition of films

Monday to Saturday 12:00 hours to 23:30 hours

Sunday 12:00 hours to 22:30 hours

Hours the premises are open to the public

Monday to Saturday 12:00 hours to 00:00 hours

Sunday 12:00 hours to 23:00 hours

Conditions

1. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder;
 - d) any incidents of disorder;
 - e) any faults in the CCTV system;
 - f) any visits by a relevant authority or emergency service.
2. The premises licence holder or nominated representative shall keep and maintain all right to work documents for all staff members. Right to work documents shall be kept at the premises and produced to an authorised officer of the council or the police upon request. Right to work documents must be retained at the premises for a minimum of twelve months after employment has ceased.
3. There shall be at least 1 personal licence holder on duty at all times the premises are open and carrying on licensable activity.
4. A recognised member of the premises management must attend a police council licensing forums meetings when invited.
5. Licensable activity in the event space will only be permitted in the following circumstances:
 - a) on receipt of pre booking. A pre booking system shall be employed whereby the full name address email and phone number for the lead booker shall be recorded and kept;
 - b) for an event advertised by the licensee/management

6. 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.
7. 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.
8. Signage stating that CCTV is in operation at the premises will be clearly displayed.
9. In the event that a serious assault is committed on the premises 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 to enable a full forensic investigation to be carried out by the police;
 - d) such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises.
10. The supply of alcohol will be by table service only whereby alcohol will only be served to persons seated and ancillary to the consumption of food (complimentary or otherwise).
11. There will be no vertical drinking.
12. There will be no beer, cider or ale available on tap. All beer, cider and ales shall be served in bottles only.
13. No alcoholic goods or tobacco products will be purchased or taken from persons calling at the premises. All alcohol products shall be purchased from outlets registered with HMRC's Alcohol Wholesale Registration Scheme. Invoices for all purchases of tobacco and alcohol products shall be retained on the premises for twelve months and produced to authorised officers of the council or the police upon request. The premises licence holder will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.

14. Ultraviolet light will be available at the premises and will be used for the purpose of checking the UK duty stamps on spirits as soon as practicable after purchase. The premises licence holder shall notify the council's Trading Standards team and HMRC of any spirits that do not fluoresce under ultraviolet light and the bottles shall be removed from display and stored separately for collection by officers of the council or HMRC.
15. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
16. Food will be available at all times that licensable activity takes place.
17. A minimum of 1 SIA licensed door supervisors shall be on duty at the premises Thursday to Saturday (and any day preceding a bank holiday) between 21:00 hours to 15 minutes after close.
18. The licensee/management shall record the full name, home address and contact telephone number, SIA registration number, and the time/date of employment of any door supervisor(s) employed at the premises, Where door supervisors are provided by an agency, the name business address and contact telephone number will also be recorded. These records are to be maintained for no less than 12 months.
19. The maximum number of persons permitted in the premises will not exceed 50 persons at any one time (not including staff and performers)
20. The premises shall prominently display signage informing customers to leave the premises and area quietly.
21. The removal of rubbish to outside the premises, will not take place between the hours of 21:00 hours and 07:00 hours.
22. The licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any bottles and glasses emanating from the premises. A final check should be made at close of business.
23. A dispersal policy will be in existence which shall so far as in possible, ensure that minimum disturbance or nuisance is caused to our neighbours and to ensure that the operation of the premises makes the minimum impact upon the neighbourhood in relation to potential nuisance and anti-social behaviour.
24. No more than 6 patrons will be permitted to smoke outside the premises at any one time.
25. Patrons will not be permitted to take drinks outside of the premises.

26. 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.
27. All staff members engaged, or to be engaged in selling alcohol on the premises shall receive full training pertinent to the Licensing Act, specifically in regard to age – restricted sales, and the refusal of sales to persons believed to be under the influence of alcohol or drugs.
28. All such training is to be fully documented and signed by both the employee and the person delivering the training. Training records shall be kept at the premises and made available upon request to either an authorised officer of the council or the police on request / staff employed to sell alcohol shall undergo training upon induction. This shall include but not be limited to:
 - a) The premise age verification policy;
 - b) Dealing with refusal of sales;
 - c) Proxy purchasing;
 - d) Identifying attempts by intoxicated persons to purchase alcohol;
 - e) Identifying signs of intoxication.
29. Such training sessions are to be documented and refreshed every twelve months.
30. All training sessions are to be documented in English, Records of training shall be kept for a minimum of one year and be made available to an authorised officer of the council or the police upon request.
31. Loudspeakers shall not be located in the entrance lobby or outside the premises building nor on the ceilings. Anti-vibration mounts must be used to attach speakers to the walls.
32. All windows and external doors shall be kept closed after 22:00 hours or at any time that regulated entertainment takes place, except to allow for the immediate ingress or egress of people.
33. No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

3.3 Application for a variation Premise Licence for 32-34 Ellesmere Street London E14 6BA (WITHDRAWN)

This application was withdrawn.

4. CONSIDERATION OF REVOCATION OR SUSPENSION OF PERSONAL LICENCE

The decision is not published as this was a restricted Item, and considered exempt from publication under the provisions of Part VA of and Paragraphs 1,2 and 7 of schedule 12A to the Local Government Act 1972.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

**Forman & Field Stour Road London E3 2NT
The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR
PFC, Watney Market, 273 Commercial Road, London, E1 2PS**

To be extended to the **19th December 2023**

The meeting ended at 3.35 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.35 P.M. ON TUESDAY, 19 DECEMBER 2023****COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL****Members Present in Person:**

Councillor Ana Miah
Councillor Ahmodul Kabir
Councillor Rebaka Sultana
Mr Jack Spiegler
Mr Robert Greene
Mr Martin Wright
Mr Mohammed Miah
Ms Erica Davies
PC Mark Perry
Mr Robert Tausinger
Tim Hung
David Wong
Farzana Chowdhury

1. DECLARATIONS OF INTEREST

There were no declarations of Interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION**3.1 Application for a new Premise Licence for Forman & field, Stour Road, London, E3 2NT**

The Sub-Committee considered an application for a new premises licence to be held in respect of for Forman Field Ltd., Stour Road, London E3 2NT (“the Premises”). The application sought authorisation for licensable activity as follows:

Sale by retail of alcohol (on & off sales)

Monday – Sunday 09:00 hours – 01:00 hours

Late Night Refreshment

Monday – Sunday 23:00 hours – 01:00 hours

Opening Hours

Monday – Sunday 09:00 hours – 01:00 hours

A number of representations against the application have been made by local residents, based upon the licensing objective of the prevention of public nuisance.

Applicant

The Sub-Committee heard from the applicant's solicitor, Jack Spiegler, and Lance Forman on behalf of the applicant. Mr. Spiegler explained that the Premises had previously held a licence. This had lapsed when the licence holder changed its company structure. The application therefore sought to replicate the licence that had been held previously. The Sub-Committee were informed that the proposed alcohol sales would be ancillary to the main business, which was the provision of gourmet food.

Mr. Spiegler explained that off-sales of alcohol were sought because people would often wish to buy a bottle of wine with food which would be taken away from the Premises. The external terrace area, where alcohol and food could be consumed, was subject to an agreed condition that it would not be used after 21:00 hours. He also confirmed that the application extended only to the ground and first floor. The rooftop terrace, which was intended for occasional use, was not included within the plans. A number of conditions proposed by the residents and responsible authorities had been agreed by the applicant.

Members noted that there was no drinking-up time. Mr. Spiegler confirmed that his client would agree to the sale of alcohol ceasing at 00:30 hours.

Residents

The Sub-Committee heard from Robert Greene and Martin Wright on behalf of the residents who had made representations. The representations were largely identical. They alleged nuisance from smoke (due to the smoking processes) and noise from extractor fans. It was said that the character of the area had changed. In addition, as the application made reference to the original licence, the residents were concerned that this meant that there would be very few conditions. If the Sub-Committee was minded to grant the application, they asked that various conditions to promote the licensing objectives be imposed on the licence.

In addition, it was suggested that the roof terrace would lead to overlooking.

The Sub-Committee appreciated the objectors' concerns regarding public nuisance, particularly regarding noise disturbance, overlooking and fumes from the chimneys. With respect to noise from extractor fans and smoke from the chimneys, these were not related in any way to the licensable activities proposed and could not be addressed through the mechanism of the

Licensing Act 2003. Similarly, if there was a risk of overlooking, this would not be as a result of the licensable activity.

No regulated entertainment was sought and the Premises would benefit from the provisions of deregulation. There was no evidence of noise disturbance from the Premises to date and the various conditions proposed and agreed to by the applicant would mitigate any such concerns.

The Sub-Committee heard all the evidence from the Applicant and the Residents who had made a representation, the Sub-Committee went on to questioning which were answered and responded during the hearing.

Decision

The Sub-Committee was satisfied that the amendments proposed by the applicant, which included a reduction in hours for off-sales of alcohol, and the reduction in the terminal hour for on-sales of alcohol would also mitigate any impact on the licensing objectives.

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a new premises licence in respect of Forman Field Ltd., Stour Road, London E3 2NT be **granted with conditions as follows: -**

Sale by retail of alcohol (on sales)

Monday – Sunday 09:00 hours – 00:30 hours

Sale by retail of alcohol (off sales)

Monday – Sunday 09:00 hours – 22:30 hours

Late Night Refreshment (inside the premises)

Monday – Sunday 23:00 hours – 01:00 hours

Opening Hours

Monday – Sunday 09:00 hours – 01:00 hours

Conditions

1. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a public nuisance.
2. The external terrace area shall not be used after 21:00hrs., except for patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, and shall be limited to 10 persons at any one time.

3. No idling of delivery vehicles outside the premises, no drivers shouting or raised voices, nor loud music/radios, during the operation of licensable activities.

4. The premises licence holder will display notices requiring drivers of delivery vehicles not to leave vehicle engines idling outside the premises whilst the premises is in operation.

5. The premises licence holder will display notices within their premises requesting that delivery drivers remain respectful of neighbours by keeping noise to a minimum whilst waiting outside the premises to collect deliveries.

6. 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.

7. 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.

8. 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.

9. 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.

10. 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.

11. 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.

12. Notices shall be prominently displayed at all exits and in the smoking area requesting patrons to respect the needs of local residents and businesses, to keep noise to a minimum and to leave the area quietly, and not to take any glass bottles off the premises.

13. A suitable area shall be set aside for smokers to prevent their smoke causing nuisance to nearby occupiers.

14. No late-night refreshment shall be sold for consumption off the premises on any day.

15. There will be no disposal of refuse including glass bottles between 23:00hrs. and 09:00hrs., and no glass will be moved from one recycling receptacle into another in any external area of the premises during these hours.

16. The area immediately outside the premises will be regularly cleaned to ensure that any litter generated by the premises, or its customers is removed.

17. Telephone contact details of the Designated Premises Supervisor and the Duty Manager shall be provided to the residents upon request.

18. Patrons of the premises shall be encouraged, by signs within the premises visible at all exits points, to disperse from the area of the premises quietly and quickly.

19. Staff shall also supervise persons leaving the premises after closing time and where necessary, request that persons leaving the premises do so in a orderly manner as quickly as possible.

20. Children under the age of 16 shall be accompanied by an adult.

21. Soft and non-alcoholic drinks shall be available.

3.2 Application for a new Premise Licence for PFC 273 Commercial Road, London, E1 2PS

The Sub-Committee considered an application for a new premises licence by Mohammad Afruz Miah to be held in respect of PFC, 273 Commercial Road, London E1 2PS (“the Premises”). The application sought authorisation for the provision of late night refreshment from 23:00 hours to 04:00 hours seven days per week.

The application attracted representations against it from the Metropolitan Police and the Environmental Health Service. The representations were based predominantly on the prevention of crime and disorder and the prevention of public nuisance.

Applicant

The applicant spoke briefly to his application. In essence, the extension was sought in order to increase the financial viability of the business. The Sub-Committee had been made aware that some conditions had been agreed. However, the main area of contention was the hours. The police sought to have these reduced so as to allow late night refreshment from 23:00 hours to 00:00 hours Sunday to Wednesday and from 23:00 hours to 01:00 hours Thursday to Saturday.

Metropolitan Police

PC Perry spoke briefly to his representation and emphasised the issues that arise within the night-time economy. In particular, the people attending at 03:00 hours are likely going to be those who have been drinking. He was concerned that the applicant did not appreciate the issues that would arise late at night.

Environmental Protection

Tim Hung spoke briefly to his representation and the potential impact on public nuisance, and sought the Sub-Committee to refuse the application.

During questions from Members, the applicant in fact agreed to the hours proposed by the police. The application engaged the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Whilst the Sub-Committee noted the business rationale behind the application and was able to consider that, the Sub-Committee nonetheless had to make its decision with a view to the promotion of the licensing objectives.

The Sub-Committee noted the police objections based upon the prevention of crime and disorder, and the prevention of public nuisance; and heard from the police that their proposal for the reduction of the hours sought to midnight on Sunday to Wednesday, and 01:00hrs. on Thursdays to Saturdays, was based upon the tendency for alcohol-fuelled crime and disorder and anti-social behaviour to occur in the early hours of the morning. The Sub-Committee

noted that the applicant did not dispute this. Indeed, the applicant had agreed to the conditions proposed and, during the course of the hearing, agreed to the reduced hours proposed.

With respect to public nuisance, Members did not consider that Mr. Hung's representation justified a refusal of the application. There was not sufficient evidence before it that the likely impact of grant would undermine the public nuisance licensing objective to such an extent that refusal was the appropriate and proportionate option. The concerns raised could be adequately addressed by the reduction in hours and the imposition of the agreed conditions.

The Sub-Committee was satisfied that it was appropriate and proportionate to grant the application, with amendments and conditions.

Decision

That the application for a new premises licence in respect of PFC, 273 Commercial Road, London E1 2PS be **granted with conditions as follows: -**

Provision of Late-Night Refreshment

Sunday – Wednesday 23:00 hours – 00:00 hours

Thursday – Saturday 23:00 hours – 01:00 hours

Conditions

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 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. The premises 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 to the public highway.

6. The premises licence holder shall also ensure that customers do not congregate or cause noise nuisance immediately outside the premises.

3.3 Application for a new premises licence The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR

The Sub-Committee considered an application by The Ragged School Museum Trust for a new premises licence to be held in respect of The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR (“the Premises”). The application sought authorisation for licensable activity as follows:

The sale by retail of alcohol (On and off sales)

Monday to Friday, from 11:00 hrs. to 23:00 hrs.
Saturday and Sunday, from 11:00 hrs. to 00:00 hrs.

The provision of late-night refreshment – Indoors

Friday and Saturday, from 23:00 hrs. to 00:00 hrs.
Note: (Sunday to Thursday – no provision of late-night refreshment)

The provision of regulated entertainment – Indoors

(Plays and Films)

Monday to Saturday, from 10:00 hrs. to 22:00 hrs.
Sunday, from 11:00 hrs. to 18:00 hrs.

(Live music, Recorded Music)

Monday to Thursday, from 10:00 hrs. to 22:30 hrs.
Friday and Saturday, from 10:00 hrs. to 23:00 hrs.
Sunday, from 10:00 hrs. to 22:30 hrs.

(Performance of dance)

Monday to Sunday, from 10:00 hrs. to 22:00 hrs.

Hours premises are open to the public

Monday to Thursday, from 09:00 hrs. to 23:00 hrs.

Friday and Saturday, from 09:00 hrs. to 24:00 hrs.

Sunday, from 10:00 hrs. to 23:00 hrs.

Any Sub-Committee decision must be reasonable and proportionate in supporting the licensing objectives.

Applicant

The Sub-Committee noted the applicant's clarification that they did not anticipate more than 500 people to attend whenever plays, films, or music were presented. The applicant acknowledged that this obviated the application for a licence regarding regulated entertainment, because where such events occur between 08:00hrs. and 23:00hrs. before an audience of no more than 500 people, no licence was required by law.

The Sub-Committee heard from that the applicant was content with a condition requiring two SIA accredited door supervisors to be on duty at large events, defined by the applicant as events where 200 or more people were expected to attend.

The sub-committee heard evidence from the applicant and resident during this time the sub-committee had the opportunity to ask question to either parties which were answered and responded to.

The Sub-Committee were grateful to the applicant for clarifying that with regard to conditions which they originally proposed in the operating schedule:

-

- Crime prevention notices would be notices stating that CCTV was in operation at the premises.
- The applicant was no longer seeking a condition that food was available during opening hours.
- The applicant was content to substitute for "All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police and the crime scene is preserved so as to enable a full forensic investigation to be carried out by the police; and such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises", the standard police incident reporting condition which the applicant acknowledged they had heard from sitting in on the previous application, "An incident log shall be kept at the premises, and be available on request to the police or an authorised officer. It must be completed within 24 hours of any incident and will record the following: a) all crimes reported to the venue; b) all ejections of patrons; c) any complaints received concerning crime and disorder d) any incidents of disorder; e) all seizures of drugs or offensive weapons; f) any faults in

the CCTV system, searching equipment or scanning equipment; g) any visit by a relevant authority or emergency service.”

- The applicant withdrew their proposed condition which said, “Governed by industry best practice”, recognising that this was vague and open to enforcement issues, although it would remain part of their corporate policies.
- The applicant no longer proposed the condition “Calibrated noise meter in event space with colour digital warning display and data logging”, particularly since it was established that the presentation of plays, dance and music did not require a licence.
- The applicant amended the proposed condition, “After 19.00hrs., children will only be allowed into the cafe area when accompanied by an adult Museum staff are trained to be aware of children wandering around the premises and ensure they are safe” to “After 19.00hrs., children will only be allowed into the cafe area when accompanied by a responsible adult.”

Resident

The Sub-Committee noted the objector’s concerns regarding noise disturbance and risk to children’s safety. Members also noted the applicant’s acceptance that there was no evidence of any risk to children’s safety, and that there was no evidence of anyone else in the neighbourhood having suffered noise disturbance. It was appreciated that the objector mentioned having experienced a couple of instances of very loud music coming from the premises last Summer.

Decision

That the application for a new premises licence in respect of The Ragged School Museum, 46-50 Copperfield Road, London E3 4RR be **granted with conditions as follows:** -

The sale by retail of alcohol (On and off sales)

Monday to Friday, from 11:00 hrs. to 23:00 hrs.
Saturday and Sunday, from 11:00 hrs. to 00:00 hrs.

The provision of late-night refreshment – Indoors

Friday and Saturday, from 23:00 hrs. to 00:00 hrs.

Hours premises are open to the public

Monday to Thursday, from 09:00 hrs. to 23:00 hrs.
Friday and Saturday, from 09:00 hrs. to 24:00 hrs.
Sunday, from 10:00 hrs to 23:00 hrs.

Conditions

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. Notices shall be displayed at the premises informing visitors that CCTV is in operation at the premises.

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. When the designated premises 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 authorisation shall be available on request by the police or any authorised officer.

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. 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.

8. 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. Loudspeakers shall not be located in the entrance lobby, or outside the premises, or on ceilings; and anti-vibration mounts shall be used for speakers attached to the walls.

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

11. Patrons permitted to temporarily leave and then re-enter the premises, e.g. to smoke, shall be limited to 8 persons at any one time.

12. For events where 200 or more people are expected to attend, there shall be two SIA accredited door supervisors on duty at the premises.

13. After 19:00hrs., children will only be allowed into the cafe area when accompanied by a responsible adult.

14. After 22:00hrs., patrons shall only be permitted to exit the premises via Copperfield Road.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Bar 104, 104 Brick Lane, London, E1 6RL

Boat Live 90 White Post Lane, London E9 5EN

Carwash, 1 Quaker Street, London E1 6SZ

Princelyn Grocery & Restaurant 477 Bethnal Green Road London E2 9QH

Bar Ceylon Basement & Ground 57 Commercial Street London E1 6BD

Extended to the 9th January 2024

The meeting ended at 8.35 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON THURSDAY, 25 JANUARY 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Suluk Ahmed
Councillor Ahmodul Kabir
Councillor Faroque Ahmed

Apologies:

Others Present in Person:

Others In Attendance Virtually:

Mr Borley
Mr Denny

Officers Present in Person:

1. DECLARATIONS OF INTEREST

There were no declarations interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the meeting were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a Premises Licence for (Carwash), 1 Quaker Street, London E1 6SZ

The Sub-Committee considered an application by Damon Borley for a new premises licence to be held in respect of Carwash, 1 Quaker Street, London, E1 6SZ (“the Premises”). The application sought authorisation for the sale by retail of alcohol for consumption on the Premises only. The hours sought were 11:00 hours to 23:00 hours Monday to Sunday, with drinking-up time of thirty minutes each day.

The application received representations against it. These were from the Licensing Authority, Environmental Health, and a number of residents. A representation had also been made by SPIRE, a local residents’ group. These were based predominantly on the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder and because of the Premises’ location within the Brick Lane Cumulative Impact Zone.

Applicant

The Sub-Committee heard from Mr. Borley and his agent, Mr. Denny. The Premises were to be used as an event hire space. It was not intended to be open to the public at all times, were a licence to be granted. They would be trading only when a formal booking had been made and the alcohol offering was intended to be limited. It was not intended to operate as a bar or club.

Mr. Denny stated that a terminal hour of 23:00 hours was not necessary, and that the applicant was amenable to reducing this to 22:30 hours. Most events would finish earlier than this. The concerns of the residents and responsible authorities were understood, but there was no intention for the Premises to be a venue at which large quantities of alcohol would be drunk. Mr. Denny also confirmed that there would be no regulated entertainment as the venue would be closing by 23:00 hours.

Mr. Denny also stated that noise levels could be monitored, risk assessments carried out to determine when SIA-staff would be needed.

Residents Association

Randall Thiel addressed the Sub-Committee on behalf of SPIRE and also as spokesperson for the other residents who had made representations. He was concerned that the applicant did not fully

appreciate the difficulties of operating within the CIZ. There was no specific reference to the CIZ although a number of conditions had been offered up in the operating schedule. The area was also challenging with respect to crime and disorder. The Premises could operate by way of Temporary Event Notices (TENs) and he queried why the venue would need to have drinking until 23:00 hours.

