



Meeting of the

EXTRAORDINARY LICENSING SUB COMMITTEE

Thursday, 3 February 2011 at 6.30 p.m.

A G E N D A

VENUE

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

Members:	Ward Represented
Chair: Councillor Peter Golds	Blackwall & Cubitt Town;
Councillor Kabir Ahmed	Weavers;
Councillor David Snowdon	Millwall;

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:

Simmi Yesmin, Democratic Services,

Tel: 020 7364 4120, E-mail: simmi.yesmin@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS

LICENSING SUB COMMITTEE

Thursday, 3 February 2011

6.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST (Pages 1 - 2)

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

	PAGE NUMBER	WARD(S) AFFECTED
3. RULES OF PROCEDURE	3 - 14	
To note the rules of procedure which are attached for information.		
4. ITEMS FOR CONSIDERATION		
4 .1 Application for a New Premises Licence for INTO University of East Anglia London, 102 Middlesex Street, London E1 7EZ (LSC 58/011)	15 - 70	Spitalfields & Banglatown;
4 .2 Application for a New Premises Licence for Blackstone, Ground Floor and Basement, 159 Commercial Street, London E1 6BJ (LSC 59/011)	71 - 258	Spitalfields & Banglatown;
4 .3 Application to Review the Premises Licence for Gramophone, 60-62 Commercial Street, London E1 6LT (LSC 60/011)	259 - 364	Spitalfields & Banglatown;

Agenda Item 2

DECLARATIONS OF INTERESTS - NOTE FROM THE CHIEF EXECUTIVE

This note is guidance only. Members should consult the Council's Code of Conduct for further details. Note: Only Members can decide if they have an interest therefore they must make their own decision. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending at a meeting.

Declaration of interests for Members

Where Members have a personal interest in any business of the authority as described in paragraph 4 of the Council's Code of Conduct (contained in part 5 of the Council's Constitution) then s/he must disclose this personal interest as in accordance with paragraph 5 of the Code. Members must disclose the existence and nature of the interest at the start of the meeting and certainly no later than the commencement of the item or where the interest becomes apparent.

You have a **personal interest** in any business of your authority where it relates to or is likely to affect:

- (a) An interest that you must **register**
- (b) An interest that is not on the register, but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of inhabitants of the ward affected by the decision.

Where a personal interest is declared a Member may stay and take part in the debate and decision on that item.

What constitutes a prejudicial interest? - Please refer to paragraph 6 of the adopted Code of Conduct.

Your personal interest will also be a prejudicial interest in a matter if (a), (b) and either (c) or (d) below apply:-

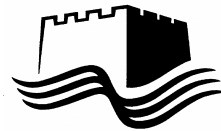
- (a) A member of the public, who knows the relevant facts, would reasonably think that your personal interests are so significant that it is likely to prejudice your judgment of the public interests; AND
- (b) The matter does not fall within one of the exempt categories of decision listed in paragraph 6.2 of the Code; AND EITHER
- (c) The matter affects your financial position or the financial interest of a body with which you are associated; or
- (d) The matter relates to the determination of a licensing or regulatory application

The key points to remember if you have a prejudicial interest in a matter being discussed at a meeting:-

- i. You must declare that you have a prejudicial interest, and the nature of that interest, as soon as that interest becomes apparent to you; and
- ii. You must leave the room for the duration of consideration and decision on the item and not seek to influence the debate or decision unless (iv) below applies; and

- iii. You must not seek to improperly influence a decision in which you have a prejudicial interest.
- iv. If Members of the public are allowed to speak or make representations at the meeting, give evidence or answer questions about the matter, by statutory right or otherwise (e.g. planning or licensing committees), you can declare your prejudicial interest but make representations. However, you must immediately leave the room once you have finished your representations and answered questions (if any). You cannot remain in the meeting or in the public gallery during the debate or decision on the matter.

TOWER HAMLETS



LICENSING COMMITTEE

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

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 Procedures take into account the Licensing Act (Premises Licences and Club Premises Certificates) Regulations 2005. The Procedures also include the time limits within which a hearing must commence (see Appendix A) and will be used by the Licensing Committee and Licensing Sub-Committee when conducting hearings.
- 1.2 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.
- 1.3 These Procedures, therefore, set out the way in which Licensing Sub-Committee Meetings will be conducted under the Licensing Act 2003, following the requirements of the Hearings Regulations. Wherever appropriate they have included the procedures followed successfully when determining licence applications under previous legislation.
- 1.4 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations (Regulation 31).

2. Composition of Sub-Committee

- 2.1 The Sub-Committee will consist of no less than three members and no business shall be transacted unless at least three 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. The Councillor for the ward in which the applicant's premises are situated, or where either the applicant or the objector resides, shall not normally form part of the Sub-Committee for that item on the agenda.

3. Timescales

- 3.1 Most hearings must take place within 20 working days from the last date for representations to be made with the following exceptions:

Within 10 working days from the last date for the police to object to:

- conversion of an existing licence;
 - conversion of an existing club certificate;
 - an application for a personal licence by an existing justices licence holder;
- and

Within 10 working days from the date the Licensing Authority receives the notice for a review of the premises licence following a closure order.

Within 7 working days from the last date for the police to object to:

- a temporary event notice.

Within 5 working days from the last date for the police to object to:

- an interim authority notice (Note: the police must give notice of their objection within 48 hours of being given a copy of the notice).

Note: Where a hearing is likely to take longer than one day, the Authority must arrange for the hearing to take place on consecutive days.

3.2 **Timescale for notice of hearings to be given**

In most cases, the Authority shall give notice of a hearing no later than 10 working days before the first day on which the hearing is to be held. The following are exceptions to that rule:

At least five working days notice must be given to the parties of the date of a hearing for determination of:

- conversion of an existing licence
- conversion of an existing club certificate
- application for a personal licence by the holder of a justices licence
- review of a premises licence following a closure order

At least two days notice must be given to the parties to a hearing for determination of:

- police objection to an interim authority notice
- police objection to a temporary event notice

3.3 **Persons who must be notified of a hearing**

The persons who must be notified of a hearing are set out below as a summary:

- any applicant for any licence or certificate or a temporary event notice.
- any person who has made relevant representations about an application for a licence or for review of a licence (note for any representations deemed frivolous, vexatious or repetitious under Section 18(7)(c) or similar sections of the Licensing Act 2003 the objector must be notified of the Authority's decision as soon as possible and in any event before any hearing).
- Any police officer who has given notice of objection to:
 - a person specified as a Designated Premises Supervisor
 - an interim authority

- transfer of a premises licence
 - a temporary event notice
 - a personal licence
- Any holder of a premises licence or club premises certificate where:
- application is made for review

Note: Anyone given notice of a hearing is a party and that is how that expression is used in these Rules of Procedure.

3.4 Information to be provided in a notice of hearing

The information that must be included in a notice of hearing includes:

- The procedure to be followed at the hearing;
- The right of the party to attend and to be assisted or represented by any person whether legally qualified or not;
- The ability to give further information in support of their application where the Authority has sought clarification;
- The right to question any other party if given permission by the Authority;
- The right to address the Authority;
- Notice of any particular points on which the Authority will want clarification at the hearing;
- The consequences if a party does not attend or is not represented at the hearing;
- For certain hearings particular documents must accompany the notice which is sent to parties informing them of the hearing. Reference must be made to Schedule 3 of the Hearings Regulations for this purpose.

3.5 Failure of Parties to Attend the Hearing

If a party has informed the Authority that they will not be attending or be represented at the hearing, it may proceed in their absence.

If a party does not give notice that they will not be attending but fails to attend and is not represented, the Authority may either:

- a) adjourn the hearing if it considers it to be necessary in the public interest or
- b) hold the hearing in the party's absence

If the Authority holds the hearing in the absence of a party, it will consider at the hearing the application, representation or notice given by the party.

If the Authority adjourns the hearing to a specified date it must forthwith the parties of the date, time and place to which the hearing has been adjourned.

Note: Transition hearings cannot be adjourned to a date beyond the date that which causes an application to be deemed as determined by default.

4. Procedure at the Hearing

4.1 The usual order of proceedings will be as set out below. The Sub-Committee will allow the parties an equal maximum time period in which to give further information in support of their application, representation or response. Where the Authority has given notice that it will seek clarification on that point at the hearing or where permission has been given to call any further persons to give supporting evidence, the Sub-Committee may allow the parties to question any other party and to address the Licensing Sub-Committee. The Sub-Committee will seek, in all cases, to avoid repetition of points (whether included in written material or otherwise), irrelevancy, or any abuse of the procedure.

At the beginning of the hearing the procedure to be followed will be explained to the parties. The hearing will, so far as is possible, take the form of a discussion, led by the Sub-Committee. Cross-examination will not be permitted unless the Sub-Committee considers it necessary.

- i) The Chair will begin by explaining how the proceedings will be conducted, and indicate any time limits that may apply to the parties to the application.
- ii) The report will be briefly introduced by an Officer of the Licensing Section summarising the application.
- iii) The Sub-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.
- iv) A summary of the nature and extent of the application by the applicant or their representative. This should be brief, avoid repetition of material already available to the 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. 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.
- v) A summary of the reasons for making representations about the application by any interested party. This should be brief and avoid any repetition of information already made available to the Committee either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the objectors.
- vi) A summary of the reasons for making representations by or on behalf of any Responsible Authority. This should be brief and avoid any repetition of information already made available to the Licensing Sub-Committee

either in the Officer's report or otherwise. That will be followed by the evidence of any person who has been given permission by the Panel to give supporting evidence on behalf of the Responsible Authority.

- vii) Members of the Sub-Committee may ask any questions of any party or other person appearing at the hearing.

4.2 The following requirements of the Hearing Regulations will also be followed by the Licensing Sub-Committee:

- a) The Sub-Committee will be guided by legal principles in determining whether evidence is relevant and fairly admissible. In particular, hearsay evidence may be admitted before the Sub-Committee but consideration will always be given to the degree of weight, if any, to be attached to such evidence in all the relevant circumstances.
- b) The Sub-Committee may impose a time limit on the oral representations to be made by any party. In considering whether to do so, and in considering the length of any such time limit, the Sub-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.
- c) In considering the time limits referred to in (b) above, regard must be had to the requirement to allow each party an equal amount of time.

4.3 When considering any representations or notice made by a party, the Authority may take into account documentary or other information produced by a party in support of their application, representation or notice, either:

- a) before the hearing, or
- b) with the consent of all other parties, by the Sub-Committee at the hearing

The Authority 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.

4.4 All hearings shall take place in public save that:

- a) The Licensing Sub-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.
- b) The parties and any person representing them may be excluded in the same way as another member of the public

c) The Licensing Sub-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 the authority may specify.

4.5 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. 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.

5. Determination of Application – Time Limits

5.1 The Licensing Sub-Committee must make its determination at the conclusion of the hearing where the application is for:

- a) Conversion or variation of an existing licence during transition
- b) Conversion or variation of an existing club certificate during transition
- c) A review of a premises licence following a closure order
- d) A personal licence by the holder of a justices licence
- e) A counter notice following police objection to a temporary event notice

5.2 In any other case the Authority must make its determination within the period of five working days, beginning with the day, or the last day, on which the hearing was held.

5.3 Where a hearing has been dispensed with because all of the parties have agreed that a hearing is unnecessary (and the Authority has agreed, giving notice to the parties in writing), then the Authority must make its determination within 10 working days beginning with the day the authority gives such notices to the parties. The Team Leader (Licensing) shall be authorised to make the determination on behalf of the Authority.

6. Record of Proceedings

6.1 The Authority must arrange for a record to be taken of the hearing in a permanent and intelligible form and for that record to be kept for six years from the date of determination. Where an appeal is brought against a determination by the Authority, the record must be kept for six years from the date of disposal of the appeal.

7. Irregularities

7.1 Proceedings will not be rendered void only as the result of failure to comply with any provision of the Hearings Regulations

7.2 Clerical mistakes in any document recording a determination of the Authority, or errors arising in such a document as the result of an accidental slip or omission, may be corrected by the Authority.

8. Notices

8.1 In accordance with the Regulations, any notices must be given in writing. Such a notice may be sent electronically, providing:

- a) it can be accessed by the recipient in a legible form;
- b) it is capable of being reproduced as a document for future reference;
- c) the recipient has agreed in advance to receive it in such form;
- d) a copy is sent in documentary form forthwith to the recipient.

9. Appeals

9.1 Either those who have made an application or those who have made representations on an application may appeal to the Magistrates Court.

Note: An appeal must be commenced within twenty one days beginning with the day on which the appellant was notified by the Licensing Authority of their decision.

APPENDIX A

Application Type	Period of Time within which Hearing to be Held (after reps have closed)	Notice Period of Hearing	Notice Sent To	Attendee Reply Form Back In
Section 18 (3)(a) (determination of application for premises licence)	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 35(3)(a) (determination of application to vary premises licence).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 39(3)(a) (determination of application to vary premises licence to specify individual as premises supervisor).	20 working days	10 working days	Applicant (premises holder); Chief Officer of Police who has given notice; The proposed premises supervisor	5 working days
Section 44(5)(a) (determination of application for transfer of premises licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice; The present holder of the premises licence	5 working days
Section 52(2) (determination of application for review of premises licence).	20 working days	10 working days	The holder of the premises licence of where application applies; People who have made representations; Applicant	5 working days
Section 120(7)(a) (determination of application for grant of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 121(6)(a) (determination of application for the renewal of personal licence).	20 working days	10 working days	Applicant; Chief Officer of Police who has given Notice	5 working days
Section 124(4)(a) (convictions coming to light after grant or renewal of personal licence).	20 working days	10 working days	The holder of the licence; Chief Officer of Police who has given Notice	5 working days
Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of a justices' licence for	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days

grant of personal licence).				
Section 31(3)(a) (determination of application for a provisional statement).	20 working days	10 working days	Applicant; People who have made representations	5 working days
Section 48(3)(a) (cancellation of interim authority notice following police objection).	5 working days	2 working days	The person who has given Notice; Chief Officer of Police who has given Notice	1 working day
Section 72(3)(a) (determination of application for club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 85(3) (determination of application to vary club premises certificate).	20 working days	10 working days	Applicant (club); People who have made representations	5 working days
Section 88(2) (determination of application for review of club premises certificate).	20 working days	10 working days	Club that holds club premises certificate; People who have made representations; Applicant	5 working days
Section 105(2)(a) (counter notice following police objection to temporary event notice)	7 working days	2 working days	The premises user; Chief Officer who has given Notice	1 working day
Section 167(5)(a) (review of premises licence following closure order).	10 working days	5 working days	The holder of the premises licence; People who have made representations	2 working days
Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence).	10 working days	5 working days	Applicant; Chief Officer of Police who has given Notice	2 working days
Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate).	10 working days	5 working days	Applicant (club) Chief Officer who has given Notice	2 working days

APPENDIX B

Regulation 8

Action Following receipt of notice of hearing	
1.	A party shall give to the authority within the period of time provided for in the following provisions of this regulation a notice stating:
(a)	whether he intends to attend or be represented at the hearing;
(b)	whether he considers a hearing to be unnecessary.
2.	In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the authority in relation to the application, representations or notice of the party making the request.
3.	In the case of a hearing under:
(a)	section 48(3)(a) (cancellation of interim authority notice following police objection), or
(b)	section 105(2)(a) (counter notice following police objection to temporary event notice),
	the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
4.	In the case of a hearing under:
(a)	section 167(5)(a) (review of premises licence following closure order),
(b)	paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence),
(c)	paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing club certificate), or
(d)	paragraph 26(3)(a) of Schedule 8 (determination of application by holder of justices' licence for grant of personal licence),
	the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
5.	In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

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Agenda Item 4.1

Committee: Licensing Sub-Committee	Date: 3 rd February 2011	Classification: Unclassified	Report No. LSC 58/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Mohshin Ali Acting Senior Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for INTO University of East Anglia London, 102 Middlesex Street, London E1 7EZ Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Mr Martin William Halsall**

Name and **INTO University of East Anglia London**

Address of Premises: **102 Middlesex Street**
London
E1 7EZ

Licence sought: **Premises Licence under Licensing Act 2003**

- **Sale of alcohol**
- **The provision of regulated entertainment**
- **The provision of late night refreshment**

Representations: **Local resident**

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 Only		Mohshin Ali 020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for INTO University of East Anglia London, 102 Middlesex Street, London E1 7EZ.

3.2 A copy of the application is enclosed as **Appendix 1**.

3.3 The applicant has amended the application following consultation with Environmental Protection and the Police (please see **Appendix 2**).

3.4 The Planning Department did make a representation to the initial application. However, they withdrew their representation based on the amended timings and also on the understanding that the 24 hours access is for staff and students only.

3.5 The amended licensable activities and timings are as follows:

Sale by retail of alcohol (on sales)

- Monday to Sunday, from 17:00 hours to 24:00 hours (midnight)

The provision of late night refreshment

- Monday to Sunday, from 16:00 hours to 24:00 hours (midnight)

The provision of regulated entertainment (recorded music, performance of dance, provision of facilities for making music, provision of facilities for dancing)

- Monday to Thursday, from 12:00 hours to 21:00 hours

- Friday and Saturday, from 12:00 hours to 23:00 hours

Plays

- Monday to Friday, from 17:00 hours to 21:00 hours

- Saturday, from 12:00 hours to 21:00 hours

Films

- Monday to Saturday, from 12:00 hours to 21:00 hours

Live music

- Monday to Thursday, from 12:00 hours to 23:00 hours

- Friday and Saturday, from 12:00 hours to 24:00 hours (midnight)

Hours open to the public

- Monday to Sunday, from 12:00 hours to 00:30 hours

3.6 A map showing the relevant premises is included as **Appendix 3**.

4.0 Licensing Policy and Government Advice

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7th January 2008.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised on the 12th October 2010.
- 4.4 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.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.8 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 All the representations in this report have been considered by the relevant officer (Licensing Services Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident.
- 5.12 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents on file.
- 5.13 Please see **Appendix 5** for the representation of the local resident.
- 5.14 The application was required to be advertised in a local newspaper and by a blue poster. In addition the licensing section consulted on a 40 m basis.
- 5.15 Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

- 5.16 Essentially, the local resident opposes the application because the applicant has not explained how within the context of the application they will meet the above licensing objectives, particularly:
- the prevention of crime and disorder
 - the prevention of public nuisance
- 5.17 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.

6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore 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.

6.2 Guidance issued under section 182 of the licensing Act 2003

- ∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).
Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).
- ∇ 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.” (1.10)
- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
- ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
- ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).

∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)

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

6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

6.5 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.

6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)

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

6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows:

Appendix 6 Licensing Officer comments on crime and disorder on the premises

Appendix 7 Licensing Officer comments on crime and disorder from patrons leaving the premises

Appendix 8 Licensing Officer comments on noise while the premise is in use

Appendix 9 Licensing Officer comments on egress problems

Appendix 10 Planning

Appendix 11 Licensing Policy relating to hours of trading

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the premises licence application
Appendix 2	Email to amend the application
Appendix 3	Maps of the area
Appendix 4	Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations
Appendix 5	Representation of the local resident
Appendix 6	Licensing Officer comments on crime and disorder on the premises
Appendix 7	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 8	Licensing Officer comments on noise while the premise is in use
Appendix 9	Licensing Officer comments on access and egress problems
Appendix 10	Planning
Appendix 11	Licensing Policy relating to hours of trading

Appendix 1



FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) MARTIN HALSALL

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	
102 MIDDLESEX STREET, BODDENS TRADING 27 OCT 2010 LICENSING	
Post town	Post code
LONDON	E1 7EZ

Telephone number at premises (if any)

Non-domestic rateable value of premises £ NOT KNOWN

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick yes
- Please complete section (A)
- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

- Please tick yes
- 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 Mrs Miss Ms Other title
(for example, Rev)

Surname

HALSALL

First names

MARTIN WILLIAM

I am 18 years old or over

Please tick yes

Current postal
address if different
from premises
address

[Empty box for current postal address]

Post Town

[Empty box for post town]

Postcode

[Empty box for postcode]

Daytime contact telephone number

[Redacted telephone number]

E-mail address
(optional)

[Redacted email address]

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

[Empty box for surname]

First names

[Empty box for first names]

I am 18 years old or over

Please tick yes

Current postal
address if different
from premises
address

[Empty box for current postal address]

Post Town

[Empty box for post town]

Postcode

[Empty box for postcode]

Daytime contact telephone number

[Empty box for telephone number]

E-mail address
(optional)

[Empty box for email address]

B) OTHER APPLICANTS

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

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

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
01	12	2010

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

Day	Month	Year

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

--

Please give a general description of the premises (please read guidance note1)

INTO UEA LONDON PROVIDES PATHWAYS TO
BRITISH UNIVERSITIES FOR INTERNATIONAL STUDENTS
AT UNDERGRADUATE AND POSTGRADUATE LEVELS.

ANY SOCIAL ACTIVITIES ARE NOT OPEN TO THE GENERAL
PUBLIC. ALL FUNCTIONS WILL BE PRE-BOOKED AND
MANAGED BY US

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

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

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	1700	2100	Please give further details here (please read guidance note 3) NORMALLY IN THE GROUND FLOOR LECTURE THEATRE		
Tue	1700	2100			
Wed	1700	2100		State any seasonal variations for performing plays (please read guidance note 4)	
Thur	1700	2100			
Fri	1700	2100		Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	1200	2100			
Sun	-	-			

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon	1200	2100	Please give further details here (please read guidance note 3) NORMALLY IN THE GROUND FLOOR LECTURE THEATRE		
Tue	1200	2100			
Wed	1200	2100		State any seasonal variations for exhibition of films (please read guidance note 4)	
Thur	1200	2100			
Fri	1200	2100		Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sat	1200	2100			
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
Day	Start	Finish	
Mon	1200	2100	<p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p style="text-align: center;">N/A.</p>
Tue	1200	2100	
Wed	1200	2100	
Thur	1200	2100	
Fri	1200	2100	
Sat	1200	2100	
Sun	-	-	

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon	N/A		Both		<p>Please give further details here (please read guidance note 3)</p> <p style="text-align: center;">N/A.</p> <p>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)</p> <p>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 5)</p>
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	X
Day	Start	Finish		Outdoors	
Mon	1200	2300	Please give further details here (please read guidance note 3)	Both	
Tue	1200	2300			
Wed	1200	2300	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	1200	2300			
Fri	1200	2400	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 5)		
Sat	1200	2400			
Sun					

NORMALLY ONLY A QUARTET ON THE FIRST FLOOR

F - Amended

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	X
Day	Start	Finish		Outdoors	
Mon	1200	2300	Please give further details here (please read guidance note 3)	Both	
Tue	1200	2300			
Wed	1200	2300	State any seasonal variations for playing recorded music (please read guidance note 4)		
Thur	1200	2300			
Fri	1200	2400	Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	1200	2400			
Sun					

ANY LOCATION

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both - please tick [X] (please read guidance note 2)	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 3) NORMALLY ONLY ON THE FIRST FLOOR		
Mon	1200	2100			
Tue	1200	2100			
Wed	1200	2100			
Thur	1200	2100			
Fri	1200	2300			
Sat	1200	2300			
Sun	-	-			
			State any seasonal variations for the performance of dance (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the entertainment of 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 5)		

① - Amended

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing							
			Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	<table border="1"> <tr> <td>Indoor</td> <td>X</td> </tr> <tr> <td>Outdoor</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoor	X	Outdoor		Both	
Indoor	X									
Outdoor										
Both										
Day	Start	Finish	Please give further details here (please read guidance							
Mon	1200	2300	SMALL SCALE – IN CLASSROOMS							
Tue	1200	2300								
Wed	1200	2300	State any seasonal variations for the facilities for making music (please read guidance note 4)							
Thur	1200	2300								
Fri	1200	2400	Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)							
Sat	1200	2400								
Sun	—	—								

J - Amended

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing							
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	<table border="1"> <tr> <td>Indoor</td> <td>X</td> </tr> <tr> <td>Outdoor</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoor	X	Outdoor		Both	
Indoor	X									
Outdoor										
Both										
Day	Start	Finish	Please give further details here (please read guidance							
Mon	200	2300	NORMALLY FIRST FLOOR ONLY							
Tue	1200	2300								
Wed	1200	2300	State any seasonal variations for the facilities for dancing (please read guidance note 4)							
Thur	1200	2300								
Fri	1200	2400	Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)							
Sat	1200	2400								
Sun										

K

Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment facility you will be providing	
			Will the entertainment facility be indoors or outdoors or both – please tick (Y)1 (please read guidance note 2)	Indoor
				Outdoor
				Both
Day	Start	Finish	Please give further details here (please read guidance	
Mon				
Tue				
Wed			State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or k (please read guidance note 4)	
Thur				
Fri				
Sat			Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)	
Sun				

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both - please tick [Y] (please read guidance note 2)	Indoors	X
Day	Start	Finish		Outdoors	
				Both	
Mon	16.00	24.00	<p><u>Please give further details here</u> (please read guidance)</p> <p>NORMALLY : LECTURE THEATRE : FIRST FLOOR OPEN AREA : THIRD FLOOR OPEN AREA</p> <p><u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>		
Tue	16.00	24.00			
Wed	16.00	24.00			
Thur	16.00	24.00			
Fri	16.00	24.00			
Sat	16.00	24.00			
Sun	16.00	24.00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption - please tick [Y] (please read guidance note 7)	On the premises	X
Day	Start	Finish		Off the premises	
				Both	
Mon	17.00	24.00	<p><u>Please give further details here</u> (please read guidance)</p> <p>NORMALLY ONLY IN: LECTURE THEATRE : FIRST FLOOR OPEN AREA : THIRD FLOOR OPEN AREA</p> <p><u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4)</p> <p><u>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</u> (please read guidance note 5)</p>		
Tue	17.00	24.00			
Wed	17.00	24.00			
Thur	17.00	24.00			
Fri	17.00	24.00			
Sat	17.00	24.00			
Sun	17.00	24.00			

Box M continues on the next page...

Box M continued

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

Name

MARTIN HAZZALL

Address

[Redacted]
Postcode [Redacted]

Personal Licence number(if known)

[Redacted]

Issuing licensing authority (if known)

[Redacted]

N

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 8)

[Empty box for highlighting concerns]

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon			<p>PREMISES ARE NOT ROUTINELY OPEN TO THE PUBLIC, ONLY TO STAFF AND STUDENTS AND THOSE ENQUIRING ABOUT FUTURE STUDY</p>
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
			<p><u>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list.</u> (please read guidance note 5)</p>

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

AN AGE VERIFICATION POLICY IS IN FORCE
THIS WILL BE ENFORCED BY THE STAFF USING
CLASS LISTS. STAFF WILL ALWAYS SUPERVISE ANY
FUN GAMES INVOLVING STUDENTS

b) The prevention of crime and disorder

SIA GUARDS ARE EMPLOYED IN THE LOBBY 24/7
THE GUARDS ARE INTEGRATED INTO THE CENTRE'S
STAFF AND ARE SUPPLEMENTED MON-FRI 0800-
2000 BY A PROFESSIONAL RECEPTIONIST

c) Public safety

NO GLASSES WILL BE REMOVED FROM THE BUILDING
SIA GUARD WILL ENSURE COMPLIANCE

d) The prevention of public nuisance

NOTICES WILL BE POSTED REQUIRING PEOPLE
TO RESPECT OUR NEIGHBOURS AND THEIR PROPERTY
STUDENTS WILL BE BRIEFED
STAFF WILL MONITOR BEHAVIOUR

e) The protection of children from harm

ALL STAFF ARE CRB (ENHANCED) CHECKED
PASTORAL CARE OF OUR STUDENTS NO MATTER
WHAT AGE IS PARAMOUNT AND PART OF
OUR ROUTINE SAFEGUARDING INITIATIVES

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

- Please tick yes
- 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 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

Part 4 – Signatures (please read guidance note 10)

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

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature



Date

26 October 2010

Capacity

CHIEF OPERATIONS OFFICER

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) 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 13)

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Appendix 2

Mohshin Ali

From: Thomas Doyle
Sent: 13 December 2010 16:21
To: Alkesh Solanki
Cc: Mohshin Ali
Subject: RE: INTO University of East Anglia London, 102 Middlesex Street

Thanks Alkesh.

Mohshin - On that basis I would be happy to withdraw my objection too if this can be done.

Regards

Thomas.

Planning Enforcement Officer
London Borough of Tower Hamlets
Ph: 0207 364 5204

From: Alkesh Solanki
Sent: 08 December 2010 15:59
To: Thomas Doyle
Cc: Mohshin Ali
Subject: RE: INTO University of East Anglia London, 102 Middlesex Street

HI THOMAS,

Apparently they need 24hour access for staff and students. And yes I withdrew my objections. I met RUTH HARPER and Alan (POLICE) a couple of weeks ago onsite. The biggest confusion lies in the fact that Martin H and Ruth were both negotiating with us....The last piece of correspondence from the applicant is as is cut and paste below, and it seems different to what info you have, read on:

"Dear Alan and Alkesh,

Thank you both for meeting with me today.

To confirm our discussions, the application will be as per the written submission, except for the following:

Sections F (Recorded Music), I (Making Music) and J (Dancing) will all be adjusted to the same times as G (Performances of Dance): Monday – Thursday 12.00-21.00 and Friday – Saturday 12.00-23.00.

Section O – Opening times to Public are 12.00-00.30.

We will adhere to the conditions:

No alcohol to be taken from the premises.

No glasses/bottles to be taken outside.

Kind Regards,

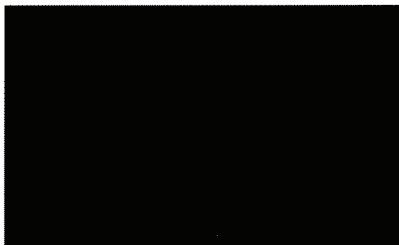
Ruth Harper

Academic Support and Operations Manager

UEA London/INTO UEA/INTO City

102 Middlesex Street

London E1 7EZ



Alkesh Solanki
Area Team North, Environmental Protection

alkesh.solanki@towerhamlets.gov.uk 020 7364 6518
London Borough of Tower Hamlets 4th Floor Anchorage House 2 Clove Crescent London E14 2BE Click here for map.