Environmental Protection

Nicola Cadzow spoke briefly to her objection on behalf of the Environmental Health Service, which was concerned with the prevention of public nuisance. She commented on the fact that music was not regulated at the times that the venue was intended to operate, which meant that no enforceable conditions could be imposed to address such issues. This would allow, for example,, the Premises to make use of DJs.

Licensing Authority

Ms. Driver spoke to her representation on behalf of the Licensing Authority, which was predominantly concerned with the impact on the CIZ. She was particularly concerned with how the applicant could guarantee that there would be no impact on the CIZ.

During questions from Members, Mr Borley explained that that vertical drinking was inappropriate to the Premises' style of operation; alcohol was ancillary to the event. With respect to toilets, there was a toilet and a urinal on site. Mr. Borley noted and understood the concerns regarding public urination in a nearby tunnel and commented that they experienced similar issues when they were closed. Short of providing toilets for patrons, he could not suggest how that could be stopped. The hours sought were in order to cater for all different types of events.

Members also queried the venue itself and the structure and Mr. Borley explained that the building on site had been modified to accommodate a "stretch-style tent" roof. Members were told that it was likely that there would be only one event per week, which usually tended to last for one to three days. The nature of the events, which required set-up time, meant that it was not feasible to have events on a daily basis.

Members also raised queries about how noise nuisance could be controlled. Mr. Borley did offer suggestions such as the use of decibel meters and setting maximum noise levels.

Decision

This application engages the licensing objectives of the prevention of public nuisance and the prevention of crime and disorder. The location of the Premises within the CIZ mean that the applicant has the burden of proving that they will not add to the problems already existing in the CIZ if the application is granted.

The Council's Policy sets out non-exhaustive examples of venues which might be considered to be exceptions. These include, for example, premises with a capacity of fifty persons or fewer, only have alcohol for consumption on the premises, or only provide off sales, and have arrangements to prevent vertical drinking. The Sub-Committee was told that the capacity was around 120 patrons. The Premises do not fall within a stated exception.

It is of note also that the Policy does not consider that the venue will be well-run to be exceptional.

The Sub-Committee noted the suggestion by those making representations that the applicant had made no mention of the CIZ in the application and thus had not considered the CIZ. However, the Sub-Committee considered that the number and extent of the conditions offered up demonstrated that they had taken the CIZ into consideration. Nonetheless, offering up numerous conditions, no matter how robust, will not necessarily suffice to rebut the presumption in favour of refusal.

The Sub-Committee noted the applicant's intentions. However, the difficulty was that the licence, if granted, would allow them to operate every day, whether as a bar or as some other type of venue. Whilst it might have been possible to impose conditions to reflect that, it still placed the Sub-Committee in some difficulty as to what would have been appropriate. Moreover, even if that were possible, the Premises would still be adding to the CIZ when it did operate.

The applicant was willing to carry out sound level monitoring and have a sound limiter. However, such conditions would be unenforceable due to the deregulation of regulated entertainment. The Sub-Committee considered, however, that the greater noise

impact would be noise from the patrons rather than from music. This would likely be exacerbated if music and alcohol were thrown into the mix. That noise would be impossible to control. However, the Premises being effectively open to the air meant that noise nuisance, from various sources, was likely.

Members took account of the fact that the area was heavily residential in nature and that the likelihood of public nuisance was therefore high. The impacts on the CIZ would not be mitigated by conditions. The Sub-Committee also noted the risk of greater numbers of people leaving the Premises and then remaining in the CIZ afterward as a result of the over-saturation of other venues rather than dispersing. There was also a risk of those patrons coming into conflict with others in the area and becoming victims or perpetrators of crime. As many as 120 people in the Premises and leaving the Premises at closing time was, in the view of the Sub-Committee, going to impact adversely on the CIZ. The Sub-Committee was therefore satisfied that the only appropriate and proportionate decision was to refuse the application.

4.2 Application for a new Premise Licence for Princelyn Grocery & Restaurant 477 Bethnal Green London E2 9QH

The Sub-Committee considered an application by Princelyn Garden Ltd. for a new premises licence to be held in respect of Princelyn Grocery & Restaurant Ltd., 477 Bethnal Green Road, London, E2 9QH (“the Premises”). The application originally sought authorisation for the sale by retail of alcohol, the provision of regulated entertainment, and the provision of late-night refreshment. Recorded music and the provision of late night refreshment were sought on Fridays and Saturdays only from 23:00 hours to 00:30 hours. The sale of alcohol was sought from 10:00 hours to 23:30 hours Sunday to Thursday and from 10:00 hours to 00:30 hours on Fridays and Saturdays. Non-standard timings were also sought.

The application attracted objections from the Environmental Health Service and the Licensing Authority. These were based on the licensing objectives of the prevention of public nuisance and that the Premises were located within the Bethnal Green Cumulative Impact Zone (CIZ) and that the applicant had not rebutted the presumption in favour of refusal.

Applicant

The Sub-Committee heard briefly from Ms. Abara on behalf of the company and the agent, Mr. Olusola. The Sub-Committee was told that non-standard timings had been withdrawn, as confirmed in correspondence in the Supplemental Agenda. The applicant was aware of the CIZ. He drew the Sub-Committee’s attention to the fact that there were no other representations.

Environmental Protection

Ms. Cadzow addressed the Sub-Committee briefly with respect to her representation. She was concerned that the application had not fully addressed the implications of the CIZ and that there was insufficient information in the operating schedule to address this. She’d reviewed the

Supplemental Agenda and noted that the applicant had offered a number of proposals which could be translated into conditions and she asked that those be imposed if the Sub-Committee was minded to grant the application. She also suggested further conditions, relating to the pre-booking of taxis, notices reminding patrons to leave quietly, and a limit of five smokers outside the premises. She was content with the removal of non-standard timings.

Licensing Authority

Ms. Holland made similar observations with respect to the lack of reference to the CIZ. The application was not an exception because some factors fell within possible exceptions e.g. the numbers, whilst others were outside e.g. the times were outside of framework hours. The information in the Supplemental Agenda such as table service and no vertical drinking addressed some concerns. She also suggested conditions may be needed in respect of deliveries. She also sought clarity on the suggestion that the Premises would be used for parties and precisely what that would entail. Members asked about the nature of parties and were told that the venue would be available for hire for small gatherings such as birthday parties and family-oriented events. The target audience for such parties was the local African community. People would be encouraged to leave by the side door, which opened on to a quiet, no through road rather than via the front door. They indicated that they would be content with any conditions that the Sub-Committee saw fit to impose.

Ms. Abara also explained that she was already operating the Premises as a grocery and restaurant and closing at 23:30 hours without problems. The grocery part of the business had been operating for about a year; the restaurant for about two months. They had applied for hours to 00:30 “just in case” but indicated that there would be no objection should the Sub-Committee consider framework hours to be more appropriate. This application engages the licensing objectives of the prevention of public nuisance. The Premises are within a CIZ and the applicant must therefore rebut the presumption that the grant of the application will negatively impact upon the CIZ. The Council’s Policy gives non-exhaustive examples of what might be considered to be exceptions, although each case is to be decided on its own merits.

Decision

The application is a modest one. The willingness of the applicant to modify the application in order to address the concerns raised meant that the Sub-Committee could be satisfied that they would not impact upon an already stressed area. The reduction in hours and willingness to accept appropriate conditions to mitigate any impact, combined with the nature of the Premises itself, allowed the Sub-Committee to be satisfied that the application could be granted as an exception to the CIZ.

The application is therefore granted with amendments and conditions:

Sale by retail of alcohol (on and off-sales)

Monday to Thursday	10:00 hours to 23:30 hours
Friday and Saturday	10:00 hours to 00:00 hours

Sunday 10:00 hours to 22:30 hours

Late-night refreshment and recorded music

Friday and Saturday 23:00 hours to 00:00 hours

Times the premises are open to the public

Monday to Thursday 10:00 hours to 00:00 hours

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

Sunday 10:00 hours to 23:00 hours

Conditions

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. All sales of alcohol for consumption off the premises shall be in sealed containers only.
5. 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.
6. The licence holder shall enter into an agreement with a hackney carriage and/or private carriage firm to provide transport for customers, with contact numbers made readily available to customers who will be encouraged to use such services.
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

8. Patrons permitted to temporarily leave and then re-enter the premises e.g. to smoke, shall be limited to five persons after 21:00 hours.

9. 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.

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

11. 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.

12. All staff whose responsibilities include the retail sale of alcohol shall receive training about the prevention of underage sales on induction and then every twelve months thereafter. This training shall be recorded and the records to be available on request to the Police or any authorised officer. The training is to include:

- a. the operation of the challenge XX scheme;
- b. types of acceptable ID;
- c. the method of recording challenges;
- d. the likely consequences of making an underage sale;
- e. refusing sales to persons who appear to be drunk;
- f. proxy sales.

13. Every third-party courier delivery box shall be labelled with the words "Age Restricted Product".

14. There shall be mechanism either by an App or on the delivery package to show the delivery rider is aware it is an age restricted product to ensure ID checks are made upon delivery of alcohol.

15. The premises licence holder will ensure that an age verification policy will apply whereby all delivery drivers/riders will be trained to ask any customer to whom alcohol is delivered, who appears to be under the age of 25 years to produce, before being sold alcohol, identification being a passport or photocard driving licence bearing a holographic mark or other form of identification that complies with any mandatory condition that may apply to this licence.

16. Alcohol shall only be delivered to a residential or business address and not to a public place or vehicle.

17. All off sales deliveries to be in sealed containers.

18. A warning shall be displayed on the digital platform on which an order is placed informing customers that they must be aged 18 or over to make a purchase of alcohol and notifying customers that the rider will carry out age verification on delivery. The customer will be required to declare that he or she aged 18 or over. If the rider is not satisfied that the customer is aged 18 or over any alcohol in the order will be withheld

19. The Licence holder shall notify the Licensing Authority of the digital platform(s) used for the sales of alcohol and any changes to those platforms.

20. The sale of alcohol for consumption on the premises shall only be to a person seated taking a table meal there, and for consumption by such a person as ancillary to their meal.

21. Sales of alcohol for consumption off the premises shall only be supplied with, and ancillary to, a take-away meal.

22. There shall be no vertical drinking on the premises.

4.3 Application for a new Premise Licence for Bar Ceylon, Basement & Ground Floor 57 Commercial Street London E1 6BD - WITHDRAWN

This application was withdrawn.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

Code Floor 3-4, 34 Westferry Circus Canary Wharf London E14 8RR
Wang Wang 4a Commercial Street E1 6LP
All Points East Victoria Park Grove Road Bow E3 5TB
Shop 47 Goulston Street, London E1 7TP

To be extended to the 13th February 2024

The meeting ended at 8.25 p.m.

Chair, Councillor Suluk Ahmed
Licensing Sub Committee

This page is intentionally left blank

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 13 FEBRUARY 2024

COUNCIL CHAMBER - TOWN HALL, WHITECHAPEL

Members Present in Person:

Councillor Ana Miah
Councillor Abu Chowdhury
Councillor Peter Golds

Apologies: None

Others Present in Person:

Simon Taylor	(Legal Representative)
Dave Grindle	(Event Director)
Beth Smith	(Operations Director)
Tony Joyce	(Resident)

Others In Attendance Virtually:

Simon Cooper	(Resident)
--------------	------------

Officers Present in Person:

Jonathan Melnick	(Principal Lawyer-Enforcement)
Corinne Holland	(Licensing Officer)
Simmi Yesmin	(Democratic Services Officer, Committees, Governance)

1. DECLARATIONS OF INTEREST

Councillor Peter Golds declared a personal interest on item 3.1, Application for a new premises licence for All Points East, Victoria Park, Grove Road, London E3 5TB on the basis that he had received an email from a resident raising concerns, however he confirmed he had not responded back.

2. RULES OF PROCEDURE

The rules of procedure was noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a New Premise Licence for All Points East, Victoria Park, Grove Road, E3 5TB

At the request of the Chair, Ms Corinne Holland, Licensing Officer introduced the report which detailed the application for a new premises licence for All Points East, Victoria Park, Grove Road, London E3 5TB. It was noted that objections had been received from local residents.

It was further noted that representations against the application were initially received from the Environmental Health Service and three local residents. The representations were concerned with the licensing objective of the prevention of public nuisance. The objection from Environmental Health was subsequently withdrawn when conditions had been agreed with the applicant.

At the request of the Chair, Mr Simon Taylor, legal representative on behalf of AEG Presents Ltd introduced the new application and sought authorisation for the sale by retail of alcohol and the provision of regulated entertainment, which would include the annual All Points East music festival. The hours sought for the sale of alcohol (on-sales only) were 10:00 hours to 22:15 hours Sundays to Thursdays and 10:00 hours to 22:45 hours on Fridays and Saturdays. Regulated entertainment was sought from 10:00 hours to 22:30 hours Sundays to Thursdays and from 10:00 hours to 23:00 hours on Fridays and Saturdays. The Premises would close to the public thirty minutes after the cessation of regulated entertainment. Although this licence would not be time-limited, unlike the previous licence, it would still be limited by the Council's Major Events Policy and the rental agreement for the land.

Mr Taylor outlined the applicant's experience of running such events over the years. With respect to All Points East, complaints had reduced year-on-year. Noise complaints, for example, had reduced from 133 to 35. Of those last year, several of those related in part to changes in the wind which adversely affected properties which would not normally have been affected. Only one complaint of anti-social behaviour had been made last year and only sixteen crimes reported.

Mr Taylor explained that there had been significant praise from the Tower Hamlets Parks and Events Team as well as from the responsible authorities. It was noted that the licence sought was the same as that which had been granted previously, on a time-limited basis, save that it had been updated in part to take account of changes to the Council's Major Events Policy, which allows for additional days for major events. Similarly, the timings sought were identical to the previous licence save where the Major Events Policy had allowed for changes.

Mr. Taylor explained that the licence allowed for up to twelve commercial event days, which was in line with the Major Events Policy and the land rental agreement, and eight community events. The maximum capacity for a major event was 49,999, which was the maximum permitted under the previous licence. The additional days would be capped at a capacity of 39,999. Community events would all have a capacity of less than 20,000.

The conditions had been updated to reflect the changes in the Major Events Policy. Conditions 5 to 8 dealt specifically with the event planning process and the timings for the various requirements. In addition, Members had the various plans such as the Traffic Management Plan, Security Overview, and Alcohol Management Plan.

Mr Taylor explained that none of the representations, were from the responsible authorities. They were from local residents, of the three residents, Mr. Carroll had been content with the mediation. As to the two remaining residents, Mr. Taylor submitted that their concerns were acknowledged and that the approval and planning process will take into account their concerns and would seek to mitigate them.

Mr. Simon Cooper, local resident, addressed the Sub-Committee with respect to his representation. His concern related predominantly to the traffic management around the event. He expanded upon his written representation, which highlighted the difficulty with traffic and pedestrians being diverted along Cadogan Terrace towards Hackney Wick station. The road was narrow, with no crossing places, which resulted in in large crowds of pedestrians trying to cross the road as well as large numbers of vehicles trying to drive along. He suggested that the traffic management plan might not have taken proper account of these issues or been updated. He was of the view that there might well be better options to mitigate or avoid these issues.

Mr. Tony Joyce also spoke to his representation. He objected to the grant of the licence. He was concerned by the lack of detail as to the dates when events would take place and explained that he and his neighbours suffered as a result. He commented that the event had started with three days and three events. That became four. Extra days were then added and it has kept growing. He explained how the problems started in advance of the event, with lorries and equipment being taken in two weeks in advance. That generated noise. In addition, lights were kept on at night. The day before the event started there would be two hours of soundchecks. He described the noise as being so loud that he could not listen to his TV or radio and that he had to keep his doors and windows closed from 11:00 hours to 23:00 hours. Then there would be the noise associated with dispersal. There would be a brief few days of respite before the next event the following weekend.

Mr. Joyce said his neighbours used to complain but gave up doing so and that might be why there were fewer complaints over the years. He and his neighbours "dreaded" the time of year when the event took place and last year he booked himself into a hotel.

Mr. Carroll did not appear but his representation was taken into account and considered by the Sub-Committee.

There were no questions from the Members of the Sub Committee.

Decision

The application engages the licensing objective of the prevention of public nuisance. The Sub-Committee noted that although this was a new application, it was not a new applicant and there was a track record that could be relied upon, which would not be the case with a new operator.

The Sub-Committee noted that there were no objections from the responsible authorities. Whilst that does not indicate tacit support for the applicant, the Sub-Committee considered that it showed that there were no real concerns with the applicant's ability to manage events of this nature safely and to mitigate, so far as possible, its impact on the local community. No issues were raised in relation to crime and disorder and the small number of offences reported at the event last year as well as the small number of complaints of noise or anti-social behaviour, particularly taking into account the footfall through the event over the weekend, indicated that the licensing objectives, particularly the prevention of public nuisance and the prevention of crime and disorder, were not undermined.

The real issue seemed to be the prevention of public nuisance based on matters such as the hours, the crowd capacity, noise from music, and dispersal and traffic management. The Sub-Committee accepted what had been said by both Mr. Joyce and Mr. Cooper as well as Mr. Carroll's written representation. It was of note that only Mr. Joyce asked the Sub-Committee to refuse the application and the Sub-Committee had no doubt that the account he gave of his experience was truthful. The Sub-Committee certainly does have sympathy for those residents of the borough for whom events such as these are not welcome and are a real disruption.

However, the Sub-Committee is required to focus on the prevention of public nuisance. Events such as these are a matter of striking a balance. Whilst they obviously do impact on people when they are on-going (and to a degree during the build and take-down periods) they are limited. Furthermore, numerous conditions are imposed in order to mitigate, so far as possible, the impact upon the local area. The Sub-Committee recognises also that the planning and approval process is on-going for a considerable period of time. Mr. Taylor later explained that the planning for the next year's event began at the debrief for the current year and that the issues raised would be flagged. He confirmed that Mr. Cooper and Mr. Joyce's names would be fed in to the planning process. The Sub-Committee hopes that this will help to further mitigate any impact.

The Sub-Committee carefully considered the options open to it. Refusal, in whole or in part, was not an option. Given the scale of the event, the lack of objections, particularly from members of the public, made it difficult to be satisfied that the conditions imposed would be insufficient to mitigate the

impact and that refusal would be proportionate. Whilst concerns had been raised about a perceived capacity increase, the Sub-Committee noted that this was not actually correct and that the 49,999 capacity was permitted in the last two years. The Sub-Committee noted Mr. Joyce's suggestion that one reason for the lack of complaints from members of the public was it was felt there was no point in doing so. That may be true. Equally, however, another reason would just as likely be that others were in favour of the event or simply had no view one way or another and were not adversely affected. In the absence of evidence of public nuisance, combined with the information from the applicant to the contrary and to the mitigation measures, the Sub-Committee could not be satisfied that the licensing objective of the prevention of public nuisance was undermined to such an extent that would justify refusing the application.

Similarly, there was no suggestion that the hours sought for licensable activities were inappropriate or could reasonably be scaled back. The Sub-Committee understood that these were fundamental to the viability of the event.

Having considered all the options available to it and the representations made, the Sub-Committee was satisfied that it was appropriate and proportionate to grant the application as sought and with the proposed conditions as well as the conditions consistent with the operating schedule (noting that condition 43 was to be deleted as it had been replaced by condition 44). The Sub-Committee does, however, take the opportunity to remind the applicant that these events do unfortunately impact adversely on some people, such as Mr. Joyce, and would exhort the applicant to engage with those residents in advance of the events and to offer such additional assistance as might be reasonable.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

- Shop 47 Goulston Street, London E1 7TP
- Troxy, 490 Commercial Road, London, E1 0HX
- Platform Hub One Ltd, Unit Cr40 Level Minus One, Crossrail Station and Retail Mall, 1 Crossrail Place, London E14 5AR

To be extended to 30th April 2024.

The meeting ended at 7.50 p.m.

Chair, Councillor Ana Miah
Licensing Sub Committee

This page is intentionally left blank

Agenda Item 4.1

Committee: Licensing Sub Committee	Date 12 March 2024	Classification Unrestricted	Report No.	Agenda Item No.
--	-----------------------	---------------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a new Premise Licence for the Troxy, 490 Commercial Road, London, E1 0HX
Originating Officer: Corinne Holland Licensing Officer	Ward affected: Shadwell

1.0 Summary

Applicant:	Troxy London Ltd
Name and Address of Premises:	Troxy 490 Commercial Road London E1 0HX
Licence sought:	Licensing Act 2003 Sale by retail of Alcohol (on sales) Provision of Late-Night Refreshments Regulated Entertainment
Objectors:	Residents Resident association

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a new Premise Licence for the Troxy, 490 Commercial Road, London, E1 0HX.
- 3.2 The applicant has described the premises as: A new licence to make changes to the existing licence – *increase capacity/add conditions/revise timings. If granted the existing licence will be surrendered.*
- 3.3 The existing Premise Licence was issued on 11th October 2006 and a copy is shown in **Appendix 1**.
- 3.4 A copy of the application is shown in **Appendix 2**. *Additional documentation was served, such as the Operations Manual and Fire Safety Assessment but these have been withheld from being published and kept sensitive/confidential due to an increased security risk for a large capacity venue.*
- 3.5 The hours applied for are as follows:

Sale of Alcohol (on sales)

Monday – Thursday 10:00 hrs - 02:00hrs

Friday – Saturday 10:00 hrs – 04:00 hrs

Sunday 10:00 hrs – 00:00 hrs (midnight)

Late Night Refreshments

Monday – Thursday 23:00 hrs - 02:00hrs

Friday – Saturday 23:00 hrs – 04:00 hrs

Sunday 23:00 hrs – 00:00 hrs (midnight)

Regulated Entertainment

Plays, films, indoor sporting events, boxing & wrestling, live & recorded music, performance of dance, anything of a similar description

Monday – Thursday 08:00 hrs - 02:00hrs

Friday – Saturday 08:00 hrs – 04:00 hrs

Sunday 10:00 hrs – 00:00 hrs (midnight) *-hours amended as per advertising*

Non-Standard Hours (all of above)

Until 04:00 hrs on the following day on any date preceding a bank holiday

Until 06:00 hrs New years Eve through to New Years Day

From 06:00 hrs – 06:00 hrs the following day when there is a significant sporting event.

Opening Hours

Monday – Thursday 08:00 hrs - 02:30hrs

Friday – Saturday 08:00 hrs – 04:30 hrs

Sunday 08:00 hrs – 00:00 hrs (midnight)

4.0 **Location and Nature of the premises**

- 4.1 The site plans of the venue have been withheld from the public domain as felt to be a security risk due to the premises being a large capacity venue.
- 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 August 2023.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 **Representations**

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 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.

• Lilu Miah	Appendix 6
• Mostak Ahmod Askor	Appendix 7
• Muhammed Saquib Hussain (Pitsea Estate TRA)	Appendix 8

- 6.9 The applicants skeleton arguments are shown in – **Appendix 9**
- 6.10 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)
- 6.11 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

6.12 The objections relate to:

- Public nuisance
- Anti-social behaviour
- Noise
- Crime & Disorder

6.13 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.

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

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

7.0 Conditions consistent with Operating Schedule

See **Appendix 2**

8.0 Conditions Agreed/Requested by Responsible Authority

None

9.0 Licensing Officer Comments

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

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

9.2 The following is intended 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 - 19** 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	Existing Premise Licence No. 160649
Appendix 2	Copy of the application
Appendix 3	Maps of the surrounding area
Appendix 4	Photographs of the premises
Appendix 5	Other licensed venues in the area
Appendix 6-8	Resident Representations
Appendix 9	Applicants' skeleton argument
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	Noise whilst the premise is in use
Appendix 14	Access / Egress
Appendix 15	Anti-social Behaviour
Appendix 16	Licensing Officer comments Crime & Disorder
Appendix 17	Section 182 advice Crime & Disorder
Appendix 18	Licensing Policy relating to hours of trading
Appendix 19	Planning

Appendix 1



**Lic No:
160649**

(Troxy)
490 Commercial Road
London
E1 0HX

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

See the attached licence for the licence conditions

Signed by

David Tolley
Head of Environmental Health & Trading Standards

Date: 11th October 2006

- Minor variation 26th June 2019



Part A - Format of premises licence

Premises licence number

160649

Part 1 - Premises details

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

(Troxy)
490 Commercial Road

Post town
London

Post code
E1 0HX

Telephone number
020 8719 9848

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Sale of alcohol:

- Sunday to Thursday from 10:00 hours to midnight
- Fridays and Saturdays from 10:00 hours to 02:00 hours the following days

Regulated entertainment consisting of:

Films, Live Music, Recorded Music, Performance of Dance, provision of facilities for making music, facilities for dancing.

Indoor Sporting Events, Boxing or wrestling entertainments.

- Sunday to Thursday from 10:00 hours to midnight
- Fridays and Saturdays from 10:00 hours to 02:00 hours the following days

Plays:

- Monday to Saturday from 10:00 hours to 23:00 hours
- Sunday from 12:00 hours to 22:30 hours

Late Night Refreshment.

- Sunday to Thursday until midnight
- Fridays and Saturdays until 02:00 hours the following day

Non-standard timings 1

On 48 occasions on a given day between Sunday and Thursday the licensable activities can be extended to 02:00 hours.

Non-standard timings 2 (Subject to conditions in Annex 3)

Including New Years Eve, on 12 occasion on either a Friday or a Saturday the following licensable activities can be extended for the hours as specified:

Sale of Alcohol (on sales only)

02:00 hours until 05:30 hours

Regulated entertainment consisting of: Live Music; Recorded Music; provision of facilities for making music and dancing and similar entertainment;

02:00 hours until 06:00 hours

Late Night Refreshment

02:00 hours until 05:00 hours

The opening hours of the premises

- Sunday to Thursday from 10:00 hours to 00:30 hours
- Fridays and Saturdays from 10:00 hours until 02:30 hours the following days

Non-standard timings 1

On 48 occasions on a given day between Sunday and Thursday the licensable hours can be extended to 02:30 hours.

Non-standard timings 2 (Subject to conditions in Annex 3)

Including New Years Eve, on 12 occasion on either a Friday or a Saturday the following opening hours can be extended for the hours as specified:

- 02:30 hours to 06:00 hours

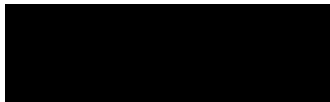
Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On and off sales

Part 2

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

Troxy London Limited
490 Commercial Road
London
E1 0HX



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

12390288

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

David James L sa ht
[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]

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

Personal Licence No: [REDACTED]

Licensing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

1.
 - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

- (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
- 3.
- (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that

these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —
$$P = D + (D \times V)$$
where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
 - (i) the holder of the premises licence
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
 3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax

- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day

Door Supervisors:

Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, such individuals must be licensed with the Security Industry Authority.

This does not apply to premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001, (premises with premises licences authorising plays or films), or

in respect of premises in relation to-

any occasion mentioned in paragraph 8(3)(b) or (c) of Schedule 2 (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or

any occasion within paragraph 8(3)(d) of Schedule 2 (occasions prescribed by regulations under that Act) unless the Licence specifically states otherwise.

Security activity means an activity to which paragraph 2(1)(a) of Schedule 2 of the Private Security Industry Act 2001 of that schedule applies, and Paragraph 8(5) of Schedule 2 (interpreting of references to an occasion) applies as it applies in relation to paragraph 8 of Schedule 2 of the Private Security Industry Act 2001

Films:

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows:

If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction Otherwise the recommendation of the film classification body.

Children means persons aged under 18 and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Private Entertainment

The premises may be used for the following purpose, that is to say, dancing, music, or other entertainment of the like kind which-

- a) is not a public entertainment but
- b) is promoted for private gain

Annex 2 - Conditions consistent with the operating Schedule

1. The Designated Premises Supervisor (DPS) shall ensure that all staff are trained to use and maintain an incident book to the satisfaction of the Police. The incident book shall be properly maintained and it shall be produced to the Police or Licensing Authority upon request. All ejections of customers are to be contemporaneously recorded in the incident book and drawn to the attention of the DPS or duty manager who shall countersign the book.
2. Any seizures of drugs or weapons will be recorded in the incident book. The following details should be recorded:-
 - a) Date/time item found
 - b) Where found
 - c) Details of item
 - d) Seal number of property bag
 - e) Any action taken (e.g. person detained, Police called)
 - f) Signature of person seizing
 - g) Signature of DPS or Duty Manager
 - h) Details of person searched (if available)
3. Any incident of serious unlawful violence by or on customers of the premises (whether inside or immediately outside the premises) shall be notified to the Police as soon as reasonably practicable.
4. The DPS shall take such reasonable steps as are necessary to ensure that alcohol purchased on the premises is not removed from the premises for consumption outside.
5. In respect of any event at the premises which is of a nature not covered by a risk assessment already approved by the Police, London Fire Brigade and the Health and Safety Department or Tower Hamlets Council, at least 7 days notice of such an event (including details of the name and address of the hirer) shall be given to those three authorities and an individual risk assessment for the event completed and provided to those three authorities as soon as reasonably practicable thereafter.
6. There shall be a list of types of event which might be held at the premises agreed from time to time between the premises licence holder and the Police. Should a booking be received for a type of event not included within that list, the premises licence holder shall give the Police not less than one calendar months notice of the event, the nature of it and the name and address of the hirer, plus such other information as the Police may reasonably request.

7. A review of the CCTV system at the premises shall be carried out by the Police Crime Reduction Advisor and his or her reasonable requirements, including replacement of the system if considered necessary, shall be implemented.
8. Subject to Condition 9 below, the maximum number of persons who shall be allowed to be present on the first floor of the premises at any one time shall be 860 and the maximum number of people allowed to be present on the ground floor of the premises at any one time shall be 1,500.
9. On any occasion when additional fire marshalling arrangements acceptable to the London Fire Brigade are in place in respect of the foyer of the premises, the maximum number of people allowed to be present on the ground floor of the premises at any one time shall be 1,800.
10. On occasions of live entertainment an increase in capacity of 3,100 (861 in Upper Circle and 2239 On Ground Level) shall be applied until 23:30 hours.
11. The premises licence holder will implement and maintain the recommendations contained in the Fire Risk Assessment dated 17th May 2006 submitted to the London Fire Brigade.
12. If any deep fat frying is to take place at the premises, the premises licence holder shall consider in conjunction with London Fire Brigade whether an Ansul Unit should be installed in the kitchen of the premises.
13. No customers shall leave with glasses or glass bottles.
14. Notices to be displayed asking patrons to leave quietly.
15. Rubbish shall not be deposited outside the building between 23:00 hours and 07:00 hours.
16. **Weddings without alcohol:**
Up to 650 people expected: 4 SIA security and 2 Street team staff (take care of matters outside the venue - parking, anti social behaviour by customers)
17. Above 650 people expected: 6 SIA security 2 Street team staff

Weddings with alcohol:

18. Up to 600 people expected: 6 SIA security and 2 Street team staff (take care of matters outside the venue - parking, anti social behaviour by customers)
19. Above 600 people expected: 6 SIA security + 1 SIA security for every 100 extra expected + 2 Street team staff
20. All door staff / security must be SIA registered and the following details recorded;
 - a) The name, address, contact name and telephone number of the company who is providing you with SIA door staff / security.
 - b) The name and address of individual SIA door staff/ security
 - c) Their complete badge number.
 - d) A member of the management team will check their ID / accreditation and ensure they are displaying their badge whilst on duty
 - e) If one of the door staff /security does not have their ID they will not be employed.
 - f) The above details will be recorded in a log that can be presented to the police or SIA officials at the time of the event.

Events involving nudity:

21. There shall be a maximum of 11 events involving nudity or striptease per calendar year
22. Tower Hamlets Council and Police Licensing will be notified at least 2 weeks prior to each event with a detailed description of the event, what nudity will take place where it will take place and the estimate number of performers.
23. Tower Hamlets Police will have the right to veto any event should it work against the four licensing objectives.
24. Each event will be risk assessed by the Troxy management to ensure that the welfare and safety of all people including artists is ensured.
25. All events involving nudity or striptease will be restricted to patrons over 18 years of age.

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

26. On 12 occasions on either a Friday or a Saturday the following licensable activities can be extended for the hours as specified in Non-standard timings 2, subject to the following conditions:
- a. On those 12 occasions per year on a Friday or Saturday when licensable activities are extended the capacity will be limited to 2,000.
 - b. On those 12 occasions per year on a Friday or Saturday when licensable activities are extended the upper circle of the premises is excluded from the Premises Licence.
 - c. On those 12 occasions per year on a Friday or Saturday when licensable activities are extended such extended events cannot take place on consecutive days.
 - d. On those 12 occasions per year on a Friday or Saturday when licensable activities are extended such extended events cannot take place on consecutive weekends;
 - e. On those 12 occasions per year on a Friday or Saturday when licensable activities are to be extended, at least 28 days advanced notice must be given in writing to the Licensing Authority and the Metropolitan Police;
 - f. On those 12 occasions per year on a Friday or Saturday when licensable activities are extended the written advanced notice to the Licensing Authority and the Metropolitan Police must include the name and contact details including a direct line telephone number of the nominated compliance officer;
 - g. On those 12 occasions per year on a Friday or Saturday when licensable activities are extended the nominated compliance officer must be present at the premises when licensable activities take place;
 - h. On those 12 occasions per year on a Friday and Saturday when licensable activities are extended, there is to be no entry or re-entry permitted to the event after 2am.;
 - i. At all times when the premises are open to the public, there is to be access to minicabs by telephone within the premises.

27. The premises licence holder shall agree from time to time with the Metropolitan Police a policy relating to the searching of customers on entry to the premises and the seizure, retention and disposal of any drugs or offensive weapons found as a result of such searching. That policy shall be adhered to at all times.
28. The premises licence holder shall ensure that whenever the premises are open for business there are adequate security personnel present. The term "security personnel" shall include both door supervisors registered with the Security Industry Authority and unregistered fire marshals.
29. At any event at the premises to which the general public have access, the number of security personnel present shall be calculated by reference to 1 member of security personnel for every 85 persons anticipated to be present. The ratio of door supervisors to fire marshals at such events shall be 2 door supervisors to 1 fire marshal.
30. If the premises licence holder anticipates that more than 1500 people may be present at the premises for any particular event, no tickets for that event shall be sold at the door of the premises.
31. That the applicants and Licensing Officers liaise to agree on a form of words to be included in all advertisement for The Troxy explaining the restricted parking in the area and encouraging the use of public transport.
32. No waste produced from the premises is to be placed outside the premises between the hours of 8pm and 8am the following day. The agreement that the premises has with its authorised waste collector will stipulate that waste is not be collected between the hours of hours of 8pm and 8am the following day.
33. Management to arrange for rubbish collection patrols to be undertaken after an event from the perimeters of Stepney Causeway (west of the premises) to Ratcliffe Cross Street (east of the premises) and up to Railway Viaduct (south of the premises) and up to Commercial Road (north of the premises).
34. Management to arrange for a Taxi Marshall to be present during Fridays and Saturdays when there is an event where the licence holder anticipates that more than 500 people maybe present at the premises.
35. Management to inform Pitsea Estate Tenants and Residents Association of any forthcoming events that go past 23:00 hours, 14 days before the event is due to take place.

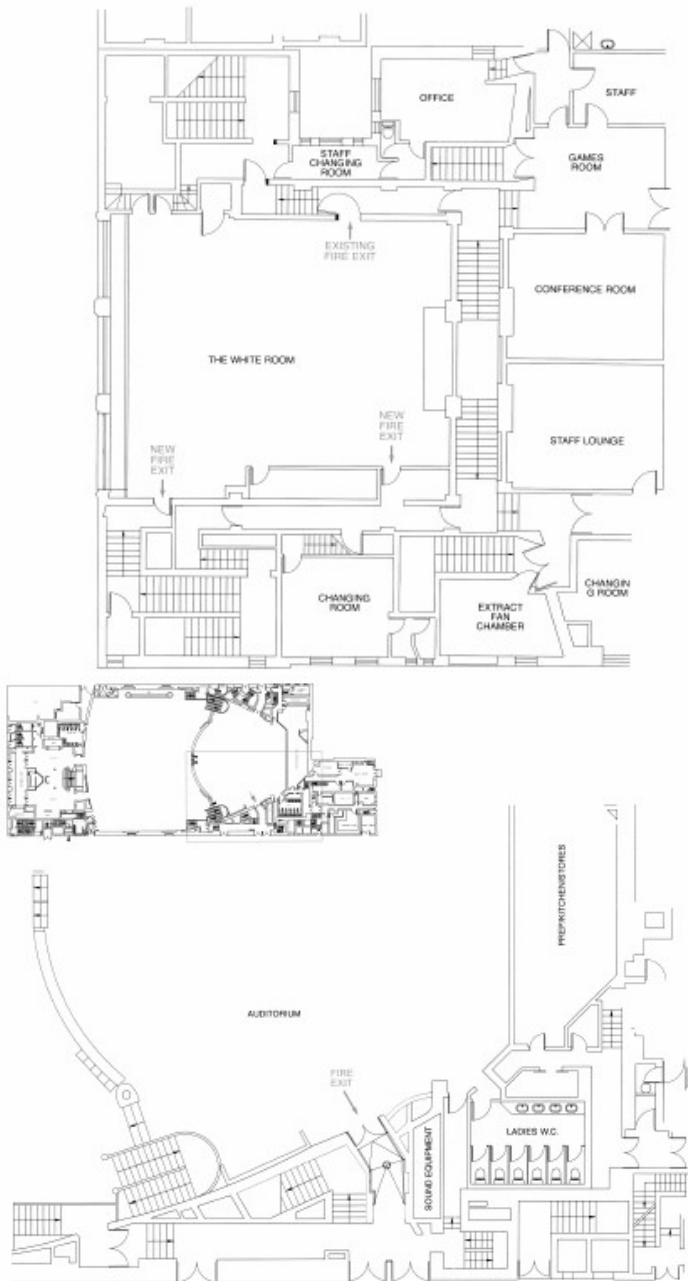
36. The Troxy venue is to be advertised to patrons, businesses, and hirers that there is no car parking available. This information should be included in all of its literature and its website.

Annex 4 - Plans

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

2nd September 2011 Dated 28/7/11

Drwg Nos: 836.110/ 836.110/ 823.111/ 823.110



Part B - Premises licence summary

Premises licence number

160649

Premises details

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

(Troxy)
490 Commercial Road

Post town
London

Post code
E1 0HX

Telephone number
020 7790 9000

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

The times the licence authorises the carrying out of licensable activities

Sale of alcohol:

- Sunday to Thursday from 10:00 hours to midnight
- Fridays and Saturdays from 10:00 hours to 02:00 hours

Regulated entertainment consisting of:

Films, Live Music, Recorded Music, Performance of Dance, provision of facilities for making music, facilities for dancing. Indoor Sporting Events, Boxing or wrestling entertainments.

- Sunday to Thursday from 10:00 hours to midnight
- Fridays and Saturdays from 10:00 hours to 02:00 hours

Plays:

- Monday to Saturday from 10:00 hours to 23:00 hours
- Sunday from 12:00 hours to 22:30 hours

Late Night Refreshment.

- Sunday to Thursday until midnight
- Fridays and Saturdays until 02:00 hours the following day

Non-standard timings 1
 On 48 occasions on a given day between Sunday and Thursday the licensable activities can be extended to 02:00 hours.

Non-standard timings 2 (Subject to conditions in Annex 3)
 Including New Years Eve, on 12 occasion on either a Friday or a Saturday the following licensable activities can be extended for the hours as specified:

Sale of Alcohol (on sales only)

- 02:00 hours until 05:30 hours

Regulated entertainment consisting of: Live Music; Recorded Music; provision of facilities for making music and dancing and similar entertainment;

- 02:00 hours until 06:00 hours

Late Night Refreshment

- 02:00 hours until 05:00 hours

The opening hours of the premises

- Sunday to Thursday from 10:00 hours to 00:30 hours
- Fridays and Saturdays from 10:00 hours until 02:30 hours the following days

Non-standard timings 1
 On 48 occasions on a given day between Sunday and Thursday the licensable hours can be extended to 02:30 hours.

Non-standard timings 2 (Subject to conditions in Annex 3)
 Including New Years Eve, on 12 occasion on either a Friday or a Saturday the following opening hours can be extended for the hours as specified:

- 02:30 hours to 06:00 hours

Name, (registered) address of holder of premises licence

Troxy London Limited
 490 Commercial Road
 London
 E1 0HX

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

On and off sales

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

12390288

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

David James Lysaght

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

No restrictions
 Events involving nudity – Over 18 only

Appendix 2

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Troxy London Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description			
Troxy 490 Commercial Road London E1 0HX			
Post town	London	Postcode	E1 0HX

Telephone number at premises (if any)	0207 790 9000
Non-domestic rateable value of premises	£170,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |
| f) a health service body, | <input type="checkbox"/> | please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> | please complete section (B) |
| ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> | please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> | please complete section (B) |

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

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth:		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality: British					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service) the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).					
N/a					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth:		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service) the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information).					

(B) OTHER APPLICANTS

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

Name: Troxy London Ltd
490 Commercial Road London E1 OHX
Registered number (where applicable) 12390288
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any) 0207 790 9000
E-mail address (optional) [REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
1	7	012024

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

DD	MM	YYYY

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

SITUATION

The temporary portable stage has been removed to increase the eligible floor area and the comfort capacity numbers as per the Reports endorsed by The Fire Risk Surgery and the Anderson Bradshaw Limited for proposed scheme is that was developed and designed by Ian Chalk Architects and Shaun Clarkson.

SCOPE OF THE APPLICATION

This is an application for the Grant of a new Premises Licence has four main changes to the existing premises licence currently in force:

1. To increase the fire capacity level and recommended by the revised Fire Risk Assessment (FRA) based on the proposed new floor plan that shall increase the Eligible Drink Area (EDA) to a maximum comfort capacity of 3,600 patrons.
2. To propose conditions that reflect current best practice standard operating procedures contained within the Troxy Operations Manual as a working document.
3. To adopt the conditions previously agreed with the Metropolitan Police earlier in the year.
4. Revised timings for authorised licensable activities

There is an existing Premises Licence in place held by Troxy London Limited that shall be surrendered should the new licence be granted as applied for.

BACKGROUND

Troxy entertainment and conference venue is built on the site of an old brewery and opened in 1933 as a Grand Cinema with a capacity of 3,520 cinema goers. The cinema featured luxurious seating areas, mirror-lined restaurants, and staff dressed in elegant evening attire, bringing a touch of Hollywood glamour to Commercial Road.

The exterior was adorned with a dazzling array of lights, while the interior boasted a spacious foyer, a grand sweeping staircase, chandeliers, floor-to-ceiling mirrors, and plush carpets.

After closing its doors as a cinema, the building remained vacant for nearly three years until the year 1963. The London Opera Centre was established within Troxy and was managed by the Royal Opera House, Covent Garden. Troxy's extended stage, which was built to match the exact dimensions of the Royal Opera House stage, was used for rehearsals.

In the 1980s, Troxy transitioned into Mecca Bingo, where bingo games were held twice daily, seven days a week. However, as online gambling gained popularity, Mecca made the decision to close its doors in 2005. Troxy reopened in August 2006 in its current form, and is now celebrated as London's most versatile venue, hosting a wide array of events including live concerts, company conferences, award ceremonies, boxing and cinema and with capacities ranging from 250 to over **3,000 guests**.

LAYOUT AND LICENSABLE AREAS

The premises consist of a basement, ground floor and a mezzanine level. The licensable activities shall be as outlined in red for the whole of the premises on all floors. More detailed floor plans and schematics are submitted with this application.