From: Thomas Doyle
Sent: 07 December 2010 13:08
To: Mohshin Ali
Cc: Alkesh Solanki
Subject: RE: INTO University of East Anglia London, 102 Middlesex Street

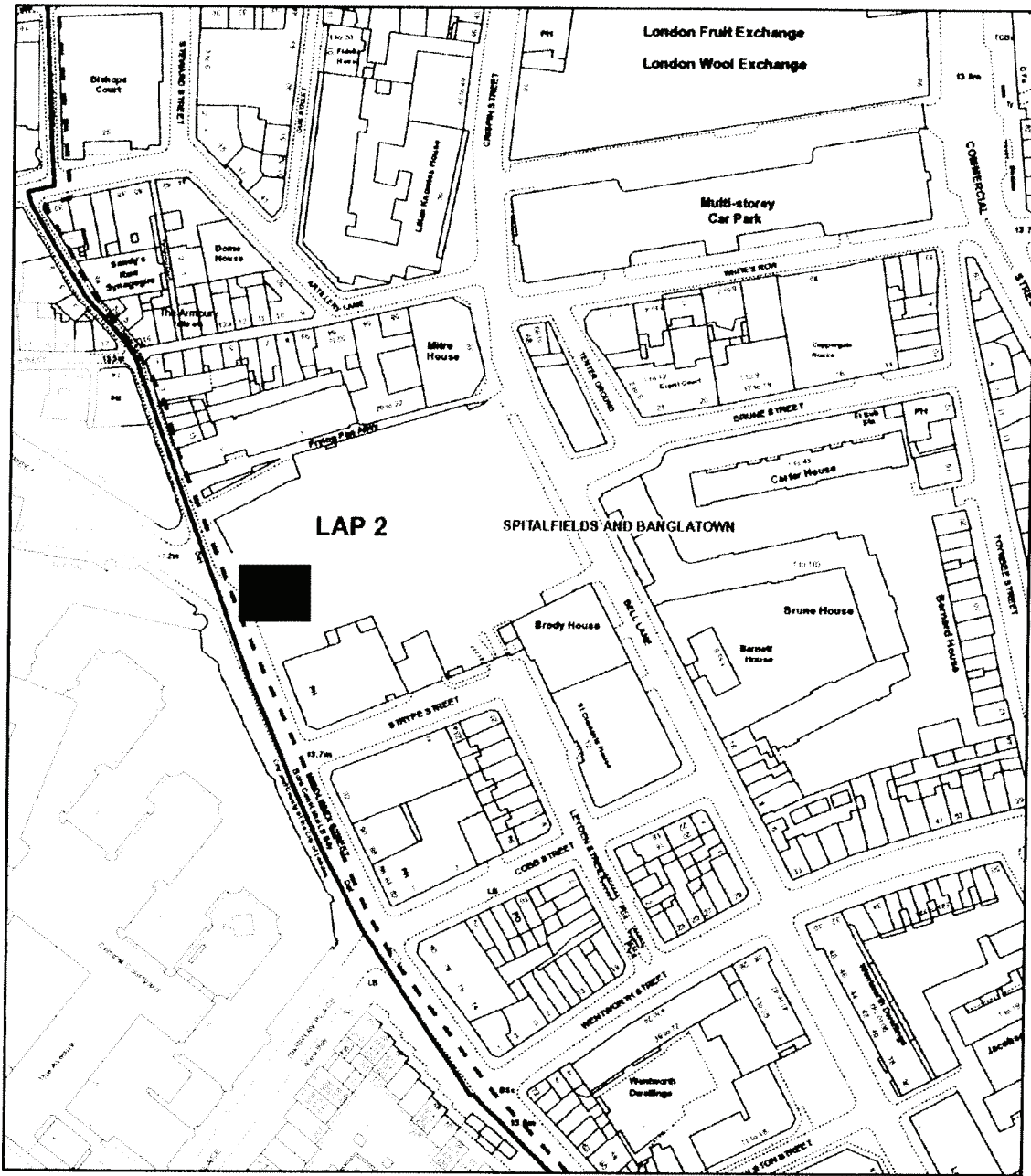
Hi Alkesh,

Have you withdrawn your objection to this?

I would have no objection with sale of alcohol till midnight but do they really need to be open 24hrs to the public?

I'm a little confused because the original application said they wished to provide function facilities, which would be self contained with no open access to licensed areas for members of the general public with all functions being pre booked.

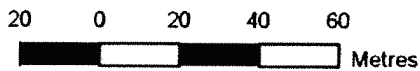
Appendix 3



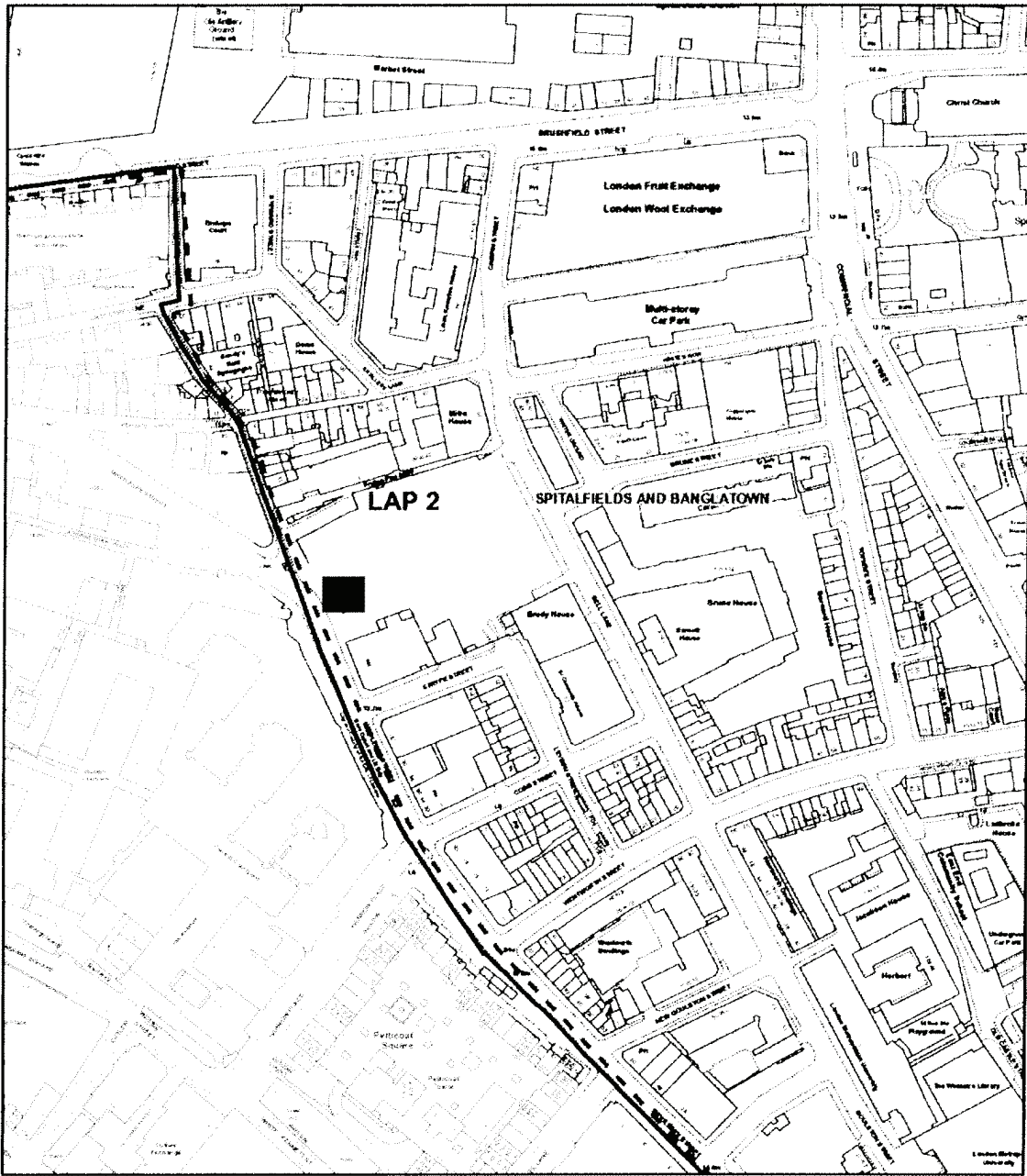
102 Middlesex Street



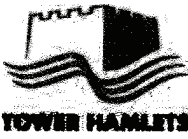
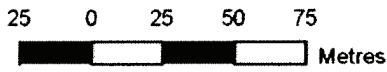
Scale 1:1665



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102 Middlesex Street



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “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 businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving 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 subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 5

Hi To whom it may concern,

I am writing to you regarding the receipt of
an application for 24hr drinking at

UEA London 102 Middlesex Street E1
(Ref TSS/LIC/042457)

I would like to express my strong view
against this. The students are often loud
and drunk wandering around this area at
very early hours of the morning. I live in
the adjacent building, Wexner Building, and am
often woken up by the students. The addition
of this licence will mean more noise,
and attract the likes of crime, looking to
take advantage of drunk students and their
friends.

Please consider my letter,

Many Thanks

Erica Plaut

To whom it may concern,

Re your ref: TSS/LIC/042464
/MA

The licence that has been applied for by 102 Middlesex Street E17EZ. Many thanks for sending me the updated proposal, however I must still submit my objections.

I am willing to appreciate a licence until 11pm is perfectly acceptable during the week/weekend but I work long hours on a Friday to finish early for religious reasons and therefore students drinking and allowed live music until midnight on a Friday is not acceptable. The students have an outside area right by my bedroom window that they make a lot of noise in already. Having live music (though they specify inside, they keep the doors open) would be intolerable and upsetting on a Friday, my health will suffer if not allowed to sleep until midnight, as well as my prayers being interrupted. Friday is still a weekday, please honour our desire for rest and piece after a long week working which

LBTH

students will not appreciate
I must also object to a drinking licence
until midnight every night for the same
reasons. We are already in legal proceedings
with the bar next door breaching their
licence past 11pm, please do not add another
disturbance, we only want to rest and enjoy some
quiet, but with the bar and university this is
becoming impossible.

The outside space will and is already used
for drinking, and substantial noise is not enforced
by the university officials, attracting attention
from outside peoples.

I have lived here for 3 years and never experienced
drug dealers in the area before. Now they hang
around at 10pm/11pm looking for student buyers,
it's awful. Please limit the drinking/entertainment
to 11pm as is customary for a residential
neighbourhood and help us enjoy some peace. Many
Thanks, we really need your help.

Erica Platt

Appendix 6

Crime and disorder 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 Sections 5.2. of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D 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 is acknowledged (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 on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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 7

Crime and disorder 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." Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D 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 pool of conditions, adopted by the council is recommended (Annexe D).
The key role of the police is acknowledged (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 on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity "vertical consumption" premises (10.40).

There is also guidance issued around the heading of "public nuisance as follows

The pool of conditions, adopted by the council is recommended (Annexe G).
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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder" (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

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 8

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 8.1 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

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 12.4**).

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 Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D 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
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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 (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

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 9

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.

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 8.1 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 8.2 of the Licensing Policy)**.

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.10)**.

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 12.10)**

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). 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. (2.33).

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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Appendix 10

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.

Appendix 11

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

Sunday to Thursday 06 00 hrs to 23 30 hrs
Friday and Saturday 06 00 hrs to midnight
(see 12.8 Of the licensing policy)

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

- Location
 - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
 - The adequacy of the applicants 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 12.8 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
- Premises licensed for off sales only

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Agenda Item 4.2

Committee: Licensing Sub-Committee	Date: 3 RD February 2011	Classification: Unclassified	Report No. LSC 59/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial)	Title: Licensing Act 2003 Application for a New Premises Licence for Blackstone, Ground Floor and Basement, 159 Commercial Street, London E1 6BJ
Originating Officer: Mohshin Ali Acting Senior Licensing Officer	Ward affected: Spitalfields and Banglatown

1.0 Summary

Applicant:	Bengal Bites Ltd t/a Black Stone
Name and	Black Stone
Address of Premises:	Ground Floor and Basement 159 Commercial Street London E1 6BJ
Licence sought:	Premises Licence under Licensing Act 2003 <ul style="list-style-type: none">• Sale of alcohol• The provision of regulated entertainment (recorded music)• The provision of late night refreshment
Representations:	Local Residents Residents 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 Only		Mohshin Ali 020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for Blackstone, Ground Floor and Basement, 159 Commercial Street, London E1 6BJ.
- 3.2 A copy of the application is enclosed as **Appendix 1**.
- 3.3 The applicant has amended the application following consultation with Environmental Protection and the Police. The applicant's amendments are enclosed in **Appendix 2**.
- 3.4 The amended licensable activities and timings are as follows:

Sale of alcohol (on sales) and late night refreshment

- § Monday to Thursday, from 11:00 hours to 22:30 hours
- § Friday and Saturday, from 11:00 hours to 23:30 hours
- § Sunday, from 11:00 hours to 21:30 hours

Note: For late night refreshment, a licence is not required prior to 23:00 hours

The provision of regulated entertainment (recorded music)

- § Monday to Thursday, from 11:00 hours to 23:00 hours
- § Friday and Saturday, from 11:00 hours to 23:59 hours
- § Sunday, from 11:00 hours to 22:00 hours

Hours open to the public

- § Monday to Thursday, from 11:00 hours to 23:00 hours
- § Friday and Saturday, from 11:00 hours to 23:59 hours
- § Sunday, from 11:00 hours to 22:00 hours

Note: Non-standard timings have been removed from the application and the capacity has been reduced

- 3.5 A map showing the relevant premises is included as **Appendix 3**.

4.0 **Licensing Policy and Government Advice**

- 4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 7th January 2008.
- 4.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 4.3 The Home Office has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It will also be available at the hearing. It was last revised on the 12th October 2010.
- 4.4 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.

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 Interested party as defined in Section 13 (3) of the Licensing Act 2003 is limited to persons living in the vicinity of the premises, their representatives and local businesses in the vicinity of the premises and their representatives. Essentially, the interested party making the representation should show by what they say that they, or those they represent are sufficiently close to be personally affected by the application.
- 5.3 Only a responsible authority or an interested party can make a representation. Both of these terms are defined by statute, in Section 13 of the Licensing Act 2003.
- 5.4 There are two tests for an interested party and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.5 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.6 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Interested parties and their representatives have to meet this test.
- 5.7 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

- 5.8 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 5.9 All the representations in this report have been considered by the relevant officer (Licensing Services Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
- The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Protection
 - Trading Standards
 - Child Protection
- 5.11 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local residents and residents association
- 5.12 In relation to the application and the representations, the personal details such as emails, phone numbers and signatures have been redacted for the purposes of identity theft protection. The Licensing Officer has the original documents on file.
- 5.13 Please see **Appendix 5** for a list of the residents/ residents association making representations.
- 5.14 Please see **Appendices 6 - 35** for the actual representations of the local residents/ residents association.
- 5.15 The Police and Environmental Protection initially made representations to the original application but then agreed timings and conditions with the applicant.
- 5.16 Please see **Appendix 36** for the agreements with the Police.
- 5.17 Please see **Appendix 37** for the agreements with Environmental Protection.
- 5.18 The London Fire and Emergency Planning Authority did not make a representation and their comments are included in **Appendix 38**.
- 5.19 The application was required to be advertised in a local newspaper and by a blue poster. In addition the licensing section consulted on a 40 m basis.

5.20 Only objections that relate to the following licensing objectives are relevant:

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

5.21 Essentially, the local residents oppose the application because the applicant has not explained how within the context of the application they will meet the above licensing objectives, particularly:

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

5.22 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.

6.0 Licensing Officer Comments

6.1 The Licensing Section is not a responsible authority and therefore has no ability to make any relevant representations. The following therefore 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.

6.2 Guidance issued under section 182 of the licensing Act 2003

∇ As stated in the guidance it is “provided for licensing authorities carrying out their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.6).

Also “so long as the guidance has been properly and carefully understood and considered, licensing authorities may depart from it if they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.7).

∇ 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.” (1.10)

- ∇ Conditions may not be imposed for the purpose other than the licensing objectives.
 - ∇ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.7).
 - ∇ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
 - ∇ It is Government policy that facilities for people and performers with disabilities should be provided at places of entertainment. (S.10.24).
 - ∇ The Government has stated “there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount at all times. Where there are objections to an application and the committee believes that changing the licensing hours would undermine the licensing objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.20)
- 6.3 The Licensing Act 2003 permits children of any age to be on the premises providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 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.
- 6.6 The Government has advised that “In the context of preventing public nuisance it is again essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to public nuisance caused by anti-social behaviour of customers once they are beyond the control of the licence holder or premises management cannot be justified and will not serve the licensing objectives.” (2.38)
- 6.7 The Council’s licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

6.8 Members will find advice on the issues relating to conduct on the premises and egress as follows:

- Appendix 39** Licensing Officer comments on crime and disorder on the premises
- Appendix 40** Licensing Officer comments on crime and disorder from patrons leaving the premises
- Appendix 41** Licensing Officer comments on noise while the premise is in use
- Appendix 42** Licensing Officer comments on egress problems
- Appendix 43** Licensing Officer comments on public safety
- Appendix 44** Planning
- Appendix 45** Licensing Policy relating to hours of trading

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Acts of religious worship, wherever performed are not licensable.
- 7.3 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”
- 7.4 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08 00 hrs and midnight, no additional conditions should be set relating to the music.
- 7.5 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 Legal Comments

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

9.0 Finance Comments

- 9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy of the premises licence application
Appendix 2	Email to amend the application
Appendix 3	Maps of the area
Appendix 4	Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations
Appendix 5	list of the residents/ residents association making representations
Appendices 6 - 35	the actual representations of the local residents/ residents association
Appendix 36	Timings and conditions agreed with Police
Appendix 37	Timings and conditions agreed with Environmental Protection
Appendix 38	Comments of London Fire and Emergency Planning Authority
Appendix 39	Licensing Officer comments on crime and disorder on the premises
Appendix 40	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 41	Licensing Officer comments on noise while the premise is in use
Appendix 42	Licensing Officer comments on access and egress problems
Appendix 43	Licensing Officer comments on public safety
Appendix 44	Planning
Appendix 45	Licensing Policy relating to hours of trading

Appendix 1



FOR OFFICE USE			
RECEIPT / INVOICE NO.	FEE REQUIRED:	Date:	Initials:

This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO BOX 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (insert name(s) of applicant) Bengal Bites Ltd t/a Black Stone

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

Ground Floor and Basement, 159 Commercial Street London		
Post town London	Post code E1 6BJ	

Telephone number at premises (if any)

Non-domestic rateable value of premises

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick byes
- a) an individual or individuals* Please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity please complete section (B)
 - e) the proprietor of an educational establishment please complete section (B)
 - f) a health service body please complete section (B)
 - g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
 - h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

- Please tick byes
- 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 Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick b yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname	First names
<input type="text"/>	<input type="text"/>

I am 18 years old or over Please tick b yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name Bengal Bites Ltd t/a Black Stone
Address Unit 5, 20 High Street, E15 2PP
Registered number (where applicable) 06878389
Description of applicant (for example partnership, company, unincorporated association etc) Limited Company
Telephone number, if any Use agent's number 0207 739 2800
E-mail (optional) Use agent's office@spaceprojects.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	7	1	2	2	0	1	0

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

Day		Month		Year			

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

--

Please give a general description of the premises (please read guidance note1)

The premises is located on the ground floor and basement of 159 Commercial Street E1 6BJ. The premises currently has planning consent for A3 use (reference PA/09/00669) Consented opening hours are 11:00 – 23:00 Mon – Thurs, 11:00 – 00.00 Fri and Sat, 11:00 – 22:00 Sun and bank holidays.
The restaurant will be known as Black Stone, serving an Asian fusion cuisine.

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

Provision of regulated entertainment

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

Provision of entertainment facilities for:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)

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

In all cases complete boxes N, O and P



A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3) State any seasonal variations for indoor sporting events (please read guidance note 4) Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		Please give further details here (please read guidance note 3) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) 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 5)
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick (Y)</u> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur						
Fri				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 5)		
Sat						
Sun						

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (Y)</u> (please read guidance note 2)	Indoors	√	
Day	Start	Finish		Outdoors		
Mon	11:00	23:00	Please give further details here (please read guidance note 3) Recorded music will be played in the restaurant areas as a background to create suitable ambience. It will be tape / digital loop type of arrangement, played at an ambient level to be non intrusive to conversation. It will not be DJ performance type.	Both		
Tue	11:00	23:00				
Wed	11:00	23:00		State any seasonal variations for playing recorded music (please read guidance note 4) New Year's Eve / New Year's Day		
Thur	11:00	23:00				
Fri	11:00	23:59		Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) None		
Sat	11:00	23:59				
Sun	11:00	22:00				

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (Y) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing
Day	Start	Finish	
Mon			Please give further details here (please read guidance note 3)
Tue			
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the entertainment of 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 5)
Sat			
Sun			

Provision of facilities for making music Standard days and timings (please read guidance note 6)			Please give a description of the facilities for making music you will be providing	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick (Y)</u> (please read guidance note 2)	
			Indoor	
			Outdoor	
			Both	
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for the facilities for making music</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for the facilities for making music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Please give a description of the facilities for dancing you will be providing		
			Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoor	
				Outdoor	
				Both	
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			State any seasonal variations for the facilities for dancing (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

<p>Provision of facilities for entertainment of a similar description to that falling within I or J Standard days and timings (please read guidance note 6)</p>			<p>Please give a description of the type of entertainment facility you will be providing</p>			
			<p>Will the entertainment facility be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</p>		Indoor	
					Outdoor	
					Both	
Day	Start	Finish	<p>Please give further details here (please read guidance note 4)</p> <p>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within I or K (please read guidance note 4)</p> <p>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within I or J at different times to those listed in the column on the left, please list (please read guidance note 5)</p>			
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
				Both	
Mon	11:00	22:30	Please give further details here (please read guidance note 4) The restaurant facility will be serving a menu of Asian fusion dishes. This may include Thai, Japanese and Chinese cuisine.		
Tue	11:00	22:30			
Wed	11:00	22:30	State any seasonal variations for the provision of late night refreshment (please read guidance note 4) It is intended to stay open from midday on new years eve through to 4:00am on new years day.		
Thur	11:00	22:30			
Fri	11:00	23:30	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 5) It is intended to stay open from midday on new years eve through to 4:00am on new years day.		
Sat	11:00	23:30			
Sun	11:00	21:30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	✓
Day	Start	Finish		Off the premises	
				Both	
Mon	11:00	22:30	Please give further details here (please read guidance note 4) Alcohol will only be served to diners partaking of food		
Tue	11:00	22:30			
Wed	11:00	22:30	State any seasonal variations for the supply of alcohol (please read guidance note 4) It is intended to stay open from midday on new years eve through to 4:00am on new years day.		
Thur	11:00	22:30			
Fri	11:00	23:30	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 5) It is intended to stay open from midday on new years eve through to 4:00am on new years day.		
Sat	11:00	23:30			
Sun	11:00	21:30			

Box M continues on the next page...

Box M continued

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

Name

Address
Postcode

Personal Licence number(if known)

Issuing licensing authority (if known)

N

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 8)

None

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4) It is intended to stay open from midday on new years eve through to 4:00am on new years day.
Day	Start	Finish	
Mon	11:00	23:00	<p>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>It is intended to stay open from midday on new years eve through to 4:00am on new years day.</p>
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:59	
Sat	11:00	23:59	
Sun	11:00	22:00	

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

There will be a clearly displayed notice legible from the outside of the premises showing the permitted licensed opening hours. This notice will also indicate restriction in terms of admission of children.

Maximum Occupancy – Strict controls will be in place at the door during busy periods to ensure that the maximum occupancy of 270 people including staff is not exceeded.

Numbers of patrons will be readily identified through the booking system and number of tables occupied. Once maximum occupancy is being reached the designated head of staff for the evening will be alerted. The doors will then be closed to incoming public. These members of the public will politely be refused entry with an explanation. During these times this member of staff will be SIA accredited.

Staff will be clearly identifiable by the use of armbands / uniforms / T shirts.

There will be a register of all staff on duty.

No member of staff will be under 16 years of age.

Staff members are trained to prevent the sale of alcohol to persons under the age of 18, and will ask for an accepted proof of age document when in doubt.

No member of the public will be permitted to leave the premises with a bottle or a glass that belongs to the premises.

Regular glass and bottle collections will be made throughout opening hours.

All glasses will be stamped with in accordance with weights and measures legislation.

b) The prevention of crime and disorder

CCTV will be provided at the entrance overlooking the street and internally to enhance the safety of public and staff. CCTV is recorded onto a hard disk. Recordings will be kept for a minimum of 30 days and made available to the Police or other responsible authorities on request.

When SIA doormen are required, they will be employed at the ratio of 1:100.

The premises will operate a strict anti illegal drugs policy with an objective of securing as far as reasonably practicable, the safety of patrons and staff.

c) Public safety

Numbers of occupants will be strictly controlled in order to ensure adequate means of escape are maintained.

A log-book will be kept on the premises to record all inspections made by statute and information compiled to comply with any public safety condition attached to the premises license.

All parts of the premises and installations will be kept clean and maintained in good safe working order.

All staff will have regular training to cover procedures following an emergency and general safety precautions.

The premises will be adequately lit and there will be an emergency lighting installation designed in accordance with relevant codes of practice.

d) The prevention of public nuisance

Suitable notices will be provided at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.

Patrons will be asked to disperse quickly when leaving late at night and not linger in the streets outside talking.

The movement of bins and rubbish and bottles to outside the premises will not be permitted between 23:00 and 07:00 hours.

Bins are housed in a dedicated enclosed area to prevent litter being blown around.

Regular maintenance will be carried out on all plant and machinery to ensure that operating noise levels are kept within manufacturer's levels.

Deliveries will be made between the hours of 08:00 and 20:00 hours

Smells from cooking will be filtered through air handling equipment prior to being discharged.

The premises is fully mechanically ventilated, this will prevent noise break out from open windows.

Entrances onto the street are lobbied to prevent noise break-out.

There is a dedicated waiting area inside the restaurant for patrons waiting for taxis or incoming patrons waiting for a table to be prepared. This is to prevent the need for patrons to wait outside and potentially cause nuisance through loud conversation / obstructing the pavement.

Waiting customers will be offered a sugar free sweet and complimentary coffee this will discourage talking.

There will be a suggested taxi service that will be briefed on where to collect patrons from and not to use the car horn to attract attention.

3 Staff will be SIA trained for door control at extremely busy times of year.

The pavement outside the restaurant frontage will be regularly inspected and cleaned.

There will be no live music or live entertainment of any kind.

The music played will be ambient looped type played as background only. The sound system will be fitted with a suitable approved noise limiting device. Maximum music noise levels will be set and agreed beforehand with the Environmental Protection Division.

There will be no touting on the street or the use of A boards and suchlike that can cause obstructions to pedestrian traffic.

The premises is undergoing an acoustic test to identify what if any measures need to be implemented to ensure the premises will comply with Tower Hamlets noise pollution directives.

e) The protection of children from harm

Staff members are trained to prevent the sale of alcohol to persons under the age of 18, and will ask for an accepted proof of age document when in doubt.

No member of staff will be under 16 years of age.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

- | | Please tick b yes |
|--|-------------------------------------|
| ▪ I have made or enclosed payment of the fee | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the plan of the premises | <input checked="" type="checkbox"/> |
| ▪ I have sent copies of this application and the plan to responsible authorities and others where applicable | <input checked="" type="checkbox"/> |
| ▪ I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable | <input checked="" type="checkbox"/> |
| ▪ I understand that I must now advertise my application | <input checked="" type="checkbox"/> |
| ▪ I understand that if I do not comply with the above requirements my application will be rejected | <input checked="" type="checkbox"/> |

Part 4 – Signatures (please read guidance note 10)

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

Signature of applicant or applicant's solicitor or other duly authorised agent. (See guidance note 11) **If signing on behalf of the applicant please state in what capacity.**

Signature

[Redacted Signature]

Date

03-11-2010

Capacity Agent for Bengal Bites t/a Black Stone

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12) **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 13)

Martin Howells
Space Project Ltd
57 Charlotte Road

Post town
London

Post code
EC2A 3QT

Telephone number (if any)
0207 739 2800

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
office@spaceprojects.co.uk

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. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. 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.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. 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, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2

Mr Moshin Ali,
Senior Licensing Officer
London Borough of Tower Hamlets
Licensing Section
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent,
London E14 1BY

3rd November 2010

email

Dear Mr Ali,

RE; - 159 COMMERCIAL STREET, LONDON E1 6BJ – Black Stone Restaurant

Further to our conversations, please find attached revised premises licence application for the above.

Following a large number of public representations against partial change of use from A3 to A4, my client has decided to solely pursue the consented restaurant side of the business from the above address. This application reflects that and the requested licensed opening hours have been brought in line with the consented opening hours for the existing A3 use.

It became apparent during discussions for the previous licence application with Alan Cruickshank and Derrick Harrington that there was a nervousness in regard to occupancy figures. The occupancy figures contained within this application have decreased by some 367 to 270 People. The revised plans also reflect solutions to concerns raised in that meeting. The entrances from Commercial St have been lobbied to prevent noise breakout, there is a dedicated holding / waiting area for patrons waiting to be collected by taxi, the high density bar areas have been replaced with lower density restaurant seating. We would still welcome further debate on these matters and any other concerns that the responsible authorities may have.

Please don't hesitate to contact me should anything require further clarification.

Kind regards,

Martin Howells

Cc

Derrick Harrington	LBTH
Alan Cruickshank	Met
Trading Standards	
LFB	
Beth Elite	LBTH
Thomas Doyle	LBTH
Andy Bower	LBTH
Jane Cooke	LBTH
David Tolley	LBTH

FAO Mohshin Ali
Tower Hamlets
Licensing Section
Mulberry Place
PO Box 55739
5 Clove Crescent
London E14 1BY

11th November 2010

Your Ref: TSS/LIC/043778/MA

Dear Sir,

RE: 159 Commercial Street, E1 6BJ. Premises License Application

Following a constructive meeting on site with Derrick Harrington and Alan Cruickshank yesterday, please find attached our client's amended operating schedule and hours of service.

Please don't hesitate to call me with any queries,

Kind regards

Martin Howells

C.c.

Derrick Harrington	LBTH
Alan Cruickshank	The Met
Thomas Doyle	LBTH
Andy Bower	LBTH
Jane Cooke	LBTH
David Tolley	LBTH
Paul Stewart	LFB
Trading Standards	LBTH

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	✓
Day	Start	Finish		Outdoors	
Mon	11:00	22:30	<p>Please give further details here (please read guidance)</p> <p>The restaurant facility will be serving a menu of Asian fusion dishes. This may include Thai, Japanese and Chinese cuisine.</p> <p>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</p> <p>It is intended to stay open from midday on new years eve through to 4:00am on new years day.</p> <p>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 5)</p> <p>It is intended to stay open from midday on new years eve through to 4:00am on new years day.</p>	Both	
Tue	11:00	22:30			
Wed	11:00	22:30			
Thur	11:00	22:30			
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	21:30			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	✓
Day	Start	Finish		Off the premises	
Mon	11:00	22:30	<p>Please give further details here (please read guidance)</p> <p>Alcohol will only be served to diners partaking of food</p> <p>State any seasonal variations for the supply of alcohol (please read guidance note 4)</p> <p>It is intended to stay open from midday on new years eve through to 4:00am on new years day.</p> <p>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 5)</p> <p>It is intended to stay open from midday on new years eve through to 4:00am on new years day.</p>	Both	
Tue	11:00	22:30			
Wed	11:00	22:30			
Thur	11:00	22:30			
Fri	11:00	23:30			
Sat	11:00	23:30			
Sun	11:00	21:30			

Box M continues on the next page...

Box M continued

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

Name

[Redacted]

Address

[Redacted]
[Redacted]

Personal Licence number(if known)

[Redacted]

Issuing licensing authority (if known)

[Redacted]

N

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 8)

None

[Large empty box for additional information]

O

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	11:00	23:00	It is intended to stay open from midday on new years eve through to 4:00am on new years day.
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:59	
Sat	11:00	23:59	
Sun	11:00	22:00	
			Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
			It is intended to stay open from midday on new years eve through to 4:00am on new years day.

P

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

There will be a clearly displayed notice legible from the outside of the premises showing the permitted licensed opening hours. This notice will also indicate restriction in terms of admission of children.

Maximum Occupancy – Strict controls will be in place at the door during busy periods to ensure that the maximum occupancy of 270 people including staff is not exceeded.

Numbers of patrons will be readily identified through the booking system and number of tables occupied. Once maximum occupancy is being reached the designated head of staff for the evening will be alerted. The doors will then be closed to incoming public. These members of the public will politely be refused entry with an explanation. During these times this member of staff will be SIA accredited.

Staff will be clearly identifiable by the use of armbands / uniforms / T shirts.

There will be a register of all staff on duty.

No member of staff will be under 16 years of age.

Staff members are trained to prevent the sale of alcohol to persons under the age of 18, and will ask for an accepted proof of age document when in doubt.

No member of the public will be permitted to leave the premises with a bottle or a glass that belongs to the premises.

Regular glass and bottle collections will be made throughout opening hours.

All glasses will be stamped with in accordance with weights and measures legislation.

b) The prevention of crime and disorder

CCTV will be provided at the entrance overlooking the street and internally to enhance the safety of public and staff. CCTV is recorded onto a hard disk. Recordings will be kept for a minimum of 30 days and made available to the Police or other responsible authorities on request.

When SIA doormen are required, they will be employed at the ratio of 1:100.

The premises will operate a strict anti illegal drugs policy with an objective of securing as far as reasonably practicable, the safety of patrons and staff.

c) Public safety

Numbers of occupants will be strictly controlled in order to ensure adequate means of escape are maintained.

A log-book will be kept on the premises to record all inspections made by statute and information compiled to comply with any public safety condition attached to the premises license.

All parts of the premises and installations will be kept clean and maintained in good safe working order.

All staff will have regular training to cover procedures following an emergency and general safety precautions.