Additional Information:

- 1) Fire Surgery-Fire strategy report
- 2) Andersson Bradshaw-Fire Risk Assessment
- 3) Plans
- 4) Troxy Operations Manual

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

What licensable activities do you intend to carry on from the premises? (please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
	08:00	00:00			
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
	00:00	02:00			
	08:00	00:00			
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	00:00	02:00			
	08:00	00:00	Licensable activities are extended;		
Thur					
	00:00	02:00	<ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year's Eve through to New Year's day • from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc) 		
	08:00	00:00			
Fri					
	00:00	02:00			
	08:00	00:00			
Sat					
	00:00	04:00			
	08:00	00:00			
Sun					
	00:00	00:400			
	08:00	00:00			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon	08:00	00:00			
Tue	00:00	02:00			
	08:00	00:00			
Wed	00:00	02:00			
	08:00	00:00			
Thur	00:00	02:00			
	08:00	00:00			
Fri	00:00	02:00			
	08:00	00:00			
Sat	00:00	04:00			
	08:00	00:00			
Sun	00:00	04:00			
	08:00	00:00			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			Please give further details (please read guidance note 4)		
Day	Start	Finish	State any seasonal variations for indoor sporting events (please read guidance note 5)		
Mon	08:00	00:00			
Tue	00:00	02:00			
	08:00	00:00			
Wed	00:00	02:00			
	08:00	00:00			
Thur	00:00	02:00			
	08:00	00:00			
Fri	00:00	02:00			
	08:00	00:00			
Sat	00:00	04:00			
	08:00	00:00			
Sun	00:00	04:00			
	08:00	00:00			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	08:00	23:30	Please give further details here (please read guidance note 4)		
Tue	08:00	23:30			
Wed	08:00	23:30	State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur	08:00	23:30			
Fri	08:00	23:30	Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6) NONE		
Sat	08:00	23:30			
Sun	08:00	23:30			

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	08:00	00:00	Please give further details here (please read guidance note 4)		
Tue	00:00	02:00			
	08:00	00:00	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	00:00	02:00			
	08:00	00:00			
Thur	00:00	02:00			
	08:00	0:00	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6) . Licensable activities are extended; <ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year's Eve through to New Year's day • from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc) 		
Fri	00:00	02:00			
	08:00	00:00			
Sat	00:00	04:00			
	08:00	00:00			
Sun	00:00	04:00			
	08:00	00:00			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	08:00	00:00			
Tue	00:00	02:00			
	08:00	00:00			
Wed	00:00	02:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)		
	08:00	00:00			
Thur	00:00	02:00			
	08:00	00:00			
Fri	00:00	02:00	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	08:00	00:00			
Sat	00:00	04:00	Licensable activities are extended;		
	08:00	00:00			
Sun	00:00	04:00	<ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year's Eve through to New Year's day • from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc) 		
	08:00	00:00			

G

Performances of dance Standard days and timings (please read guidance note 7)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	08:00	00:00			
Tue	00:00	02:00			
	08:00	00:00			
Wed	00:00	02:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
	08:00	00:00			
Thur	00:00	02:00			
	08:00	00:00			
Fri	00:00	02:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
	08:00	00:00			
Sat	00:00	02:00	Licensable activities are extended;		
	08:00	00:00			
Sun	00:00	04:00	<ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year's Eve through to New Year's day • from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc) 		
	08:00	00:00			

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
	08:00	00:00		Both	<input type="checkbox"/>
Tue	00:00	02:00	Please give further details here (please read guidance note 4)		
	08:00	00:00			
Wed	00:00	02:00			
	08:00	00:00	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur	00:00	02:00			
	08:00	00:00			
Fri	00:00	02:00	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6) Licensable activities are extended;		
	08:00	00:00			
Sat	00:00	04:00			
	08:00	00:00	<ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year's Eve through to New Year's day • from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc) 		
Sun	00:00	04:00			
	08:00	00:00			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)		Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon					Both	<input type="checkbox"/>
	23:00	00:00			Please give further details here (please read guidance note 4)	
Tue	00:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 5) None			
	23:00	00:00				
Wed	00:00	02:00				
	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) Licensable activities are extended;			
Thur	00:00	02:00				
	23:00	00:00				
Fri	00:00	02:00	<ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year's Eve through to New Year's day 			
	23:00	00:00				
Sat	00:00	04:00				
	23:00	00:00				

Sun	00:00	04:00	• from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc)
	23:00	00:00	

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) None		
Mon	10:00	00:00			
Tue	00:00	02:00			
	10:00	00:00			
Wed	00:00	02:00			
	10:00	00:00			
Thu	00:00	02:00			
	10:00	00:00			
Fri	00:00	02:00			
	10:00	00:00			
Sat	00:00	04:00			
	10:00	00:00			
Sun	00:00	04:00			
	10:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
			Licensable activities are extended;		
			<ul style="list-style-type: none"> • until 04:00 hours on the following day on any date preceding a bank holiday • until 06:00 hours on New Year’s Eve through to New Year’s day • from 06:00 – 06:00 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc) 		

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

Name	Mr David James LYSAGHT
Date of birth	██████████
	████████████████████ ██████████ ██████████
Postcode	██████████
Personal licence number:	████████████████████
Issuing licensing authority:	████████████████████

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)</p> <ul style="list-style-type: none"> • until 04:30 hours on the following day on any date preceding a bank holiday • until 06:30 hours on New Year’s Eve through to New Year’s day • from 06:00 to 06:30 hrs until the following day when there is a significant sporting event (International Football, Rugby, Superbowl, etc)
Mon	08:00	00:00	
Tue	00:00	02:30	
	08:00	00:00	
Wed	00:00	02:30	
	08:00	00:00	
Thu	00:00	02:30	
	08:00	00:00	
Fri	00:00	02:30	
	08:00	00:00	
Sat	00:00	04:30	
	08:00	00:00	
Sun	00:00	04:30	
	08:00	00:00	

M

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

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

1. All front of house of house staff shall be trained in the four licensing objectives.

b) The prevention of crime and disorder

PROPOSED CONDITIONS-OPERATING SCHEDULE- PREVIOUSLY AGREED WITH THE POLICE	
1	<p>The premises must risk assess all events taking place at the venue, this will include, but is not limited to:</p> <ol style="list-style-type: none"> 1) Contacting venues where artists / performers / promoters have performed to see if there have been any issues. 2) Looking at social media sites of artists / performers / promoters etc to check that they are consistent with booking details 3) Identifying risks such as potential drug use, underage attendees, violence, and disorder. <p>Once potential risks have been identified then mitigation measures must be put in place and documented. The risk assessments must be written down, kept for 1 year and made available to Police upon request.</p>
2	<p>The premises shall install and maintain a comprehensive CCTV system. All public entry and exit points (for non-emergency use) will be covered enabling frontal identification of every person entering in any light condition.</p> <p>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 council officer throughout the entire 31-day period.</p>
3	<p>A staff member from the premises who is conversant with the operation of the CCTV system shall be always on the premises during hours of licensable activities.</p> <p>This staff member must be able to provide a Police or authorised council officers copies of recent CCTV images or data with the absolute minimum of delay when requested.</p>
4	<p>There shall be always a personal licence holder on duty on the premises when the premises are authorised to sell alcohol.</p>
5	<p>When the designated premises 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 authorised council officers.</p>
6	<p>The ratio of male/female SIA security staff at the event shall be based on the anticipated make-up the audience as indicated by the event risk assessment.</p>
7	<p>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 with the details of any incident and will record the following:</p>

	<ol style="list-style-type: none"> 1) All crimes reported to the venue; 2) All ejections of patrons; 3) Any complaints received concerning crime and disorder 4) Any incidents of disorder; 5) All seizures of drugs or offensive weapons; 6) Any faults in the CCTV system, searching equipment or scanning equipment; 7) Any refusal of the sale of alcohol; 8) Any visit by a relevant authority or emergency service. 	
8	<p>In the event that a serious assault (for example, one which will require the attendance of the London Ambulance Service) is committed on the premises (or appears to have been committed) the management will immediately ensure that:</p> <ol style="list-style-type: none"> 1) The police (and, where appropriate, the London Ambulance Service) are called without delay; 2) All measures that are reasonably practicable are taken to apprehend any suspects pending the arrival of the police; 3) Where reasonably practicable, the crime scene is preserved to enable a full forensic investigation to be carried out by the police; and 4) Such other measures are taken (as appropriate) to fully protect the safety of all persons present on the premises. 	
9	<p>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.</p>	
10	<p>No open containers of alcohol to be taken outside the premises.</p>	
11	<p>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.</p>	
12	<p>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.</p> <p>The event risk assessment will determine the level of searches to be undertaken; according to the venue search policy (as agreed with MPS Central East Police Licensing).</p>	
13	<p>The premises must have a detailed documented security plan that must include an ejections policy, search policy, anti-theft policy, and SIA numbers which must be made available to police upon request.</p>	
14	<p>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.</p> <p>The policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.</p>	
15	<p>A written egress policy shall be in place and implemented at the premises. The policy shall include details on audience dispersal to ensure egress is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.</p>	

16	The premises shall adopt a drugs policy as detailed in the Operations Manual, where seizures are bagged, tagged and handed over to the Police.
17	The premises' security, egress, dispersal plans and searching policy as well as searching effectiveness shall be reviewed every six months and the results made available to the MPS Central East Police Licensing Office upon request.
18	Where indicated by the event risk assessment, a toilet attendant shall be in operation in all public toilets. This attendant must report any sightings or suspicion of drug use or dealing to a member of security immediately via radio link.
19	The premises shall have a welfare policy that will show how venue staff will manage customers who become vulnerable through intoxication or drugs, such a policy will include but is not limited to the use of dedicated "welfare officers" at peak times, staff training on customer welfare such as "WAVE" and availability of free water to customers. The policy must be written, reviewed yearly, and made available to Police upon request.
20	Where indicated by the event risk assessment and/or welfare policy, welfare staff will be deployed to the event. The welfare staff shall be easily identifiable to customers, their role shall be to monitor the welfare of customers, including identifying any customers who may be at risk of becoming overly intoxicated or otherwise vulnerable and liaising with management/security staff to assist them where necessary. All welfare interventions and outcomes shall be logged in the welfare log.
21	Drinking water to made freely throughout the venue. Signage to advertise this information to customers.
22	All front of house staff shall complete welfare and vulnerability awareness training as part of their induction process to work at the premises). This training shall be documented and repeated/refreshed at six-monthly intervals.
23	The premises entry and re-entry policy will be determined by the risk assessment for each individual event, advertised to the audience and enforced by security staff.
24	Premises smoking areas shall be segregated from other areas of the venue and will be managed by members of Security
25	Notices to be displayed asking patrons to leave quietly.
26	Rubbish shall not be deposited outside the building between 23:00 hours and 07:00 hours.
27	Premises Licence Holder to arrange for rubbish collection patrols to be undertaken after an event from the perimeters of Stepney Causeway (west of the premises) to Ratcliffe Cross Street (east of the premises) and up to Railway Viaduct (south of the premises) and up to Commercial Road (north of the premises).
28	Premises Licence Holder to inform local stakeholders (including Pitsea Estate Tenants and Residents Association) of any forthcoming events that go past 23:00 hours, 14 5 days before the event is due to take place.
29	The Troxy venue is to be advertised to patrons, businesses, and hirers that there is no car parking available. This information should be included in all its literature and its website.
30	Events involving nudity: <ol style="list-style-type: none"> 1) There shall be a maximum of 11 events involving nudity or striptease per calendar year 2) Tower Hamlets Council and Police Licensing will be notified at least 14 days prior to each event with a detailed description of the event, what nudity will take place where it will take place and the estimate number of performers. 3) Tower Hamlets Police will have the right to veto an event should it work against the four licensing objectives.

- | | |
|--|---|
| | 4) Each event will be risk assessed by the Troxy management to ensure that the welfare and safety of all people including artists is ensured.
5) All events involving nudity or striptease will be restricted to patrons over 18 years of age. |
|--|---|

ADDITIONAL PROPOSED CONDITIONS

RISK ASSESSMENT-OPERATIONS MANUAL

There shall be an Event Risk assessment for every event to include:

- Management Structure
- FRA capacity limits
- Notification of Events to Authorities
- Cancellation procedure
- Vulnerable persons
- Incident Reporting
- Internal Queue management
- External Queue Management
- Major Incidents
- Dispersal Policy
- Taxi Marshalls

DRINK SPIKING

Management shall ensure that drink spiking test kits are available on request for use by the medical team and management to test alleged adulterated drinks.

All front of house staff shall be briefed on how to care for a vulnerable person as a victim who appears that their drink had been spiked, and how to treat the drink/glass/bottle as a potential crime scene.

EVENT PLANS

For every event an event plan shall be written to include:

- Event Manager
- External Promoters
- Contract obligations
- Tickets sales information
- Music genre
- Audience profile
- Promotional Material
- SIA Security deployment
- Fire Marshall Deployment
- First Aid Facilities
- Cleaners and Toilet Attendants
- Search Policy
- Promoter References

EVENT RISK ASSESSMENT

Risk assessment to be kept on file for a minimum of twelve months and shall be kept for a minimum of one year and be made available to an authorised officer of Metropolitan Police and Tower Hamlets Council upon request.

The Premises Licence Holder (PLH) or the DPS shall notify the Police and the Licensing Authority four weeks in advance in writing of any proposed events that the Event Plan has indicated as being a Major Risk.

SECURITY POLICY & PROCEDURES

There shall be a written Security policy to include:

- SIA Deployment Ratio Requirements/Staff Matrix/Spot Plans
 - Search Policy and procedures including re-entry
 - Pre-opening Checks
 - During Performance Checks
 - Fire Marshalls
 - Vulnerable Persons
 - Safe Area
 - First aid Provision
 - Drugs seizures
 - Weapons seizures
 - Safe ejections
 - Witness Statements
 - Queue management
 - Incident log book
 - Door Staff Signing in register
 - Online SIA validity check records
 - Record of personal ID for SIA door staff
-
- A register of door supervisors shall be kept and shall record the following details:
 - The name, home address and registration number of all door supervisors working at the premises.
 - Full SIA registration number
 - A photocopy of proof of ID
 - The date and time the door supervisor commenced duty
 - The date and time the door supervisor finished work.
 - Each entry shall be countersigned by the DPS or Duty Manager on a weekly basis.
 - The register of door supervisors the incident book/electronic log records shall be kept at the premises and made available for inspection by authorised officer of the Police, SIA and Licensing Authority. The records shall be retained for a period of at least 12 months.
 - All Door Supervisors shall be clearly identifiable at all times whilst on duty through Hi-Vis armbands and those working outside the venue, including the smoking areas, shall wear high visibility jackets or Tabards. If wearing jackets/tabards the arm bands shall be of a different colour.
 - Data recordings shall be made immediately available to an authorised officer of Metropolitan Police or an authorised Licensing Officer from the Local Authority together with facilities for viewing upon request, subject to the provisions of the Data Protection
 - For events open to the general public when the sale of alcohol and licensable entertainment activities are taking place together there shall be a minimum of two SIA registered door staff deployed at the premises. Additional door staff shall be deployed as indicated by the risk assessment.
 - Door supervisors shall be deployed after each event in the public realm in the immediate vicinity of the premises to ensure an orderly dispersal of patrons and to prevent anti-social behaviour.
 - A clicker, tickets or other counting system shall be utilised and a record of the numbers of people in the premises shall be recorded in the Door Supervisors Log Book at hourly intervals.

FIRE RISK ASSESSMENT (FRA)

There shall be a contemporaneous Fire Risk assessment in place to include:

- Fire-fighting equipment
- Alarms
- Emergency lighting

- Fire alarm points
- Exit signage
- Water Sprinklers
- Testing Certificates
- Testing logs
- Fire exits
- Storage
- Staff Training
- Capacity limits for each style of events
- Capacity-specific areas

Records of the FRA shall be kept for a minimum of one year and be made available to an authorised officer of Metropolitan Police and Tower Hamlets Council upon request.

CAPACITY LEVELS

Shall be determined by the current Fire Risk Assessment (FRA) and the Event Management Plan risk assessment for that event.

The capacity levels are as per the Reports endorsed by The Fire Risk Surgery and the Anderson Bradshaw FRA.

FIRE MARSHALLS

Shall be determined by the current risk assessment for that event.

STAFF TRAINING

- 1) Staff employed at the premises to sell and deliver alcohol shall undergo training upon induction. This shall include, but not be limited to:
 - (a) The premises age verification policy
 - (b) The law relating to underage sales
 - (c) Dealing with refusal of sales
 - (d) Proxy purchasing
 - (e) Recognising valid identity documents produced as proof of age
 - (f) Identifying attempts by intoxicated persons to purchase alcohol
 - (g) Identifying signs of intoxication
 - (h) Conflict management
 - (i) How to identify and safeguard vulnerable persons who attend and leave the premises
 - (j) Identifying signs of drug usage
 - (k) The four licensing objectives
- 2) Training sessions are to be documented and refreshed every six months.
- 3) All training sessions are to be documented in English.
- 4) Records of training shall be kept for a minimum of one year and be made available to an authorised officer of Metropolitan Police and Tower Hamlets Council upon request.

PROTECTION OF CHILDREN FROM HARM

- 1) The premises shall at all times operate an age verification policy of Challenge 25 to prevent any customers who appear to staff members to be under the age of 25 years from purchasing alcohol without having first provided proof of age identification.
- 2) Only a valid driver's licence showing a photograph of the person, a valid passport, national identity card or proof of age card showing the "PASS" hologram are to be accepted as identification.
- 3) Notices advertising the Challenge 25 and proof of age policy shall be displayed in prominent positions on the premises.
- 4) Staff shall be trained in the five-point FLARE checklist to identify fraudulent cards. Staff training on checking proof of age procedures will be recorded and kept on file.
- 5) The Premises Licence holder shall display in a prominent position a copy of their policy on checking proof of age.

- 6) No person under the age of 18 shall be permitted to enter the premises after 23:00 hours or remain on the premises after midnight in any circumstances.
- 7) All staff employed at the premises involved in the sale and delivery of alcohol shall be trained to record refusals of sales of alcohol in a electronic refusals log.

PREVENTION OF PUBLIC NUISANCE

- 1) During the operating hours of the premises a telephone number shall be made available to local residents should they wish to speak to the duty manager about noise nuisance related issues.
- 2) The licensee or nominated representative shall ensure that no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to undue disturbance to local residents or local businesses.
- 3) Legible notices shall be prominently displayed at all exits requesting customers to respect the needs of local residents and to leave the premises and area quietly.
- 4) After 23:00 hours, staff shall be available to ensure that customers disperse quietly away from the immediate area.
- 5) Notices must be displayed by all the exit doors stating Patrons are prohibited from leaving the premises with glasses or open bottles.
- 6) Empty bottles shall not be placed in bins outside of the premises between 23:00 hours and 07:00 hours the following day.
- 7) There shall be a nominated personal licence holder on duty whenever the premises open for the sale of alcohol whom will be responsible for the bar areas
- 8) A litter patrol shall take place after each event outside of the premises

c) Public safety

d) The prevention of public nuisance

--

e) The protection of children from harm

Checklist:**Please tick to indicate agreement**



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

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

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

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	<i>William Donne</i>
Date	19 th December 2023
Capacity	Licensing Agents Silver Fox Consultants  Email: 

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

- any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

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

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

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

Any 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 the right 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 which an applicant may provide to demonstrate their entitlement to work in the UK (which do not need to be certified) that are published on GOV.UK and in [guidance issued under section 182 of the Licensing Act 2003](#)
- 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).

Home Office online right to work checking service

As an alternative to providing a copy of original documents, 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.

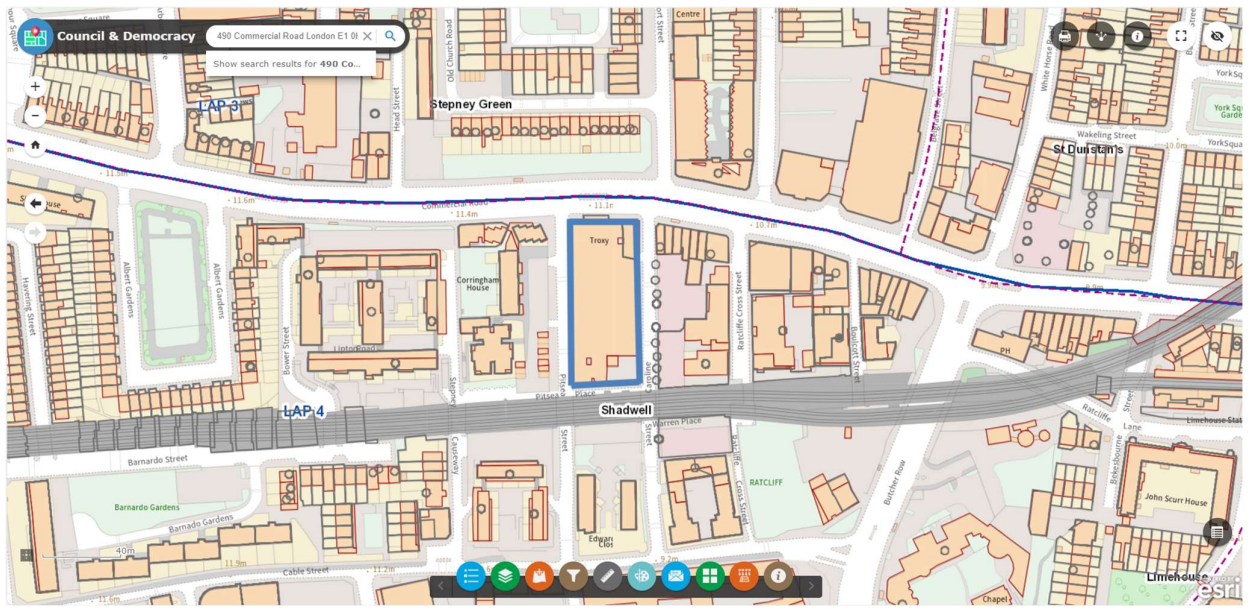
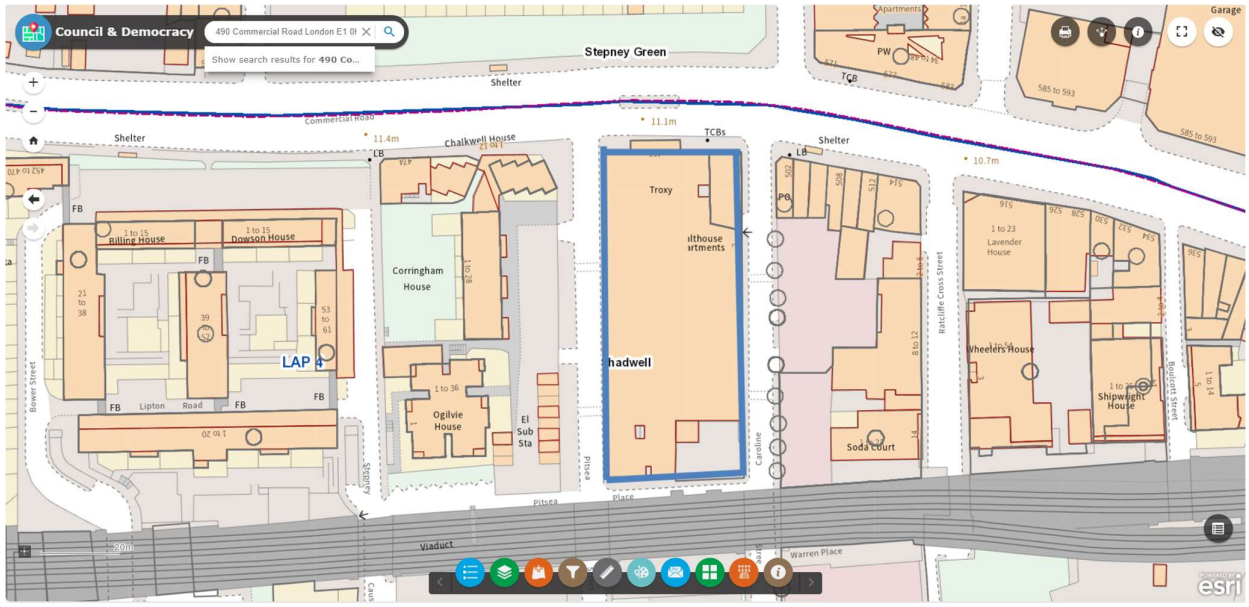
In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be shared digitally. 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.

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.

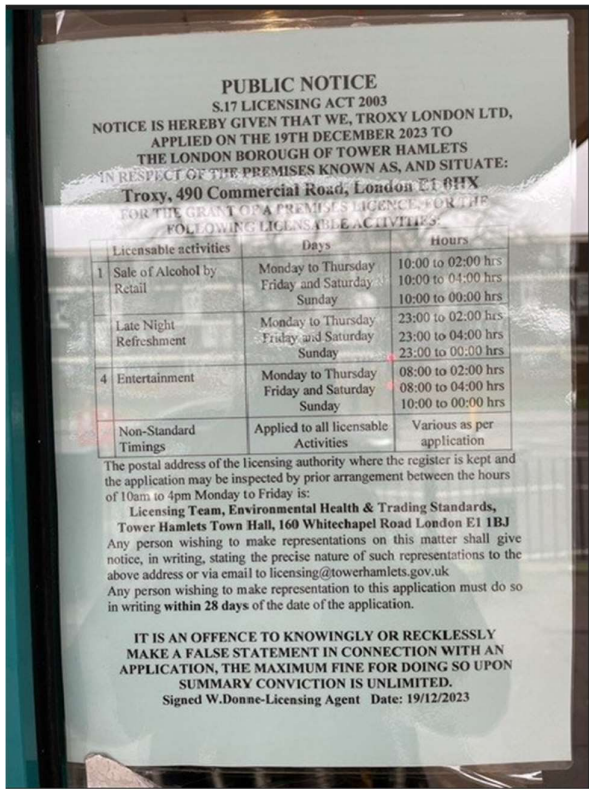
Appendix 3

Maps – 490 Commercial Road

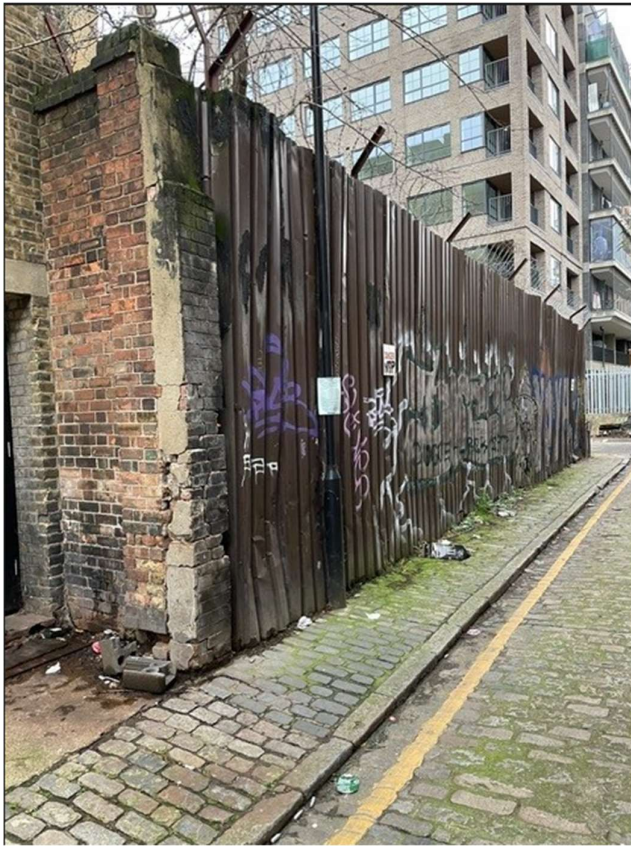


Appendix 4

Photos – 490 Commercial Road

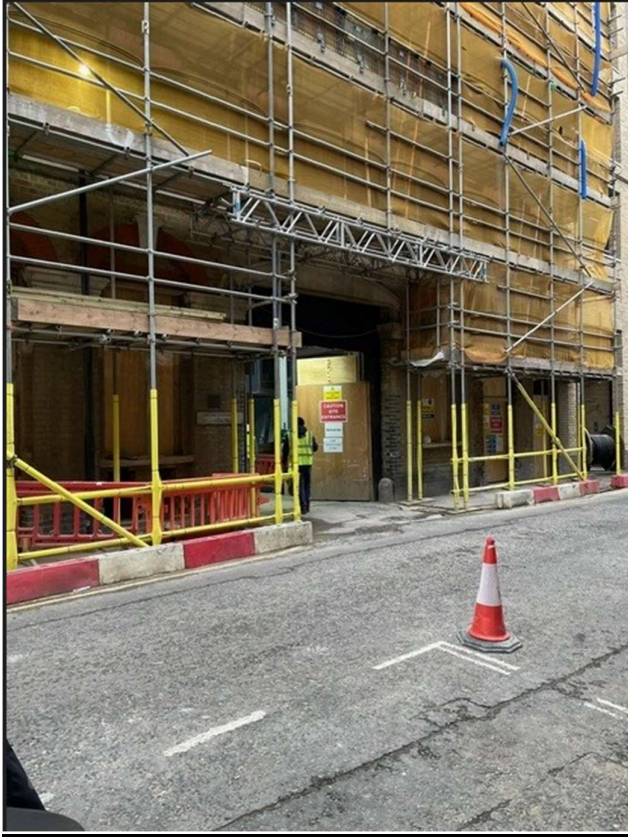














Appendix 5

Nearby Licensed premises – 490 Commercial Road

<u>Premises</u>	<u>Licensable hours</u>	<u>Opening hours</u>
(Off Licence) 502 Commercial Road	<u>Sale of alcohol (off sales)</u> a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. See Mandatory conditions for drinking up time	There are no restrictions on the hours during which this premises is open to the public
(Docklands Fish Bar) 506 Commercial Road	The provision of late-night refreshment On Monday to Sunday, 23.00 hours to 01.00 hours the following day	There are no restrictions on the hours during which this premises is open to the public
(Spirits of East) 508 Commercial Road	The sale by retail of alcohol - Off sales only <ul style="list-style-type: none"> • Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight) 	<ul style="list-style-type: none"> • Monday to Sunday, from 06:00 hrs to 00:00 hrs (midnight)
(Café Mimoza) 510 Commercial Road	The sale by retail of alcohol – On and off sales <ul style="list-style-type: none"> • Monday to Thursday, from 11:00 hrs to 23:30 hrs • Friday and Saturday, from 11:00 hrs to 00:00 hrs (midnight) • Sunday, from 11:00 hrs to 23:30 hrs 	<ul style="list-style-type: none"> • Monday to Thursday, from 06:00 hrs to 00:00 hrs (midnight) • Friday and Saturday, from 06:00 hrs to 01:00 hrs the following day) • Sunday, from 06:00 hrs to 00:00 hrs (midnight)

	<p>The provision of late night refreshment – Indoors and outdoors</p> <ul style="list-style-type: none"> Monday to Thursday, from 23:00 hrs to 00:00 hrs (midnight) Friday and Saturday, from 23:00 hrs to 01:00 hrs the following day Sunday, from 23:00 hrs to 00:00 hrs (midnight) <p>The provision of regulated entertainment – Indoors (Recorded Music)</p> <ul style="list-style-type: none"> Monday to Thursday, from 08:00 hrs to 00:00 hrs (midnight) Friday and Saturday, from 08:00 hrs to 01:00 hrs the following day Sunday, from 08:00 hrs to 00:00 hrs (midnight) 	
<p>(Taj Mahal Fried Chicken & Grill) 512 Commercial Road</p>	<p>The provision of late night refreshment - Indoors</p> <ul style="list-style-type: none"> Monday to Sunday, from 23:00 hrs to 01:30 hrs the following day 	<ul style="list-style-type: none"> Monday to Sunday, from 11:00 hrs to 00:00 hrs (midnight) <p>(After 00:00 hrs (midnight) the premises will operate as a Delivery Only operation until 01:30hrs)</p>
<p>(Sainsbury's) 516 - 520 Commercial Road</p>	<p>The sale by retail of alcohol (off sales)</p> <ul style="list-style-type: none"> Monday to Sunday 07.00 hours to Midnight 	<p>Monday to Sunday 00.00 hours to 24.00 hours</p>

Appendix 6

Corinne Holland

From: Lilu Miah <[REDACTED]>
Sent: 16 January 2024 00:06
To: Licensing

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir/madam

Re: Troxy 490 Commercial Road, London E1 0HX Ref: CLC/EHTS/LIC/165747

I write to raise my objection to Troxy full variation application on the Prevention of Public Nuisance ground. As a resident, we are finding the following issues:

Troxy clients, who stand in the queue and urinate wherever they find opportunities at our walkway front door Noise from the queue is unacceptable. Ogilvie House is over 50 accommodations where the senior citizens live. As a resident we find it difficult to access by our car, troxy clients block our emergency exits. on the events day drug and nitroxide use goes high after the events we have to walk on litter. Their client blocks the pavements we cannot use the pavements. Their customer comes 15/20 hours before the event starts to start queueing to enter the events.

Therefore, I am requesting the licensing committee to refuse their full variation application

Lilu Miah
[REDACTED]

Sent from [Outlook for iOS](#)

Appendix 7

Corinne Holland

From: mostak askor <[REDACTED]>
Sent: 15 January 2024 23:11
To: Licensing
Subject: Re: Troxy 490 Commercial Road, London E1 0HX Ref: CLC/EHTS/LIC/165747

Follow Up Flag: Follow up
Flag Status: Completed

Dear sirs,

Re: Troxy 490 Commercial Road, London E1 0HX Ref: CLC/EHTS/LIC/165747 Part 1

Further to your letter dated 21st December 24, I write to raise my concerns regarding the full variation application on the Prevention of Public Nuisance ground. As a resident, we are finding the following issues that are affecting our well-being and mental health:

- They failed to do adequate door /crowd control. Please see the attached pictures and video clips of Troxy clients, who stand in the queue and urinate wherever they find opportunities at our walkway front door (please find attached a video person urinating in front of the SIA door supervisor)
- Noise from the queue is unacceptable. Ogilvie House is over 50 accommodations where the senior citizens live.
- As a resident we find it difficult to access by our car, troxy clients block our emergency exits. On one occasion I contacted their manager about this issue I did not have a satisfactory answer. (attached copy of email)
- on the events day drug and nitroxide use goes high after the events we have to walk on litter.
- Their client blocks the pavements we cannot use pavements. Their customer comes 15/20 hours before the event starts to start queueing to enter in the events. (please see attached picture)

Troxy has failed to promote the prevention of Nuisance. Therefore, I am urging the licensing committee to refuse their full variation application

Should you require any further information please do contact me.

Kind Regards

Mostak Ahmod Askor
[REDACTED]

M. Askor Representation – photos

1.



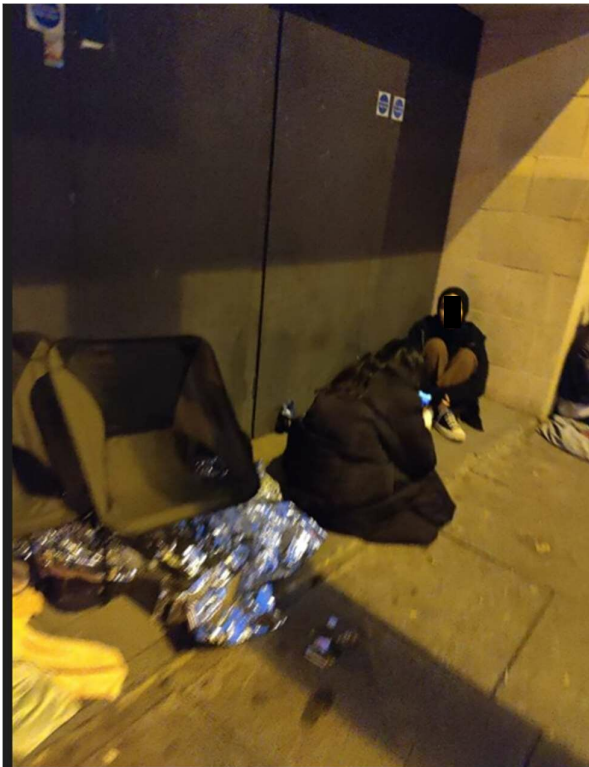
2.



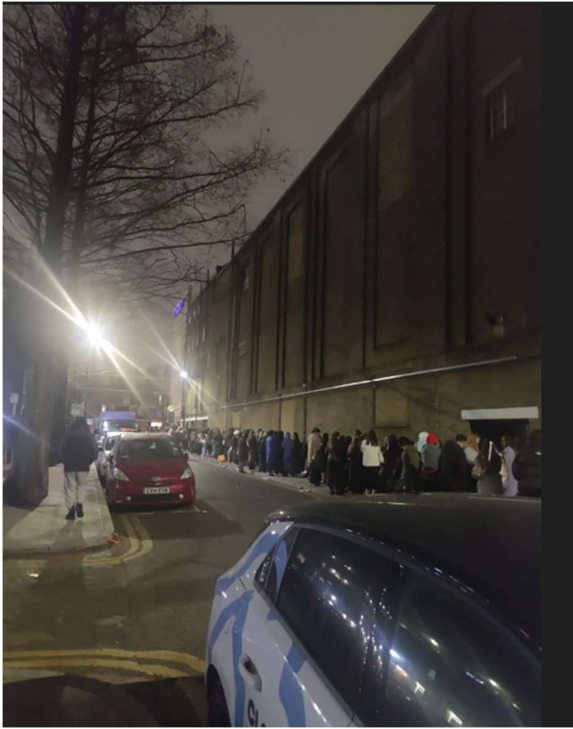
3.



4.



5.



6.



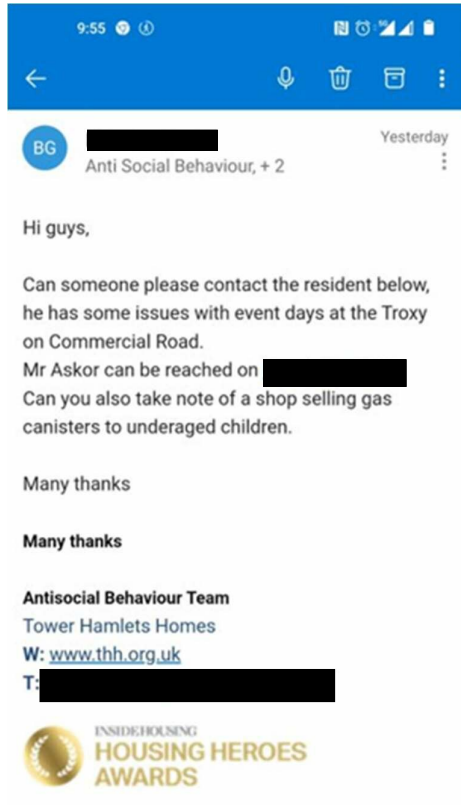
7.



8.



9.



Appendix 8

Corinne Holland

From: Pitsea TRA [REDACTED] >
Sent: 16 January 2024 18:38
To: Licensing
Subject: MOST URGENT: Troxy 490 Commercial Road, London E1 0HX Ref: CLC/EHTS/LIC/165747
Attachments: IMG-20240110-WA0006.jpg; IMG-20231230-WA0006.jpg; IMG-20240110-WA0020.jpg; IMG-20240110-WA0029.jpg; IMG-20240110-WA0025.jpg; VID-20240110-WA0008.mp4; VID-20240112-WA0004.mp4; VID-20240110-WA0021.mp4

Dear Sir/Madam

I understand one of our committee members has already been in contact so I am emailing you on behalf of the Pitsea Estate TRA and Committee members to reiterate the seriousness and severity as we all share the same concerns regarding the full variation application on the Prevention of Public Nuisance ground.

The following issues have been noticed and raised by myself and other committee members as well as residents due to events held at Troxy;

- 1) Failure of adequate door/crowd control.
- 2) Troxy customers urinating wherever they find opportunities including next to our cars and homes
- 3) Noise pollution all through the night up till 4 or 5am, disturbing residents and leading to sleep deprivation
- 4) Troxy customer queueing and sleeping on the pavements 24 hours before an event leading to noise pollution, obstruction for residents
- 5) Long queues causing obstruction and blockage on our estate roads preventing residents from entering and leaving the estate whilst also leading to heavy traffic
- 6) Troxy customers parking in our estate and residents bays
- 7) Troxy customers use of drugs including laughing gas (nitroxide) increasing drug use in our estate
- 8) Littering especially of laughing gas

These are just a few of the many issues brought to our attention. Please see attached some of the evidence gathered for these issues raised.

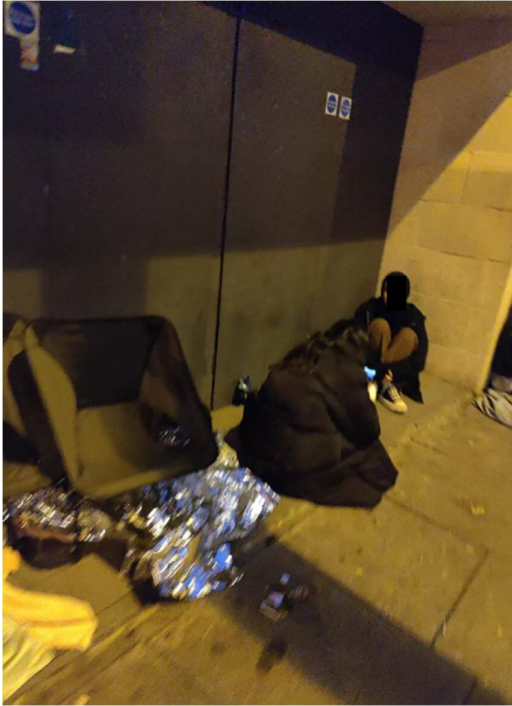
We hope that Troxy management can take responsibility of these issues as they are a result of the events held at Troxy coming directly from the actions of their customers in what is not a commercial area but a residential area. These issues are affecting the standards of living, mental health and well being of our residents, therefore I hope you can understand the severity of what we bring forward to you as we urge the Licensing Committee to refuse their full variation application.

Kind Regards

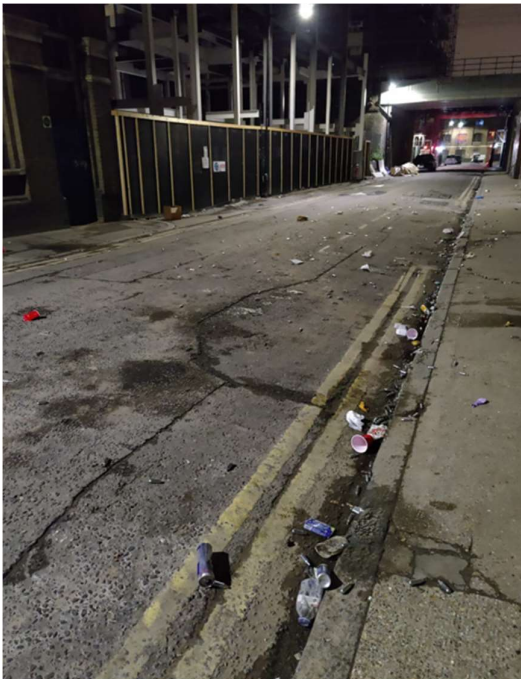
Muhammed Saquib Hussain
Pitsea TRA Secretary

Pitsea TRA Representation – Photos

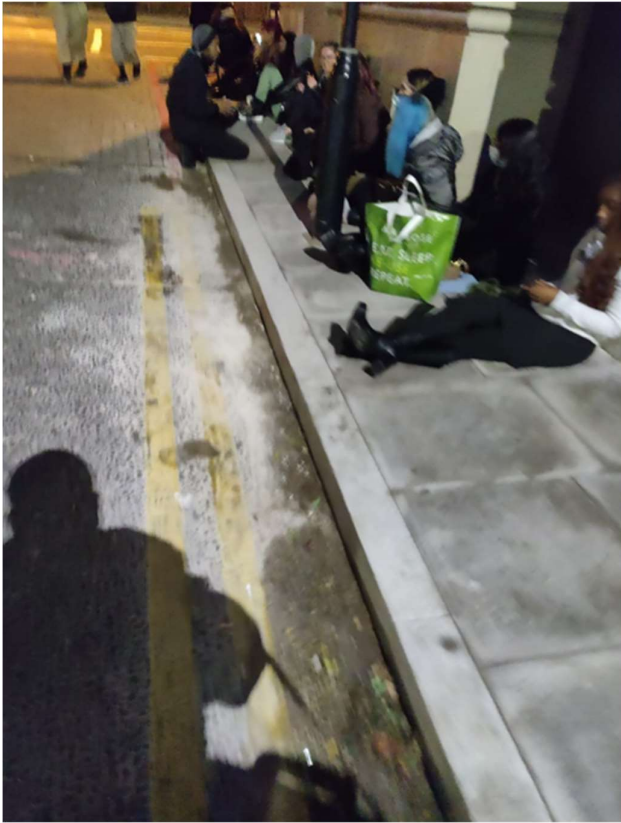
1.