The premises will be adequately lit and there will be an emergency lighting installation designed in accordance with relevant codes of practice.

d) The prevention of public nuisance

Suitable notices will be provided at the exit to request the co-operation of patrons, in particular to make as little noise as possible when leaving the premises.

Patrons will be asked to disperse quickly when leaving late at night and not linger in the streets outside talking.

The movement of bins and rubbish and bottles to outside the premises will not be permitted between 23:00 and 07:00 hours.

Bins are housed in a dedicated enclosed area to prevent litter being blown around.

Regular maintenance will be carried out on all plant and machinery to ensure that operating noise levels are kept within manufacturer's levels.

Deliveries will be made between the hours of 08:00 and 20:00 hours

Smells from cooking will be filtered through air handling equipment prior to being discharged.

The premises is fully mechanically ventilated, this will prevent noise break out from open windows.

Entrances onto the street are lobbied to prevent noise break-out.

There is a dedicated waiting area inside the restaurant for patrons waiting for taxis or incoming patrons waiting for a table to be prepared. This is to prevent the need for patrons to wait outside and potentially cause nuisance through loud conversation / obstructing the pavement.

Waiting customers will be offered a sugar free sweet and complimentary coffee this will discourage talking.

There will be a suggested taxi service that will be briefed on where to collect patrons from and not to use the car horn to attract attention.

3 Staff will be SIA trained for door control at extremely busy times of year.

The pavement outside the restaurant frontage will be regularly inspected and cleaned.

There will be no live music or live entertainment of any kind.

The music played will be ambient looped type played as background only. The sound system will be fitted with a suitable approved noise limiting device. Maximum music noise levels will be set and agreed beforehand with the Environmental Protection Division.

There will be no touting on the street or the use of A boards and suchlike that can cause obstructions to pedestrian traffic.

The premises is undergoing an acoustic test to identify what if any measures need to be implemented to ensure the premises will comply with Tower Hamlets noise pollution directives.

e) The protection of children from harm

Staff members are trained to prevent the sale of alcohol to persons under the age of 18, and will ask for an accepted proof of age document when in doubt.

No member of staff will be under 16 years of age.

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

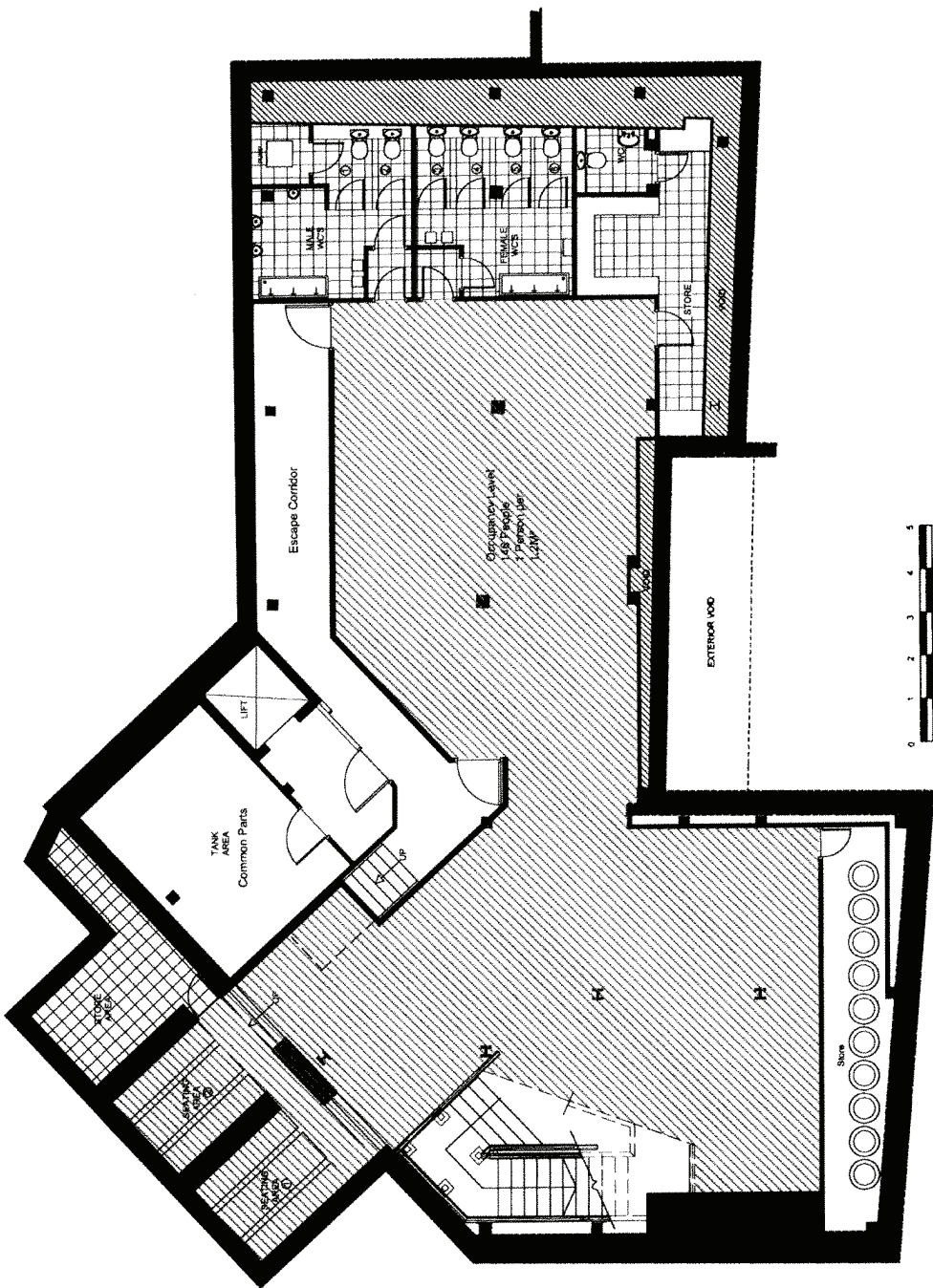
Please tick b yes

- 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 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

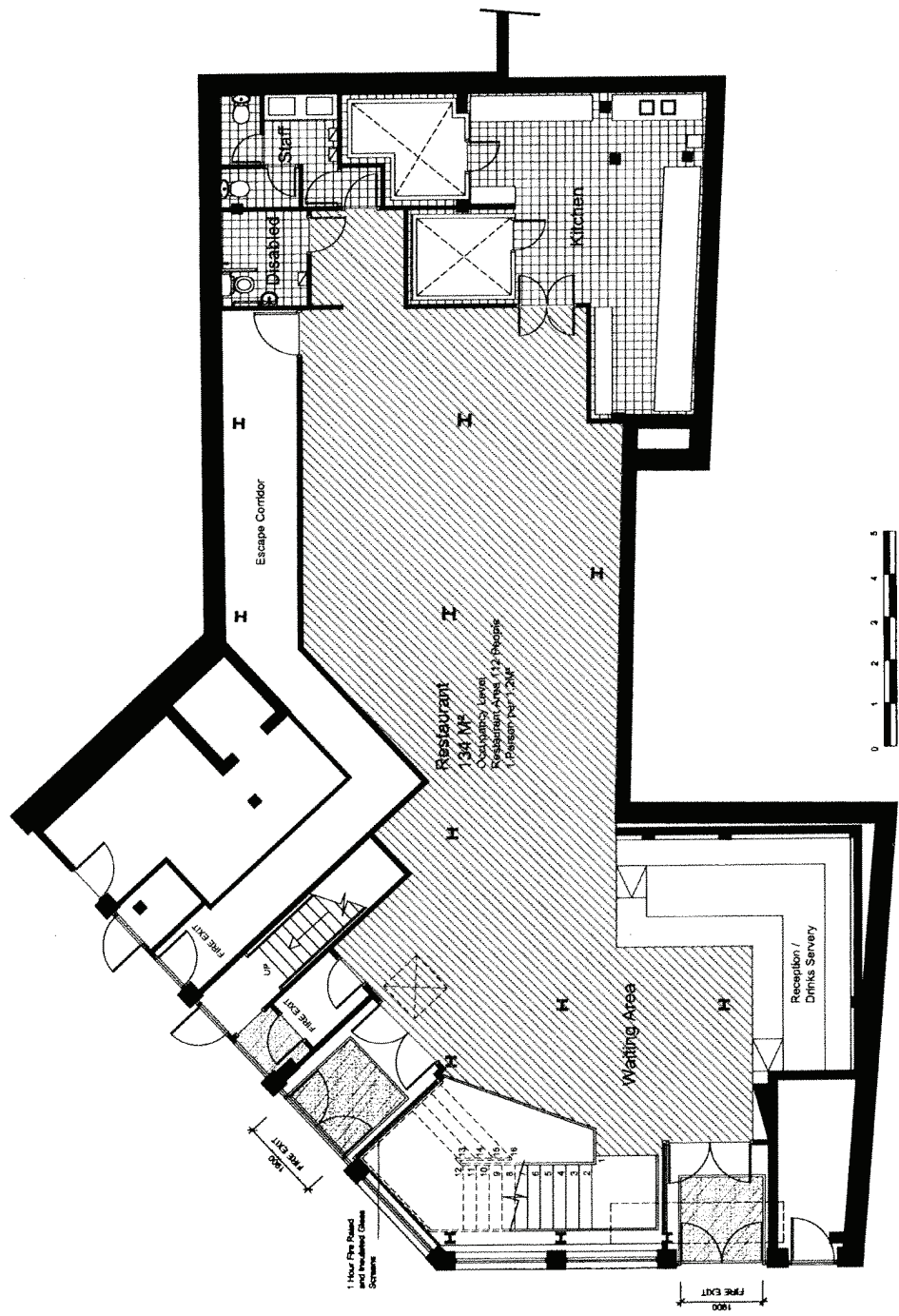
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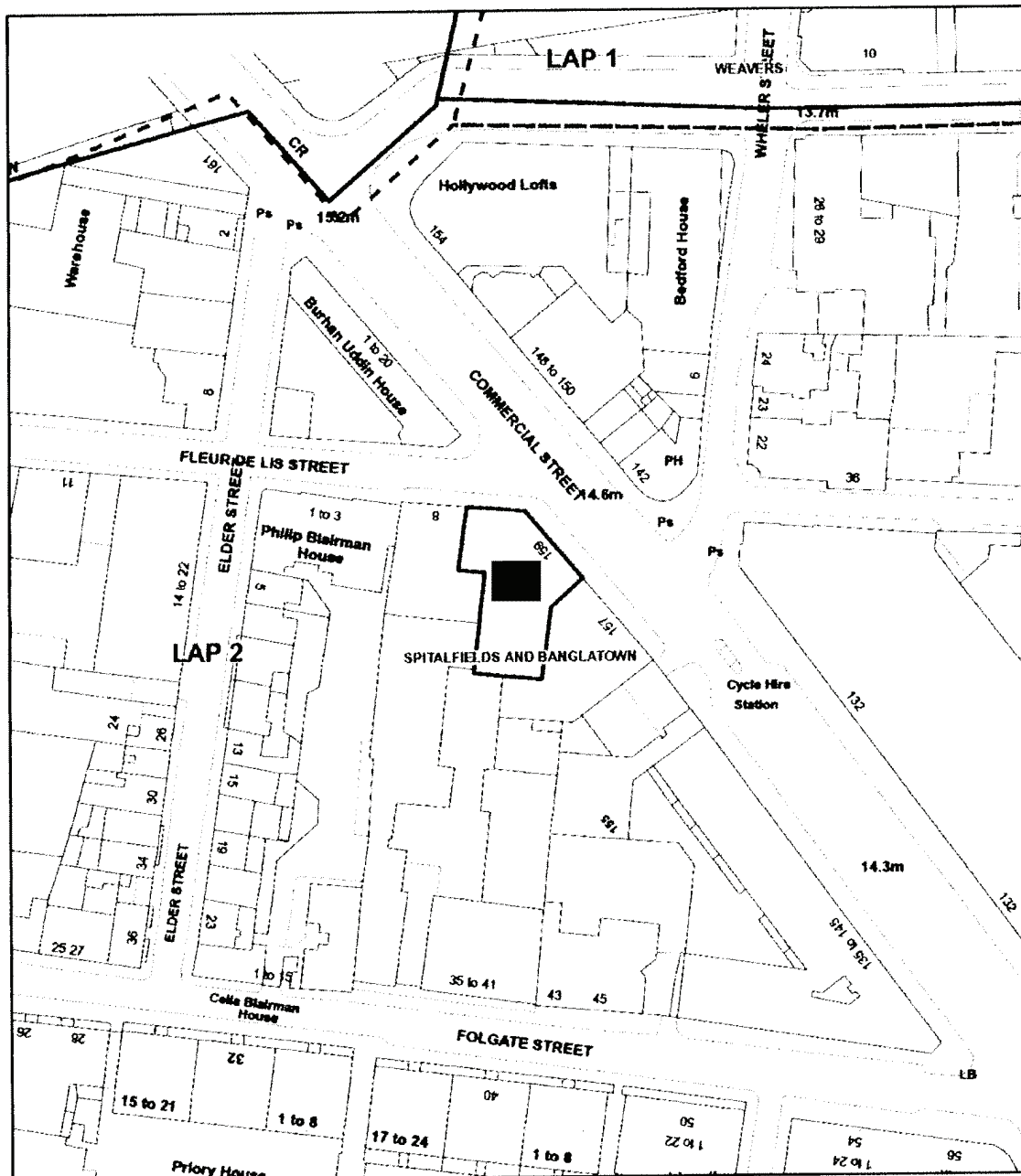
Client	BLACK STONE
Project	BLACK STONE Restaurant
Address	1800 AMERICAN STREET E 18th
Level	BASMENT FLOOR
Date	JULY 10 1998 @ A1
City	D.A.
Scale	1/8" = 1'-0"



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Appendix 3



Blackstone
159 Commercial Street

N

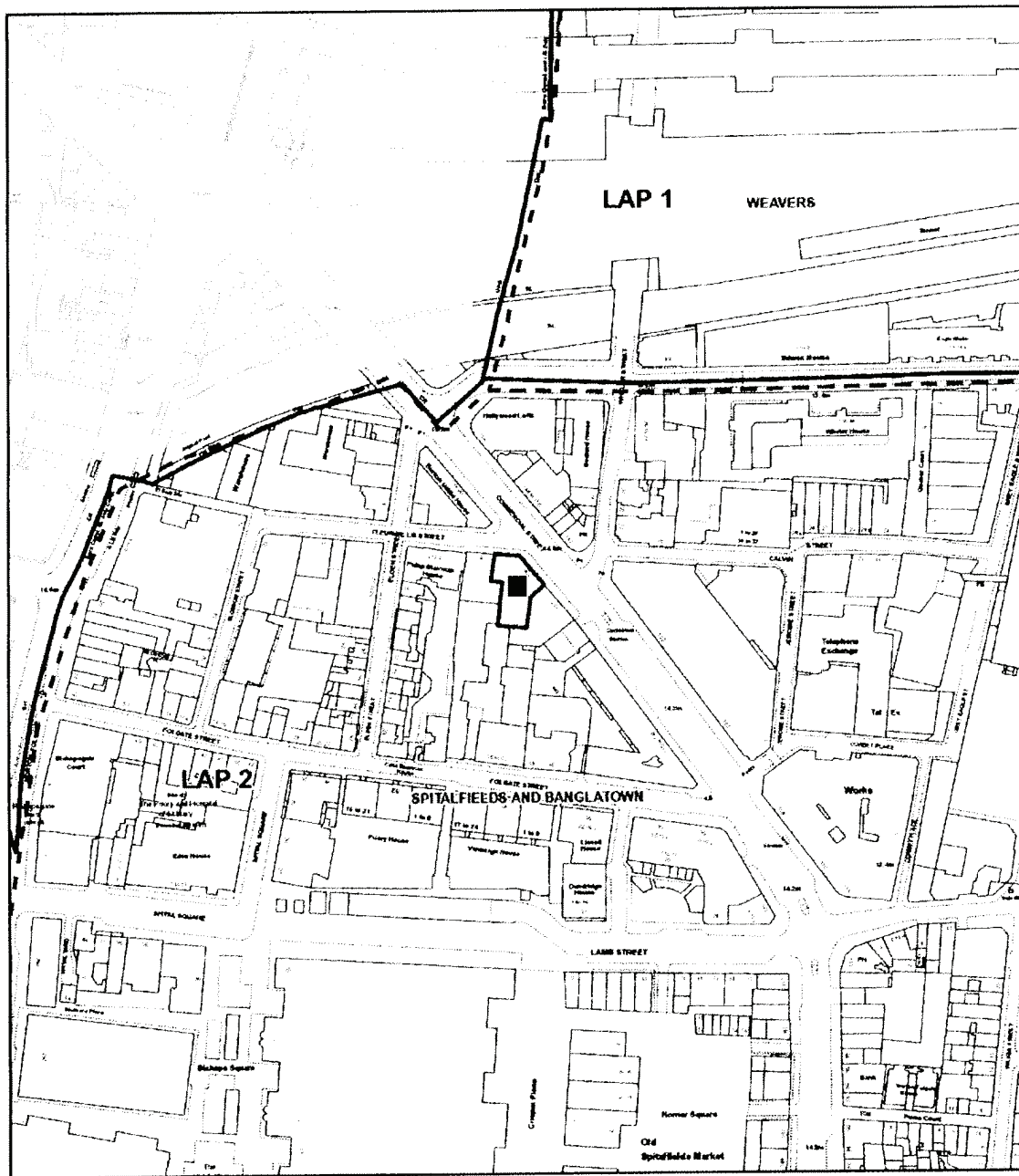
Scale 1:999

10 0 10 20 30

Metres

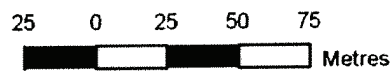
TOWER HAMLETS

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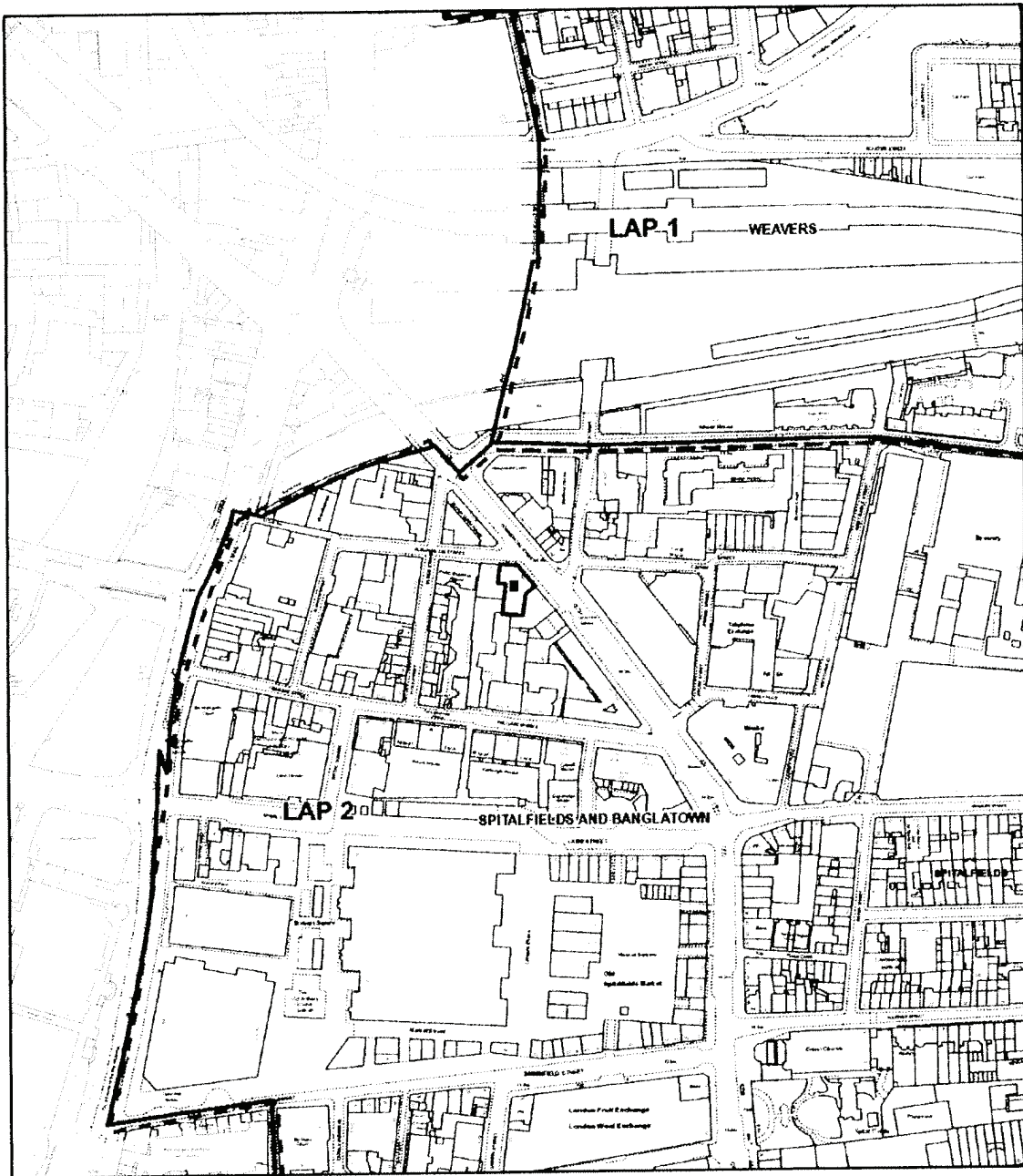


Blackstone

159 Commercial Street



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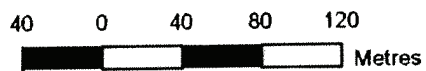


Blackstone

159 Commercial Street



Scale 1:3331



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Appendix 4

Section 182 Advice by the Home Office

Updated October 2010

Relevant, vexatious and frivolous representations

- 9.8 A representation would only be “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 businessman which argued that his business would be commercially damaged by a new licensed premises would not be relevant. On the other hand, a representation that nuisance caused by the new premises would deter customers from entering the local area and the steps proposed by the applicant to control that nuisance were inadequate would be relevant. There is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations, and in fact this would not be possible for new premises. Further information for interested parties about the process for making representations is available in “Guidance for interested parties: Making representations” which can be found on the Home Office website.
- 9.9 The “cumulative impact” on the licensing objectives of a concentration of multiple licensed premises may also give rise to a relevant representation when an application for the grant or variation of a premises licence is being considered, but not in relation to an application for review which must relate to an individual premises.
- 9.10 It is for the licensing authority to determine whether any representation by an interested party is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. Vexation may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Frivolous representations would be essentially categorised by a lack of seriousness. An interested party who is aggrieved by a rejection of their representations on these grounds may challenge the authority’s decision by way of judicial review.

- 9.11 Licensing authorities should not take decisions on whether representations are relevant on the basis of any political judgement. This may be difficult for ward councillors receiving 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 subcommittee before any decision is taken that necessitates a hearing. Any ward councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.12 The Home Secretary recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it. If it then emerged, for example, that the representation should not be supported, the licensing authority could decide not to take any action in respect of the application.
- 9.13 Licensing authorities should consider providing advice on their websites about how any interested party can make representations to them.

Appendix 5

List of representations: Blackstone, 159 Commercial Street, London E1 6BJ

Name	Address 1	Address 2	Address 3	Address 4	Appendix
Clancey Shlockenhorror					6
Philip Kenyon					7
Mr A and Mrs Gill Orbell					8
Mrs H and Mr E Bagshaw					9
D Nanson and K Sawides					10
Andy Bridger					11
Tessa Abineri					12
Lucinda de Jasay					13
Katrina Bradley					14
E-Sinn Soong					15
Chetun Patel					16
Foquerul Amin Noor					17
Eriko Miyazaki-Ross					18
Lynn Richardson					19
Donna Dewick					20
Jack Spiegler on behalf of M. Burgess					21
Mr S M Brewer					22
Alexandra Davidson					23
Carlo Maria Ciaroni					24
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Jenny Maslin					28
Nora Heard					29
David & Lynda Snowdon					30
Frank Pickard					31
Martin Pepperell					32
Claire & Ian Melia					33
Andrew Collingwood					34
Matthew Hayhurst					35

Appendix 6

Mohshin Ali

From: Clancey Clancey [REDACTED]
Sent: 02 December 2010 18:13
To: Kathy Driver
Cc: Clancey Clancey
Subject: 159 Commercial Street changing use and opening hours and alcohol licence

Dear Ms Driver,

I believe I have already voiced objections, on behalf of myself, and the residents that I represent, but just in case, here is a second email from me.

I live next door to this large venue and have already experienced issues with the building and the people who use this building. Previously, when wedding parties were held here, the noise from the customers, turning up, parking, smoking outside and leaving, was beyond belief. And this was when it didn't even have an alcohol licence! Also, with the excavation and work on the basement, I have already experienced vibrations coming through to my home and not only have cracks appeared in my walls and two large pictures fallen and smashed, but now, in the room next to this venue, I can no longer close any doors, as the movement has meant that doorframes have come away from the walls. If you think this is pure fantasy, I will ask for a copy of the surveyors report to be sent to you.

In this building, in Fleur de Lis Street/Elder Street, we have elderly residents, residents who are not well, children and people who need to get up at a reasonable time in the morning to go to work; all have a right to peace and quiet in their homes and the right to a good nights sleep. We already experience some noise from customers leaving local establishments, but having such a large alcohol selling establishment immediately next door, would prevent us from being able to enjoy the comfort of our homes. What on earth is someone doing building such a large alcohol selling venue right next door to residential properties and in a conservation area?

Where are the customers going to park? Where will they smoke? Where will they hang out when they go outside to drink their cheap alcohol and take their drugs? Outside where I and other people live! Unfortunately, none of these claims are exaggerations, as we have already experienced all of these things and this venue being turned into a bar and having a late licence will only add to any existing issues.

I, and other residents, spent many hours, over several years, dealing with issues raised by other venues in the area and we don't want to return to the bad old days. Already prostitutes have started to congregate outside this venue in an effort to establish their pitches before this place is up and running. This is not acceptable for a residential area.

We have Christmas and New Year on their way and I and others would like to enjoy our Christmas time, not be kept awake all through the night because the building next door wants to sell alcohol to the wee small hours.

So to summarise, I and the residents, object to music being played until it can be proven

that the vibrations and noise from the venue, both ground and basement level cannot be heard, or felt, in our properties. We also object to the change of venue from restaurant to bar, as we believe this will cause too many problems for local residents and will be a drain on council/government funds in an effort to control customers with, or without, police. We also object to granting of any late licences. We're not happy with such a large venue having any alcohol licence, but to grant it that and to grant it later opening hours is seen by many who live here, as the beginning of the end for this area to be considered residential, as it will no longer be a place that decent people can live in.

Yours sincerely,

Clancey Schlockenhorror
Secretary of Newlon Housing Association's Residents' Association



Appendix 7

Mohshin Ali

From: Jacqueline Randall on behalf of licensing
Sent: 02 December 2010 11:37
To: Mohshin Ali
Subject: FW: Licence application, 159 Commerical St

Jackie Randall
Acting Licensing Services Manager

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

Tele: 0207 364 5109/5008
Fax: 0207 364 0863

From: Phillip Kenyon [mailto: [REDACTED]]
Sent: 01 December 2010 23:10
To: licensing
Subject: Licence application, 159 Commerical St

Dear Sir/Madam,

I am writing to object to the above licence application. The entire area is saturated with licensed premises which has resulted in crime and anti-social behaviour on an extraordinary scale, particularly at weekends. Shouting, fighting, vomiting and public urinating are the standard fare from many of the visitors to these premises when they fall out into the streets afterwards, sometimes so drunk they can hardly stand up. This is completely unacceptable for the growing number of residents and businesses in the area, many of whom have young families.

Enough is enough! I respectfully request that this licence be refused.

Kind regards,

Phillip Kenyon
[REDACTED]

Appendix 8

Mohshin Ali

From: [REDACTED]
Sent: 01 December 2010 23:28
To: Mohshin Ali
Subject: PLANNING APPLICATION 159 COMMERCIAL STREET E1
Attachments: 159 Commercial Street Planning refusal request.doc

I attach my request for refusal of the above application for Premises Licence for Ground Floor & Basement of 159 Commercial Street London E1.

Gill Orbell

**Re Planning Application ref 043778
159 Commercial Street E1**

We wish to raise objections against the Premises Licence Application for sale of alcohol
Midnight Sun-Weds & 2.00 am Fri & Sat.

As owners of Flat [REDACTED] Commercial we are very alarmed, as yet another
establishment with application directly affects our property and those around.

We objective on several points and ask for absolute refusal due to :

1. Increased noise due to expansion and later operating restaurant.
2. Music and crowd noise transference to flats directly above the restaurant.
3. Noisy customers leaving after 02.30 (2.00am plus 30 mins "winding down time"
calling/whistling for taxis etc.
4. Refuse disposal, including wheelie bins and stacking of bottles etc well after closing
time of 2.30am will be very noisy and disturb our sleep!
5. Smelly, overflowing eyesore, vermin magnet refuse bins obstructing our
pavements.
6. The massive capacity of this building will cause double or treble the noise and
nuisance of other close establishments of similar business.

The quality of living in these flats with this type of business being part of the building, will be
most detrimental due to increased noise and smell pollution, as well as encouraging more late
night drinking hours and people loitering in the street outside in the early hours of the morning.
We already have Hawksmoor, is directly under this residential block and surrounded by 100's
more homes and Boho Mexico

The Cloisters is listed by Tower Hamlets Environmental Health and Planning as a 'vulnerable
building (Grade II Victorian), not really equipped to house another late night music playing
venue.

I hope you will consider these points. Are there not grounds at night for people to sleep in
peace a reasonable amount of hours ?

Mr A and Mrs G Orbell

[REDACTED]

TEL [REDACTED]

Appendix 9

Mohshin Ali

From: CRA [REDACTED]
Sent: 30 November 2010 18:30
To: Jacqueline Randall; Kathy Driver
Cc: Mohshin Ali
Subject: 159 COMMERCIAL STREET, LONDON, E1. Licence APPLICATION
Importance: High
Follow Up Flag: Follow up
Due By: 01 December 2010 00:00
Flag Status: Red

Dear Licensing Team

RE: Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

**To allow: Recorded Music; Late Night Refreshment & the Supply of Alcohol: -
11am – 23.00hrs Mon – Thurs; 11am – 23.59hrs Fri & Sat; 11am – 22.00hrs Sun & Bank Holidays;
With New Years Eve – Midday to 04.00hrs New Year's Day.**

We note the recent changes to this application – which now appears to seek to work within the constraints remaining; following Planning's welcome refusal of majority bar use & very late hours of operation. Whilst this Licence application is more restrained than it was; we still write in objection for the following reasons: -

159 Commercial Street remains a massive 2 floor venue; situated right at the centre of a largely residential community; so both capacity & position have the potential to cause substantial Public Nuisance. It's directly underneath 4 floors of residential flats; adjoining residential blocks each side (with flats at ground level in Fleur-de-Lis St); opposite & adjacent to hundreds more homes including our block; housing families with children & people who hold down demanding jobs in all walks of life. Due to capacity, even the sought hours of operation will impact on locals' lives; sleep & right to peaceful enjoyment of their homes due to the expected high numbers of customers coming & going during operation – unless reasonable Conditions are imposed to help reduce negative impact on our residential amenity.

159 has so far been an unsuccessful, unlicensed A3 restaurant but even on the few occasions it hosted weddings; having so many guests arriving, departing & milling about managed to cause on-street disturbance through-out operation but especially upon departure; when raised voices & car doors slamming were highly audible around the locale. Operating with any license, this will be even more problematic, as the large numbers will be more rowdy – people can't help but get louder after a few drinks; there's no public transport out of the area post midnight when it seeks to close at week-ends which will lead to an increase in noisy foot-traffic passing homes on surrounding streets; it's also on a Red Route; has no outside parking save in bays outside residential properties & side streets - so the noise of frequently arriving/departing customers & their vehicles will be right under our windows. Additionally pavements outside are narrow, offering no suitable access or egress for large crowds; which will also see significant numbers of smokers gathering under residential windows or in their doorways during operation.