2.



3.



4.



5.



Appendix 9

TROXY SKELETON ARGUMENT

**HEARING BEFORE THE LICENSING SUB COMMITTEE
TOWER HAMLETS COUNCIL 12th MARCH 2024 at 18:30 hours
APPLICATION FOR THE GRANT OF A PREMISES LICENCE**

**Troxy London Ltd (Applicant)
Troxy, 490 Commercial Road
London E1 0HX**

**Skeleton Argument
On behalf of the Applicant
Bill Donne, Silver Fox Licensing Consultants**

Documents submitted on behalf of the Premises Licence Holder.

A. Section 182 Guidance Licensing Act 2003 - December 2023

- Part 9.3 to 9.11 Where representations have been made and
- 9.12 Responsible Authorities as experts
- 9.38 give weight to the evidence.

B. London Borough of Tower Hamlets Statement of Licensing Policy

- Section 5.14 Licensing laws are not the primary method of for general control of nuisance and anti-social behaviour by individuals once they are away from any licensed premises, thus being beyond the direct control of the Licensee
- Section 8 Representations from other persons
- Section 9.2 Adopting conditions recommended by the Police
- Section 11 Prevention Public Nuisance
 - 11.1 Late night nuisance
 - 11.2 Cheek by Jowl
 - 11.3 (b) Queue management
 - 17.3 Nitrous Oxide Psychoactive Substance, health harm
 - 25.1 Risk assessments for significant events

C. Misuse of Drugs Act 1971

- Makes possession of Nitrous Oxide illegal

D. Human Rights Act 1998, Protocol 1, Article 1

- Protection of your right to enjoy your property peacefully

This Case Summary is submitted on behalf of the PLH. Any reference to documents submitted on behalf of the Premises Licence holder will be referenced by (“PLH”).

Scope of the application

This is an application for the Grant of a new Premises Licence has five main points:

1. To adopt conditions that reflect current best practice standard operating procedures contained within the Troxy Operations Manual as a working document.
2. To adopt the conditions as specified in the operating schedule that had previously been agreed with the Metropolitan Police earlier in the 2023.
3. Revised timings for authorised licensable activities
4. To set the capacity level and recommended by the Fire Risk Assessment (FRA) to a maximum comfort capacity of 3,600 patrons.
5. To build an additional 36 water closet and 22 urinals.

Background

On the 19th December 2023 Troxy London Ltd under S.17 Licensing Act 2003 (LA) submitted an application for the Grant of a Premises Licence known as Troxy situate at 490 Commercial Road, London E1 0HX.

Commercial Road is the extremely busy main arterial A13 road into central London to the West and to Essex to the East.

There is currently a premises licence in force at that location and the premises licence holder (PLH) is also Troxy London Ltd which will be surrendered if the application is granted as applied for.

Troxy entertainment and conference venue is built on the site of an old brewery and opened in 1933 as a Grand Cinema. In the 1980s, Troxy transitioned into Mecca Bingo, where bingo games were held daily until 2005.

Troxy opened in August 2006 in its current form, and is now celebrated as London's most versatile venue, hosting a wide array of national and international events including live concerts, company conferences, award ceremonies, and cinema and with attendees ranging in number from 250 to over 3,000 guests.

The Premises.

Tom Sutton-Roberts, the Managing Director of Troxy London Ltd is an experienced operator of licensed premises and the music industry. Mr Sutton-Roberts has been responsible for the management of Troxy since July 2015 and he is ably assisted by David Lysaght who is the Designated Premises Supervisor (DPS) for the current licence, and is the proposed specified DPS for the new premises licence.

Representations received

A pre-consultation document was circulated to the Responsible Authorities (RA) prior to the application being formally submitted.

It is of note that the RA including the Police, Licensing, Environmental Protection and the Fire and Rescue Service have **not** submitted representations.

The application has attracted three representations from local residents:

- Mr Askor-Ogilvie House
- Mr Hussain-Pitsea Estate TRA
- Mr Miah-Corringham House

There are three apartment buildings located in Pitsea Street; Chalkwell House that overlooks Commercial Road, Corringham House in Pitsea Street and Ogilvie House at the Southern end of Pitsea Street, away from Commercial Road. See road map on Appendix 2

The summary of the main Points the objectors have raised:

1. There is inadequate crowd control of patrons who stand in the queue and urinate
2. Noise from the queue is unacceptable.
3. Ogilvie House is over 50 apartments where the senior citizens live.
4. As a resident they find it difficult to access by our car, patrons block our exits.
5. On one occasion there was a BBQ vendor on the pavement near Pitsea Place
6. On events day drug and nitroxide use goes and litter is deposited on the pavement.

7. Their client blocks the pavements we cannot use pavements. Their customer arrive 15/20 hours before the event starts to start queueing to enter in the events.
8. Uber taxis dropping off customers
9. Dray parked on the public highway in Pitsea Place

Mr Askor and Mr Hussain have provided photographs and video footage that will be in the Public Agenda Pack

Distance from queues outside Troxy in Pitsea Street:

- Corringham House-25 metres
- Ogilvie House-50 metres

PLH Response to issues raised by the objector's comments:

The director and management of Troxy London Ltd have anticipated many of the concerns expressed in their representations and in conjunction with the police have drafted legally enforceable conditions contained within the proposed operating schedule that address the concerns that the objectors have raised. Should the premises licence be granted as applied for there are real benefits to the local residents as described below.

1.0 Queue Management

It is evident from the videos submitted by the objectors that registered SIA door supervisors (D/S) are on duty managing the queue both at the front entrance and the also the side roads. The D/S easily identifiable as they are wearing hi vis jackets or tabards.

Troxy management deploy roving patrols to supervise the queues around the premises. Patrons in the queue are well behaved and orderly. There is no evidence of anti-social behaviour.

The use of public transport is encouraged and communicated via the Troxy website and highlights the taxi drop off/collection point in Caroline Street.

The website also indicates that queueing for that show is only permitted from 11am on the day of the performance.

On the Troxy website it states:

“Please don’t drive to Troxy. We’re a public transport destination and well serviced by TfL. Commercial Road is not a parking paradise. We have red lines, not yellow, so you’ll be clamped, ticked or towed-all of which will ruin your night out. Drop off and pick up is possible on Caroline Street down the side of the venue”.

There are a range of events produced at Troxy that include live music performances and club nights. For most music events the queues may commence from c.14:00 hours that day and disappear once the doors open at c.19:00 hours or earlier, with most music events terminating at 22:30 hours with the venue clear of all patrons by 23:00 hours. The venue operates a dispersal policy once the show has finished that the security personnel encourage patrons to walk away from the venue in either direction of Commercial Road.

On club nights the doors open at c.21.00 and generally close at c.02:00 to 04:00 hours. Patrons attending club nights usually arrive after the doors have opened and therefore the queues are relatively short and dwell time outside of the venue is minimal. Occasionally there are events that close later than that time. On the club events patrons tend to disperse quietly over a much longer time period.

SIA Door Supervisors are deployed on roving patrols around the perimeter of the Troxy building to prevent anti-social behaviour from 14:00 hours when queueing for a show is anticipated. Advance tickets holders are informed that they must not start queueing outside of Troxy until 11am on the day of the event.

It is evident from the videos produced by the videos that the queues form on the pavement immediately outside and on the same side of the venue opposite from the resident’s houses. There is resident parking and trees in front of the residential properties. The video shows that the queues are managed by SIA Security personnel.

2.0 Noise from the queue

The queues form during the afternoon of an event and are supervised and orderly. The background traffic noise from the busy Commercial Road is greater at that time of day than

any noise caused by people talking in the queue. The DS roving patrols are on hand to quell any excitable ticket holders located in Pitsea Street.

There are improved Entry and Egress Policies that shall include detailed plans for queue management and audience dispersal, overseen by our trained SIA registered door staff, to minimise disturbance and public nuisance.

There will be Visible Welfare Staff at large capacity Club nights and their presence will help manage and assist vulnerable individuals, creating a safer environment for everyone.

We will display signs requesting patrons to leave quietly, showing our respect for the neighbourhood's peace.

There will be a direct line dedicated telephone contact Number for Residents for immediate contact with the duty manager regarding any noise-related issues

The application proposes earlier closing times for most major events compared to the existing premises licence. We are restricting our major music concerts to end before midnight.

There are revised timings for Boxing that will conclude by 23:30 (previously 02:00), and most Club Events between 02:00 to 04:00 (instead of 06:00) respectively, thereby significantly reducing late-night activity in the immediate area.

3.0 Urinating in public

The objectors have submitted video footage (Video 1) of an IC1 male urinating on private property at Chalkwell House in Commercial Road opposite the entrance to Troxy that they suggest is a patron of Troxy. There is no evidence that he was a customer of Troxy and we dispute that he was a patron, but more likely to be an office worker as he is wearing a tie, not the normal attire for someone visiting an entertainment venue.

In the application there is provision for more than doubling of the current toilet facilities with an additional 36 toilet cubicles and 22 urinals to be installed. These facilities shall remain open after the show performance has finished and until all patrons have left the venue.

4.0 Blocking of car park exits

Pedestrians are entitled to walk on the public highway and as previously stated queue on the perimeter of the venue. The roving security patrols however will discourage patrons standing by the gates to the resident's car park.

5.0 BBQ Vendor on the pavement.

This was a one-off incident whereby an independent unlicensed trader set up a bbq on the pavement in Pitsea Street. The management did not know who he was and Troxy security intervened and the vendor was asked to leave, but he refused. Police were called, attended site and took no action. The incident has been discussed with Trading Standards, Environmental Protection and the Police to ensure that there is no repetition of this incident.

6.0 Nitrous Oxide

Possession is now illegal under the Misuse of Drugs Act 1971. The Troxy management refute that the canisters were left by patrons but discarded by passengers seated in cars parked in Pitsea Street at night when the venue is not open. Under the proposed conditions the Troxy management shall be required to conduct a litter patrol around the perimeter of the building.

7.0 Early queueing

See 1.0 above

8.0 Uber Drop Off/Pick Up

It has been agreed with Uber that the official drop off/collection point is on Caroline Street as stated on the Troxy website.

9.0 Dray parked in Pitsea

The Wines, Beers and Spirits Company have been written to reminding them of where they should park for unloading. The average delivery takes less than one hour.

The relevant conditions contained within the application to address the objectors' concerns:

10	No open containers of alcohol to be taken outside the premises.
14	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 policy shall include details on queue management to ensure any queue to enter the premises is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
15	A written egress policy shall be in place and implemented at the premises. The policy shall include details on audience dispersal to ensure egress is managed effectively and supervised by door staff to ensure that there is no public nuisance or obstruction to the public highway.
25	Notices to be displayed asking patrons to leave quietly.
26	Rubbish shall not be deposited outside the building between 23:00 hours and 07:00 hours.
27	Premises Licence Holder to arrange for rubbish collection patrols to be undertaken after an event from the perimeters of Stepney Causeway (west of the premises) to Ratcliffe Cross Street (east of the premises) and up to Railway Viaduct (south of the premises) and up to Commercial Road (north of the premises).
1	During the operating hours of the premises a telephone number shall be made available to local residents should they wish to speak to the duty manager about noise nuisance related issues.

Section 182 Guidance

10. The LA03 requires the Security of State to issue guidance under s182 to Licensing Authorities with regard to the discharge of their functions and of this Act.

The guidance is a significant consideration in any licensing application. In R (on the application of *Daniel Thwaites Plc -v- Wirral Borough Magistrates Court (2008)*) Mrs Justice Black commented obiter “there is no doubt that regard is to be had to the guidance But that’s its force is less than that statute.. the guidance contains advice on varying degrees of specificity”.

In Summary:

This application is for the grant of a new premises licence with stringent conditions previously agreed with the police in order to promote the four licensing objectives.

It is recognised that three local residents have submitted a representation objecting to the grant of a premises licence on the grounds of public nuisance.

The members of the Licensing Sub Committee (LSC) will have had an opportunity to examine and review the application together with the supplementary documents that support this application. It is hoped the LSC will consider that this is a comprehensive and detailed application in respect of a major national and international entertainment venue located in the London Borough of Tower Hamlets (LBTH).

I refer to the LBTH Statement of Licensing Policy currently in force:

5.13 This Licensing Authority will ensure that any conditions added to a licence/authorisations are enforceable and proportionate and are consistent with the general principles for licence conditions detailed the Secretary of State's Guidance. We encourage applicants' responsible authorities and other persons to have regard to this Guidance when considering additional conditions. We also encourage the use of words such as "must", "shall" and "will" when deciding the wording of any condition.

5.14 Licensing laws are not the primary method of for general control of nuisance and anti-social behaviour by individuals once they are away from any licensed premises, thus being beyond the direct control of the Licensee/Certificate holder or holder of any other such authorization (e.g. Temporary Event Notice). However, it is a key aspect of control and licensing laws will always be part of an overall approach to the management of the evening and night time economy.

We suggest that the proposed conditions contained within the operating schedule agreed with the police are enforceable and proportionate and that the LSC be satisfied that they will address the concerns expressed by the objectors in their representations.

APPENDIX 1



Pitsea Street looking South from Commercial Road



Pitsea Street Looking South from Commercial Road

APPENDIX 2



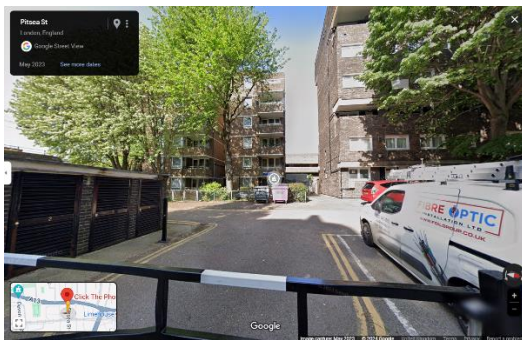
APPENDIX 3



Chalkwell House



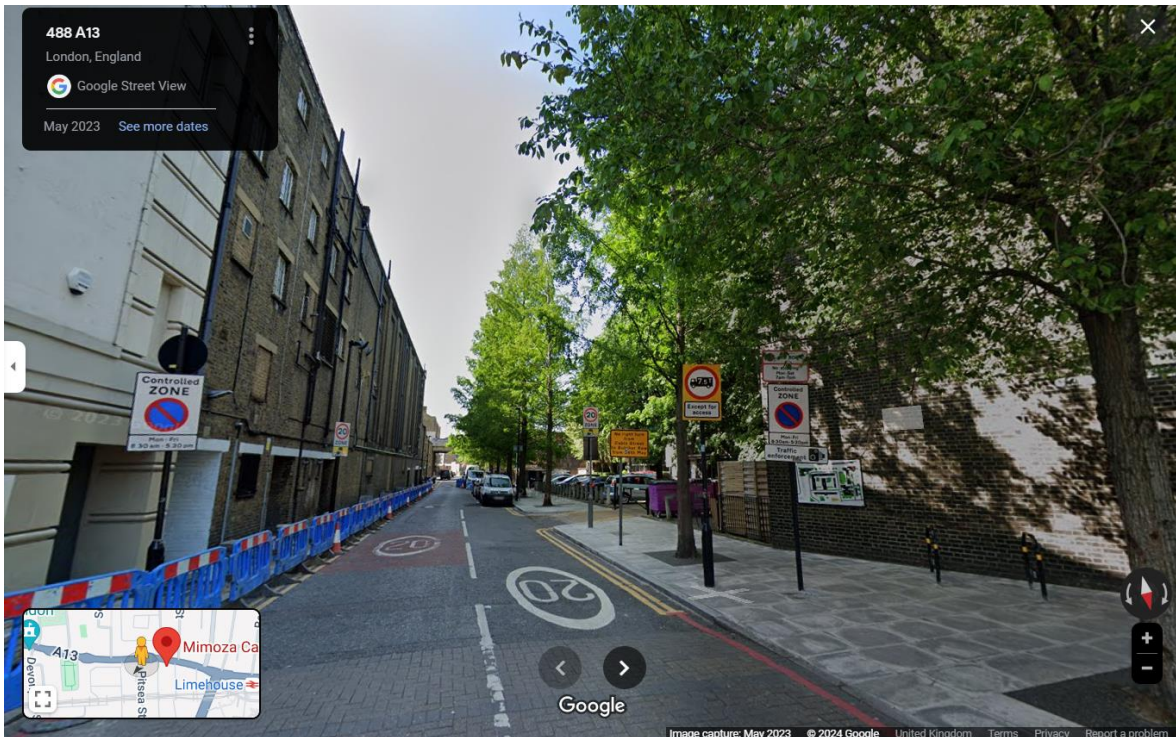
Corringham House



Ogilvie House (Courtesy of Google Maps)



Troxy, Commercial Road



Pitsea Street looking South from Commercial Road (Photo Courtesy of Google Maps)

APPENDIX 4

Source: Police Uk Crime Statistics 2023 -Pitsea Street /Commercial Road E1 0JJ

Offence Group	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Total
Violence and Sexual	3				1			1	1	3		9	18
Theft from Person	2			4	1						2		9
Other Theft	1	1	1	5	2		1			4			15
ASB		2											2
Drugs		1											1
Criminal Damage			1							1			2
Public Order			1								1	1	3
Other			3	1									4
Vehicle Crime				1			1	1	1	1			5
Robbery											1	1	2
													0
Total	6	4	6	11	4	0	2	2	2	9	4	11	61

APPENDIX 5

Email sent to residents:

Dear Sir,

**Ref: Application Grant Premises Licence-Representations
Troxy, 490 Commercial Road, London E1 0HX**

I write to you in relation to your representation raising concerns over my Client's application for the grant of a new premises licence for Troxy.

May I thank you for taking the time to articulate your concerns about patrons attending the venue. This is useful feedback and I hope that I can alleviate some of your concerns relating to this application and give you reassurance as how the venue will operate in the future. As you are aware Troxy has been in existence as an entertainment venue since 1933 and offers an eclectic mix of music and cultural events and attracts a diverse range of patrons. The current premises licence has conditions that are either outdated, in conflict, or simply unenforceable.

The application is not for the variation of the existing licence, but for the Grant of an entirely new Premises Licence, that if successful will replace the existing one.

The management of Troxy have made this application for a new premises licence to incorporate a range of robust and conditions that have been recommended and agreed with the Metropolitan Police licensing team. These conditions reflect current best practice in the way that a venue is operated and includes conducting a litter patrol in the area after each event. This will benefit local residents. In addition, the applicants wish to improve the toilet facilities by the installation of an additional thirty plus cubicles. The application also proposes for some events, a reduction in operating hours from the current licence. The conditions are supported with a comprehensive Operations Manual that identifies the in-house policies and procedures.

My Client note your concerns that you have outlined in your representations, including the video recordings and photographs that you have submitted. We believe that the proposed conditions in this application will help alleviate many of the issues you have identified. Please note that no representations were received from any of the eleven responsible authorities.

For the avoidance of doubt, the application is for the grant of a new licence with a robust set of conditions to legally tighten the operational standards by way of conditions. The existing premises licence is unaffected, and will only be surrendered if the application for a new premises licence is granted as applied for.

The owners and management of Troxy has always been keen to work with the local community including the Pitsea TRA, and are willing to provide a hot line telephone number direct to the duty manager for you to report any complaints you may have in real time.

I would respectfully ask you to withdraw your representation in order for the new premises licence to be granted as applied for and enabling my Client to surrender the current existing licence. Should you wish to do this you will need to contact the Licensing Authority and inform them that you are withdrawing your representation.

Should you elect not to withdraw your representations the matter will go before the Licensing Sub Committee for Councillors to make their decision and they have discretion to give weight to your written and oral submissions as they see fit.

Kind regards

Bill Donne

Silver Fox Licensing Consultants

APPENDIX 6

Three Thousand flyers distributed to local residents in November 2022:



Appendix 10

**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.

Appendix 11

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 many 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 intended 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.

Appendix 12

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.

Appendix 13

Noise while the premise is in use

General Advice

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 11.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 11.4)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 11.2 of the Licensing Policy)**.

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use to 9pm or limiting numbers)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)
- Measures to prevent noise/fumes from engines, drivers (including smoking),
- Measures to prevent obstruct access to properties, pavements.
Measure to reduce the impact of people noise on residents

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 14

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 11 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 11.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 16.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 16.6**)

The Council has adopted a set of framework hours (**See 16.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 15

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
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 16

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 Goods** – 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.

Appendix 17

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

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

Appendix 18

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 framework hours to any particular application regard should be had to the following

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

(See 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

Appendix 19

Planning

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

This page is intentionally left blank

Agenda Item 4.2

Committee: Licensing Sub-Committee	Date 12 March 2024	Classification Unclassified	Report No.	Agenda Item No.
--	-----------------------	---------------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (A.V Wholesale), 47 Goulston Street, London E1 7TP Ward affected: Spitalfields and Banglatown
--	--

1.0 Summary

Applicant: **A.V Kakker Wholesome Limited**

Name and Address of Premises: **(A.V Wholesale)**
47 Goulston Street
London
E1 7TP

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

- **The sale by retail of alcohol (off sales only)**

Representations: **Licensing Authority**
Residents/resident's association

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none">• Guidance Issued under Section 182 of the Licensing Act 2003• Tower Hamlets Licensing Policy• File		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (A.V Wholesale), 47 Goulston Street, London E1 7TP.