We & this entire area suffered years of well documented on-street Public Nuisance; Crime & Disorder due to the notorious former Edge (at 157) & its customers. It was also a 2 floor venue with a hidden basement that started its slide into lawlessness via such a normal licence. Despite the more restrained hours 159 now seeks; the residents of this area; know all too well from bitter experience; that any large venue with a basement – hidden from public scrutiny + large numbers of customers + alcohol = a Public Nuisance in the making. There is real concern that – like Edge - this basement will also be where customers retreat at close & we; the police & Council do not need a repeat of that particular lesson!

We also object to the hours sought on New Year's Eve. People will not be looking to eat on such a night to this hour but they will certainly be looking to drink – copiously & the prospect of having high numbers of rowdy customers spilling out under our windows at gone 4.00am is not a welcome prospect for anyone – let alone those who have an early start New Year's Day! This includes the high number of local residents (several of whom live in our block) who are due on duty early the same morning; such as doctors; nurses & other key workers plus many with children (we have an 18 month old living on our front facade). None of them will be looking to party until the early hours & they have a right to a decent night's sleep which they will be denied should 159 be allowed to operate so late.

Therefore, we ask the Licensing Committee to seriously consider all our concerns when deciding this matter. Our concerns are not speculation; Public Nuisance is a fact when a venue with a hidden basement sells alcohol; as proven to us all by Edge.

So to protect our residential amenity – please – if you grant this license only do so with suitable restrictions. To that end we'd like to suggest the following Conditions for the Committee's consideration: -

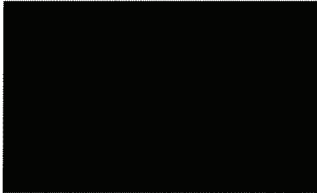
- That the basement should close to the public 30 minutes before the ground floor; to ensure drinkers do not retreat downstairs out of sight & to allow the large area to be cleared by close (The Hawksmoor Restaurant; now where Edge was at 157 – due to the vast history of noise problems – has to close its basement earlier than it does the ground floor)
- Sale of alcohol should finish half an hour before close to the public; to deter customers from lingering to finish-up
- New Year's Eve; sale of alcohol should finish at 12.30pm, with close to the public no later than 1.00am
- Service of food should finish an hour before close to the public; so that customers have time to complete a meal & noisy kitchen flues are switched off
- Playing of recorded music should cease at least 15 minutes before close to the public; to denote closing & further deter lingering
- No drinks should be taken outside by anyone; including smokers; to discourage noisy loitering under residents' windows
- A bin should be provided at the door for the safe & tidy disposal of cigarette butts
- Smokers should be deterred from sheltering in nearby residential doorways or from blocking the narrow pavement
- All windows & doors should remain closed during operation – even in summer
- No tables or chairs should be placed outside on the pavement
- No outside speakers should be employed to play recorded music
- Bottles should be disposed of quietly & well before 11pm if any bins are outside
- Notices should be displayed inside reminding customers that this is a residential

neighbourhood & that door staff should repeat the request as necessary.

In closing we sincerely hope that the Licensing Committee will see fit to impose such restrictions to protect us from this or any future operator of this licence & ensure we get a venue that will fit in considerably, to be a benefit, not a blight on our area.

Thank you for considering all these points in your deliberation.

Yours Truly – Mrs Hilary & Mr Eric Bagshaw



Appendix 10

Mohshin Ali

From: Jacqueline Randall
Sent: 29 November 2010 14:34
To: Mohshin Ali
Subject: FW: Application for Liquor licence Ref 043778
Follow Up Flag: Follow up
Due By: 01 December 2010 00:00
Flag Status: Red

Jackie Randall
Acting Licensing Services Manager

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

Tele: 0207 364 5109/5008
Fax: 0207 364 0863

From: Dolores Rebello Savvides [mailto: [REDACTED]]
Sent: 29 November 2010 04:15
To: Jacqueline Randall
Subject: FW: Application for Liquor licence Ref 043778

From: Dolores Rebello Savvides [mailto: [REDACTED]]
Sent: 28 November 2010 06:50
To: 'kathy.driver@towerhamlets.gov.uk'; 'jacqueline.randall@tpwerhamlets.gov.uk'
Subject: FW: Application for Liquor licence Ref 043778

Dear Sir/Madam

*Amended Licence Application Details:

Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

To allow: Recorded Music; Late Night Refreshment & the Supply of Alcohol with Close to the Public: -

11am – 23.00hrs Mon – Thurs; 11am – 23.59hrs Fri & Sat; 11am – 22.00hrs Sun &

Bank Holidays; With New Years Eve – Midday to 04.00hrs New Year's Day.

We refer to the amended application above.

We object to the amended application:

1. The venue is still a massive one and unless its activities are restricted, it will create a nuisance in our neighbourhood.
2. The supply of alcohol should be terminated at least 30 minutes before closing time to prevent customers throwing back drinks at the last minute or are tempted to take them away.
3. Late night refreshment should also end earlier so that kitchen flues are offline and cannot linger.
4. The 4 am close on New Year's Day is excessive to residents who need their sleep for work whatever day it is

Please see our previous objection below

We trust our views will be considered

Yours faithfully

Dolores A Nanson and Katerina R. Savvides

From: Dolores Rebello Savvides [mailto:]
Sent: 12 October 2010 07:34
To: 'Moshin.ali@towerhamlets.gov.uk'
Subject: Application for Liquor licence Ref 043778

Attn Mr Moshin Ali Licence Ref 043778

Application For a Premises Licence: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ

To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.

Dear Sir

As owners of [redacted] and [redacted], we strongly object to the granting of this Application for an Alcohol Licence on the grounds that if granted it will give rise to a Public Nuisance and Crime and Disorder in our area, thus destroying our wellbeing, safety and the enjoyment of the residential use of our properties.

The granting of the licence to premises with such a large number of potential customers will

inevitably cause excessive noise, drunkenness, vandalism, rubbish etc. The previous business – Lahori Masala was an unlicensed A3 restaurant. Although generally empty it still managed to cause nuisance on a couple of occasions when hosting large weddings! Now we are facing the possibility of this site becoming a huge & late operating bar serving alcohol. We know all the problems that will bring as we experienced the problems in the area when Edge (previous tenants at 155 Commercial Street now Hawksmoor) were operating.

With the closing of Edge we had hoped that the nightmare of noisy people spilling into the street together with the confusion of taxis/mini-cabs /dustbins /bottles into the early hours of the morning had ended for good. In addition regarding our property at 157 Commercial Street, the small entrance to this property is inset off the pavement and will inevitably be prone to abuse by revellers in the form of smoking, drinking, vomiting, graffiti and urinating; we have just incurred considerable expense in redecoration of the entrance and the main door and already persons have vomited on our doorstep!

Apart from the reduction in value to our property, residents also need to earn a living and sleep is vital. We were under the impression that the immediate areas adjacent to both flats were primarily residential and we would very much like to keep it that way. We are also concerned for our security.

However well intentioned the applicants may be, they would not have jurisdiction over their customers once they had left the building and this concentration of well eaten and well drunken people would almost certainly become the focus of the same trouble we had with 'Edge' and we simply don't want that to happen.

We sincerely hope that you will take our comments into account in considering this ill considered application, which if successful, will significantly reduce our quality of life and the value of our properties .

Yours faithfully
Dolores A Nanson and Katerina R. Savvides



Appendix 11

Kathy Driver

From: Andy Bridger [REDACTED]
Sent: 19 November 2010 14:26
To: Mohshin Ali
Subject: Licensing Ref: 043778

Dear Mohshin Ali,

I am writing to you regarding licence request ref 043778 (application for a Premises Licence: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ).

I understand the license request is to operate a bar with the operating hours of Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.

I would like to formally register my objection to this license request.

The vicinity of this property includes multiple, long existing residential properties, including my own [REDACTED]

My concern regarding this license request, to remain open after 11pm, is the public nuisance caused by the excessive additional noise pollution for the surrounding environment. From experience, for a period of at least 30 mins after closing there is noise from such any such establishment as the patrons leave (shouting, car horns etc). Especially on a week night, it is very unfair on the local residents (particularly children) if their sleep is disrupted past midnight.

Additionally, there is a risk that late night licenses can lead to an increase of low level crime and disorder, of which I have seen personal evidence when in the past, there was a late night bar operating in the area (which was ultimately shut down for a number of reasons). For example, it wasn't unusual to be awoken after 2am by exiting revellers fighting in the street (or police sirens as they arrived to calm the situation). Clearly the community are keen to prevent such disorder issues returning on a regular basis.

Spitalfields has become a mixed residential / socialising area; the residents would appreciate some balance when license requests are considered to help ensure neither party adversely impact one another.

Regards,
Andy Bridger

This email with all information contained herein or attached hereto may contain confidential and/or privileged information intended for the addressee(s) only. If you have received this email in error, please contact the sender and immediately delete this email in its entirety and any attachments thereto.

Appendix 12

Mohshin Ali

From: Jacqueline Randall
Sent: 29 November 2010 14:38
To: Mohshin Ali
Subject: FW: 159 Commercial Street - Licensing Ref: 043778

Jackie Randall
Acting Licensing Services Manager

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

Tele: 0207 364 5109/5008
Fax: 0207 364 0863

From: Tessa Abineri [mailto:]
Sent: 27 November 2010 11:45
To: Jacqueline Randall
Cc: Mohshin Ali
Subject: 159 Commercial Street - Licensing Ref: 043778

159 Commercial Street
Licensing Ref: 043778

I am writing again, as I understand that Planning was refused for the above premises to change its use to "Bar", which is excellent news. However, some vital points still concern me.

The A3 Restaurant closing conditions could be satisfactory. However, with such a huge capacity involved, Licensing should be strict about other conditions to protect our residential community. For example, the supply of alcohol and late-night refreshments should finish at least 30 minutes before closing time.

Also, please do not allow particularly late opening on New Year's Eve/Day! This would be totally unacceptable for the residents who live anywhere near No. 159 – and that's a lot of people, many of whom have young families.

I live diagonally opposite this site which is in a densely populated residential area. My building has 100 residential flats. Immediately above, beside, behind and opposite

159 Commercial Street are also residential areas. We have suffered enormous problems in the past, well known to the Council and to the Police, with establishments and/or opening hours which are not suitable for our area. This has resulted in the past to excessive noise, street brawling, drunkenness, extreme anti-social behaviour, traffic problems, police sirens, etc.

Once again, what I really mean is please do not let this Restaurant adversely affect our quality of life. This huge 2-floor venue has the potential to do just that. These operations in hidden basements could easily become an enormous Public Nuisance. The Council needs to have the foresight to control the Licensing appropriately to protect the many residents, as well as the Police – and the Council itself.

Thank you for your consideration of this letter.

Yours faithfully

Tessa Abineri



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Jacqueline Randall

From: Tessa Abineri [REDACTED]
Sent: 09 November 2010 12:55
To: Jacqueline Randall
Cc: Kathy Driver
Subject: FW: 159 Commercial Street - Licensing Ref: 043778

I am forwarding this to you in Mohshin Ali's absence. Kindly acknowledge receipt.

With thanks

Tessa Abineri

From: Tessa Abineri
Sent: 09 November 2010 12:49
To: 'mohshin.ali@towerhamlets.gov.uk'
Subject: 159 Commercial Street - Licensing Ref: 043778

159 Commercial Street
Licensing Ref: 043778

Dear Sir

While I am delighted to hear that planning has been refused for this site to operate as a majority A4 bar, I am writing because I am still very concerned about the application for sale of alcohol at that site until midnight from Sunday to Wednesday and until 2 a.m. on Fridays and Saturdays. I also feel strongly that no 24-hour licence should be allowed – even over New Year.

I live diagonally opposite this site which is in a densely populated residential area. My building has 100 residential flats. Immediately above, beside, behind and opposite 159 Commercial Street are also residential areas. We have suffered enormous problems in the past, well known to the Council and to the Police, with establishments and/or opening hours which are not suitable for our area. This has resulted in the past to excessive noise, street brawling, drunkenness, extreme anti-social behaviour, traffic problems, police sirens, etc.

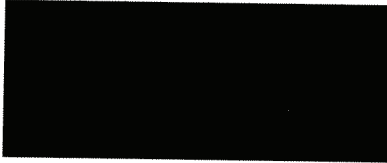
The late sale of alcohol can only result in more problems for residents, Police and the Council. With the over-saturation of social venues in this area, we already have a great deal of late-night noise to contend with from the customers of many, many other establishments locally. It would be terrible and irresponsible to add to that problem unnecessarily. At least at the moment the establishments such as **Hawksmoor, The Commercial and Boho Mexica** are restricted to fairly reasonable hours. Please do not make an exception for No. 159.

Please do whatever is necessary to prevent this restaurant affecting the quality of residents' lives, wreaking havoc for the local population (and for the Police and Council) – as history shows it could. We all deserve and require a decent night's sleep every night! Please be aware that our community needs the Council's protection from what could become a huge problem in the future for all of us. Prevention of "Public Nuisance" is surely one of your priorities.

Thank you for your consideration of this letter.

Yours faithfully

Tessa Abineri



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Appendix 13

Mohshin All

From: lucinda de jasay [REDACTED]
Sent: 02 November 2010 13:03
To: Mohshin All
Subject: Licensing Ref: 043778
Follow Up Flag: Follow up
Due By: 02 November 2010 00:00
Flag Status: Red

Dear Mr Mohshin

**Application For a Premises Licence: Bengal Bites t/a Black Stone; Ground Floor & Basement
159 Commercial Street London E1 6BJ**

**To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to
Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours
Midday New Year's Eve to Midday New Year's Day.**

I am writing to object to the late hours that are being applied for this restaurant on this site for selling alcohol and playing music on grounds of noise and nuisance. This building has flats on all sides. It has been demonstrated by the nightclub next door that late hours and alcohol and music lead to an intolerable environment for those living nearby. I hope that the council will not grant this application.

Yours sincerely

Lucinda de Jasay
[REDACTED]

Mohshin Ali

From: lucinda de jasay [REDACTED]
Sent: 01 December 2010 16:31
To: Kathy Driver
Cc: Jacqueline Randall
Subject: Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

Dear Kathy Driver

Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

**To allow: Recorded Music; Late Night Refreshment & the Supply of Alcohol with Close to the Public: -
11am – 23.00hrs Mon – Thurs; 11am – 23.59hrs Fri & Sat; 11am – 22.00hrs Sun & Bank Holidays; With New Years Eve – Midday to 04.00hrs New Year's Day.**

I am writing to you to object to the above application on grounds of noise and nuisance to neighbours who live in close proximity to this building on all sides. By granting a late night licence and allowing recorded music it is just asking for the same sort of problems that people in the area have had to endure with the night club next door and we do not wish that to happen in this building which has a huge capacity for people and an underground basement area. I hope that you will take my views into consideration.

Yours sincerely

Lucinda de Jasay
[REDACTED]

Appendix 14

Mohshin Ali

From: Katrina [REDACTED]
Sent: 28 October 2010 22:12
To: Mohshin Ali
Subject: Licensing Ref: 043778
Importance: High
Follow Up Flag: Follow up
Due By: 01 November 2010 00:00
Flag Status: Red

Dear Sir,

I wish to complain about the above licensing application.

On numerous occasions my sleep has been disturbed by people leaving the local night spots clients leaving the club in the early hours of the morning, either on their way to Liverpool Street Station or Shoreditch High Street Station. People are not quiet as they come down the street, often shouting and screaming at each other.

I particularly dread the weekends, my sleep is frequently disturbed by people returning to their cars, which they frequently park, in Folgate Street, outside of my home. They are not quiet upon returning, there are often loud conversations, arguments, doors are slammed and car stereo systems on full blast. There appears to be little supervision from any of the club about policing the people leaving, and the fact that this is a residential area. If I have actually complained, I have had a torrent of abuse, cat calls and rude gestures. This is now a heavily populated residential area, and another such a club and its clients are not appropriate for the area.

In Folgate Street, we have fire gates part way down the street; these are frequently blocked by parked cars. This means that if the emergency services need to get access to the street, it will be difficult and could lead to a tragedy.

I hope this complaint will be taken into consideration by the panel, when they meet to discuss the granting of the license.

Yours faithfully

Katrina Bradley (Ms)

[REDACTED]
Tel: - [REDACTED]

Appendix 15

Mohshin Ali

From: e-sinn soong [REDACTED]
Sent: 27 October 2010 21:52
To: Mohshin Ali
Subject: 159 commercial st

Dear Mr. Ali,

Licensing Ref: 043778

Application For a Premises Licence: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ

To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.

I am writing to object to the application above, for the following reasons.

The Spitalfields area is already totally saturated with clubs, bars and restaurants. They stay open, legally - or illegally, there seems to be no effective enforcement or policing at all - all night or until very late into the night and attract very large numbers of people to the area. The anti-social behaviour of these people has a huge detrimental impact on us local residents. They shout and scream all night, they urinate and vomit against our walls, leave glasses and bottles lying around, often broken, they defecate between parked cars, take and trade drugs openly, and copulate against our doors. There is also a serious problem from the noise created by traffic, especially taxis which hoot their horns to attract trade.

If this application is not refused, this huge drinking establishment, open until 2am on most nights when we have to work or go to school the next day, will substantially exacerbate the already serious loss of amenity of local residents.

In addition, the premises does not currently have planning for these kinds of hours.

We urge you to refuse the application.

Yours sincerely,
[REDACTED]

Appendix 16

Mohshin Ali

From: chetun patel [REDACTED]
Sent: 25 October 2010 10:53
To: Mohshin Ali
Subject: 159 Commercial Street - Objection to licensing application

Attachments: 159 Commercial Street - Licensing change



159 Commercial
Street - Licens...

Hello Mohshin,

I attach my objection to the proposed licensing change. Please let me know that you have received this application and nothing further is required within the application.

Regards,

● chetun

159 Commercial Street : A late licensing application

I own the property adjacent to the premises at [REDACTED]

I wish to make a representation.

The basis of my representation is determined on the following grounds:

- 159 Public Nuisance:** With enabling the premises to open later the risk of an increased noise nuisance is increased, which through this license application would go on until an acceptably late hour. There are a number of families in this built up residential area (I have a boy of three) and it would be intolerable to think of noise until the early hours disrupting the sleep of residents. With increased flow of people at these premises there is also likelihood of increased litter as a consequence of increased trade. Finally, with increased flow of people likely to be congregating outside it has been demonstrated previously that people will urinate outside the flats (as proven when Edge was open).
- 160 Crime and Disorder:** When we had the last premises, the Edge (illegally) open to late hours on 157 Commercial Street, I believe, there were a number of incidents regarding disorder which meant blood on the pavement most Saturday/Sunday mornings as well as the time demanded of the police in an already stretched area.
- 161 Public Safety:** There is no outside space on a narrow pavement with an exit out onto Fleur de Lis street. This will cause difficulty getting past smokers and people waiting to get into the premises. If this occurs on Fleur de Lis then the residents at this property will have difficulty getting into their residence coming.

Regards,

Mr Chetun Patel

Appendix 17

Mohshin Ali

From: Fokrul Amin [REDACTED]
Sent: 18 October 2010 14:07
To: Mohshin Ali
Subject: Reference Number 043778

RE: 159 Commercial Street planning permission reference number 043778

I would like to object to the above planning permission for the following reasons.

1. it will increase public disorder, e.g noise, shouting, fighting, traffic
2. it is too close to residential house (our house are not double glazed so all the noise comes in)
3. oppening times are late as a result not being able to sleep because of noise
4. resident parking will be impossible at nights as they will be taking up the spaces.
5. we had a lot of issues when the edge club was next to it, noise, traffic, roads closed because of fights.
6. we had difficulty walking on the pavement when the edge club was there, if this one opens we will have to walk on the road with my 3 months old baby.
7. prostitution will be outside my doorstep, (as it was very evident when the previous edge club was there)
8. we spent 8 years fighting to close the Edge club, we do not want to do the same for this one.
9. there is already a pub opposite side of the road and it is impossible to walk on that road because they overspil onto the road.
10. it will draw people from shorditch at late night because of late closing times.

please take into cosideration on all these reasons before you decide on this application.

Regards

Foquerul Amin Noor

[REDACTED]

[REDACTED]

Appendix 18

Mohshin Ali

From: Nick Kemp
Sent: 18 October 2010 15:21
To: Mohshin Ali
Subject: FW: New premises licence application/variation of premises licence

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

[REDACTED]
Sent: 15 October 2010 16:17
To: Nick Kemp
Subject: RE: New premises licence application/variation of premises licence

Dear Nick,

My full postal address is [REDACTED]

I live directly next door to the premises applying for a change in its premises licence. The entrance to my property is in fact, directly next door to the rubbish disposal area of this premises, and on a regular basis rubbish is left on the street outside my front door. I have complained about this in the past to the council but this problem is still ongoing. Given that they are unable to control the rubbish left on the street (which is a health and safety problem and generally unsightly) and the premises is not even open for business yet, I am left with no doubt in my mind, that this problem will only get worse when it opens and furthermore, they most likely will be unable to control the stream of intoxicated people entering and exiting the premises late at night as well as the noise (something that will undoubtedly disturb both myself and other residents). As a female who lives alone, I am not reassured by a late license establishment being located next to my property which will invariably lead to inebriated persons hanging around outside my home. On these grounds, I object to the proposed premises licence.

Kind Rgds,
Eriko Miyazaki-Ross

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

From: Nick Kemp [mailto:Nick.Kemp@towerhamlets.gov.uk]
Sent: 15 October 2010 16:01
To: Miyazaki-Ross, Eriko: Research (LDN)
Subject: FW: New premises licence application/variation of premises licence

Dear Eriko,

To make a valid representation you need to provide some evidence of how you think the application will adversely effect you and your household. The evidence has to be in relation to one or more of the licensing objectives; which are:

- * The prevention of crime and disorder.
- * Public Safety
- * The prevention of public nuisance
- * The protection of children from harm.

We cannot accept representations based upon a business or competition argument, or the lack of 'need' for the premises or the number of premises already in existence.

I also need your full postal address. The consultation for this application ends on 1st November, by which time we must have received your representation.

If you have any queries or if I can be of any further assistance do not hesitate to contact me.

Regards,

Nick Kemp
Nick Kemp - Licensing Officer
London Borough of Tower Hamlets | Licensing Section | Mulberry Place
(AH) | PO BOX 55739 | 5 Clove Crescent | London E14 1BY
Tel: 020 7364 7446 | Fax 2: 020 7364 0863 | E-mail ::
nick.kemp@towerhamlets.gov.uk

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

From: Jacqueline Randall On Behalf Of licensing
Sent: 14 October 2010 18:59
To: Nick Kemp
Subject: FW: New premises licence application/variation of premises licence

Jackie Randall
Acting Licensing Services Manager

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

Tele: 0207 364 5109/5008
Fax: 0207 364 0863

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

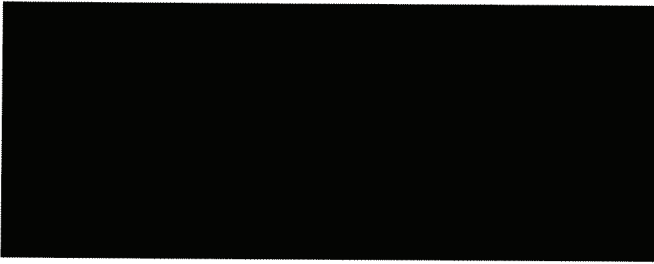
Sent: 13 October 2010 11:51
To: Jacqueline Randall; licensing
Subject: New premises licence application/variation of premises licence

Dear Jacqueline,

I recently received a letter from Tower Hamlets council regarding the application for a new/variation of a premises licence for 159 Commercial Street, E1 6BJ. I would like to object to this application and would be grateful if you could please inform me about the necessary procedures in order to do this.

Kind Regards,

Eriko Miyazaki-Ross



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Appendix 19

Mohshin Ali

From: Lynn Richardson [REDACTED]
Sent: 17 October 2010 08:55
To: Mohshin Ali
Subject: Basement 159 Commercial Street
Follow Up Flag: Follow up
Due By: 18 October 2010 00:00
Flag Status: Red

Licensing Ref 043778

As the owner of 2 flats in the Cloisters I write to object to the planning application above. I am amazed there is yet another application for a licence under this primarily residential block of flats.

I have owned one of my flats for 23 years and have seen many changes in the area for the better. The initial changes took the area from one that was dead in the evening with day time activity coming from the wholesales and the fruit and vegetable market. Gradually the area 'improved'. More residential accommodation was built/converted and mainstream shops opened up on Commercial Street.

It has now gone way over the top in terms of constant applications for late licences. This area is RESIDENTIAL - allowing a venue for over 600 people underneath a residential building and nearby many others will cause a public nuisance and a rise in crime and disorder.

This area should not be allowed to degenerate into a destination venue for late night drinkers. It is an area steeped in history with a vibrant community and this is going to be negatively impacted by huge late night drinking venues.

There is no way people can arrive and depart from such a venue without causing noise, roudiness, drunken behaviour, violence and public nuisance.

It is incumbent on the local council to protect the area as a RESIDENTIAL one. It has taken years to get it to where it is now but with bars like this it is going to become a hotbed of crime and disorder and a very unpleasant and dangerous place to live.

Yours sincerely

Lynn Richardson
[REDACTED]

Appendix 20

Mohshin Ali

From: Donna D [REDACTED]
Sent: 29 November 2010 17:30
To: Mohshin Ali
Subject: Fwd: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760

Follow Up Flag: Follow up
Due By: 01 December 2010 00:00
Flag Status: Red

Dear Sir,

I have received your letter with regard to the change of hours amendment for the above named property, 159 Commercial Street.

I would like to reiterate that my objection to the premises and its change of use remains, and that I am opposed to the late hour use of the restaurant on Friday and Saturday evening.

This is primarily a residential area and the premises shares its location with a high density residential block. The noise resulting from nearly 600 patrons leaving at late hours is intolerable in such a residential area, as we have seen before with previous area businesses (The Edge, 157 Commercial Street).

In addition, I remain concerned about the following:

- signage in keeping with the conservation area
- Appropriate extraction and ventilation equipment
- Noise and crowd control
- Appropriate use (restaurant with real food service, not solely the appearance of a restaurant but operating as a bar)

Thank you in advance for your consideration.

Donna DeWick
[REDACTED]

----- Forwarded message -----

From: Donna D [REDACTED]
Date: Thu, Oct 14, 2010 at 4:36 PM
Subject: RE: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760
To: Richard.Murrell@towerhamlets.gov.uk,
Nick.Kemp@towerhamlets.gov.uk, [REDACTED]
Cc: [REDACTED] Spitalfields Society

To Whom It May Concern:

I am copying each of you on this message as, since 2009, you have all been involved in the change of usage and licensing of 159 Commercial Street.

150 Commercial Street is on the junction of Commercial and Fleur de Lis Streets, E1. The

property being discussed is a two story venue (basement ground) and all sides and above are residential properties.

The Planning Application seeks to turn the basement and ground floor to a 556 person capacity bar, with a smaller rear floor 72 cover restaurant, for a total capacity of 628 people.

This is completely inappropriate for a location surrounded by high density residential properties. At a minimum the venue should have installed adequate sound proofing, ventilation, and access for such large capacity. None of which is evidenced in their application.

The original permissions (change from office to restaurant) made no provision of adequate extraction - the restaurant which until recently occupied the property was ventilating onto the back of the property, thus the back yard of Elder Street. This meant that properties in Elder Street suffered from the smell of cooking.

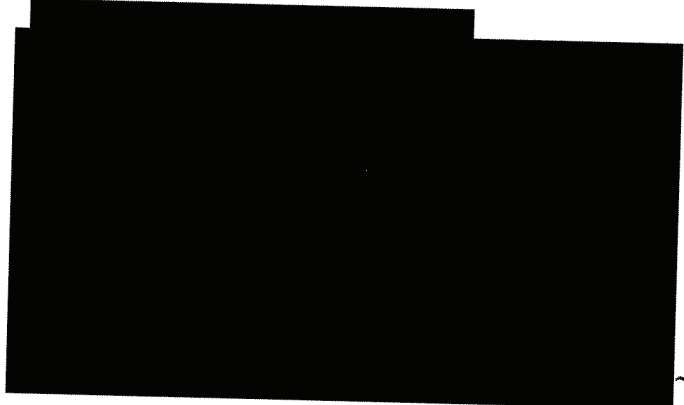
The original premises included cladding and signage not in keeping with a conservation area. There is installed fluorescent lighting.

Bright signage. This is a conservation area and such matter, design and printing should be agreed with the Conservation Team before installation is allowed. Please ensure adequate consideration for future planning.

The hours of trading are completely unacceptable for a high density residential area. There are years of complaints documented from previous unenforced ventures operating outside of planning hours in the same area. Residents have endured years of loud, drunken behaviour. Prostitution, drugs, and solicitation arising from the behaviour and client of previous late night enterprises. Urination and vomiting on our doorsteps. Sex in the streets. As such I strenuously object to the proposed 2am closing time for this property.

Please safeguard residential amenity and refuse late hour operation, large venue size, and maintain the smaller venue permission only with adequate provisions for noise, ventilation, pollution and signage.

With best regards,
Donna DeWick



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Mohshin Ali

From: Nick Kemp
Sent: 15 October 2010 16:17
To: Mohshin Ali
Subject: FW: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760

Follow Up Flag: Follow up
Due By: 18 October 2010 00:00
Flag Status: Red

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

From: Donna D [mailto: [REDACTED]]
Sent: 14 October 2010 16:37
To: Richard Murrell; Nick Kemp; Beth Eite
Cc: [REDACTED] CRA; Spitalfields Society
Subject: RE: 159 Commercial Street London – Part Change of Planning Use from A3 (restaurant) to A4 (bar), PA/10/01760

To Whom It May Concern:

I am copying each of you on this message as, since 2009, you have all been involved in the change of usage and licensing of 159 Commercial Street.

150 Commercial Street is on the junction of Commercial and Fleur de Lis Streets, E1. The property being discussed is a two story venue (basement ground) and all sides and above are residential properties.

The Planning Application seeks to turn the basement and ground floor to a 556 person capacity bar, with a smaller rear floor 72 cover restaurant, for a total capacity of 628 people.

This is completely inappropriate for a location surrounded by high density residential properties. At a minimum the venue should have installed adequate sound proofing, ventilation, and access for such large capacity. None of which is evidenced in their application.

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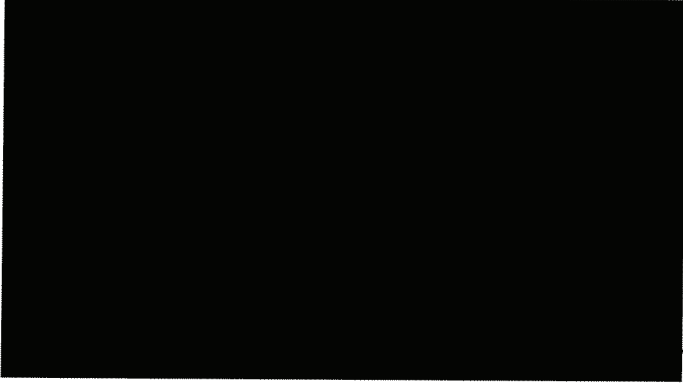
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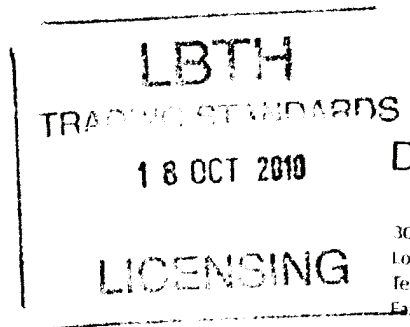
Please safeguard residential amenity and refuse late hour operation, large venue size, and maintain the smaller venue permission only with adequate provisions for noise, ventilation, pollution and signage.