3.2 The applicant has described the premises as:
“The premises is a retail premises ...”

3.3 A copy of the premises licence application form is enclosed as **Appendix 1**. The licensable activities and timings that have been applied for are as follows:

The sale by retail of alcohol - Off sales only

- *Monday to Sunday, from 10:30 hrs to 20:30 hrs*

Hours premises are open to the public

- *Monday to Sunday, from 10:30 hrs to 20:30 hrs*

4.0 **Location and Nature of the premises**

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

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

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

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 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 August 2023.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government’s advice, or has developed it further.

6.0 **Representations**

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

- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations (objectors) have been made by the following:

Licensing Authority (RA)	- Appendix 6
Ashon Khanum	- Appendix 7
Alan Williams	- Appendix 8
Aysha Hussain	- Appendix 9
Christopher Lloyd (SPIRE)	- Appendix 10
Dobir Miah	- Appendix 11
Randall Thiel (SBWP)	- Appendix 12
Saidul Hoque	- Appendix 13
Susan Kay	- Appendix 14
Shamsur Rahman	- Appendix 15
Yakub Meah	- Appendix 16

- 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
 - Environmental Protection (Noise)
 - Trading Standards

- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

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

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

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

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

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

7.0 Conditions consistent with Operating Schedule (offered by the applicant)

7.1 *The staircase and any area that a member of staff cannot see such as the basement is strictly off limits to members of the public*

7.2 *No unsupervised children are allowed on the premises*

7.3 *Any child accompanied by a guardian is strictly kept away from anything that may cause potential harm.*

8.0 Conditions in consultation with the Responsible Authorities

Conditions agreed with Environmental Protection (Appendix 17)

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

9.0 Licensing Officer Comments

- 9.1 The Business & Planning Act 2020 came into force on Wednesday 22nd July 2020 and provides a temporary permission for businesses that have a premises licence that permits them to sell alcohol in regards to the ability to sell alcohol as an off sale, i.e. for consumption off the premises. The permission will end on 31st March 2025 unless the legislation is changed by the Secretary of State.

It will only apply to businesses that hold a Premises Licence up to 22nd July 2020 and that in the last 3 years preceding 22 July 2020 those licences have NOT:

- had a premises licence application where permission for off sales was refused;
 - had a variation of a premises licence seeking permission for off sales refused
 - had a variation seeking to exclude off sales permission granted
 - had a premises licence varied or modified by a review hearing to exclude off sales.
- 9.2 The new off-sales permission will permit off-sales to be made at a time when the licensed premises are open for the purposes of selling alcohol for consumption on the premises, subject to a cut off time of 11pm or the cut off time of the current licensed hours stated on the licence, whichever is earlier. Measures also temporarily suspend existing licence conditions in so far as they are inconsistent with the new off-sales permission. Further Guidance on this can be found at <https://www.gov.uk/government/publications/guidance-for-temporary-alcohol-licensing-provisions-in-the-business-and-planning-bill>
- 9.3 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.
- 9.4 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.5 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)

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

- 9.7 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.8 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.
- 9.9 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)
- 9.10 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.11 In **Appendices 18 – 24** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Home Office concerning relevant, vexatious and frivolous representations
Appendix 6	Representation of Licensing Authority (RA)
Appendix 7	Representation of Ashon Khanum
Appendix 8	Representation of Alan Williams
Appendix 9	Representation of Aysha Hussain
Appendix 10	Representation of Christopher Lloyd (SPIRE)
Appendix 11	Representation of Dobir Miah
Appendix 12	Representation of Randall Thiel (SBWP)
Appendix 13	Representation of Saidul Hoque
Appendix 14	Representation of Susan Kay
Appendix 15	Representation of Shamsur Rahman
Appendix 16	Representation of Yakub Meah
Appendix 17	Conditions agreed with Environmental Protection
Appendix 18	Licensing Officer comments on noise while the premise is in use
Appendix 19	Licensing Officer comments on access/egress Problems
Appendix 20	Licensing Officer comments on crime and disorder on the premises
Appendix 21	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 22	Planning
Appendix 23	Licensing Policy relating to hours of trading
Appendix 24	Tower Hamlets Cumulative Impact Zone

Appendix 1



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant? Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

Applying as a business or organisation, including as a sole trader

Applying as an individual

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

Applicant Business

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

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

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Private Limited Company Director

Address

Building number or name

Street

District

City or town

County or administrative area

Country

Contact Details

Telephone number

Other telephone number

* Date of birth

* Nationality

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

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The premises is a retail premises. It has a ground floor approximately 300sqf, a basement area of approximately 240sqf. There is a 3.5 meter floor to ceiling hight. The premises has one point of entry which the main door. There is a door which leads to the staircase down to the basement. The premises has a rolling shutter. The counter is on the left of the main door directly as you enter. There are shelves behind the counter and on the right side of the door

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth 4

Continued from previous page...

Enter the contact's address

Building number or name

District

City or town

County or administrative area

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="20:30"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="20:30"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="20:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="20:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="20:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="10:30"/>	End	<input type="text" value="20:30"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

Operate to all set health and safety standards
Ensure no unsupervised children enter the premises
Place all Hazards such as tripping Hazards away from public reach
Stop any supply of alcohol to anyone already drunk or causing public disturbance

b) The prevention of crime and disorder

We have fitted a panic button linked to our alarm system provider which when activated can have guards and police on the premises within 5 minutes. We Have indoor camera fitted one of which is always pointing towards the street outside the premises

c) Public safety

All stock and Objects that could potentially cause harm are placed in safe places away from public. On days where rain occurs all doors remain closed unless opened to prevent water on the floor and causing a slipping hazard. The stair case and any area that a member of staff can not see such as the basement is strictly off limits to members of the public. All fixtures and Fittings have been put securely in place

d) The prevention of public nuisance

Cameras are placed so anyone looking to cause public nuisance is aware they are being recored. Sale of regulated stock such as alcohol is denied to anyone who is assumed to be drunk and or causing public disarray. The sale of alcohol and tobacco is stopped at 8:30 to prevent people on the streets drinking and causing nuisance till late in the night

e) The protection of children from harm

No unsupervised children are allowed on the premises and any child accompanied by a guardian is strictly kept away from anything that may cause potential harm. All regulated stock is kept out of site so no child can see them

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

Continued from previous page...

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

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

Home Office online right to work checking service

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£)

190.00

DECLARATION

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

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

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

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

* Full name

Abbie Kumar

* Capacity

[REDACTED]

* Date

[REDACTED]

dd mm yyyy

Add another signatory

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

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

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

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

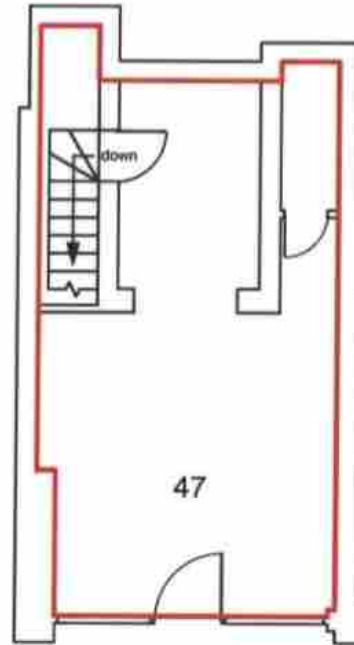
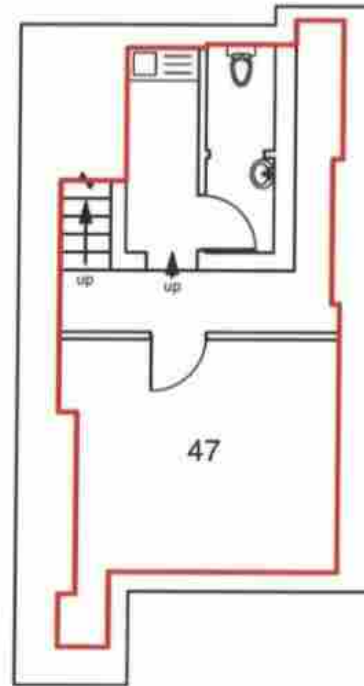
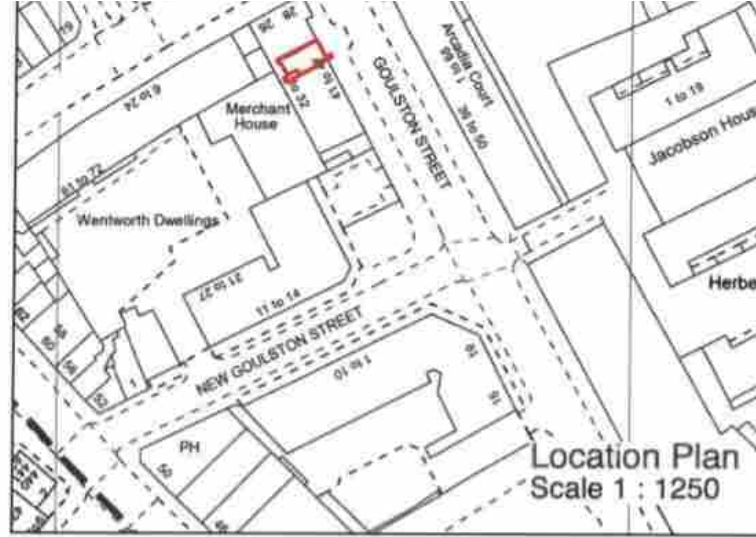
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY

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

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

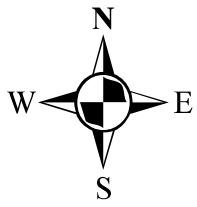
Appendix 2



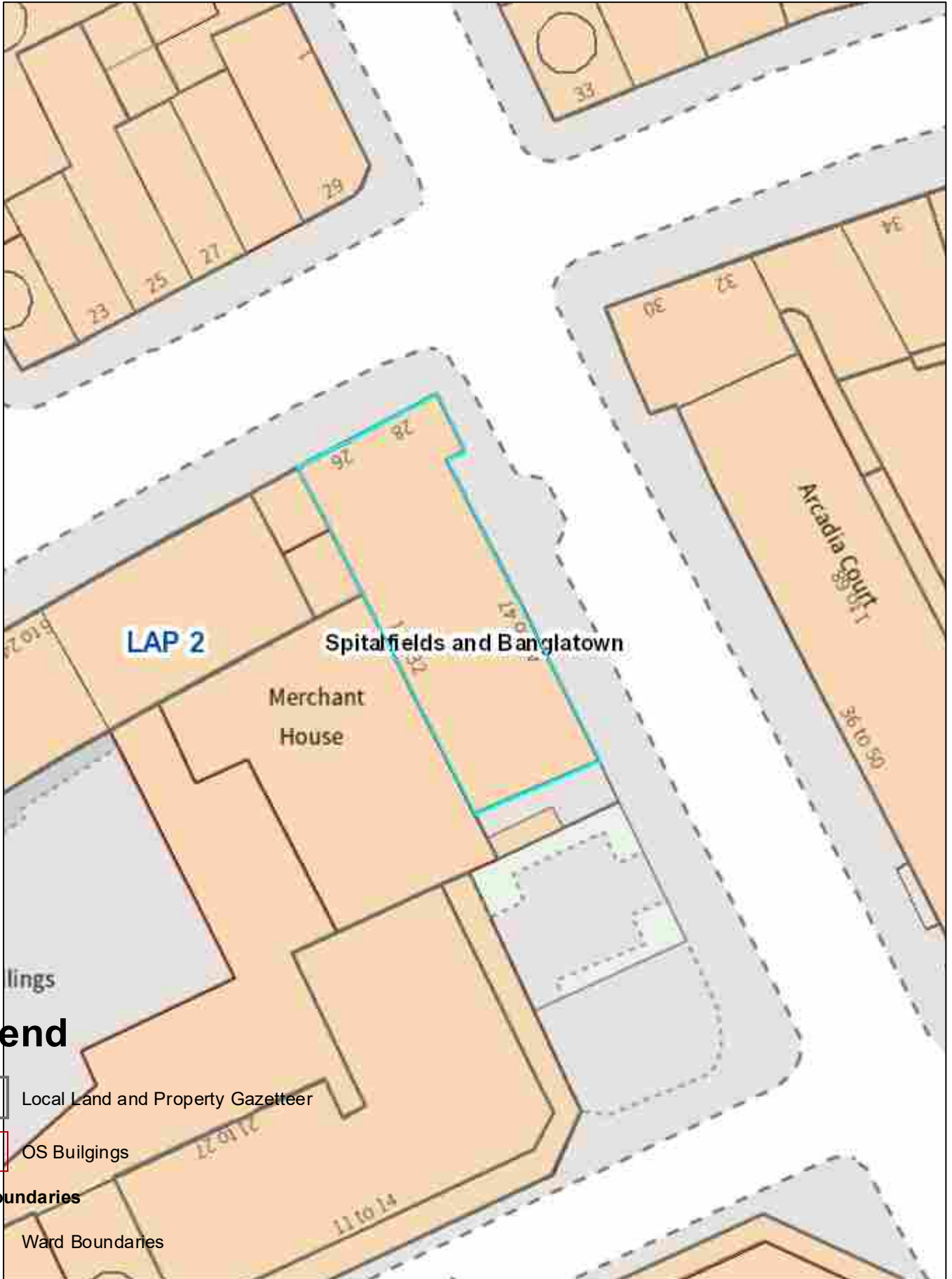
PAVEMENT OF GOULSTON STREET

NOTES
Magnolia Square Limited 57 Rathbone Place London W1T 1JU 020 7479 4855
PRINT AT A4
PROJECT 47 Goulston Street London E1 7TP





Appendix 3

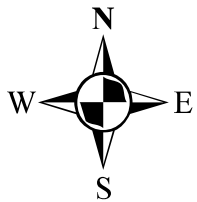


47 Goulston Street

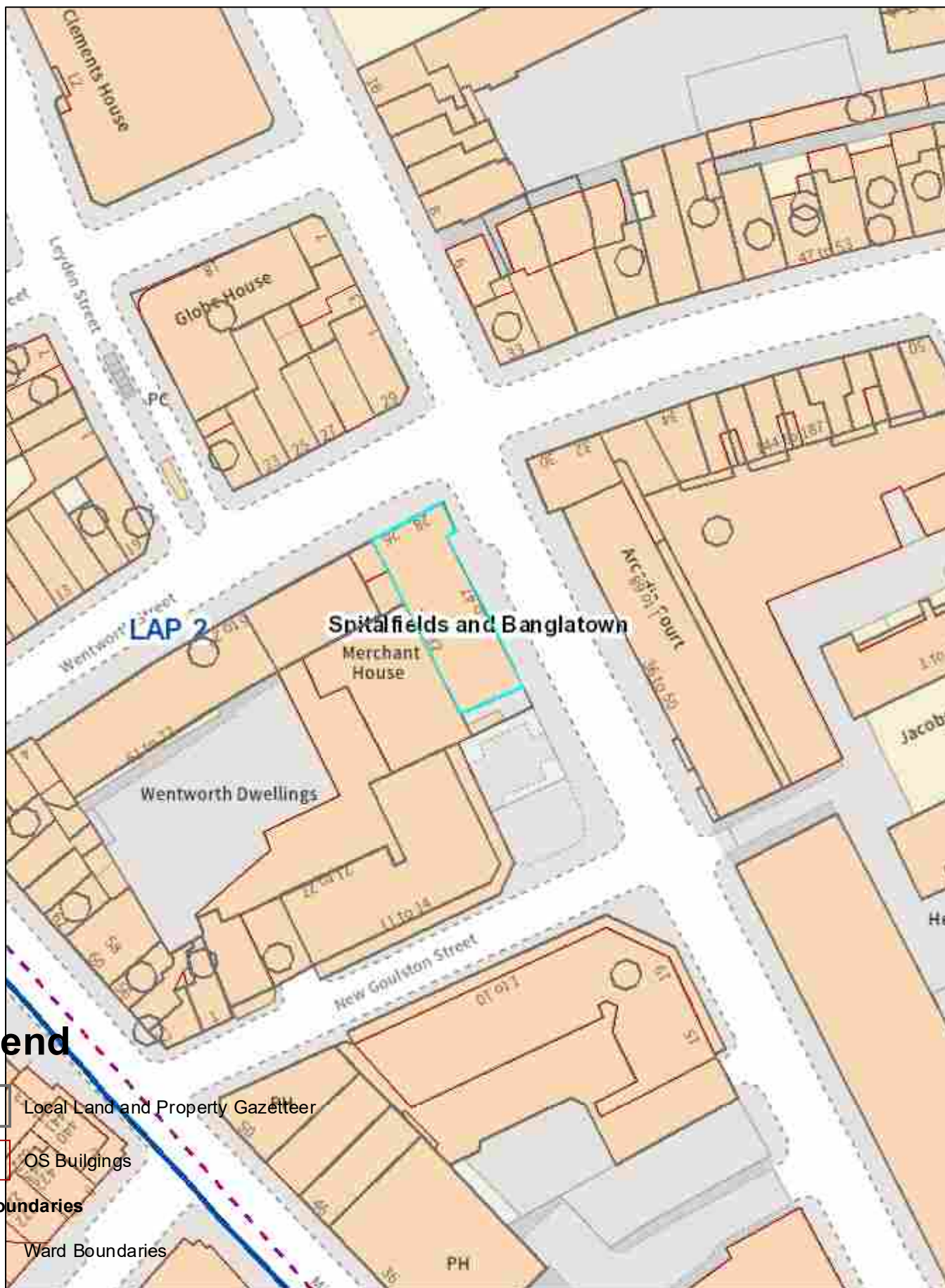


Legend

-  Local Land and Property Gazetteer
-  OS Buildings
- Ward Boundaries**
 -  Ward Boundaries
- LAP Boundaries**
 -  LAP Boundaries



47 Goulston Street



Legend

- Local Land and Property Gazetteer
- OS Buildings
- Ward Boundaries**
 - Ward Boundaries
- LAP Boundaries**
 - LAP Boundaries

Appendix 4

Nearest licences: (A.V Wholesale), 47 Goulston Street, London E1 7TP

Name and address	Licensable activities and hours	Opening hours
(HappyDays) 44 Goulston Street London E1	The sale by retail of alcohol and Regulated Entertainment (On sales only) <ul style="list-style-type: none"> Monday to Sunday 11 00 hrs to 23 00 hrs 	Monday to Sunday 11 00 hrs to 23 00 hrs
Satay Street 15 Goulston Street London E1 7TP	The sale by retail of alcohol (On sales only) <ul style="list-style-type: none"> Monday to Sunday from 11:00 hours to 22:30 hours 	Monday to Sunday from 11:00 hours to 23:00 hours
(The Hungry Tummy) 24a Wentworth Street London E1 7TF	The sale by retail of alcohol - On and off sales <ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 20:00 hours Friday and Saturday from 10:00 hours to 21:00 hours 	Monday to Saturday, from 10:00 hours to 22:00 hour
(Hungry Donkey) 56 Wentworth Street London <i>E1 7AL</i>	Sale by retail of alcohol (On sale) <ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:00hrs Friday and Saturday from 11:00hrs to 23:30hrs Sunday from 11.00hrs to 22:00hrs sale by retail of alcohol (Off sale) <ul style="list-style-type: none"> Monday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 22:00hrs The provision of regulated entertainment <u>Recorded Music</u> <ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:00hrs Friday and Saturday from 11:00hrs to 23:30hrs Sunday from 11:00hrs to 22:00hrs Provision of late night refreshment <ul style="list-style-type: none"> Monday to Thursday from 23:00hrs to 23:30hrs Friday and Saturday from 23:00hrs to 00:00hrs (midnight) 	Monday to Thursday from 07:30hrs to 23.30hrs Friday and Saturday from 07.30hrs to 00:00hrs (midnight) Sunday, from 07:30hrs to 22:30hrs

Nearest licences: (A.V Wholesale), 47 Goulston Street, London E1 7TP

YeYe London 58 Wentworth Street London E1 7AL	The sale by retail of alcohol (On sales only) <ul style="list-style-type: none">Monday to Sunday from 12:00 hours to 23:00 hours	Monday to Sunday from 12:00 hours to 23:00 hours
(Xian Biang Biang) 62 Wentworth Street London E1 7AL	The sale by retail of alcohol (On sales only) <ul style="list-style-type: none">Monday to Sunday from 11:00 hours to 22:30 hours	Monday to Sunday from 11:00 hours to 23:00 hours
(Unity Diner) 60 Wentworth Street London E1 7AL	The sale by retail of alcohol (On sales only) <ul style="list-style-type: none">Monday to Friday from 12:00 hours to 23:00 hoursSaturday, from 12:00 hours to 23:30 hours (midnight)Sunday, from 12:00 hours to 21:30 hours	Monday to Friday from 12:00 hours to 23:30 hours Saturday, from 12:00 hours to 00:00 hours Sunday, from 12:00 hours to 22:00 hours

Appendix 5

**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.

Appendix 6

Mohshin Ali

From: Abbie Kumar [REDACTED]
Sent: 21 November 2023 16:57
To: Lavine Miller-Johnson
Cc: Mohshin Ali
Subject: Re: New Premises Licence - 47 Goulston Street E1 7TP MA 164181

Hello,

Thank you for this. We have read the terms and agree to these. Please note we already cctv at the premises and we have already received communication for the noise complaints and will be adding a notice asking people to leave the area respectfully and quietly which will be clearly displayed at the entry/exit points ,this has already been ordered. We also understand the challenges 25 and accept it and will display it on the shatter that the tobacco will be stored behind. In terms of documentation for the police and incident reports we agree to these as will and will have designated note books which will be filled in and available to police. As well as staff will only be able to sell these goods if they are signed and authorised by the DSP. We'd like to also add our main sale will be of cigarettes and tobacco. Majority of alcohol sold will be show pieces bottles which are sold vary rarely and consumed at homes.