With best regards,
Donna DeWick



Appendix 21

Your Ref: Jackie Randall
Our Ref: JS/AT/BRI.0048.0002



D
Davenport Lyons

30 Old Burlington Street
London W1S 3NL
Tel: +44(0)20 7468 2600
Fax: +44(0)20 7437 8216

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

By post and by email to: licensing@towerhamlets.gov.uk

15 October 2010

Dear Sirs

**Licensing Act 2003 and the Black Stone, Ground Floor and Basement, 159 Commercial Street E1 6BJ (the "Premises")
Representation Objecting to New Premises Licence Application**

We act for Brimheath Developments Limited ("BDL"). BDL occupies and operates the 'Commercial Tavern' at 142-144 Commercial Street. We are also instructed to act for the sole director of BDL, Mr Michael Burgess, and the company secretary, Ms Maria Bather, who both reside [REDACTED]

Our clients object to the new premises licence application dated 17 September 2010 made by Bengal Bites Limited in respect of the Premises (the "Application"). This representation is made on behalf of BDL in its capacity as a local business and on behalf of Mr Burgess and Ms Bather in their capacity as local residents.

The Application is for the provision of late night refreshment until 02:00 (the following day) on Thursday to Saturday and midnight on Sunday to Wednesday. It does not seek authorisation for the sale and supply of alcohol. However we are aware that the Application has been advertised as seeking a licence authorising the sale and supply of alcohol. We would be grateful if you could clarify this inconsistency and notify us of any subsequent applications that may be made to authorise this activity.

For the avoidance of doubt our clients object to the Application whether it seeks a licence for the sale and supply of alcohol or not, particularly in respect of any late night licensable activity occurring after 23:00pm.

Location

Our client's premises and residence is located almost immediately opposite the Premises. The Commercial Tavern closes at 23:00pm There is a high level of residential property surrounding the immediate vicinity of the Premises. There are a number of businesses and other licensed premises in the area and Christ Church Spitalfields is also located on Commercial Street. Our clients, together with other local residents and businesses, have



experienced various problems caused by late night premises operating in the area over the last few years. An increase in licensed premises in the area will exacerbate these problems and undermine the licensing objectives.

In 2008 the Tower Hamlets Licensing Sub-Committee revoked the premises licence of 157 Commercial Street following an application to review the licence. This premises is adjacent to the current Premises and had long history of noise nuisance in relation to its use as a nightclub. Our clients are also aware of similar problems recently experienced from premises opposite Christ Church Spitalfields on Commercial Street.

This representation is made on the basis that the Application will fail to promote the following licensing objectives:

1. The Prevention of Crime and Disorder

Our clients are seriously concerned by a potential increase in the proliferation of crime and disorder caused by patrons using the Premises late at night. This is a particular concern for our clients given that their business and residence is across the street from the Premises

The current local infrastructure is not suitable to allow the effective dispersal of patrons using the Premises late at night. This could be a real problem, particularly when considering the size of the Premises and likely number of patrons dispersing at closing time. If patrons are not able to leave the area quickly then the risk of crime and disorder will be increased.

Furthermore, whether or not the Premises sells alcohol, it is likely that some of those patrons visiting the Premises late at night will have consumed alcohol. This imposes an additional risk of alcohol related crime and disorder in the Commercial Street area.

2. The Prevention of Public Nuisance

Our clients currently experience nuisance caused by patrons dispersing from the numerous existing licensed premises on Commercial Street. Patrons using the restaurants and bars in the local area also roam the street late at night. Our clients live and operate their business almost directly opposite the Premises so are very likely to suffer nuisance from the Premises should the application be successful.

Noise nuisance in the area is a problem which has been recently recognised by the Tower Hamlets local authorities and Licensing Sub-Committee during the review of the premises licence of 157 Commercial Street. An additional licensed premises will increase this problem, particularly in relation to littering and noise nuisance late at night.

To authorise the provision of licensable activities until as late as 02:00am on some nights is beyond the "norm" for the area. Noise emanating from the premises will have a serious impact on the residential amenity, not to mention noise caused by patrons dispersing from the Premises late at night. This could include noise from patrons themselves or from taxis pulling up and parking near the Premises. As stated above there is an insufficient system in place for late night dispersal, meaning increased noise nuisance caused by those patrons waiting for taxis and leaving the area by foot.



Davenport Lyons

Cumulative Impact

While the Commercial Street area may already have a number of licensed premises and other entertainment uses, our clients would stress that the overall number of such uses and units is increasing and the cumulative impact of allowing further establishments of this nature is and will have a very detrimental effect on the area. Premises providing licensable activities after 23:00pm impose additional negative effects in the local area.

The over proliferation of late night entertainment premises and their ancillary uses is seen to be increasing problems in the Commercial Street area. The effect of an over saturation of uses such as late night premises causes harm to the local amenity.

Summary

Our clients object to the Application in the strongest terms. We should be grateful if you could keep us informed of any forthcoming licensing committee dates and progress of the Application and ensure our clients concerns are properly addressed.

Yours faithfully



Davenport Lyons

Your Ref: Jackie Randall
Our Ref: JS/AT/BRI.0046.0002

D
Davenport Lyons

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

30 Old Burlington Street
London W1S 3NL
Tel: +44(0)20 7468 2600
Fax: +44(0)20 7437 8218

By post and by email to: licensing@towerhamlets.gov.uk

30 November 2010

Dear Sirs

**Licensing Act 2003 and the Black Stone, 159 Commercial Street E1 6BJ (the "Premises")
Representation Objecting to New Premises Licence Application**

We act for Brimheath Developments Limited ("BDL"). BDL occupies and operates the 'Commercial Tavern' at 142-144 Commercial Street. We are also instructed to act for the sole director of BDL, Mr Michael Burgess, and the company secretary, Ms Maria Bather, who both reside [REDACTED]

Our clients have previously made a representation in respect of an application dated 17 September 2010 for a new premises licence at the Premises. A copy of that representation, dated 15 October 2010, is enclosed and should be read alongside this letter of representation. We note that the new application dated 3 November 2010 (the "Application") varies from the previous application, namely that there is a reduction in the capacity and hours of the licensable activities.

For the avoidance of doubt, our clients maintain their representation in respect of the Application, for the same reasons previously given in their representation dated 15 October 2010. The Application proposes a significant capacity of 270 and will have an adverse effect on the local amenity contributing to the cumulative impact in the area and will fail to promote the licensing objectives for the prevention of public nuisance and the prevention of crime and disorder. These concerns are more particularly set out in our previous letter dated 15 October 2010.

We note that the covering letter attached to the Application proposes restaurant use of the Premises, rather than nightclub/bar use. Our client is concerned that the applicant has not proposed any 'restaurant conditions', which would restrict the supply of alcohol to waiter service to seated customers taking a table meal.

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10 Old Burlington Street, London W1S 3NL.



10, 37233 Piccadilly 1
www.davenportlyons.com

D

Davenport Lyons

Our clients object to the Application in the strongest terms. We would be grateful if you could keep us informed of any forthcoming licensing committee dates and progress of the Application and ensure our clients concerns are properly addressed.

Yours faithfully



~~Davenport Lyons~~

Encl.

Appendix 22

Mohshin Ali

From: [REDACTED]
Sent: 09 October 2010 13:43
To: Mohshin Ali
Subject: licensing ref.number;043778

09/10/2010

Mr S M Brewer

Dear Sir,

Ref. the Application for a premises license: Bengal Bites t/a Black Stone, Ground Floor and Basement, 159 Commercial Street, E1 6BJ.

I would like to object to this application, this application will, if granted, increase public disorder and public nuisance, ie noise, people urinating, rowdy crowds hanging around outside, drunken fights, increase in traffic queues of taxis etc, We already have licensed premises nearby which close much earlier, this will draw crowds from other nearby drinking venues.

There was a club at next door to this address a couple of years ago, named 'The Edge' which did not stay open very long due to the trouble that occurred outside in the night time, i do not wish to experience this again.

yours sincerely, S.M.Brewer

Appendix 23

Alexandra Davidson

6 October 2010

Dear Mohshin Ali,

I am writing this letter in regards to an application for a premise license (**Licensing Ref: 043778**).

I live in [REDACTED]. Our whole flat is above the bar that is applying for the license. In particular our bedrooms face the street (at the front of the building) and are directly above the bar.

I strongly object to granting this bar a license. These are my concerns.

Noise: The noise of music and also the noise of people on the street will massively disrupt my day to day life. I have to wake up at 5:30 in the morning each week day and 7:30 am on Saturday mornings. This bar is embedded in a residential property and street block which I feel is completely inappropriate.

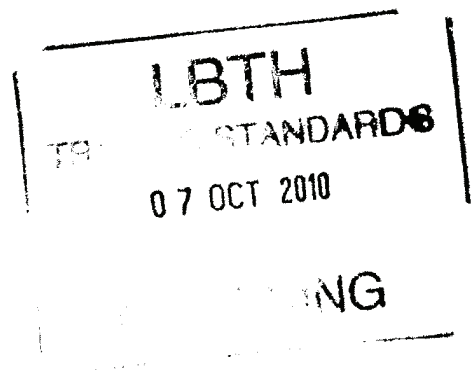
Safety: As a 24 year old female I am concerned about my safety with the bar below our flat. The front door to our building is right next to the front door of the bar. With the late hours the bar operates and with alcohol involved, I am very worried about people approaching me or harassing me as I go to and from my flat. I also think a bar like this, which operates quite late hours, would attract a lot of violence in and outside the bar.

Health: All of our windows to our flat are directly above the bar. I am extremely concerned about second hand smoke. When clientele are smoking outside the bar, this will be directly below our windows (which have air vents) and next to the entrance of our flat. Therefore, I worry smoke will come up to our windows (to the rooms where we sleep!) And not to mention each time I leave and return the flat I will have to walk by a group of smokers.

The location of this bar is completely inappropriate. This is a residential building and street block. I strongly appose granting them a license as I fear for my daily well being, health and above all my safety.

Kind regards,

Alexandra Davidson



Appendix 24

RECEIVED BY EMAIL -
6/10/2010

Contact Tower Hamlets

Fields marked with an asterisk (*) are mandatory

Name Carlo Maria Ciaroni
Email address [REDACTED]
Contact phone [REDACTED]

If you want the council to respond, please provide a contact number or an email address.

I am a Tower Hamlets resident Yes
Address including postcode [REDACTED]

Please provide your address if you are making a complaint

Query type *
Your comment or question *

Complaints

Dear Tower Hamlet's Council,

on behalf of all the residents of 159 Commercial Street E16BJ, I would like to communicate that it has just come to our attention that Bengal Bites t/a Black Stone is planning to install a 637 capacity bar on the Ground Floor & Basement of 159 Commercial Street London E1 6BJ.

We understand that Bengal Bites t/a Black Stone has submitted the following application for a Premises Licence (Licensing Ref: 043778): To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.

On behalf of all the residents in 159 Commercial Street, I would like to voice our concerns related to this License application. Indeed, we are all seriously concerned that the presence of a bar which is allowed to sell alcohol and stay open until late will negatively impact our living conditions by causing an increase in public nuisance and potential crime and general disorder.

As you are well aware, the whole Shoreditch area (pubs, bars and clubs) is always populated by quite strange individuals who most of the times are ill-mannered and disrespectful of the residents. As such, we're seriously concerned that the opening of the new bar will attract these types of individuals with negative consequences to our living standards and to the detriment of our peace.

In this view and for the reasons mentioned above, we would like to object to Bengal Bites t/a Black Stone being granted a Premises Licence to install a 637 capacity bar on the Ground Floor & Basement of 159 Commercial Street London E1 6BJ.

We appreciate your availability in helping Tower Hamlet's residents maintain acceptable living standards and feel confident that you understand the genuine reasons of our concerns.

We would appreciate if you could get in touch regarding this issue in due course.

Kind regards,
Carlo Maria Ciaroni on behalf of all the residents
of 159 Commercial Street E16BJ

Appendix 25

Mohshin Ali

From: Sally Barrow [REDACTED]
Sent: 06 October 2010 12:54
To: Mohshin Ali
Subject: Re: Licensing Ref: 043778

Dear Mr Ali,

I feel that to have a night club with such a loud capacity will effect all residents in and around 159 Commercial St. Furthermore the selling of alcohol late at night outside my front door does not fill me with the safest feeling about my living environment.

My concerns expressed are under the terms of the 4 Licensing Objectives: Prevention of Public Nuisance & Prevention of Crime & Disorder.

Thank you for your time,

Yours sincerely,

Sally Laura Barrow.

On 05/10/2010 16:43, "Mohshin Ali" <Mohshin.Ali@towerhamlets.gov.uk> wrote:

Dear Madam,

I would be grateful if you could explain how this particular application will have a negative impact on you.

Regards

Mohshin Ali - Acting Senior Licensing Officer,
London Borough of Tower Hamlets - Licensing Section - Mulberry Place (AH) PO BOX 55739
5 Clove Crescent London E14 1BY
Tel ☎: 020 7364 5498 | Fax 📠: 020 7364 0863 | E-mail 📧:
mohshin.ali@towerhamlets.gov.uk <mailto:mohshin.ali@towerhamlets.gov.uk>

From: Sally Barrow [REDACTED]
Sent: 04 October 2010 17:21
To: Mohshin Ali
Subject: Licensing Ref: 043778

Dear Mr Ali,

Licensing Ref: 043778, Bengal Bites.

It has come to my attention that below my building there is going to be a potential club/ bar/ restaurant opening and is currently applying for a license. Me and my roommate have serious concerns, a few of which being: the opening times, till 2am 3 days a week, the selling of alcohol, loud music and finally the capacity 637 people.

I wish for the license to this establishment to be denied.

Yours sincerely,

Sally Laura Barrow and Sian O'Flaherty.

[Redacted Signature]

.....

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

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Appendix 26

Contact Tower Hamlets

Fields marked with an asterisk (*) are mandatory

Name

Allison Burns

Email address

[REDACTED]

Contact phone

If you want the council to respond, please provide a contact number or an email address.

I am a Tower Hamlets resident

Yes

Address including postcode

[REDACTED]

Please provide your address if you are making a complaint

Query type *
Your comment or question *

Complaints

There are plans to install a 637 capacity bar directly below my flat which will be open until 2am on Thursday and weekends and 12am during the week. As this is a residential building, and having a bar directly below my bedroom, not to mention having people leaving after and smoking outside, I would like to register a complaint. I would also like to know what other actions are available to me.

Kind regards,

Allison Burns.

Mohshin Ali

From: Allison Burns [REDACTED]
Sent: 05 October 2010 15:53
To: Mohshin Ali
Subject: Bar on ground floor and basement of 159 Commercial Street

Follow Up Flag: Follow up
Due By: 06 October 2010 00:00
Flag Status: Red

Good Afternoon Mr. Ali;

I wanted to register a complaint about the bar opening directly below my bedroom. I live at [REDACTED] [REDACTED] and I think it is utterly ridiculous that a bar that plays music until 2am, technically then a club, is to be opened in a residential building. As a young lawyer, I work extremely long hours as it is and my sleep would obviously be disrupted by this venture. My flatmate and I can hear workmen speaking to each other below us, clearly we would be able to hear music. As two young girls, we also worry about the anti-social behaviour associated with drinking and late licensing.

I would also like to know what other action I can take on this matter. Also, do I need to send a formal complaint to Tower Hamlets in writing? Thank you so much for your assistance with this matter.

Kind regards,

Allison Burns.

Mohshin Ali

From: Allison Burns [REDACTED]
Sent: 30 November 2010 13:38
To: Mohshin Ali
Subject: TSS/LIC/043778/MA

Good Afternoon Mr. Ali,

I am writing on behalf of myself, Allison Burns, and my flatmate, Alexandra Davidson, to advise you that we would still like to make a representation to the application for the Licence of 159 Commercial Street. We are aware that the terms have changed, however, they are still completely unacceptable to us. Also, the white noise device installed (and tested Saturday November 20th) sounds like an airplane taking off, particularly in my bedroom which is immediately above the premises. Thank you so much for your assistance with this.

Kindest Regards,

Allison Burns and Alexandra Davidson
[REDACTED]
[REDACTED]

Appendix 27

Kenneth Theron

1st October, 2010

Mr Moshin Ali
Moshin.ali@towerhamlets.gov.uk
Licensing Officer in Charge
The Licensing Team
Mulberry Place (AH)
P.O. Box 55739
Clove Crescent
London
E14 1BY

LBTH
TRADING STANDARDS
04 OCT 2010
LICENSING

Dear Sir,

**(Licensing Ref: 043778) Application For a Premises Licence
Ground Floor & Basement, 159 Commercial Street London E1 6BJ.
To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to
The Public; Sun-Wed Midday to Midnight; Thurs-Sat Midday to 2.00am;
24hours Midday New Year's Eve to Midday New Year's Day.**

I have objected in writing to an application to change of use of premises at 159 Commercial Street into a 637 capacity majority A4 bar, but have become aware of a separate application seeking a Premises Licence to sell alcohol to match it's late bar trading ambitions; to which I would also like to strenuously object.

Without wanting to overstate the obvious, this is a huge 2 floor venue, embedded in the heart of residential properties, totally unsuitable for a bar, and especially a bar selling alcohol until late at night!

In terms of your licensing objectives, I would simply like to state, as someone deeply affected by developments in this area, that refusal of this application is the only way to ensure:

1. Prevention of Public Nuisance
2. Prevention of Crime & Disorder

A catalogue of dramatic examples of anti-social fallout including public nuisance and crime and disorder involving past and even present late night bars in the Spitalfields area are a matter of record. **PLEASE** protect longstanding members of the community!

Yours sincerely,

Mohshin Ali

From: Jacqueline Randall
Sent: 01 December 2010 08:33
To: Mohshin Ali
Subject: Fw: objection re application - 159 Commercial Street
Follow Up Flag: Follow up
Due By: 01 December 2010 00:00
Flag Status: Red
Attachments: Letter re licensing application 1st December, 2010.doc

From: Kenneth Theron
To: Jacqueline Randall
Sent: Wed Dec 01 00:49:31 2010
Subject: Fw: objection re application - 159 Commercial Street

Dear Ms. Randall,

Please find attached my written objection to an application regarding 159 Commercial Street.

Yours sincerely,
Kenneth Theron

Kenneth Theron

1st December 2010

Kathy Driver
kathy.driver@towerhamlets.gov.uk

Jacqueline Randall
jacqueline.randall@towerhamlets.gov.uk

Dear Ms Driver and Ms Randall,

Re: Application for a Premises Licence for Bengal Bites
T/A Blackstone Ground Floor & Basement, 159 Commercial Street,
London E1 6BJ

Planning has been refused for 159 (ex-Lahori Masala) to Change of Use to Bar; leaving it as an A3 restaurant with Conditions on Closing Hours of 23.00 hrs Mon - Thurs; 00.00 hrs Fri & Sat; 22.00 hrs Sun & Bank Holidays.

This has now been amended to an application to allow: Recorded Music; Late Night Refreshment & the Supply of Alcohol with Close to the Public: - 11am – 23.00hrs Mon – Thurs; 11am – 23.59hrs Fri & Sat; 11am – 22.00hrs Sun & Bank Holidays; With New Years Eve – Midday to 04.00hrs New Year's Day.

I wish to object in the strongest terms to this new application.

This is still a massive space - even as a reduced capacity restaurant closing a bit earlier. History demonstrates that rather than trust to luck, relevant conditions need to be added to protect our residential amenity; such as - Supply of Alcohol should finish at least 30 minutes before Close – so customers are not throwing back drinks in seconds before leaving or are tempted to depart with them; Late Night Refreshment should also end earlier so that kitchen flues are off line & customers cannot help but linger. Neither condition would be at all unreasonable.

The prospect of a 4.00am close New Year's Day with accompanying on-street disturbance under residents' windows takes no account residents who choose not to stay up all night, and who might have an early start to their day.

Finally; Cain Duncan (T/H Planning Enforcement Officer) shares concern that this huge 2 floor venue still holds potential to be a nuisance & needs to be watched *very* carefully. Such a vast space with a well hidden basement; even with (the more restrained) Licence in no way guarantees that (well advanced) late bar ambitions are abandoned & may still go ahead - either with or without any of the correct permissions.

This is not necessarily a too cynical a view to hold when the 'small wedge' of an ordinary Licence was *exactly* what opened the way for that other hidden basement operation called Edge - to become a nightmare for residents!

I hope you will PLEASE take residents' being into account.

Yours sincerely,

Kenneth Theron

Appendix 28

Mohshin Ali

From: Jenny Maslin [REDACTED]
Sent: 02 October 2010 18:56
To: Mohshin Ali
Subject: Licensing Ref 043778

Dear Mohshin Ali,

I write to object to licensing application 043778 to sell alcohol, play recorded music, serve food and stay open Sun to Wed until midnight and Thur to Sat until 2am with 24 hour opening over New Year's Eve.

My objections are as follows:

1. To prevent public nuisance. There are many residential properties in the immediate vicinity of this venue, including flats above the venue. There are already a number of bars in the area selling alcohol late into the evening. The noise from people leaving them late at night means that it is very hard to get a good night's sleep and be fresh for work in the morning. In the past when a similar type of venue was operating close by, with similar licensing hours, the road where I live became a popular parking spot and pick up point for mini cab drivers. Consequently, door slamming, shouting and horns blasting were regular unpleasant features of the evenings. I believe these problems would increase again if the licensing application is granted.
2. To prevent crime and disorder. We already suffer continual problems of vandalism, anti-social behaviour and littering because of the number of similar venues operating locally, with calls to the police because of street fighting and vandalism from people leaving the bars drunk. I believe another bar of this size would significantly increase this problem.

Please do not grant this application without considering the views of local residents.

Jenny Maslin
[REDACTED]

Appendix 29

Mohshin All

From: heard nora [REDACTED]
Sent: 02 October 2010 13:42
To: Mohshin All
Subject: Licensing Ref: 143778

Dear Mr. Ali,

Re: Licensing application no. 143778 for a Premises Licence:

Bengal Bites t/a Black Stone; Ground Floor & Basement 159, Commercial Street, London E1 6BJ

To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Midday to Midnight; Thursday to Saturday Midday to 2.00am with 24hours Midday New Year's Eve to Midday New Year's Day.

I live at The Cloisters, a residential block a few doors down from the above premises, and wish to object to the above application for the following reasons:

- this is a predominantly residential area, and as such is totally unsuitable for late-opening premises selling alcohol and playing music
- my understanding was that closures beyond midnight were now considered unacceptable by the local authority in residential areas
- the premises are big (capacity 600), and so large numbers of customers would be using it and exiting at closing time, inevitably causing quite unacceptable levels of noise disturbance in the early hours - talking, shouting, singing, cars revving up, car stereos etc.
- there would be almost inevitably be drunken, anti-social behaviour of varying degrees- fighting, damage to property, urinating in doorways, breaking glasses, intimidation of innocent passer-by etc., as well as other criminal behaviour such as drug-dealing and prostitution
- all of the above problems have been experienced in this area, and well documented in the relevant council meeting minutes, in relation to licensed premises remaining open after midnight, in particular the club EDGE which used to operate at 157, Commercial Street.

I trust that the council will consider that the well-being of the residents should be paramount, and will therefore reject the application.

Yours sincerely,
Nora Heard,

[REDACTED]

Mohshin Ali

From: heard nora [REDACTED]
Sent: 19 November 2010 17:16
To: Kathy Driver
Cc: Jacqueline Randall; Mohshin Ali; CRA
Subject: Licensing application 043778
Follow Up Flag: Follow up
Flag Status: Completed

Dear Ms. Driver,

Re: Licensing Application 043778 - Black Stone, 159, Commercial Street, E1 6BJ

I have received a letter from Moshin Ali informing me that the original application made for these premises, to which I objected, has been amended.

While the new proposed hours of operation are clearly more acceptable, I still feel uneasy at the prospect of premises with such a large capacity operating in this residential area, and hope that the council will apply strict conditions to any licence they may grant - for example, that the sale of alcohol cease 30 minutes before closing time, so that customers are not purchasing alcohol immediately before they leave and either lingering with it on the premises or taking it outside - and also that the kitchen flues are shut down in good time.

I am also extremely concerned at the request for a 4am close on New Year's Day. This is bound to cause disturbance to residents in terms of noise, anti-social behaviour etc. The fact that it is New Year's Day doesn't mean that nobody has to go to work, and those that do (e.g. doctors, nurses) will need to have had a good night's sleep - to which even those not working have the right!

I strongly urge the council, in order to safeguard the wellbeing of residents, to apply conditions such as I have described, and also to limit the hours of opening on New Year's Eve to 00.30 (or 1am at the very latest) on Jan. 1st.

With thanks,
Yours sincerely,
Nora Heard,
[REDACTED]

Appendix 30

Mohshin Ali

From: David Snowdon [REDACTED]
Sent: 01 October 2010 16:42
To: Mohshin Ali
Subject: Application reference number 043778
Follow Up Flag: Follow up
Due By: 01 October 2010 00:00
Flag Status: Red
Attachments: CROS objectors letter 01.10.10.doc

Dear Mr All,

Please find the attached letter which outlines our reasons for objecting to this application.

Thank you,

Yours sincerely,

David and Lynda Snowdon

Your reference: 043778

Dear Mr. Ali,

**RE: 159 COMMERCIAL STREET E1.
APPLICATION FOR LICENCE TO SELL ALCOHOL**

I refer to the application from Bengal Bites t/a Black Stone to sell alcohol, to play recorded music and to stay open to the public to midnight on certain days and to 2.0am on certain days and for more than 24 hours over the New Year period.

We urge you to reject this application for the following reasons:-

This particular venue is not in a suitable location to service up to 600 customers without significant disruption to the local residential community. It has absolutely no car parking facilities of its own. It is on a red-route with minimal on-road parking and it is surrounded by a large residential community, both on Commercial Street and neighbouring side streets. The premises do not have the facilities to allow the peaceful departure of its patrons in the early hours of the morning.

We have already experienced the problems which can occur. An operator in a neighbouring property variously called Hawksmoor, Protocol and Edge, at 157, Commercial Street, has over a long period of time demonstrated that it was not possible to control its patrons outside its premises. Its customers repeatedly showed a complete disregard for local residents by slamming car doors, engaging in fights, intimidating residents, urinating in doorways, damaging property and generally being excessively rowdy in the early hours of the morning. The Police were regularly called in but, due to limited resources were unable to contain the problem.

Eventually the management installed a 'security team', which was supposed to exercise control over the departing crowd and to impose the condition required by the Council to hold departing patrons *inside* the venue whilst awaiting transport. This completely failed to have any effect. There were reports of regular fist & bottle fights within the club, some of which spilled onto the street at 3.0am, and the noise and disruption in the local streets continued unabated.

Regrettably there seems to be no way of controlling clients who have consumed alcohol once they have left the premises. This is not a comment on the management, but it seems to be a fact of life. There is a great risk that history will repeat itself if this application is permitted, to the detriment of the peaceful existence of local residents. If the facility was remote from a largely residential area this would not be a problem.

Local residents have very strong memories of the enormous disruption to their lives over a long period of time caused by operation described above. As a result many residents regularly suffered from a serious loss of sleep and many of them have to work the next day.

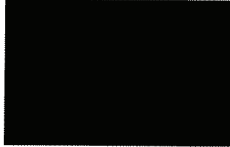
For the reasons given above, this venue, in our opinion, is not suitable for this kind of operation.

Please reject the Application.

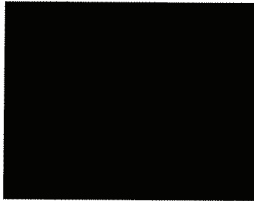
Yours sincerely,

David & Lynda Snowdon

Apartment Address:-



Home Address:-



Appendix 31

Mohshin Ali

From: Frank Pickard [REDACTED]
Sent: 01 October 2010 09:16
To: Mohshin Ali
Subject: Licensing Ref: 043778

Licensing Ref: 043778: Application For a Premises Licence: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ To Sell Alcohol; Play Recorded Music; Serve Food & Stay Open to The Public; Sunday to Wednesday Middy to Midnight; Thursday to Saturday Middy to 2.00am with 24hours Middy New Year's Eve to Middy New Year's Day.

As resident and owner of [REDACTED] I object to this application for a license. Spitalfields has a vibrant night time culture however this location is unsuitable for such a venue especially given the hours requested. The site is situated directly underneath and adjacent to residential properties as well as in the neighbouring streets.

The capacity of the proposed is too high at 637 and the hours are too long given the surrounding residential environment and the high number of other venues operating in close proximity. It does not contribute to the community in any way and would clearly lead to drunken patrons causing a public nuisance at late hours, anti-social behaviour and I ask that it is refused as a means of preventing crime & disorder in the area and ensuring that precious scant police resources are directed towards more meaningful problems.

Many thanks

[REDACTED]

[REDACTED]



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Kathy Driver

From: Frank Pickard [REDACTED]
Sent: 12 November 2010 05:12
To: Mohshin Ali
Subject: TSS/LIC/043778/MA 159 Commercial St

TSS/LIC/043778/MA 159 Commercial St

Thankyou for your letter of 8 November 2010. I continue to wish to object to this application as the amendments do not affect the nature of my complaint and therefore i would like my original objection to stand.

Many thanks
Frank

--

Frank Pickard
[REDACTED]

Appendix 32

Mohshin All

From: Martin Pepperell [REDACTED]
Sent: 30 September 2010 14:35
To: Mohshin All
Subject: Licensing Ref: 043778

Please register my objection to the above application on the grounds of Prevention of Public Nuisance & Prevention of Crime & Disorder. There is a well-documented history of problems of disturbance to residents and loss of amenity caused by late-night drinking in this area and allowing another large venue to serve correspondingly large numbers of drinkers will only serve to increase the level of crime and disorder in the area, already a concern to residents.

Yours sincerely

Martin Pepperell

landlord, [REDACTED]
[REDACTED]

Appendix 33

Mohshin Ali

From: Claire Melia [REDACTED]
Sent: 30 September 2010 11:26
To: Mohshin Ali
Cc: Ian Melia
Subject: Licensing Ref: 043778

Licensing Ref: 043778

Licensing Objective: Prevention of Public Nuisance & Prevention of Crime & Disorder.
Objection raised by: Claire and Ian Melia
[REDACTED]

Dear Mr Ali,

We wish to object to the planned licence application for 159 Commercial Street. As residents of Wheeler Street, we are already exposed to a particularly high volume of drunk and disorderly passers-by, often late at night. We feel that the issuing of another late-night licence will lead to yet more anti-social behaviour in the area.

Please advise as to whether this email will suffice as a 'formal' objection.

Many thanks and best wishes,
Claire and Ian Melia

Appendix 34

Mohshin Ali

From: Collingwood, Andrew [REDACTED]
Sent: 30 September 2010 11:01
To: Mohshin Ali
Subject: Licensing Ref: 043778: Bengal Bites t/a Black Stone; Ground Floor & Basement 159 Commercial Street London E1 6BJ

RE: Application For a Premises Licence:

Bengal Bites t/a Black Stone

Ground Floor & Basement 159 Commercial Street London E1 6BJ

Dear Sir/Madam

I wish to object to the above application in the strongest possible terms. The venue is in the middle of one of the most highly populated residential area in the country - with very limited parking and vehicular access; quite literally there are a few hundred residential homes within meters of the entrance of this venue, both directly above it, immediately adjacent and like myself directly over the road. To suggest that such an extremely large venue be given a licence to remain open to serve alcohol until 2am Monday to Saturday, and midnight on Sunday is completely unacceptable to me, and the hundreds of other households that live within sight and earshot of this venue who have to get up, go to work and put in what would be regarded as a normal working day.

As a community we have only just recovered from the horrors of Protokol/Edge (previously at 157 Commercial Street), who were granted a similarly late licence - I do not think any of us (including Tower Hamlets) wish to return to

the myriad of problems (e.g. taxis waiting outside, honking of horns, doors slamming, large groups of people shouting, increased vomit and urine on the streets) that large groups of people - possibly over 600 according to the application - falling out of a venue that serves alcohol until such a late hour will bring.

I'm sure the licensee will fulfil their obligations to us whilst their patrons are inside the venue, history teaches us there is absolutely no control over these people when they leave the venue. None of the other restaurants or bars nearby have requested such an late opening. I am a reasonable person, everybody should be entitled to make a living but doing so should not infringe on the rights of others, and to expect a reasonable night of sleep is a basic human right (even in central London). I think mirroring the hours that have been given to the The Commercial Tavern (11pm) would be a very appropriate licence bearing in mind the location of the venue.