Thanks,
AVK

Sent from my iPhone

On 21 Nov 2023, at 4:21 pm, Lavine Miller-Johnson [REDACTED] wrote:

Dear Licensing Authority,

Please find attached a representation from this Responsible Authority (LA)

Kind Regards

Lavine Miller-Johnson

Licensing Officer - Licensing and Safety
Environmental Health and Trading Standards
4 th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

[REDACTED] ☎ 020 7364 5008
www.towerhamlets.gov.uk ✉ licensing@towerhamlets.gov.uk

Follow us on: [Facebook](#) | [Twitter](#) | [LinkedIn](#) | [Instagram](#)

<GoulstonSt147.LMU.LA.REP.LMI.pdf>



Sent to:

Communities Directorate
Public Realm

Licensing Authority : [REDACTED]
Applicant: [REDACTED]

Licensing & Safety Team
Licensing and Safety Team
Environmental Health and Trading
Standards
4th Floor Tower Hamlets Town Hall
160 Whitechapel Road
London E1 1BJ

21st November 2023

Email: licensing@towerhamlets.gov.uk

My reference: P/EHTS/LIC/164181/LMI

www.towerhamlets.gov.uk

Dear Licensing Authority,

Licensing Act 2003
New premise licence Shop
47 Goulston Street E1 7TP

The Licensing Authority (acting as a Responsible Authority) is making a representation against 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.

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.



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 demonstrate 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,*
 - *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 Act 2003 (8.42) says:

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

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

Application:



The applicant has applied for:

- **Sales of Alcohol** (off sales only)
Monday to Sunday 10:30 hrs – 20:30 hrs
- **Opening hours**
Monday to Sunday 10:30 hrs – 20:30 hrs

Although licensable activities are within framework hours, the applicant has not acknowledged that the premises falls within a CIA. There is insufficient information on how they intend to uphold the licensing objectives in regard to public nuisance within the CIA. The applicant has not demonstrated 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 this premises selling alcohol within the CIA, potentially adding to the existing anti-social issues in the area.

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 conditions be attached:

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. 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.
4. An incident log shall be kept at the premises and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
 - a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received concerning crime and disorder;
 - d) any incidents of disorder;



- f) any faults in the CCTV system;
 - h) any visit by a relevant authority or emergency service.
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 shall be available.
 7. Notices shall be prominently displayed at the main exit requesting patrons to respect the needs of residents and leave the area quietly.

Yours faithfully

[Redacted signature]

Lavine Miller-Johnson
Licensing Officer

[Redacted contact information]

Appendix 7

Mohshin Ali

From: Licensing
Sent: 14 November 2023 19:12
To: Mohshin Ali
Subject: FW: Reference: CLC/EHTS/LIC/164181

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

From: Nahid Islam [REDACTED] >
Sent: Tuesday, November 14, 2023 6:11 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Reference: CLC/EHTS/LIC/164181

Dear Licencing team

Re: 47 Goulston Street, London E1 7TP

I am writing to object to the premises application for the above. The area is already oversaturated with establishments that provide/sell alcohol.

Local residents already suffer from noise nuisance and anti-social behaviours at all hours of the day and night.

Granting this application will only add to the ever increasing issues of drunken behaviour, alcohol related antisocial behaviour and crime.

I would urge that the committee refuse this application.

Thank you

Name: Mrs Ashon Khanum

[REDACTED]

Sent from my iPhone

Appendix 8



18th November, 2023

licensing@towerhamlets.gov.uk

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

Sent via EMail

Dear Licensing Team

Re: Objection to the licensing application for 47 Goulston Street, E1 7TP

I write to object to the application for an alcohol licence for 47 Goulston Street E1 7TP. These premises are within the Brick Lane Cumulative Impact Assessment ('CIA') and in one of the Ward's most prolific hotspots for antisocial behaviour. Also, the location of these premises is a few minutes' walk from two of the Ward's primary care hostels.

New licence applications within the CIA are meant to be limited, if not prohibited; and I think that the likely consequences of this application are of real concern given these hostels deal with vulnerable people with a history of alcohol and substance abuse.

Accordingly, in summary, I object to the granting of a licence for off-sales of alcohol, on the grounds that where alcohol is taken away and consumed off the applicant's premises, the inevitable consequence, in my view, is that, given the location near local hostels - and the well-documented antisocial behaviour hotspot in the Ward - it would lead to an increase in antisocial behaviour, and to issues of public safety and public nuisance in what is already an area saturated with well documented antisocial behaviour problems,

Yours sincerely

Alan Williams

PS Please redact my personal information from any digital copy of this letter

Appendix 9

Mohshin Ali

From: Licensing
Sent: 22 November 2023 11:04
To: Mohshin Ali
Subject: FW: shop 47 goulston Street London E1 7TP

From: Aysha Hussain <[REDACTED]>
Sent: Monday, November 20, 2023 6:48 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: shop 47 goulston Street London E1 7TP

Ref no. CLC/EHTS/LIC/164181

Dear Licencing team

Re: shop 47 Goulston Street London E1 7TP

I am writing to object to the premises application for the above. The area is already oversaturated with establishments that provide/sell alcohol.

Local residents already suffer from noise nuisance and anti-social behaviours at all hours of the day and night.

Granting this application will only add to the ever increasing issues of drunken disorderly behaviour alcohol related antisocial behaviour and crime.

I would urge that the committee to refuse this application.

Thank you

Name: Aysha Hussain
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

16th November 2023

London Borough of Tower Hamlets
Licensing Team
Environmental Health & Trading Standards
160 Whitechapel Road
London
E1 1BJ
licensing@towerhamlets.gov.uk

Sent via Email

Re: Formal objection to the proposed licencing application for “shop” 47 Goulston Street, London E1 7TP

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 alcohol licence for **47 Goulston Street E1 7TP** referenced "shop" ("the Premise").

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



Appendix 11

Mohshin Ali

From: dobir31 [REDACTED]
Sent: 02 November 2023 23:26
To: Licensing
Subject: FW: shop 47 goulston Street London E1 7TP

Follow Up Flag: Follow up
Flag Status: Completed

Sent from my Galaxy

Ref no. CLC/EHTS/LIC/164181

Dear Licencing team

Re: shop 47 Goulston Street London E1 7TP

I am writing to object to the premises application for the above. The area is already oversaturated with establishments that provide/sell alcohol.

Local residents already suffer from noise nuisance and anti-social behaviours at all hours of the day and night.

Granting this application will only add to the ever increasing issues of drunken disorderly behaviour alcohol related antisocial behaviour and crime.

I would urge that the committee to refuse this application.

Thank you

Name: Mr Dobir Miah

[REDACTED]

[REDACTED]

Appendix 12

19th November 2023

London Borough of Tower Hamlets
Licensing Team
Environmental Health & Trading Standards
licensing@towerhamlets.gov.uk

Sent via E-Mail

Re: Formal Objection to Proposed Application for the Sale of Alcohol by the “shop”, 47 Goulston Street, London E1 7TP (“the Premise”).

Dear Licensing Team

While I serve as Chairman of Spitalfields Residents Against Antisocial Behaviour (SPIRE), which regularly reviews licencing applications submitted in Spitalfields and Banglatown, I am writing on behalf of the Spitalfields and Banglatown Ward Panel for which I also serve as Chairman. An official objection for the above listed application on behalf of SPIRE has been made by Christopher Lloyd, Vice Chair, and submitted for your attention on 16th November 2023.

Overseen by the Metropolitan Police Service (MPS), the Spitalfields and Banglatown Ward Panel is a group of community members and partner agencies that meets regularly with the ward’s Safer Neighbourhood Police Team (SNT) to account for issues affecting the community and help set policing priorities for the ward. The ward panel works closely with the London Borough of Tower Hamlets Safer Neighbourhoods and Community Safety teams to identify, review, and help shape local plans to respond to crime and antisocial behaviour (ASB) in the community that negatively impact residents, businesses, and visitors.

Formal Objection

On behalf of the ward panel (and resident of the area), I formally object to the proposed application for licence to sell alcohol between the hours of 10:30 and 20:30 seven days a week by the Premise.

The Premise is in one of the Ward’s most prolific hotspots for antisocial behaviour and is an area of great concern. The Premise is located within the CIA for Brick Lane where new and varied premise licenses are meant to be limited, if not prohibited, based on the over saturation of businesses involved with the sale of alcohol and entertainment, attributable to the ward’s current issues with antisocial behaviour. In particular, the ward already suffers from open drinking and ASB related behaviour on its streets (this includes but is not limited to drunken behaviour, noise, public urination, and defecation, etc.) and the thought of a further supplier in an already predisposed, highly populated, and vulnerable part of the ward is unimaginable and unacceptable.

The Premise is also only streets away from two of the Ward's three primary care hostels, The Dellow Centre and Founders House. These hostels help many vulnerable people with substance abuse, including but not limited to alcohol. The presence of a further off-license selling take away alcohol is not only a direct risk for already vulnerable people (in reasonable concentration in the immediate area), but it also acts as a gateway for other substance dependent interest and behaviour. Off-licenses in the Ward attract (and worse sometimes engage in) trade involving other forms of illegal and addictive substances. In short, alcohol and other forms of addictive substances and behaviours go hand in hand.

Additionally, this area of the ward is one of great population density given the many social housing estates which exist near the Premise. The ward panel regularly receives complaints from residents about factors impacting the daily lives of families and children in this area. A number of residents familiar with the application for the Premise have specifically vocalised their concern about this type of trade and how it will continue to make challenging circumstances (open drinking, noise nuisance, drug trade, ASB, etc.) in the area worse if such licence is granted.

While the ward panel fully objects to the granting of a license for off-license sales of alcohol in the ward and more specifically within the Brick Lane CIA, it is especially concerning why any alcohol should be sold during the proposed hours of the application. For example, what is the need for sale of alcohol at 10:30 am?

Both SPIRE and the Ward Panel recently objected to a licence application for Baran Off Licence, 18 Wentworth Street, E1 7TF. The licencing committee found that such proposed application worked against the borough's licencing policy objectives and the Brick Lane CIA. It is believed the application for this Premise is no different and encourages the licencing committee to review this application in tandem.

The immediate area surrounding the Premise is one of the ward's most vulnerable and efforts by many including the Safer Neighbourhood Team (MET), Ward Panel for Spitalfields and Banglatown, local residents, and the local hostels are working hard to help 'clean-up' this part of the ward. Any approval of an off license in this area works directly against the efforts of many to improve crime and ASB in this area.

Despite any details the applicant may claim to support licensing objectives directly and/or as part of their operations and premise, the main issue is that alcohol is taken away and consumed away from the applicant's premise. Worse, it is often consumed openly on streets giving way to all the concerns which are supposed to be protected by the borough's licencing objectives. This includes but is not limited to increased public nuisance and potential crime, disorder, health and safety of residents and visitors, noise, and antisocial behaviour. These are all the things which are meant to be safeguarded by the implementation and effective monitoring and maintenance of the CIA for Brick Lane.

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

Yours sincerely

Randall Thiel
Chairman, Spitalfields and Banglatown Ward Panel

Appendix 13

Mohshin Ali

From: Licensing
Sent: 14 November 2023 19:14
To: Mohshin Ali
Subject: FW: Reference: CLC/EHTS/LIC/164181

From: Saidul Hoque [REDACTED]
Sent: Tuesday, November 14, 2023 4:30 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Reference: CLC/EHTS/LIC/164181

Dear Licencing team

Re: 47 Goulston Street, London E1 7TP

I am writing to object to the premises application for the above. The area is already oversaturated with establishments that provide/sell alcohol.

Local residents already suffer from noise nuisance and anti-social behaviours at all hours of the day and night.

Granting this application will only add to the ever increasing issues of drunken behaviour, alcohol related antisocial behaviour and crime.

I would urge that the committee refuse this application.

Thank you

Saidul Hoque



Sent from [Outlook for Android](#)

Appendix 14

Mohshin Ali

From: Susan Kay [REDACTED]
Sent: 22 November 2023 14:05
To: Licensing
Subject: Objection to licensing application 47 Goulston St E1 7TP

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing team,

Re: 47 Goulston Street E1 7TP

My name is Susan Kay [REDACTED].

I have lived at the above address for 10 years and before that for 13 years in Spital Square.

I have spent time working on Spire and the Spitalfields Society and also sit on the St George Resident's Association Committee, known as SGRA.

I am writing to OBJECT on behalf of the Residents who live on the St George Estate to the proposed application for an off-license at the above premise.

The Premise is located within the CIZ and within an area that is known for particularly bad anti-social behaviour. This area is now overrun with bars and other drinking spots that the CIZ is beginning to be in danger of not being effective.

We have seen many problems at this end of Commercial Street and its tributary roads as there are two hostels housing vulnerable people very close by. The Dellow Centre and Founders House both deal with predominately ex addicts of drugs and alcohol. It has been noticed when other off-licenses were in operation in close proximity to these hostels, that ASB increased amongst those living in these hostels and also amongst those living on the streets close by.

It is too tempting to those receiving benefits to then spend their money in off-licenses so close to their homes such as proposed here.

I, on behalf of SGRA, OBJECT fully for the granting of a licence to the premise at 47 Goulston Street as we fear that any alcohol purchased from these premises will be drunk elsewhere and contribute to more noise and nuisance in an area already known for such high levels of ASB.

For the above reasons, I ask that the Licensing Committee REJECT this Application.

Yours sincerely,

Susan Kay
[REDACTED]

Appendix 15

Mohshin Ali

From: Licensing
Sent: 20 November 2023 16:18
To: Mohshin Ali
Subject: FW: 47 Goulston STreet CLC/EHTS/LIC/164181

Follow Up Flag: Follow up
Flag Status: Flagged

From: Shamsur Rahman [REDACTED]
Sent: Monday, November 20, 2023 2:53 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: 47 Goulston STreet CLC/EHTS/LIC/164181

Dear Licencing Team,

I am writing in regards to the premises licence submitted for the address 47 Goulston Street, London E1 7TP.

I would like to object against granting a licence to this premises as the area is already over saturated with establishments who sell alcohol.

In this particular area, local residents suffer from noise nuisance and antisocial behaviour and I feel by granting this application, it will add to the ever increasing issues of drunken disorderly behaviour and crime.

I am hopeful that the committee will refuse the application.

Kind Regards
Shamsur Rahman
[REDACTED]

Appendix 16

Mohshin Ali

From: Licensing
Sent: 14 November 2023 19:14
To: Mohshin Ali
Subject: FW: Reference: CLC/EHTS/LIC/164181

From: Yakub Meah [REDACTED]
Sent: Tuesday, November 14, 2023 4:20 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Subject: Reference: CLC/EHTS/LIC/164181

Dear Licencing team

Re: 47 Goulston Street, London E1 7TP
Reference: CLC/EHTS/LIC/164181

I am writing to object to the premises application for the above. The area is already oversaturated with establishments that provide/sell alcohol.

Local residents already suffer from noise nuisance and anti-social behaviours at all hours of the day and night.

Granting this application will only add to the ever increasing issues of drunken behaviour, alcohol related antisocial behaviour and crime.

I would urge that the committee refuse this application.

Thank you

Name: Yakub Meah

[REDACTED]

Appendix 17

Mohshin Ali

From: Nicola Cadzow
Sent: 13 November 2023 15:39
To: Licensing
Cc: Lavine Miller-Johnson; 'MARK.J.Perry [REDACTED]'; avkwholesale [REDACTED]
Subject: FW: 164181 New premise license for Shop 47 Goulston Street, London, E1 7TP

Good afternoon Licensing,

I also wish to add that the application has agreed to a condition that -

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

Regards

Nicola Cadzow
Environmental Protection Officer
Communities Directorate

From: Nicola Cadzow
Sent: Monday, November 13, 2023 3:36 PM
To: Licensing <Licensing@towerhamlets.gov.uk>
Cc: Lavine Miller-Johnson <[REDACTED]>; 'MARK.J.Perry [REDACTED]'; 'MARK.J.Perry [REDACTED]'; avkwholesale [REDACTED]
Subject: 164181 New premise license for Shop 47 Goulston Street, London, E1 7TP

Good afternoon Licensing,

Whilst the premises application is for Shop 47 Goulston Street, London, E1 7TP, within the Brick Lane CIZ, I have no objections for the following reasons:

1. The hours are well within frameworks hours
2. There is no history of noise complaints

Kind regards

Nicola Cadzow
Environmental Protection Officer
Communities Directorate

From: Abbie Kumar <[REDACTED]>
Sent: Monday, November 13, 2023 3:04 PM
To: Nicola Cadzow <[REDACTED]>
Subject: Re: 164181 New premise license for Shop 47 Goulston Street, London, E1 7TP

Hello,

This will be of no issue I will promptly have a notice created and sent for printing that will state. "Please respect the needs of our local residents and fellow businesses and leave the area quietly Thank you."

And have this displayed at the exit/entrance of the premises.

Please note it will take a few days as we have to send it to be printed

Sent from my iPhone

On 13 Nov 2023, at 2:58 pm, Nicola Cadzow <[REDACTED]> wrote:

Good afternoon Abbie Kumar,

I am reviewing your new premises license application for Shop 47 Goulston Street, London, E1 7TP, with particular attention to the licensing objective for the prevention of public nuisance, and wish for the following noise condition to apply as below:

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

Await your confirmation

Kind regards

Nicola Cadzow
Environmental Protection Officer
Communities Directorate
Environmental Health and Trading Standards
4th Floor, Tower Hamlets Town Hall
160 Whitechapel Road
London, E1 1BJ

[REDACTED]
www.towerhamlets.gov.uk

Follow us on:
[Facebook](#) | [Twitter](#) | [Linkedin](#) | [Instagram](#)

<image001.png>

Please note: all s61 consents, dispensations and variations must be submitted [online](#).

Appendix 18

Noise while the premise is in use

General Advice

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 11.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 11.4)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 11.2 of the Licensing Policy)**.

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

- hours of opening (this needs to be balanced against potential disorder caused by artificially early closing times)
- Whether certain parts should close earlier than the rest (for example a "beer garden", or restricted in their use to 9pm or limiting numbers)
- Whether or not certain activities should have to close at an early hour, for example live music
- Conditions controlling noise or vibration (for example, noise limiters, keeping doors and windows closed).
- Prominent clear and legible notices at all exits requesting the public to respect the needs of local residents and leave the premises and area quietly
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)
- Measures to prevent noise/fumes from engines, drivers (including smoking),
- Measures to prevent obstruct access to properties, pavements.
Measure to reduce the impact of people noise on residents

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 19

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 11 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 11.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 16.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 16.6**)

The Council has adopted a set of framework hours (**See 16.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions (**See Appendix 3 of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 20

Anti-Social Behaviour on the Premises

Licensing Policy

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. **(See Section 9 of the Licensing Policy)**

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 21

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
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism

Appendix 22

Planning

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

Appendix 23

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 framework hours to any particular application regard should be had to the following

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

(See 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

Appendix 24

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?CId=309&MId=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 Licences 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 demonstrate 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:

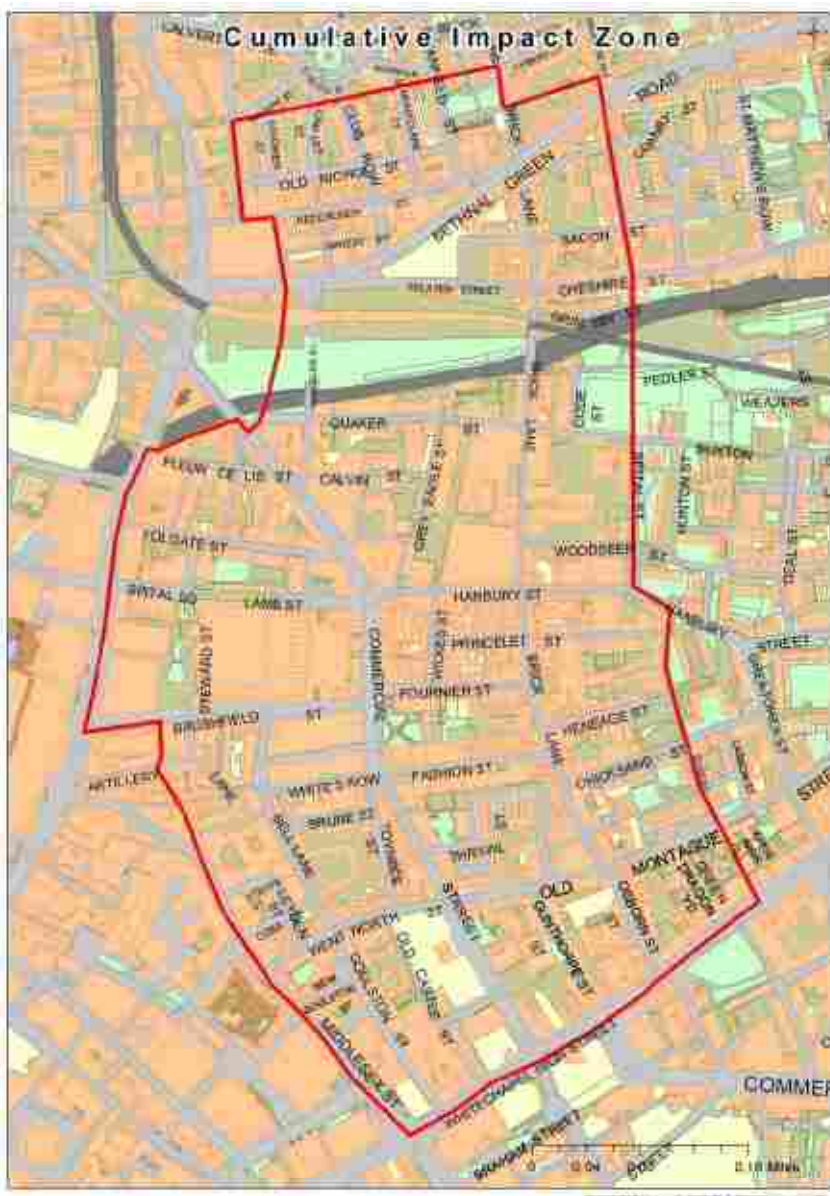


Figure Two:

Bethnal Green Area

This page is intentionally left blank