Thank you for your consideration,

Yours sincerely,

Andrew

Andrew Collingwood



The information contained in this email (and any attachments) is confidential and

Mohshin Ali

From: Jacqueline Randall
Sent: 01 December 2010 23:56
To: Mohshin Ali
Subject: Fw: Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

From: Andrew Collingwood
To: Kathy Driver; Jacqueline Randall
Sent: Wed Dec 01 22:14:58 2010
Subject: Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ
Dear Sir/Madam

Application for a Premises Licence for Bengal Bites T/A Blackstone Ground Floor & Basement, 159 Commercial Street, London E1 6BJ

I wish to continue my objection to the revised premises licence made by the above.

This is an absolutely huge venue - I think it's closing time should be in line with the Commercial Tavern over the road, which is 2300 each night, with, based on the potential size of the venue the Supply of Alcohol licence to finish 30 minutes before close. Further the prospect of a 4am licence on New Year's Day is also completely unacceptable - this is supposed to be a restaurant after all. What are people going to be doing after about 1am? I would suggest not just eating!

I would like to again point out that the potential capacity of this venue is absolutely massive, which considering it's location in the middle of a residential area and potential impact on the inhabitants I really feel the needs of the residents need to be put first, I politely request that the needs of myself and the hundreds of other residents who live within shouting distance of the entrance be taken into account.

Thank you for your continuing consideration in this matter.

Yours faithfully,

Andrew Collingwood

Appendix 35

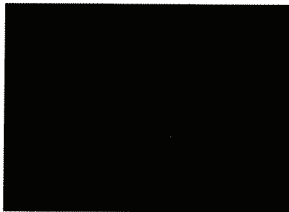
Mohshin Ali

From: Matthew Hayhurst [REDACTED]
Sent: 25 September 2010 14:50
To: jaqueline.randall@towerhamlets.go.uk
Cc: licensing
Subject: New application - Black Stone - 159 Commercial street - E1 6BJ

Hi Jaqueline,

Our apartment shares a wall with the basement of this new bar being developed on commercial street. We have endured weeks of loud construction noise, during the week and weekend and are dreading the opening of this late license venue. How are we able to make a formal complaint against this application? We would greatly appreciate your help in pointing us in the right direction.

Regards



Appendix 36

Mohshin Ali

From: Alan.D.Cruickshank@met.pnn.police.uk
Sent: 17 November 2010 11:57
To: Derrick Harrington
Cc: Mohshin Ali
Subject: 159 Commercial Street, Black Stone Restaurant
Follow Up Flag: Follow up
Flag Status: Completed

Hi Derrick , Mohshin

An update on the application.The following has been agreed (see below)

1. Removal of non standard times (until 4am)
2. CCTV

● Install / maintain CCTV

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority,

(Can one camera be placed o/s the entrance and on entry,)

It is still with some concern I will agree to the rest of the times and conditions

Best wishes

● Alan

From: Space Projects Ltd [mailto:office@spaceprojects.co.uk]
Sent: 17 November 2010 11:51
To: Cruickshank Alan D - HT
Subject: Re: 159 Commercial Street, Black Stone Restaurant

Hi Alan,

I can confirm that my client is in agreement with the CCTV condition,

kind regards

Martin

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Space Projects Ltd
37 Charlotte Road
London
EC2A 3QT
T: - 020 7739 2800
F: - 020 7684 3520
office@spaceprojects.co.uk
www.spaceprojects.co.uk

On Nov 17, 2010, at 11:45 am, <Alan.D.Cruickshank@met.police.uk> wrote:

Hi Martin

Thank you for the quick agreement on the non standard times. I think we are nearly ready to agree this but can you confirm that you have also accepted the following condition

Install / maintain CCTV
CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority,

(Can one camera be placed o/s the entrance and on entry,)

Thanks
Alan

From: Space Projects Ltd [mailto:office@spaceprojects.co.uk]
Sent: 16 November 2010 15:22
To: Cruickshank Alan D - HT
Cc: Derrick Harrington; Islam
Subject: 159 Commercial Street, Black Stone Restaurant

Alan Cruickshank

Police Licensing Officer

Metropolitan Police

Bethnal Green

16th November 2010

Dear Mr Cruickshank,

RE: - 159 Commercial Street, London E1 6BJ

Thank you for your email this morning, having discussed the issue of non-standard timings with my client, I am pleased to advise that he is content to remove this from the application.

If you require any further information or discussion, please don't hesitate to contact me.

Kind regards,

Martin Howells

Cc; -

Mr D Harrington LBTH

Mr S Barrow - Space Projects Ltd

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Appendix 37

Jacqueline Randall

From: Derrick Harrington
Sent: 11 November 2010 17:05
To: Mohshin Ali
Cc: Alan.D.Cruickshank@met.police.uk; Iain Pendrigh; Thomas Doyle; Simmi Yesmin; Cain Duncan; Jacqueline Randall; Kathy Driver
Subject: FW: Black Stone Restaurant, 159 Commercial Street, E1 6BJ
Attachments: License 11 11 10.pdf; ATT145257.htm; 02 11 10 App rev A.pdf; ATT145258.htm

Hi Mohshin

Following on from yesterday's productive meeting at the premises which was also attended by Alan Cruickshank from the Metropolitan Police and myself with the applicants and their consultant, I have carefully examined the revised details submitted above relating (a) the amended opening hours and (b) the revised hours for the sale of alcohol for consumption on the premises including the Late Night Refreshment License and would confirm the revised hours (allowing for 30 minutes "drinking up time" are now acceptable.

I have discussed in detail the proposed managerial controls referred to in part (d) of the revised application form relating to the Prevention of Public Nuisance and would confirm that these control measures are also acceptable. However, an additional condition I would add should be the following:

"Only persons frequenting the premises for dining in are to be sold either alcoholic or non-alcoholic drinks for consumption on the premises".

This overcomes the issue that the new proposed small bar now to be located on the ground floor adjacent to the dining area could be used by patrons not dining in the premises since planning permission for change of use of the premises from A3 to A4 has been refused recently by the Council's Planning Department. (Bethnal Green Development Control).

I am currently awaiting to have sight of the applicants revised acousticians report relating to the requirement for adequate sound insulation to be provided separating the ground floor premises from the first floor residential flat immediately above. In addition, all entrances/exits to the premises are to be provided with lobbied doors fitted with approved overhead pneumatic door closers on suitable brushes and seals to prevent unwanted low frequency "noise breakout" occurring. In addition, to ensure that the external window and door glazing is examined carefully and upgraded as required so that no music noise is audible externally at the nearest noise sensitive window or residential facade to comply with the Council's declared policy of "inaudibility". Such necessary additional sound insulation works to be agreed beforehand and carried out to the entire satisfaction of the Environmental Protection Division.

On this basis plus the strict managerial controls that I have agreed with the applicants, I am prepared to withdraw my objections to the granting of a new Premises License in respect of the above premises.

I trust that the above clarifies the position.

Regards,

D C Harrington
Principal Environmental Health Officer

From: Space Projects Ltd [mailto:office@spaceprojects.co.uk]
Sent: 11 November 2010 14:13
To: Mohshin Ali
Cc: Derrick Harrington; Alan.D.Cruickshank@met.police.uk; Andy Bower; paul.stewart@london-fire.gov.uk; Thomas Doyle; Trading Standards; Jane Cooke; David Tolley

Appendix 38



London Fire and Emergency Planning
Authority runs the London Fire Brigade

Date: 15 November 2010
Our Ref: 05/002080/SH
Your Ref: Black Stone

Dear Sir/Madam

LICENSING ACT 2003

Premises: 159 Commercial Street, London E1 6BJ

With reference to the application dated **03 November 2010**, as shown on plan numbers ISL1-1-001 & ISL1-1-101, the Fire Authority, **does not propose to make any representation** to the Licensing Authority, provided that the premises are constructed and managed in accordance with the information supplied with your application and provided:

- *the width of the escape routes & doors can accommodate the proposed occupancy, and;*
- *satisfactory smoke control measures are in place for the open staircase to ensure a fire in the basement cannot compromise the escape from the ground floor.*

This letter is without prejudice to the powers of the licensing authority and to any requirements or recommendations that may be made by enforcing authorities under other legislation. It is also without prejudice to any requirements or recommendations that may be made by this Authority under the Regulatory Reform (Fire Safety) Order 2005 or the Petroleum (Consolidation) Act 1928. All alterations should comply with the appropriate provisions of the current Building Regulations.

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

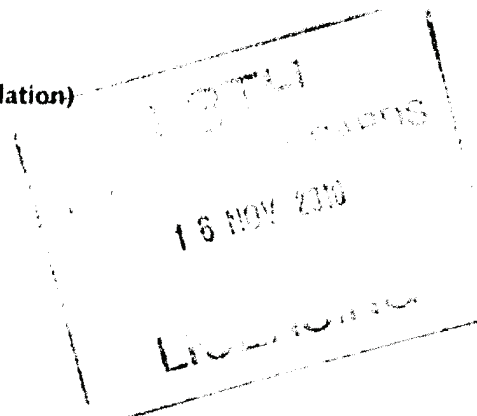
Yours faithfully,



for Assistant Commissioner (Fire Safety Regulation)
Fire and Community Safety Directorate
firesafetyregulationNE@london-fire.gov.uk

cc: Licensing Authority

Reply to Paul Stewart
Direct T 020 8555 1200 ext. 59158
Direct F 020 7587 2959



Appendix 39

Crime and disorder 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 Sections 5.2. of the Licensing Policy)**

The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D 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 is acknowledged (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 on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Guidance Issued under Section 182 of the Licensing Act 2003

Conditions can be imposed for large capacity “vertical consumption” premises (10.40).

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 40

Crime and disorder 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.” Other controls need to be borne in mind. **(See Section 4.10 and 4.11 of the Licensing Policy).**

- The Licensing Authority will consider attaching conditions to deter crime and disorder and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D 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 pool of conditions, adopted by the council is recommended (Annexe D).
The key role of the police is acknowledged (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 on, or in the immediate vicinity of the premises as they seek entry or leave (2.4).

Conditions are best targeted on deterrence and preventing crime and disorder (S.2.6) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (S.2.7-2.11).

Conditions can be imposed for large capacity "vertical consumption" premises (10.40).

There is also guidance issued around the heading of "public nuisance as follows

The pool of conditions, adopted by the council is recommended (Annexe G).
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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder" (2.38). Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

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 41

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 8.1 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 12.1**).

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 12.4**).

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 Sections 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D 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
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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 (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

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 42

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.

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 8.1 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 8.2 of the Licensing Policy)**.

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 12.10)**.

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 12.10)**

The Council has adopted a set of framework hours (**See 12.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Pool of Conditions relating to the prevention of Public Nuisance. (**See Appendix 2 Annex G of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

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

Guidance Issued under Section 182 of the Licensing Act 2003

The pool of conditions, adopted by the council is recommended (Annex G). 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. (2.33).

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 (2.36) but it is essential that conditions are focused on measures within the direct control of the licence holder” (2.38).

In certain circumstances conditions relating to noise in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave (2.36).

However, it is essential that conditions are focused on measures within the direct control of the licence holder. Conditions relating to behaviour once they are beyond the control of the licence holder cannot be justified. (2.38)

Appendix 43

Safety problems

General Advice

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

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

Licensing Policy

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

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

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

Annex E

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

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The guidance commends the Model Pool of Conditions adopted by our licensing policy in relation to public safety (2.19).

The public safety objective is the physical safety of the people using the relevant premises," not public health (2.19).

It is permissible to require certificates or checks provided this does not duplicate other legislation. Responsible authorities should make their expectations clear to applicant's (2.26).

"Safe capacities " should only be imposed where necessary for the promotion of public safety or the prevention of disorder." (2.27). So conditions of a fire certificate must not be reproduced.

Other Legislation

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

Other Guidance

Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance

The Event Safety Guide

Managing Crowds Safely

5 Steps to Risk Assessment

Safer Clubbing

Safety Guidance for Street Art etc.

Various BS and ISO standards

Appendix 44

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.

Appendix 45

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

Sunday to Thursday 06 00 hrs to 23 30 hrs

Friday and Saturday 06 00 hrs to midnight

(see 12.8 Of the licensing policy)

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

- Location
 - Proposed hours of regulated activities, and the proposed hours the premises are open to the public
 - The adequacy of the applicants 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 12.8 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
- Premises licensed for off sales only

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Agenda Item 4.3

Committee: Licensing Sub-Committee	Date: 3 rd February 2011	Classification: UNRESTRICTED	Report No. LSC 60/011	Agenda Item No.
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Report of: Colin Perrins Head of Trading Standards and Environmental Health (Commercial) Originating Officer: Kathy Driver Acting Principal Licensing Officer	Title: Licensing Act 2003 Application to Review the Premises Licence for Gramophone, 60-62 Commercial Street, London E1 6LT Ward affected: Spitalfields and Banglatown
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1.0 Summary

Name and
Address of premises: **Gramophone**
 60-62 Commercial Street
 London E1 6LT

Licence under review: **Licensing Act 2003**
 § **Sale by retail of alcohol**
 § **Regulated entertainment**
 § **Late night refreshment**

Representations: **Planning**
 - Metropolitan Police

2.0 Recommendations

2.1 That the Licensing Committee considers the application for review and then adjudicates 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 2003Tower Hamlets Licensing PolicyFile		020 7364 5171

3.0 **Review Application**

3.1 This is an application for a review of the premises licence for Gramophone, 60-62 Commercial Street, London E1 6LT. The review was triggered by Planning Department.

3.2 A copy of the review application is attached in **Appendix 1**.

4.0 **The Premises**

4.1 The premises licence was issued on 15 May 2007, a licence was held prior to this, the company which held the licence went into liquidation, the licence therefore lapsed and a new application had to be made. A copy of the current licence is contained in **Appendix 2**.

4.2 Maps showing the premises, surrounding area and vicinity of local residents are included in **Appendix 3**.

5.0 **Representations**

5.1 This hearing is required by the Licensing Act 2003, because a review has been triggered by: Planning Department.

5.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to Planning and Building Control (**See Appendix 4**).

5.3 The review is further supported by Metropolitan Police. Please see **Appendix 5**.

5.4 Only representations that relate to the following licensing objectives are relevant:

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

5.5 In the view of the interested party and the responsible authorities it is necessary to achieve the licensing objectives of the prevention of public nuisance and prevention of crime & disorder

6.0 **Review Explained**

6.1 The Licensing Act 2003 was described by the Government at the time as "light touch" but as Baroness Blackstone stated in the Lords at the time of the second reading (26 Nov 2002) "Local residents and businesses as well as expert bodies, will have the power to request that the licensing authority review existing licences where problems arise. Such a review

could result in the modification of the licence, its suspension, or ultimately, revocation.”

- 6.2 The Home Office has issued guidance under Section 182 of the Licensing Act 2003 in relation to reviews and that is contained in **Appendix 6**. It is available on the Government’s website, www.homeoffice.gov.uk. It was last revised in October 2010.
- 6.3 The home office has also issued guidance about the prevention of public nuisance and the pool of conditions which might be considered in relation to any identified problems is contained in **Appendix 7**.
- 6.4 The Council’s Licensing Policy in relation to Public Nuisance is contained in **Appendix 8**.
- 6.5 Members are particularly asked to note the comments in relation Crime and Disorder. In particular the home office advice is that “The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted.”
- 6.6 In relation to its advice on representations the home office has also advised that “there is no requirement for an interested party or responsible authority to produce a recorded history of problems at a premises to support their representations.” It has also issued revised guidance about Crime and Disorder, and the pool of conditions which might be considered in relation to any identified problems. **See Appendix 9**.
- 6.7 Members should also note the Council’s Licensing Policy in relation to Crime and Disorder, the relevant parts of which are contained in **Appendix 10**. The Pool Conditions in the Policy are the same as the Government’s.
- 6.8 The Home Office has advised that in relation to reviews “It is important to recognise that the promotion of licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between those groups in a way that would undermine the benefits of co-operation. It would be good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. It is expected that a failure to respond to such warnings would lead to a decision to request a review.”
- 6.9 The licensing authority itself cannot trigger a review; that can only be done by a responsible authority or an interested party (local resident, business or member of the Licensing Authority).

6.10 An interested party or a responsible authority can trigger a review at any time, but the grounds must be relevant to the licensing objectives. The form of the application, and the advertisement of the review are the subject of regulations (The Licensing Act 2003 (Premises Licences and Club Premises Certificate) Regulations 2005). In addition, the licensing authority has to satisfy itself of certain matters in relation to the Licensing Act 2003. The Licensing Services Manager Ms Jacqueline Randall is the delegated officer who deals with this on behalf of the licensing authority. All the matters stated in 5.0 were considered before any representations were accepted for inclusion in this report.

6.11 The Licensing Act 2003 requires that the Licensing Authority satisfies itself that it should reject the grounds for a review because:

- The ground is not relevant to one or more of the licensing objectives
- In the case of an application by a local resident that the application is frivolous, vexatious or repetitious.

7.0 Review Advertisement

7.1 The review was advertised by a blue poster, next to the premises, by the Licensing Section. This was periodically monitored by the Section to ensure it was on continuous display, and replaced as necessary. It was also advertised at Mulberry Place, 5 Clove Crescent, London E14 2BG.

7.2 The party that triggers the review must notify the licence holder and responsible authorities. The review documents were sent to the licence holders.

7.3 The procedure for a review can be summarised as follows:

- A review is triggered by a responsible authority or interested party
- Consultation is conducted for 28 full days
- Other responsible authorities or interested parties may join in the review
- Members conduct a hearing
- Members make a determination
- All the parties to the review have the right of appeal to the magistrates court (i.e. the licence holder, the person who triggered the review and those who have made a representation).

8.0 Licensing Officer Comments

8.1 The Governments advice in relation to reviews is contained in **Appendix 6**. Members must consider all the evidence and then decide from the following alternatives:

- Take no further action as they do not consider it proportionate to do so

- Impose conditions (including altering existing permissions) that relate to problems which they consider have been identified and which are necessary and proportionate to ensure that the licensing objectives are met
 - Suspend the licence for a period
 - Revoke the licence completely
- 8.2 The licence should only be suspended or revoked if Members believe that alterations to the existing licence, including imposing new conditions does not have a reasonable prospect of ensuring that the licensing objectives are met.
- 8.3 Members should bear in mind that conditions may not be imposed for any purpose other than to meet the licensing objectives.
- 8.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”
- 8.5 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.

9.0 **Legal Comments**

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

10.0 **Finance Comments**

- 10.1 There are no financial implications in this report.

11.0 Appendices

Appendix 1	Copy of the review application
Appendix 2	Current Premises Licence
Appendix 3	Maps of the premises and surrounding area
Appendix 4	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Planning and Building Control
Appendix 5	Representations from Metropolitan Police
Appendix 6	Guidance issued under Section 182 by the Home Office for reviews
Appendix 7	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Public Nuisance
Appendix 8	London Borough of Tower Hamlets Policy in relation to the prevention of Public Nuisance
Appendix 9	Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder
Appendix 10	London Borough of Tower Hamlets Licensing Policy in relation to the prevention of Crime and Disorder

Appendix 1



TOWER HAMLETS

LBTH
TRADING STANDARDS

- 1 NOV 2010

LICENSING

Memorandum

To Licensing Department
From Planning Enforcement
Contact Cain Duncan
Extension 3975
Date 28/10/10
Our Ref. ENF/07/00271
Your Ref.
Subject Application to Review a Premises License

Development & Renewal Directorate
Planning Enforcement
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY
Tel 020 7364 3975
Fax 020 7364 5415
e-mail cain.duncan@towerhamlets.gov.uk

www.towerhamlets.gov.uk

**Application to Review the Premises License of Gramophone, 60-62
Commercial Street, London, E1 6LT**

1. The Planning Department of the London Borough of Tower Hamlets is applying for a review of the Premises License held by Gramophone, 60-62 Commercial Street, London, E1 6LT. The Planning Department, in its capacity as a responsible authority wishes to proceed with the review on the grounds that the premise is failing to meet the licensing objectives to prevent crime and disorder and to prevent public nuisance.

Background Information

2. On the 11th December 2003, planning permission (PA/03/1520) was granted for the change in use of the premises from an office and showroom to a jazz club with live music on the basement floor and a restaurant/bar on the ground floor. As part of this planning permission a condition was imposed on the hours the premises could open to customers.
3. The hours of operation imposed by planning permission PA/03/01520 are as follows:
 - 8am to 11pm Mondays to Thursdays;
 - 8am to 1am Fridays and Saturdays; and
 - 9am to 11pm on Sundays and Public Holidays
4. A copy of Planning Permission PA/03/01520 is attached as exhibit "CRD1".
5. On the 1st February 2005, a planning application was made to vary condition 2 of planning permission PA/03/1520 to enable the bar/restaurant/jazz club to open between 9am and 1am Sundays and public holidays; 8am and 1am Mondays to Thursdays and 8am and 3am Fridays and Saturdays.

6. Planning permission to extend the opening hours was refused on the 17th March 2005 and that decision was subsequently appealed to the Secretary of State. The appeal was dismissed on the 4th January 2006 on the basis that the condition, as imposed, was reasonable and necessary to safeguard the living conditions of nearby residents. A copy of the Planning Inspectorates decision is attached as exhibit "CRD2".
7. An application was made for a new Premises License by Mr Bakpa on the 10th February 2005 asking for opening hours until 0100hrs Sunday to Thursday and 0300hrs on Fridays and Saturdays. A representation on this application was made by the Planning Department objecting to the granting of a Premises License outside the permitted planning hours and clearly stating that the hours being applied for could not be implemented unless planning permission had been sought and obtained. A copy of the Planning Departments objection is attached as exhibit "CRD3".
8. A further planning application to vary the opening hours of the premises to 24 hours a day / 7 days per week was refused on amenity/public nuisance grounds on the 9th May 2006.
9. A warning letter was sent to Gramophone on the 19th July 2007, notifying them of their permitted planning opening hours and that failure to adhere to these would result in formal enforcement action being taken by the Council. A copy of this letter is attached as exhibit "CRD4".
10. Following investigations in the early part of September 2007, including a late night site visit, sufficient evidence was collected to prove that the premises was still opening beyond its permitted planning opening hours. This formed the basis for the issuing of a Breach of Condition Notice on the 20th September 2007. The Notice required the premises to comply with its approved planning opening hours. A copy of the Notice is attached as exhibit "CRD5".
11. The Notice required that compliance with the approved planning opening hours be achieved by the 21st September 2007.
12. On the 5th October 2007, a Judicial Review pre-action letter was sent to the Council from the owners of Gramophone. The Council did not agree with the content of the pre-action letter nor did it believe there were any grounds to challenge either the service of the Breach of Condition Notice or the refusal of the Local Planning Authority and Secretary of State to approve longer planning opening hours in 2005 and 2006.
13. Following the Council's response, a Judicial Review claim was lodged with the High Court on the 6th November 2007. It listed the Secretary of State and the Council as defendants.

14. On the 21st November 2007, a further letter was sent to the owners of Gramophone reiterating that a Breach of Condition Notice had been served and the premises could not operate outside the approved planning hours. It noted that visits had been made to the property since compliance with the Notice was required to be achieved and the premises was still open for business well after the permitted 1am closing time. A copy of this letter is attached as exhibit "CRD6".
15. A decision on the Judicial Review claim against the Council and the Secretary of State was heard by the Honorable MR Justice Sullivan on the 11th June 2008. He ordered that Roboko Limited's (owners of Gramophone) claim for an adjournment be refused, its renewed application to apply for judicial review be refused and that its claim was wholly without merit. A copy of Justice Sullivan's decision is attached as exhibit "CRD7".
16. On the 19th June 2008, Roboko Ltd lodged an appeal against Justice Sullivan's decision on the grounds that the Local Planning Authority and the Secretary of State always refuse planning permission and licenses to people of a particular ethnic origin.
17. Attempts were made in July 2008 to open dialogue with Mr Bakpa and the owners of Gramophone but these were met with hostility. Due to the lack of co-operation by the owners the Local Planning Authority decided to commence the collection of evidence for a prosecution.
18. During the months of September and October 2008 evidence was collected by way of CCTV footage, site visits and internet searches, which enabled the Council's Legal Service to lay eight criminal charges against the current License Holder and DPS, Ms Kalliopi Papadimatos, the two owners of Gramophone, Mr Basil Bakpa and Ms Roberta Hall and Roboko Ltd.
19. Letters were sent to Roboko Ltd and Ms Kalliopi Papadimatos on the 26th November 2008 stating that the matter had been referred to the Council's Legal Service. A copy of this letter is attached as exhibit "CRD8".
20. On the 12th June 2009, Gramophone's appeal against the decision of the High Court to refuse their Judicial Review claim was heard by the Rt.Hon. Sir Richard Buxton sitting at the Court of Appeal. He dismissed the claim as being totally without merit and a serious misuse of the facilities of the Court. A copy of the Court of Appeal decision is attached as exhibit "CRD9".

21. Mr Bakpa, Ms Hall and Roboko Ltd were convicted at the Thames Magistrates Court on the 1st October 2009 and fined a total of £13,895 including the Council's prosecution costs. The cases against Ms Papadimatos was adjourned to the 11th December 2009.
22. Ms Papadimatos failed to attend Court on the 11th December 2009 and was subsequently convicted in absence on the 8th January 2010 and fined £3,215 and costs of £200.
23. An appeal against conviction was lodged by Mr Bakpa, Ms Hall and Roboko Ltd against the decision of the Thames Magistrates Court and was subsequently heard at Snaresbrook Crown Court on the 2nd December 2009. These appeals were dismissed and the original financial penalties upheld.

Prevention of Crime and Disorder

24. Despite a criminal conviction on the 8th January 2010, the License Holder and DPS has continued to allow the opening of the premises past 1am on a weekly basis, thus committing a criminal offence by failing to comply with a Breach of Condition Notice. In support of this statement I present recent evidence from site visits to the property conducted on the 9th October 2010 as exhibit "CRD10", 16th October 2010 as exhibit "CRD11" and 23rd October 2010 as exhibit "CRD12". On all these occasions officers witnessed the property open past 1am. In addition to this, I exhibit a flyer stuck to street furniture on Brick Lane and a print out of the events from the premises website as exhibit "CRD13".
25. The DPS appears to have no intention of ceasing the illegal opening of the premises, which is clearly being aided by the later hours stipulated in the Premises License. No argument can be raised that the DPS is unaware of the requirements to have planning permission; indeed it was made clear when the License was first applied for, in numerous other letters and pieces of correspondence dating back over five years and by way of eight convictions in the Courts.
26. The Local Planning Authority believes the later licensing operating hours are providing the License Holder with a continued mechanism for not complying with the Local Planning Authorities stipulated opening hours and the costs of any fines imposed by the Courts are simply being incorporated as a running cost of the business. The License Holder/DPS is not adhering to the licensing objective to prevent crime and disorder as she is directly facilitating criminal activity by not complying with the Local Planning Authorities Breach of Condition Notice.

27. It should also be noted that the advertising material exhibited under "CRD 13" stipulates longer opening hours than currently allowed for under the current Premises License. Many events show a closing time of 3.30am or later, yet the terminal hour of the premises stipulated on the Premise License is 03.00hrs.

Prevention of Public Nuisance

28. Recent complaints have been received by the Council's Environmental Health Service regarding noise and disturbance to residents living behind the premises, at 10 Lolesworth Close. A statutory noise nuisance was witnessed by Council Officers within the residential dwellings at [REDACTED] on the 13/10/10, which was confirmed as emanating from Gramophone. Prior to this, visits had been made to Gramophone, in September 2010, to set provisional noise levels after a number of complaints about noise breakout were received from surrounding residents.
29. It should be noted that [REDACTED] is a newly built apartment block and concerns were raised with the Planning Department during the planning application process about the use of the premises for residential purposes. As a result of these concerns specific conditions were added to the planning permission requiring additional investigations to be carried out by the developer to protect future residents from noise from the Gramophone venue. These additional insulation measures were passed by the Council's Planning and Environmental Health Service in April of this year, following a request for additional information and sound testing. Further to this, a Completion Certificate was issued under the Building Regulations on the 18th December 2009, this confirmed amongst other things, compliance with Part E of the Building Regulations (Resistance to the Passage of Sound).
30. There is no evidence to suggest that the residential units are inadequately sound-proofed, indeed additional measures have been taken above and beyond that normally required under the Building Regulations. The problem appears to be that excessively loud music is being played within Gramophone, for which their premises is not adequately sound proofed to contain. Having spoken to neighbouring residents it appears the main problem is when the new satellite sound system on the ground floor is used (installed approximately 4 months ago, which ties in with the first complaints being received). The ground floor area was never designed to be used for the playing of loud music and this appears to be the main source of music outbreak.
31. Planning Enforcement Officers have made numerous visits to the property over the last 3 years to collect evidence for various enforcement investigations, on these occasions music could occasionally be heard outside the venue but on the recent visits to the property a considerable increase in the volume of the music audible on the street was witnessed. On the all three

recent visits to the venue loud bass music was clearly audible from the other side of Commercial Street and Officer's witnessed on the 16th and the 23rd October that this was coming from the ground floor area. On the 23rd October 2010, the lyrics to songs being played were clearly audible from the other side of Commercial Road when the doors leading into the groundfloor bar area were opened.

32. Complaints have also been received about the use of Lolesworth Road (Public Highway) as a queuing and smoking area for Gramophone. This has resulted in members of the public having to cross through a security cordon in order to access their homes. Officers did note a number of barriers set out across the road during a visit to the property on the 16/10/10, which appeared to be laid out to facilitate queuing into the side entrance of the club. However at the time there were only a small number of people in this area smoking. This area is shown in the photos exhibited under "CRD11".

Conclusions

33. The Planning Department is concerned with the continued failure of the License Holder/DPS to comply with the opening hours specified in the Local Planning Authorities Breach of Condition Notice. This is being aided by the longer hours stipulated in the properties Premises License and is providing a mechanism for the DPS to continue to facilitate the breach of the Local Planning Authorities Notice, which is a criminal offence. Further to this, there have been recent verified statutory noise nuisances witnessed at neighbouring residential properties as a result of music breakout from the premises, which is believed to have been caused by the installation of a new satellite sound system on the ground floor. The Local Planning Authority also has concerns about the use of Lolesworth Close as a queuing and smoking area for patrons of the venue to the detriment of other road users and surrounding residents.
34. The Local Planning Authority would request that the provision for regulated entertainment be suspended at the premises until such time as the noise break-out issues have been rectified to the satisfaction of the Council's Environmental Health Service and the hours of for the provision of regulated entertainment, late night refreshment and the sale of alcohol be permanently reduced to the following:
- Sunday to Thursday 11.00hrs to 10.30hrs; and
 - Friday and Saturday 11.00hrs to 00.30hrs the following day
 - *Closing time of the premises being 30 minutes after the times stipulated above.*

Cain Duncan
Planning Enforcement Team Leader

CR01



Your ref:
My ref: PA/03/01520

11 December, 2003



Customer Services
Town Planning
41-47 Bow Road
London E3 2BS
www.towerhamlets.gov.uk

Enquiries to:
Tel: 020 7364 6002
Fax: 020 7364 5415
TH: 561

**Town and Country Planning Act 1990 (as amended)
Town and Country Planning (General Development Procedure Order) 1995**

Dear Sir/Madam,

CONDITIONAL PERMISSION FOR DEVELOPMENT

In accordance with the Act and Order mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to grant permission for the development referred to in the schedule to this notice and as shown on the submitted plans and particulars subject to the conditions set out in the schedule.

You are advised that this permission does not modify or extinguish any covenants, easements or other restrictions applying to or affecting the land, or the rights affecting the land, or the rights of any other person entitled to the benefits thereof. You are also advised that this permission does not relieve you of the need to obtain any approval necessary under the Building Act 1984, Building Regulations 2000, or other related legislation. In this connection you should contact the Head of Building Control, 41-47 Bow Road, E3 2BS (020 7364 5241) for advice or guidance on the necessity for obtaining building regulation approval in this particular case.

Your attention is drawn to the following statement of applicants' rights:-

1) Appeals to the Secretary of State

If you are aggrieved by this decision you may appeal to the Secretary of State for the Environment in accordance with Section 78 of the Town and Country Planning Act 1990. If you want to appeal then you must do so within three months of the date of this decision notice, using a form which you can get from the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN (Tel 0117 372 8372). The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order. In practice the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

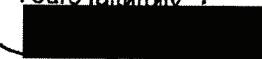
2) Purchase Notice

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Act 1990.

3) Compensation

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him. These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990.

Yours faithfully,



Owen Whalley
Head of Planning



2003-2004
Community Cohesion

Corporate Director (Customer Services)
Eric Bohl

LH4

SCHEDULE

Full Planning Permission

Location: 60-62 COMMERCIAL STREET, LONDON, E1 6LT

Proposal: Change of use from an office and showroom to a Jazz club on the basement floor with live music (Class D2) and restaurant/bar on the ground floor (Class A3).

Date: 11 December, 2003

Reference: PA/03/01520

Application Received on: 28 October, 2003
Last Amended Date: 28 October, 2003

Drawings Approved:

Registered Number: PA/03/01520

Applicant's Number: Siteplan, 167/01, /02, /03, /04

Conditions and Reasons

- 1 The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 to avoid the accumulation of unexercised planning permissions.

- 2 The uses hereby permitted shall not be open to customers other than between the hours of
- a) 9am and 11pm on Sundays and Public Holidays,
 - b) 8am and 11pm Mondays to Thursdays, and
 - c) 8am through to 1am Fridays and Saturdays.

Reason: To ensure compliance with the Council's policy set out in ART1 of the LBTH UDP (1998) that seeks to safeguard the amenity of adjoining residents and protect the general environment.

- 3 No process shall be carried out on or machinery installed so as to cause detriment to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust, grit, or electrical interference.

Reason: To safeguard the amenities of neighbouring residents and the area generally by preventing noise, vibration and unacceptable discharges.

PA/03/01520 continued

- 4 No music shall be played within the premises so as to be audible from outside the premises.
Reason: To safeguard the amenities of neighbouring residents and the area generally by preventing noise and vibration.
- 5 The doors of the premises shall be self-closing and shall be kept closed at all times except as required for the incidental entry or exit of goods or customers.
Reason: To safeguard the amenities of neighbouring occupiers and the area generally by preventing noise.
- 6 The use hereby permitted shall not commence until the accommodation has been insulated in accordance with details which shall be submitted to and approved by the local planning authority so as to ensure that noise from operations conducted on the premises is not audible above the ambient noise level of the surrounding area.
Reason: To safeguard the amenities of neighbouring occupiers and the area generally by preventing noise.
- 7 Details of the means of ventilation to the premises shall be submitted to and approved by the local planning authority before the use hereby permitted commences and the use shall take place only with the benefit of ventilation.
Reason: To safeguard the amenities of neighbouring occupiers and the area generally by preventing noise, vibration and unacceptable discharges.
- 8 No external ventilation ducts or equipment shall be erected on or adjoining the premises without the prior written approval of the local planning authority.
Reason: To safeguard the appearance of the property and to safeguard the amenities of neighbouring occupiers by preventing noise, vibration and unacceptable discharges.
- 9 All mechanical and ventilation equipment and outlets serving the development hereby permitted shall be acoustically treated to avoid noise nuisance in accordance with details to be approved in writing by the local planning authority before the use hereby permitted commences.
Reason: To safeguard the amenities of neighbouring residents and the area generally by preventing noise.
- 10 Provision shall be made for the storage of refuse in accordance with details to be submitted to and approved in writing by the Council as Local Planning Authority prior to the commencement of the development. Such provision shall be made prior to the occupation of the site and shall thereafter be made permanently available for the occupiers of this site.
Reason: In compliance with the Council's policies that seek to protect amenity and ensure adequate provision for the storage of refuse.

CRD2

Appeal Decision

Site visit made on 14 December 2005

by John C Greenwood MRICS MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-inspectorate.gsi.gov.uk

Date

Appeal Ref: APP/E5900/A/05/1189134
60-62 Commercial Street, London. E1 6LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with a condition subject to which a previous planning permission was granted.
- The appeal is made by [REDACTED] against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/05/00154, dated 28 January 2005, was refused by notice dated 17 March 2005.
- The application sought planning permission for the change of use from an office and showroom to a Jazz Club on the basement floor with live music (Class D2) and a restaurant/bar on the ground floor (Class A3) without complying with a condition attached to planning permission Ref PA/03/01520, dated 11 December 2003.
- The condition in dispute is N° 2 which states that: *The uses hereby permitted shall not be open to customers other than between the hours of (a) 9am and 11pm on Sundays and Public Holidays, (b) 8am and 11pm Mondays to Thursdays, and (c) 8am through to 1am Fridays and Saturdays.*
- The reason given for the condition is: *To ensure compliance with the Council's policy set out in ART1 of the LBTH UDP (1998) that seeks to safeguard the amenity of adjoining residents and protect the general environment.*

Summary of Decision: The appeal is dismissed.

Procedural Matters

1. The application proposes the following opening hours: (a) 0900 hours on Sundays and Public Holidays until 0100 hours the following morning, (b) 0800 hours on Mondays to Thursdays until 0100 hours the following morning, and (c) 0800 hours on Fridays and Saturdays until 0300 hours the following morning.
2. The Council was unable to provide a copy of the officer's report or representations received in relation to the application.
3. Works to upgrade the premises as indicated on drawing N°s 16701, 167/ME02D, 167/ME03D and 167/ME04A were nearing completion when the planning appeal was submitted. I made an unaccompanied site visit and so did not go into the premises but all the external works appeared to be complete in accordance with the submitted drawings.
4. I note that since permission was refused for longer opening hours at 60-92 Commercial Street the Council has granted planning permission for 6 two-bedroom and 8 one-bedroom flats on the upper floors at 58 Commercial Street next door to the appeal premises

(Ref. PA/04/00985). My decision must be based on circumstances now rather than at the time of the Council's decision to refuse permission for extended opening hours.

Planning Policy

5. Policy ART1 of the London Borough of Tower Hamlets Unitary Development Plan (1998) to which reference was made in the Council's original decision indicates that permission will normally be given for arts and entertainment facilities if they do not cause an unacceptable level of disturbance or nuisance in a residential area. Policy DEV2 of the plan, to which reference was made in the second decision, indicates the need to protect the amenity of residential occupiers and the environment of the Borough generally from the effect of pollution. Policies ENV1 and CC2 of the First Deposit Unitary Development Plan for the period up to 2016 cover similar ground but preparation of this plan is at an early stage and it can therefore be given little weight in this appeal.

Main Issue

6. I consider the main issue in this appeal is whether the condition as imposed is reasonable and necessary as a means of safeguarding the living conditions of neighbouring occupiers and the character of the surrounding area.

Reasons

7. Premises in this part of Commercial Street typically have commercial uses on the ground floor with some residential accommodation on upper floors. More specifically the Council indicated that Nos 44, 56, 58, 70-72 on the east side of Commercial Street and Nos 43, 43a, 57-65 and 71-79 on the west side of the Street have existing residential accommodation or have been given planning permission for residential use. The fact that this is not a primarily residential area does not, in my opinion, alter the need to safeguard the quality of the living conditions of those who do live here.
8. There are two matters to be considered in this case. The first is noise generated within the building whilst the premises are in use. The Council's Environmental Health Officer has stated that the approved noise attenuation measures were considered adequate to bring the premises up to "a satisfactory standard" based on the assumption that the building next door would not be used for residential purposes. This has now changed. The permission for flats at 58 Commercial Street was subject to a condition requiring sound insulation "to ensure that any future occupants do not suffer excessive noise nuisance from other occupiers or the external environment", though it is not clear whether the "external environment" includes the building next door or only the environment outside buildings. I have not been informed whether appropriate measures have yet been agreed but I cannot assume that they will go beyond what is necessary to provide reasonable living conditions in relation to the approved hours of use of the club.
9. In my opinion a club which operates until 1100 hours on five days a week and until 0100 on the other two days is significantly different from one which operates until 0100 hours on five days a week and until 0300 hours on the other two days. Planning Policy Guidance 24: *Planning and Noise* uses the term "night time" to refer to the period from 2300 – 0700 hours and I consider this particular care is needed if material harm is not to occur to neighbouring occupiers during this period. In this case there is no evidence that the combined sound mitigation measures at 58 and 60-62 Commercial Street would be adequate

to prevent disturbance to the occupiers of the proposed flats at a time when most people expect noise levels to be at a minimum.

10. The second matter to be considered is noise arising from people who have left the premises and are still in the surrounding area until or beyond 0300 hours. The proximity of residential accommodation in Commercial Street and in adjacent streets where patrons may park cars gives serious cause for concern about noise from raised voices, car doors and car engines etc. and in my view it is unreasonable to inflict noise and disturbance of this kind on local residents so far into the night.
11. The appellant drew attention to background noise from traffic in Commercial Street throughout the day and night but my concern is with noise transmitted from within the premises to 58 Commercial Street and from people who leave the premises during the night.

Conclusions

12. Drawing together my conclusions I consider that the condition as imposed is reasonable and necessary to safeguard the living conditions of nearby residents including those who will live next door if the extant planning permission is implemented.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

14. I dismiss the appeal.


INSPECTOR

CR03



Memorandum

Memo

RE: Application for a Public Entertainment Licence at 60-62 Commercial Street, London E1.

To: Mohshin Ali

From: Nathan Te Pairi

Ref: TH 561 BGN

Date: 25 February 2005

Directorate of Development and Renewal

Town Planning
41-47 Bow Road
London E3 2BS

Tel 020 7364 5343
Fax 020 7364 5415

Planning Department objects to the proposal at the above-mentioned address on the following grounds.

1. Full Planning Permission (PA/03/1520) was granted on 11th December 2003 for a change of use a 'Jazz Club' on the basement floor with live music (Class D2) and restaurant/bar on the ground floor (Class A3) at the above mentioned premises. Condition 2 states that the uses hereby permitted shall not be open to customers other than between the hours of:
 - a) 9am and 11pm on Sundays and Public Holidays;
 - b) 8am and 11pm on Mondays to Thursdays, and
 - c) 8am through to 1am Fridays and Saturdays.

I note that the applicant is applying for a licence to open the premises to customers on Sunday-Thursdays to 1am and Friday-Saturday 3am and must advise that such an extension could not be implemented unless planning permission had just been sought and obtained for an amendment to the planning permission.

2. The operating hours suggested, until 1 and 3am, are a potential source of nuisance to local residents and would not necessarily be given planning permission.

I have attached copy of the relevant planning permission.

If you have any further queries, please contact the planning helpdesk.


 Stephen Irvine
 Planning Applications Manager



alr/los



CRD 4

My ref: ENF/07/Grama

19 July 2007

Grama-Phone
60-62 Commercial Street
London
E1 6LT

Development & Renewal
Mulberry Place (AH) Anchorage
House PO Box 55739, 5 Clove
Crescent London E14 1BY

www.towerhamlets.gov.uk

Enquiries to: Cain Duncan
Tel: 020 7364 3975
Fax: 020 7364 5415

Dear Sir/Madam

TOWN AND COUNTRY PLANNING ACT 1990

Location: **60-62 Commercial Street, London, E1 6LT**

Breach: **Operation of a nightclub and bar outside approved opening hours**

As you are aware your recent planning application to extend your opening hours was refused by the Council. Despite this you are continuing to operate to the unauthorised hours.

This letter is a formal warning requiring that you immediately comply with your approved opening hours which are:

- a) 9am and 11pm on Sundays and Public Holidays,
- b) 8am and 11pm Mondays to Thursdays, and
- c) 8am through to 1am Fridays and Saturdays.

Failure to adhere to the requirements of this letter will result in formal enforcement action being taken which may result in the closing of your premises.

If you wish to discuss any of the issues raised in this letter further please do not hesitate in contacting me directly.

Yours faithfully,

Cain Duncan

Planning Enforcement Officer



2006 - 2007
Early Intervention
(Children at Risk)
2003 - 2006
Winner of 4 previous
Beacon Awards



INVESTOR IN PEOPLE



Corporate Director
Development and Renewal
Emma Peters

CR05



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

**Town and Country Planning Act 1990
(as amended by the Planning and Compensation Act 1991)**

BREACH OF CONDITION NOTICE

SERVED BY:

**The Mayor And Burgesses Of The London Borough Of Tower Hamlets, of the
Town Hall, Mulberry Place, 5 Clove Crescent, London E4 2BG ("the Council")**

TO:

1. [REDACTED]
2. [REDACTED]
3. [REDACTED]
4. [REDACTED]
5. "The Owner", 60-62 Commercial Street, London, E1 6LT.

1. THIS NOTICE is issued by the Council, under section 187A of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in **paragraph 2** below, has not been complied with. The Council consider that you should be required to comply with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at ground and basement level, 60-62 Commercial Street, London, E1 6LT shown edged red on the attached plan.

3. THE RELEVANT PLANNING PERMISSION

The relevant planning permission to which this notice relates is the permission granted by the Council on 11th December 2003 for the change of use from an office and showroom to a jazz club on the basement floor with live music (Class D2) and restaurant/bar on the ground floor (Class A3).

4. THE BREACH OF CONDITION

The following condition has not been complied with:

(1) Condition 2: The uses hereby permitted shall not be open to customers other than between the hours of

- a) 9am and 11pm on Sundays and Public Holidays,
- b) 8am and 11pm Mondays to Thursdays, and
- c) 8am through to 1am Fridays and Saturdays.

5. WHAT YOU ARE REQUIRED TO DO

As the person responsible for the breach of condition specified in **paragraph 4** of this notice, you are required to comply with the stated condition by taking the following steps:

- (1) Cease opening the premises to customers outside the following hours, 8am until 11pm Mondays to Thursdays, 8am until 1am Fridays and Saturdays and between 9am and 11pm on Sundays and Public Holidays.

Period for compliance: 30 days beginning with the day on which this notice is served on you.

Dated:

20/9/07
0

Signed:

[Redacted Signature]

On behalf of: Directorate of Development and Renewal
Mulberry Place (AH) Anchorage House
PO Box 55739, 5 Clove Crescent
London, E14 1BY

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVED IT BY POST.

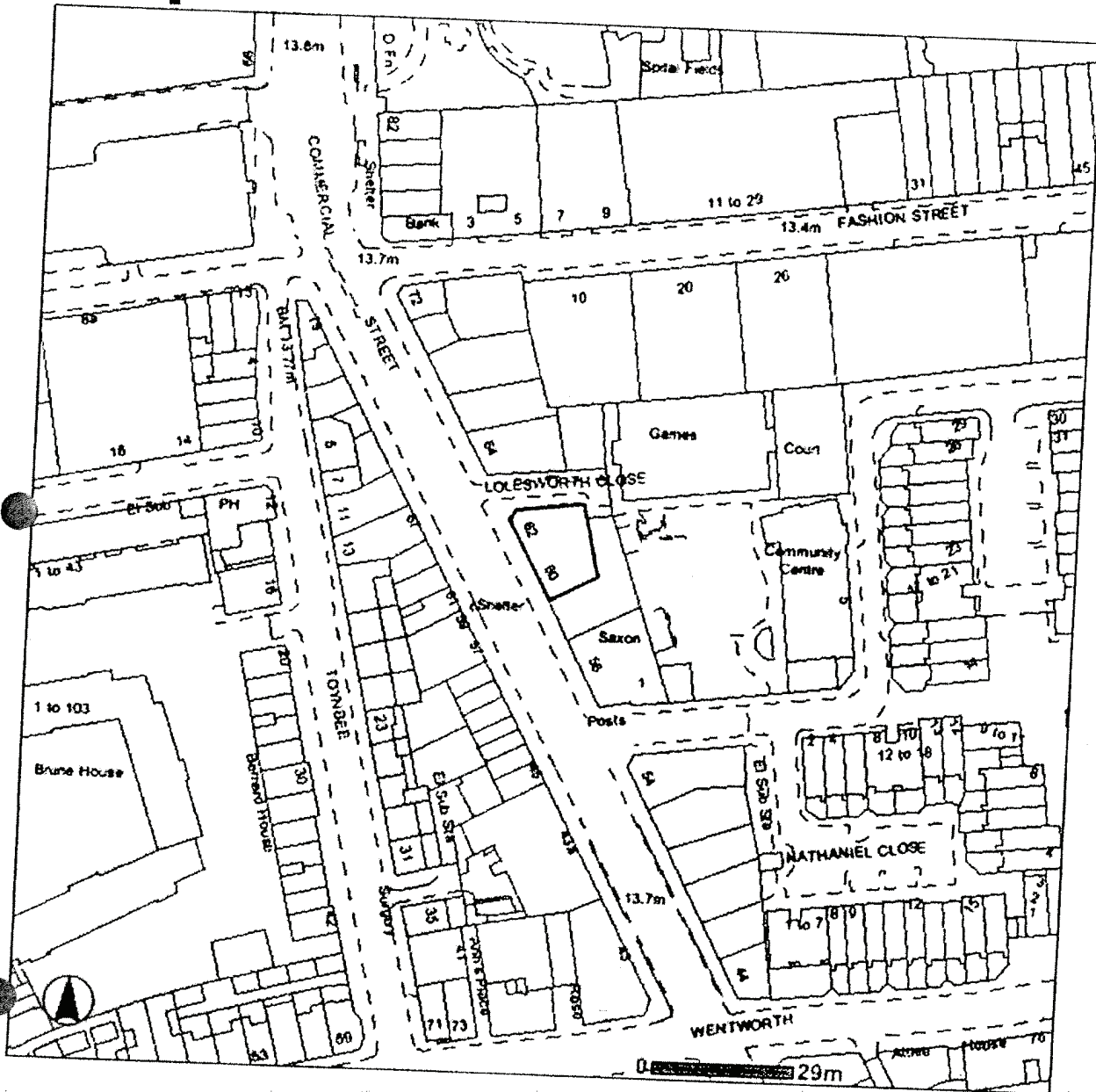
THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE.

It is an offence to contravene the requirements stated in **paragraph 5** of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates' Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with:

Mr Cain Duncan
Planning Enforcement
Development and Renewal
Mulberry Place (AH) Anchorage House
PO Box 55739, 5 Clove Crescent
London, E14 1BY
Phone: 0207 364 3975

If you do need independent advice about this notice, you are advised to contact urgently a lawyer, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

Map



Scale 1:1250

Map of:

Notes:

Breach of Condition Notice Site Plan for 60-62 Commercial Street, London, E1 6LT

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Supplied by London Borough of Tower Hamlets

Licence Number: LA100019233



CRD6

TOWER HAMLETS

My ref: ENF/07/00271

21 November 2007



Development & Renewal
Mulberry Place (AH) Anchorage House
PO Box 55739, 5 Clove Crescent
London E14 1BY

www.towerhamlets.gov.uk

Enquiries to: Cain Duncan
Tel: 020 7364 3975
Fax: 020 7364 5415

Dear Mrs Hall,

TOWN AND COUNTRY PLANNING ACT 1990

I write with reference to the Breach of Condition Notice that was served on Roboko Limited and other persons with interest in the land on the 21/09/07. The Notice required that you comply with condition 2 of the planning permission granted for the change of use of the basement and ground floor to a jazz club and restaurant/bar on the 11/12/03. The condition stated that:

- "The uses hereby permitted shall not be open to customers other than between the hours of
- a) 9am and 11pm on Sundays and Public Holidays
 - b) 8am and 11pm Mondays to Thursdays, and
 - c) 8am through to 1am Fridays and Saturdays"

The Breach of Condition Notice gave you 30 days from the date by which the Notice was served on you to comply with its requirements, being the 22/10/2007.

Site visits have been made by officers on a number of occasions since you were required to comply with the Notice and they have witnessed the premises open for business well after its permitted 1am closing time. While I am aware you have applied for a Judicial Review against the Council and Planning Inspectorate's decision to refuse you planning permission, this does not prevent the Council lodging criminal proceedings against [redacted] and other parties with interest in the land.

For your information proceedings have also been lodged against Bar 54, and Notices issued against Public Life Bar and the Edge Nightclub, the later having now complied with the Notices.

Considering the circumstances of this case and [redacted] Limited's failure to comply with the Breach of Condition Notice, I will now be instructing the Council's legal service to lodge proceedings in the Thames Magistrates Court. Further to this, the Council is also considering the issuing of a Temporary Stop Notice. You will be advised in due course of your initial hearing date and any further enforcement action the Council intends to take.



I must also bring to your attention the operating hours of your premises at 16-18 Whitechapel High Street. Your approved planning hours are 1100 - 0200 hours. From officer observations it is clear that these hours are being regularly exceeded.

Can you please take immediate action to comply with the approved opening hours at 16-18 Whitechapel High Street. If you wish to make a planning application to vary these opening hours, application forms can be downloaded from:
<http://www.towerhamlets.gov.uk/data/planning/>

If action has not been taken within 28 days, to rectify this breach of planning control, the Council will be left with no option but to issue a Breach of Condition Notice on your premises at 16-18 Whitechapel High Street.

Please do not hesitate in contacting me directly should you wish to discuss any of the issues raised in this letter further.

Yours faithfully,



Cain Duncan

Planning Enforcement Officer

Cc:



CRD7



In the High Court of Justice
Queen's Bench Division
Administrative Court

Ref: CO/9793/2007



the matter of a claim for Judicial Review

The Queen on the application of Roboko Limited
Versus 1) The Secretary of State for Communities & Local
Government
2) The London Borough of Tower Hamlets
Interested Party: Tellerbell Limited

NOTIFICATION of the Court's decision following an oral hearing on the renewed application for permission to apply for Judicial Review

IT IS ORDERED by The Honourable Mr Justice Sullivan that:-

1. The Claimant's application for an adjournment be refused
- 2 This renewed application for permission to apply for Judicial Review be refused
- 3 Under CPR Part 3.37 this claim is wholly without merit

The Claimant and the Defendant not being represented

(time of the court: 10.30am to 10.35am)

Date 11th June 2008

By the Court

Claimant: Roboko Limited, 60-62 Commercial Street, London E1 1EW Ref:
Roberta Hall

1st Defendant's Solicitor: Treasury Solicitors, DX 123242 Kingsway Ref:
LT73407G/SZM/1D

2nd Defendant's Solicitor: Tower Hamlet Council, Development and Renewal
Department, Mulberry Place, Anchorage House, PO Box 55739, 5 Clove
Crescent, London E14 1BY

Interested Party: Tellerbell Limited, St. Alphage House, 2 Fore Street, London
EC2Y 5HD



CRD8

TOWER HAMLETS

My ref: ENF/07/00271

26 November 2008

Development & Renewal
Mulberry Place (AH) Anchorage House
PO Box 55739, 5 Clove Crescent
London E14 1BY

www.towerhamlets.gov.uk



Limited

Enquiries to: Cain Duncan
Tel: 020 7364 3975
Fax: 020 7364 5415

Dear Mrs Hall,

TOWN AND COUNTRY PLANNING ACT 1990

Location: **60-62 Commercial Street, London, E1 6LT**
Breach: **Failure to comply with a Breach of Condition Notice**

I write with reference to the reported breach of planning control at the above property.

In September and October 2008 the Council made a number of site visits to the above property as well as collected evidence from CCTV, illegal fly-posters and the internet, which confirm further offences in relation to non-compliance with the Breach of Condition Notice issued on the 20th September 2007.

I must inform you that I will be putting forward a recommendation that Court proceedings are lodged in relation to these offences. Further to this, should the continued breaches of planning control continue the Council will have little option but to serve upon you a Temporary Stop Notice.

Should you wish to discuss any of the matters raised in this letter further please contact me directly. I look forward to your immediate co-operation in this matter.

Yours faithfully,



Cain Duncan

Planning Enforcement Officer

Cc: Kalliopi Papadimitas - 153b Brick Lane, London, E1 6SB
Tellerbell Ltd - 17 Thomas More Street (6th Floor), London, E1W 1YW



2007 - 2008
School Improvement
2003 - 2007
Winner of 5 previous
Beacon Awards



INVESTOR IN PEOPLE





My ref: ENF/07/00271

26 November 2008

Development & Renewal
Mulberry Place (AH) Anchorage House
PO Box 55739, 5 Clove Crescent
London E14 1BY

www.towerhamlets.gov.uk

Enquiries to: Cain Duncan
Tel: 020 7384 3975
Fax: 020 7384 5415

Dear Ms Papadimates,

TOWN AND COUNTRY PLANNING ACT 1990

Location: **60-62 Commercial Street, London, E1 6LT**
Breach: **Failure to comply with a Breach of Condition Notice**

I write with reference to the reported breach of planning control at the above property.

In September and October 2008 the Council made a number of site visits to the above property as well as collected evidence from CCTV, illegal fly-posters and the internet, which confirm further offences in relation to non-compliance with the Breach of Condition Notice issued on the 20th September 2007.

I must inform you that I will be putting forward a recommendation that Court proceedings are lodged in relation to these offences. Further to this, should the continued breaches of planning control continue the Council will have little option but to serve upon you a Temporary Stop Notice.

Should you wish to discuss any of the matters raised in this letter further please contact me directly. I look forward to your immediate co-operation in this matter.

Yours faithfully,

Cáin Duncan

Planning Enforcement Officer

Cc:



2007 - 2008
School Improvement
2003 - 2007
Winner of 5 previous
Beacon Awards



CRO9

FORM 269B1



IN THE COURT OF APPEAL, CIVIL DIVISION

(250 GS VO 17 10 06)

REF: C1/2008/1445

[SEAL]

order no. 012354

R(Roboko) -v- SSCLD

12 JUN 2009

ORDER made by the Rt. Hon. Sir Richard Buxton

On consideration of the appellant's notice and accompanying documents, but without an oral hearing, in respect of an application for permission to appeal and extension of time

Decision: Refused, as being totally without merit. The applicant is not entitled to have the application reconsidered at an oral hearing

Reasons

Sullivan J's decision is unchallengeable, for the reasons that he gave. The attempt to do so is a serious misuse of the facilities of this court.



Information for the parties: This decision is final.

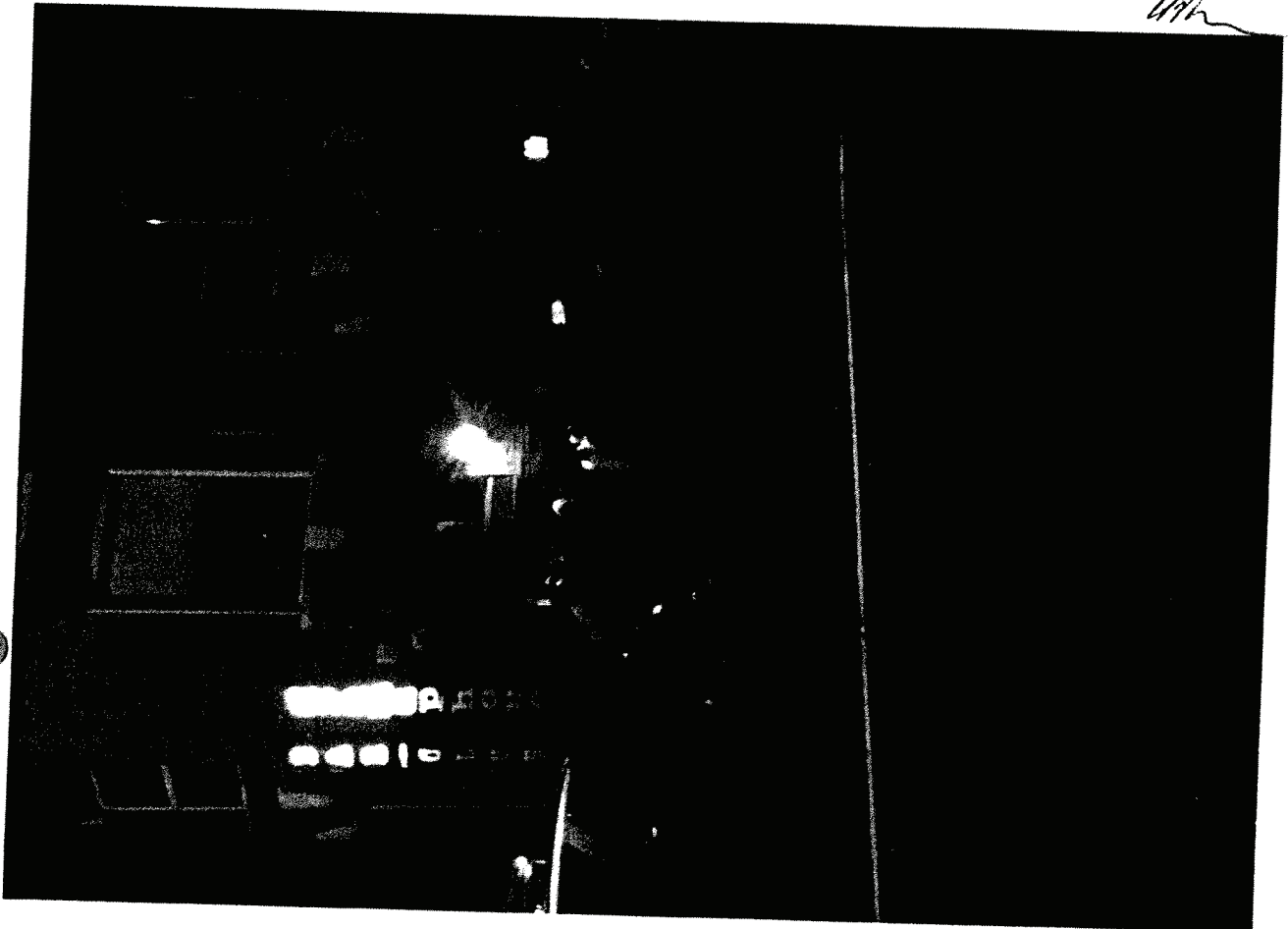
Where the Court of Appeal refuses permission to appeal without a hearing, it may, if it considers that application is totally without merit, make an order that the person seeking permission may not request the decision to be reconsidered at a hearing (see CPR 52.3(4A)). Such an order has been made in this case. The appellant is therefore unable to request that an oral hearing be arranged.

Signed: [Redacted]
Date: 10 June 2009

Supreme Court

Case Number:

09/10/10
UAA



0113hrs



0113hrs



0113hs



0113hs

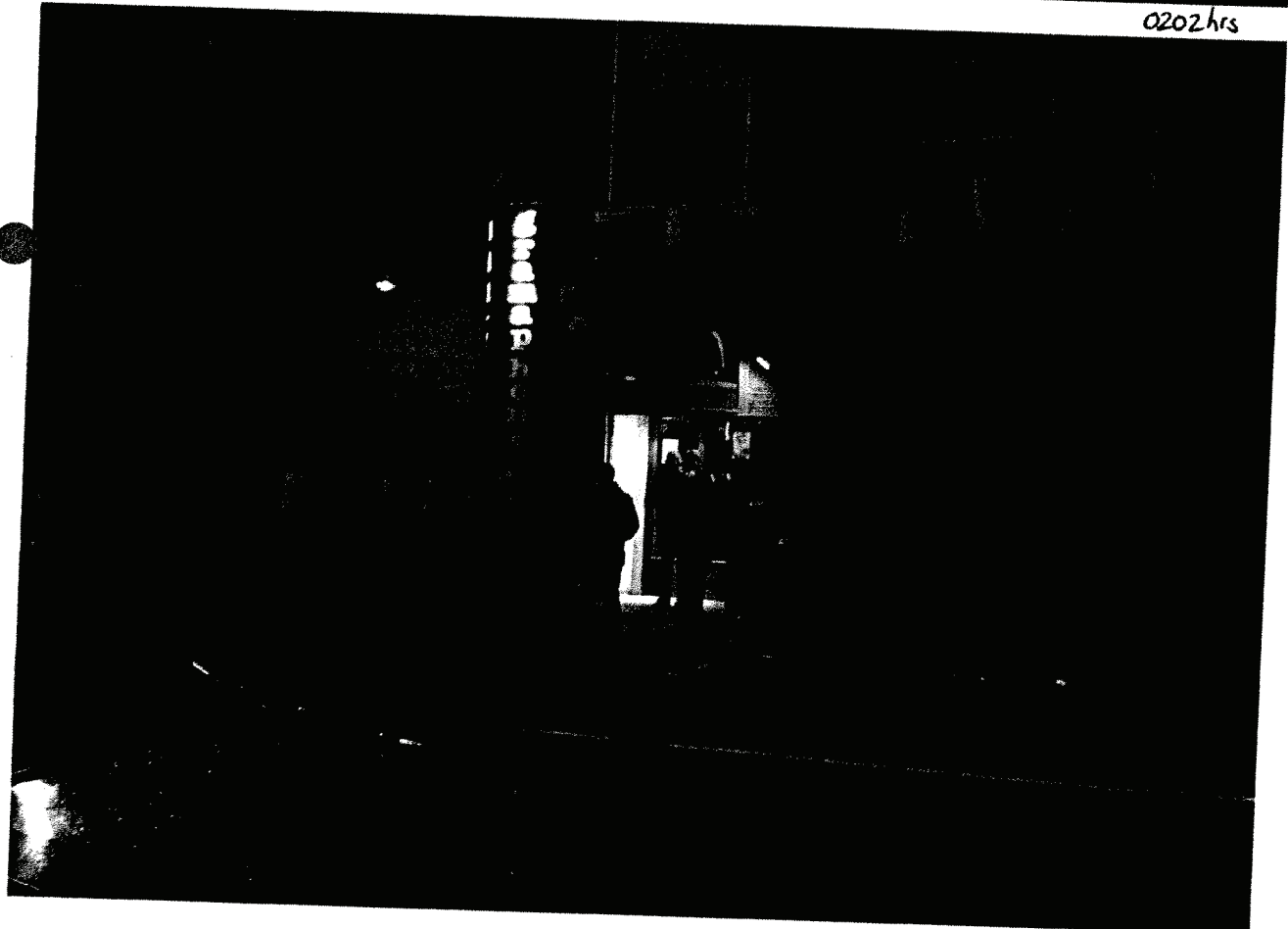
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161010

GAH



0202 hrs



0203 hrs

CRD 12

23/10/10



0114hrs



0118hrs



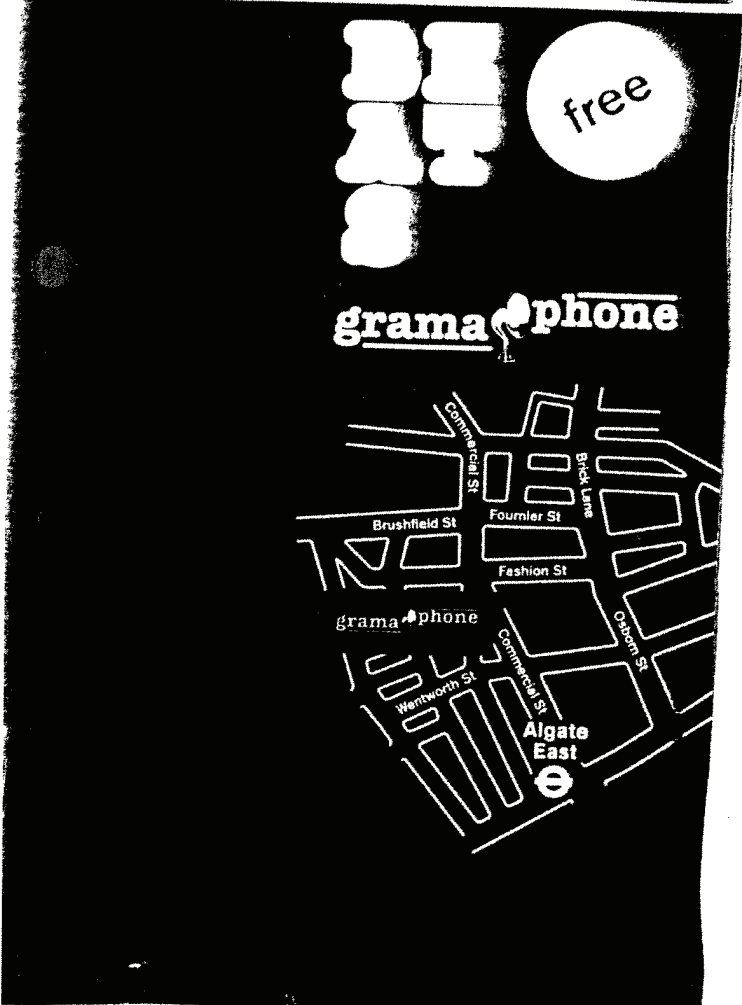
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0122hrs

ots steady presents beats.

CRD13



The Gramophone" title="Bar, Restaurant, Lounge and Live Music venue - Spitalfields, East London" />

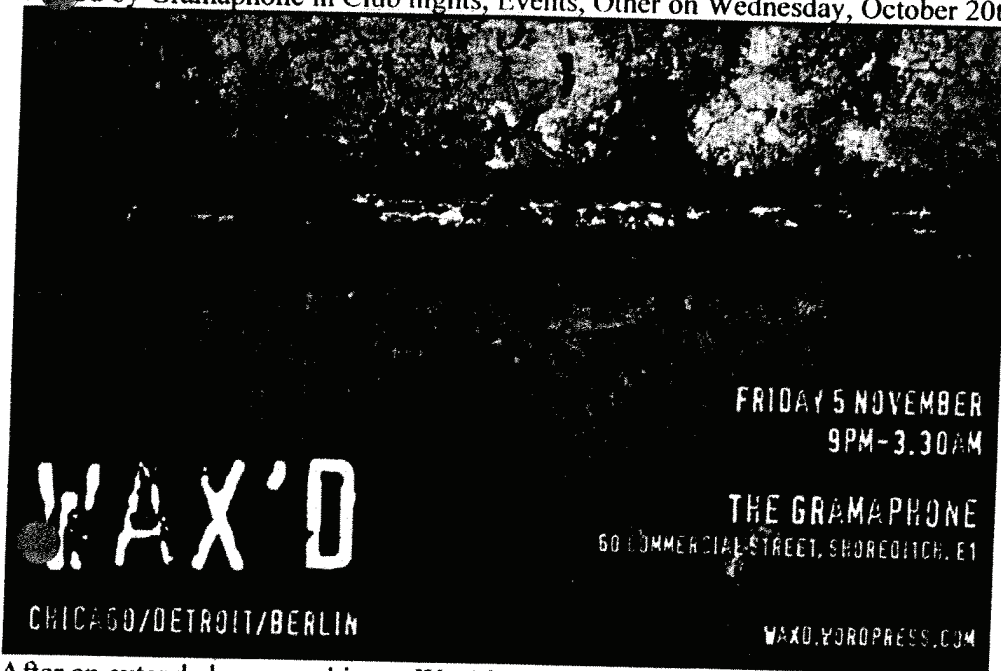
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Wax'D

Posted by Gramophone in Club nights, Events, Other on Wednesday, October 20th, 2010 | no responses yet



After an extended summer hiatus, Wax'd rolls back into town to kick off its winter 2010 season on Friday 5 November at The Gramophone in Shoreditch.

Armed with stacks of fresh and forgotten vinyl, the Wax'd team will take over the intimate basement club of the Gramophone in Shoreditch, just metres from Liverpool Street, Spitalfields market and Brick Lane.

Housed in a commercial building dating back to Victorian times, The Gramophone displays original brick arches and stone slabs combined with wooden floors, a Funktion 1 soundsystem and a well stocked bar.

This space is the perfect fit for the deepest house sounds of Wax'd, as our residents dig deep in their crates for their unique blend of forgotten gems and modern cuts, with a number of special guests to be confirmed.

Get yourselves down early to ensure entry. See you on the dancefloor!

Share this entry:

- 

<http://www.thegramophone.co.uk/2010/10/waxd/>

The Gramophone" title="Bar, Restaurant, Lounge and Live Music venue - Spitalfields, East London" /

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Rebirth

Posted by Gramophone in Club nights, Events, Other on Thursday, September 30th, 2010 | no responses yet

22.10.2010 // 9PM - 4AM

REBIRTH

THE GRAMAPHONE
600 602 Commercial Street
Tower Hamlets
London
E1 6BT

DSCI4



DSCI4 & ENNEX PROUDLY PRESENTS

185111
.....

CLASSIC AND FUTURE TECH DnB WITH THE MERRY FUNCTION FIREWORKS SYSTEM PERVA

TRACE (DSCI4)

PROLIX (CAPWATER / RENEGADE HARDWARE)

VICIOUS CIRCLE (RENEGADE HARDWARE / DSCI4)

NEED FOR MIRRORS (SHOULDER / DJ RECORDS)

ALLIED (DSCI4 / SNAZBOYS RECORDS)

ROB ENNEX (ENNEX / DSCI4 / DRIEN UK)

EBK (DSCI4 / RENEGADE HARDWARE / REVOLUTION)

INSIDE INFO (V.I.E.D / CAPWATER / HORIZONS)

HOSTED BY: A SURPRISE GUEST MC

**ONLY £7
ALL NIGHT
LONG!!**

Friday 22nd October 2010 | 9pm - 4am

DSCI4 and ENNEX are the proud sponsors of REBIRTH and we are starting tonight with a limited release featuring some of the latest releases by our artists. 5000 tickets for the event are available and they will sell out quickly. The night will start at 9pm and run until 4am. Tickets are available at www.ticketweb.co.uk

This night will feature a special set of music by some of the most exciting DJs in the UK. Tickets are available at www.ticketweb.co.uk

VERY LIMITED Advanced Tickets Available. Tickets at www.ticketweb.co.uk

Classic and future Tech DnB featuring Trace, Prolix, Vicous Circle, Need for Mirrors, Allied, EBK, Rob Ennex, Inside Info

7 all night, very limited tickets available at www.ticketweb.co.uk

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The Gramophone" title "Bar, Restaurant, Lounge and Live Music venue - Spitalfields, East London" />

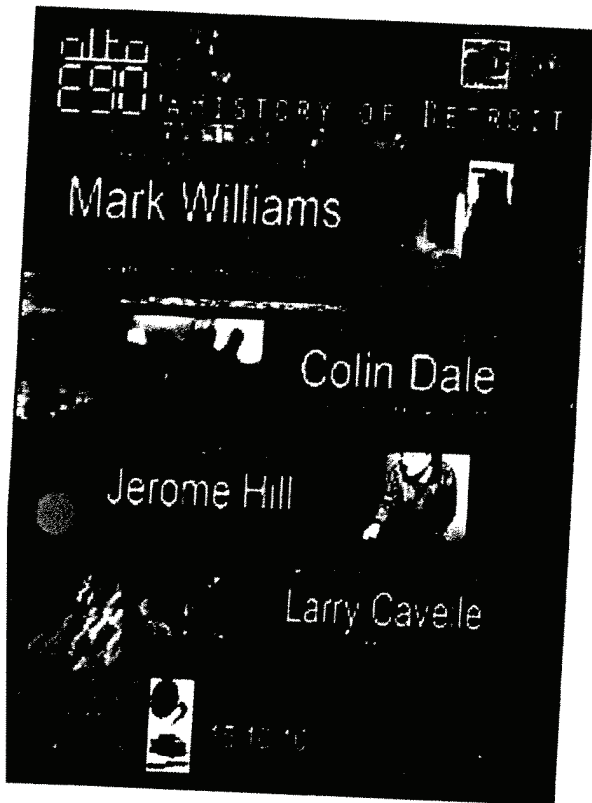
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A History of Detroit

Posted by Gramophone in Club nights, Events, Other on Monday, September 13th, 2010 | no responses yet



We are absolutely torn at the tragic news of our dear brother, Detroit House Legend, Aaron-Carl (headline act for the night). AC passed away on Thursday 30th September from his short battle with Cancer. I (the promoter) Larry Cavele, was really close to AC and would like to now have the night as a massive tribute to the music hero we hold close to our hearts. I know for certain he'd want us to rock the dam joint out.

History ...of Detroit.....Starring:

- Techno Legend, Mark Williams
- London Techno Legend, Colin Dale
- Electro Funk Turntablist, Jerome Hill
- JK Detroit Techno Spinner, Larry Cavele

[p://www.thegramophone.co.uk/2010/09/a-history-of-detroit/](http://www.thegramophone.co.uk/2010/09/a-history-of-detroit/)

A History of Detroit | The Gramophone

Alta Ego UK and W.A.R.M.T.H.313 Int present a story of Detroit Electronica for this gritty intimate basement nightclub setting at The Gramophone.

Visit www.Altago.org and www.warmth313.com for the full story.....

£7 Limited Advanced/VIP tickets on sale ****UNTIL 8th OCTOBER**** at: <http://www.residentadvisor.net/event.aspx?185462>
£9 before 22:30 / £10 after 22:30

FACEBOOK EVENT PAGE: <http://www.facebook.com/event.php?eid=140972882606357>

Share this entry:



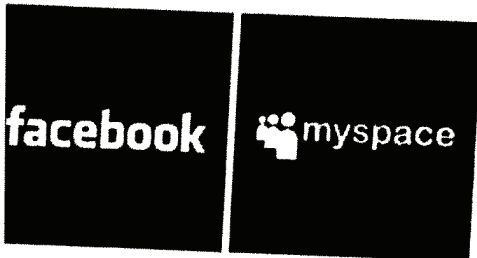
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Name (required)

Mail (will not be published) (required)

Website

Submit Comment



ramaphone Elsewhere

[p://www.thegramophone.co.uk/2010/09/a-history-of-detroit/](http://www.thegramophone.co.uk/2010/09/a-history-of-detroit/)

The Gramophone" title="Bar, Restaurant, Lounge and Live Music venue - Spitalfields, East London" />

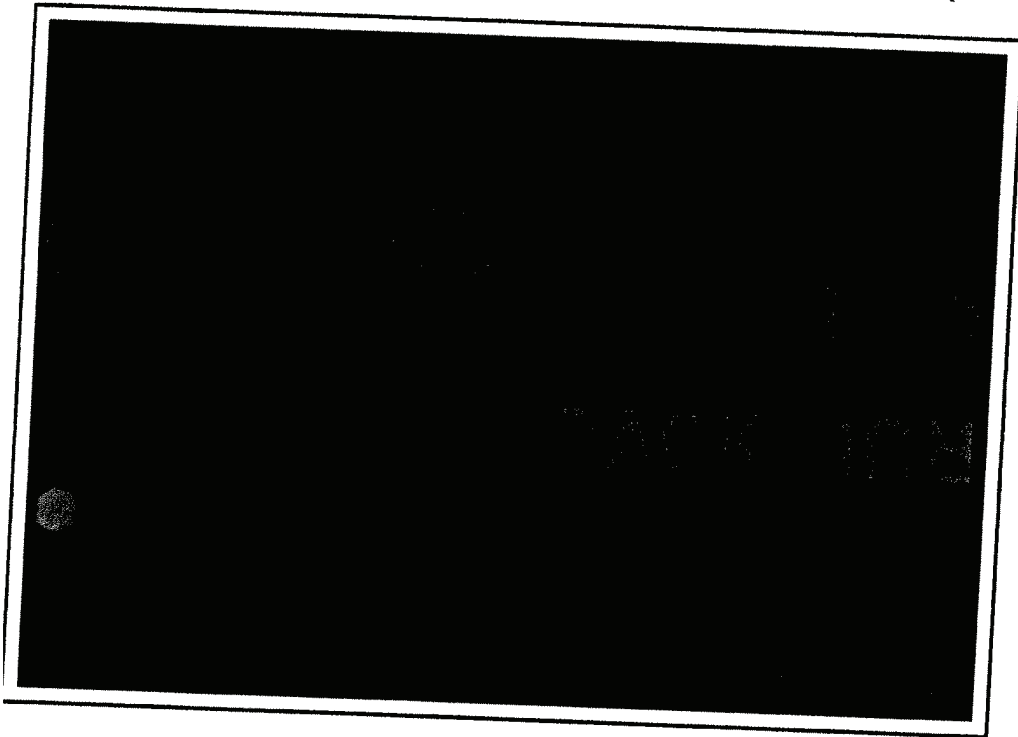
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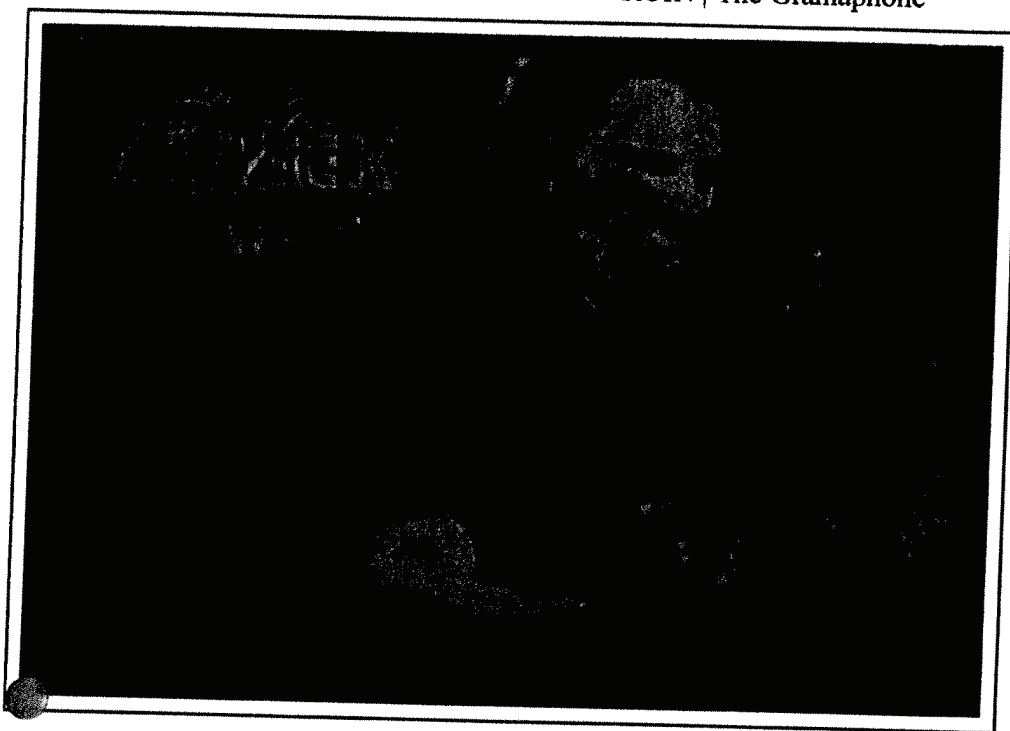


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Soltek Sessions presents CLUEKID & RACK N RUIN

Posted by Gramophone in Club nights, Events, News, Other on Tuesday, September 7th, 2010 | no responses yet





After the massive success of our Haiti Fundraiser back in April, SOLTEK SESSIONS returns on Friday 8th October for the next instalment of beats and bass at The Gramophone. And we're proud to present without a doubt our biggest and most diverse lineup to date..!

****THE NEXT PARTY****

SOLTEK SESSIONS presents CLUEKID & RACK N RUIN

The Gramophone,
60-62 Commercial Street, London E1 6LT
(Nearest Tube Aldgate East)

Friday 8th October 2010
21:30-03:30

£5 Advanced Tickets, £7 On The Door

Tickets Available from TicketWeb...

http://www.ticketweb.co.uk/user/?region=gb_london&query=detail&event=400308

ALL PINTS £3

Dubstep / DnB / 2 Step / Tech House

Lineup:

- CLUEKID (Soul Jazz, Disfigured Dubz)

Cluekid has been a prominent and well respected producer within the Dubstep arena for some years now and at the ripe old age of 22 has already produced some of the genre's biggest tracks to date. Cluekid has collaborated with Skream on the mighty "Sandsnake" which debuted on Skream's own imprint Disfigured Dubz, as well as with long time musical partner in crime Cotti with "Sensi Dub" and "Legacy". He's also had releases out on some of the scene's most renowned labels such as Earwax, Soul Jazz and 30 Recordings and with his new label Bullfrog Beats things don't seem to be slowing down one bit. Cluekid's dj skills are also much sought after, with gigs all over

<http://www.thegramophone.co.uk/2010/09/soltek-sessions-presents-cluekid-rack-n-ruin/>

Europe and headlining tours as far away as Australia. Plenty of fresh dubplates and huge basslines make his sets unmissable!

<http://www.myspace.com/cluekid>

- RACK N RUIN (Black Butter Records, ATG)

This young London based producer has already harnessed the support of A list dj's such as Toddla T, Dj Zinc, Fake Blood, Shy FX, Breakage, Boy 8-Bit and many more with his latest releases; and his remix credits include established artists such as Nas & Damian Marley, Zero 7 and The Freestylers. His first release "Skitzo VIP" was chosen for the soundtrack to the Orange Rockcorps Ad campaign, bringing his fresh mind-bending sound to the masses. Skillfully combining elements of dubstep, garage, jungle, electro, techno and other genres in his tracks it's safe to say Rack N Ruin has successfully created a fresh sound he can call his own. With the enormous success of his recent "Soundclash EP" on Black Butter Records and various exciting future collaborations, as well as a busy djing schedule that boasts regular gigs all over the country and a tour of America to come at the end of the year there is clearly nothing but greatness to be had from this rising star. We're lucky to have Rack N Ruin blessing the decks for a one-off special DnB/Jungle set, this promises to be big!

<http://www.myspace.com/racknruinmusic>

Support comes from Soltek residents:

- DAFFADAM
- MEDLAM
- JORDAN AM

<http://www.myspace.com/soltekuk>

About Soltek:

SolTek is a bimonthly club night in London that provides an antidote to the over-priced, generic parties that we're all tiring of. At our events you can expect music with a strong emphasis on both quality and diversity, that spreads across many flourishing genres ranging from Drum & Bass, Dubstep to Tech House and Techno. Expect to hear innovative, underground beats from our up-and-coming resident and special guest djs. Held at well known East London venue The Gramophone, our parties offer a cheap and enjoyable Friday night out to any authentic and discerning music enthusiast!

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Name (required)

Wobble Squad UK | The Gramophone

The Gramophone" title="Bar, Restaurant, Lounge and Live Music venue - Spitalfields, East London" />

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- home
- Club nights»
- Live»
- News

Wobble Squad UK

Posted by Gramophone in Club nights, Deviation, Events, News, Wobble Squad on Wednesday, October 6th, 2010 | no responses yet



WOBBLE SQUAD

Dubstep, hiphop, house, drum & bass and grime with:

Vobblesquad UK
 Nicholas yeah? b2b Lenny still (dubfreaks)
 hook 1s
 ack le roc
 more

times: 9.30pm - 3.30am

<http://www.thegramophone.co.uk/2010/10/wobble-squad-uk-2/>

The Gramophone" title="Bar, Restaurant, Lounge and Live Music venue - Spitalfields, East London" /

- About
- Bar
- Restaurant
- Regulars»
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- home
- Club nights»
- Live»
- News
-

Deep Cover

Posted by Gramophone in Club nights, Deep Cover, Events on Friday, September 17th, 2010 | no responses yet

Deep Cover Sy Sez

Simon Boi + Blueboy

Gramophone

Saturday 9th October

9pm – 3.30am

60-62 Commercial St.

Door £7

Badgeholders £3

deep-cover.co.uk



night of deep and soulful House featuring Sy Sez, Simon Boi and Blueboy, £7 on the door

Appendix 2



TOWER HAMLETS

Licence / Registration

Certificate Number

14393

Postal Address

(Gramophone)
Ground Floor and Basement
60 - 62 Commercial Street
London
E1 6LT

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


Jacqueline Randall
Team Leader Licensing

Date: 15th May 2007

M:\Licensing\Word97\2003 LicAct certs & lics\Prem Lics\CommercialSt60-62.doc

FOR OFFICE USE

Receipt Number 22052 Fee Paid £23 Fee Req.

Date 23.7.10 Initial SC

1



Part A - Format of premises licence

Premises licence number

14393

Part 1 - Premises details

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

(Gramophone)
Ground Floor and Basement
60 - 62 Commercial Street

Post town

London

Post code

E1 6LT

Telephone number

020 7377 5332

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

Times

Alcohol and Regulated Entertainment

(Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description).

- Monday to Thursday, from 11.00 hours to 01.30 hours the following day
- Friday and Saturday, from 11.00 hours to 02.30 hours the following day
- Sunday, from 11.00 hours to 23:30 hours

Late Night Refreshment

- Monday to Thursday, from 23.00 hours to 01.30 hours the following day
- Friday and Saturday, from 23.00 hours to 02.30 hours the following day
- Sunday, from 23.00 hours to 23:30 hours

Non standard timings:

On the day prior to a Bank Holiday - Thirty minutes after the carrying out of licensable activities

The opening hours of the premises

- Monday to Thursday, from 11.00 hours to 02.00 hours the following day
- Friday and Saturday, from 11.00 hours to 03.00 hours the following day
- Sunday, from 11.00 hours to 12midnight.

Non standard timings

On the day prior to a Bank Holiday - Thirty minutes after the carrying out of licensable activities

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

On sales

Part 2

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

Gramrhy
60-62 Commercial Street
London
E1 6LT

Tel: 020 7377 5332

Email: gramaphone@gmail.com

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

N/A

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

Miss Kalliopi Papadimatos
153B Brick Lane
London
E1 6SB

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

Licence No: 9772

Issuing Authority: Southwark Council

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.

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

Times

Alcohol and Regulated Entertainment

(Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description).

- Monday to Thursday, from 11.00 hours to 01.30 hours the following day
- Friday and Saturday, from 11.00 hours to 02.30 hours the following day
- Sunday, from 11.00 hours to 23:30 hours

Late Night Refreshment

- Monday to Thursday, from 23.00 hours to 01.30 hours the following day
- Friday and Saturday, from 23.00 hours to 02.30 hours the following day
- Sunday, from 23.00 hours to 23:30 hours

Non standard timings:

On the day prior to a Bank Holiday - Thirty minutes after the carrying out of licensable activities

Effective from 6th April 2010

- (1) The responsible person shall take all reasonable steps to 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 in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (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 (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (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;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) 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.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) 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 a holographic mark.
4. The responsible person shall 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; and
 - (b) customers are made aware of the availability of these measures.

Annex 2 - Conditions consistent with the operating Schedule

Police Conditions

1. At least one personal licence holder shall remain on the premises at all times during licensed hours when the premises are open and trading.
2. There shall be an electronic search arch installed or an electric search wand used to search every customer entering the premises. Installation of either device shall be to the satisfaction of the police and Licensing Authority.

3. Where searching is carried out, notices should be prominently displayed explaining that:
 - Persons entering the premises will be searched
 - Agreement to search is a condition of entry
 - If persons do not consent, entry will be refused
 - Police may be called if drugs or weapons are found

4. Any drug/weapon seizures will be recorded in the incident book. The following details should be recorded:
 - Date/Time item found
 - Where found
 - Details of item
 - Seal number of property bag
 - Any action taken (e.g. person detained, police called)
 - Signature of person seizing
 - Signature of DPS or Manager
 - Details of person searched (if available)

5. The Designated Premises Supervisor (DPS) will ensure all staff are trained to use and maintain an incident book to the satisfaction of police. The incident book shall be properly maintained and it shall be produced to the police and 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 who shall countersign the book.

6. Any incident of unlawful violence by, or on, customers of the club (whether inside or immediately outside the club) to be notified to police immediately.

7. The DPS shall take such reasonable steps as are necessary to ensure that intoxicating liquor purchased on the premises is not removed from the premises for consumption outside.

8. The maximum number of persons, including staff to be present in the licensed premises on each floor shall not exceed the number stated by the proper officer of the London Fire and Emergency Planning Authority.

9. Refreshment other than intoxicating liquor (including drinking water) shall be available during the whole of the permitted hours in all parts of the premises where intoxicating liquor is sold or supplied.

10. There shall be a winding down period in which:
 - Subdued music will be played
 - Lighting shall be turned up
 - A taxi service shall be available and announcements regarding service be made
 - Notices regarding the service shall be posted throughout the premises

- Door supervisors shall use reasonable endeavours to encourage customers to keep good order after they leave the premises.

11. CCTV with time and date recording facility to be maintained at the club in accordance with the reasonable requirements of a Metropolitan Police Crime Prevention Officer. Recording media to be retained for at least 30 days and to be readily available for inspection by the police or other statutory authority. At least two people will be trained to operate the recording equipment and be competent in its operation. At least one trained person shall be on premises at all times when the club is open and trading.

12. A minimum of 3 SIA registered door supervisors will be employed at the premises. At all times one of the SIA registered door supervisors must be female.

13. There shall be no irresponsible drinks promotions such as "two for one", all you can drink, at the premises and any drinks promotions shall adhere to industry accepted codes of best practice as to their advertisement and management.

14. Police will be made aware of any promotion event taking place at the premises. The DPS will complete a risk assessment form provided by the Police and will submit it to the licensing office at Bow Road Police Station at least 14 days before the event or as soon as reasonably practicable.

Environmental Protection Conditions

(1) ADDITIONAL MANAGERIAL MEASURES/CONTROLS TO BE INCLUDED IN THE APPLICATION IN ORDER TO PREVENT THE POSSIBILITY OF "PUBLIC NUISANCE" OCCURRING.

(a) The provision and installation of an approved "noise limiting device" to the amplified sound system (s) within the premise, which maximum noise levels are to be set and agreed beforehand with the Environmental Health Officer.

(b) Supervisors will be provided to all three entrances and exits to the premises in order to ensure adequate health & safety and effectively control access and egress to your premises. This will also prevent the possibility of "queuing" and maintain crowd control.

(c) The applicant will have arrangement with local taxi company to provide transport where necessary for patrons when they exit the premises late at night.

(d) Supervisors employed by the applicant will remind patrons on exiting the premises late at night to do so quietly and considerately thus ensuring proper stewardship is maintained.

(e) No early morning deliveries are to be provided to the premises by outside agencies or contractors. All such deliveries will be provided after 10am and in normal working hours.

(f) Empty glass bottles will be retained inside the premises and not taken outside the premises late at night for collection the following day thus minimising any noise nuisance being caused to adjoining residents. Patrons will not be permitted to take glass bottles or glasses outside the premises.

(g) Supervisors employed by the applicant will ensure that taxi drivers and patrons arriving by motor car or other transport will be reminded not to sound their car horns or slam doors thus preventing any undue noise nuisance occurring particularly when patrons exit the premises.

(h) The applicant to exhibit polite notices in prominent places within the premises reminding patrons when they exit the premises late at night to do so quietly and considerately. A verbal message will be provided before the premises close at the end of each working day.

(i) In order to assist in car parking for patrons, multi storey car parking is available in Whites Row nearby.

(j) Confectionary (lollipops) will be provided to patrons on exiting the premises late at night in order to prevent the possibility of loud speech causing a nuisance to residents adjoining.

Other Conditions

1. Entrance to basement floor to be restricted all the time to over 18 year olds
2. Trained staff and management to identify under 18 year olds and thereafter remove from the premises
3. No adult material displayed at all
4. Entrance to basement floor to be restricted all the time to over 18 year olds
5. Provision for amplified and non-amplified music. Exhibition of films and performances of a non-pornographic nature. Dance performances of a non-adult/non-pornographic nature.

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

N/A

Annex 4 - Plans

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

26 January 2007



Part B - Premises licence summary

Premises licence number

14393

Premises details

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

(Gramophone)
Ground Floor and Basement
60 - 62 Commercial Street

Post town
London

Post code
E1 6LT

Telephone number
020 7377 5332

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

Alcohol and Regulated Entertainment
(Plays and films. Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, provision of facilities for dancing and provision of facilities for entertainment of a similar description).

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- Friday and Saturday, from 11.00 hrs to 02.30 hrs the following day
- Sunday, from 11.00 hrs to 23:30 hrs

Late Night Refreshment

- Monday to Thursday, from 23.00 hrs to 01.30 hrs the following day
- Friday and Saturday, from 23.00 hrs to 02.30 hrs the following day
- Sunday, from 23.00 hrs to 23:30 hrs

Non standard timings:

On the day prior to a Bank Holiday - Thirty minutes after the carrying out of licensable activities

The opening hours of the premises

- Monday to Thursday, from 11.00 hrs to 02.00 hrs the following day
- Friday and Saturday, from 11.00 hrs to 03.00 hrs the following day
- Sunday, from 11.00 hrs to 12midnight.

Non standard timings

On the day prior to a Bank Holiday - Thirty minutes after the carrying out of licensable activities

Name, (registered) address of holder of premises licence

Gramrhy
60-62 Commercial Street
London
E1 6LT

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

On sales

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

N/A

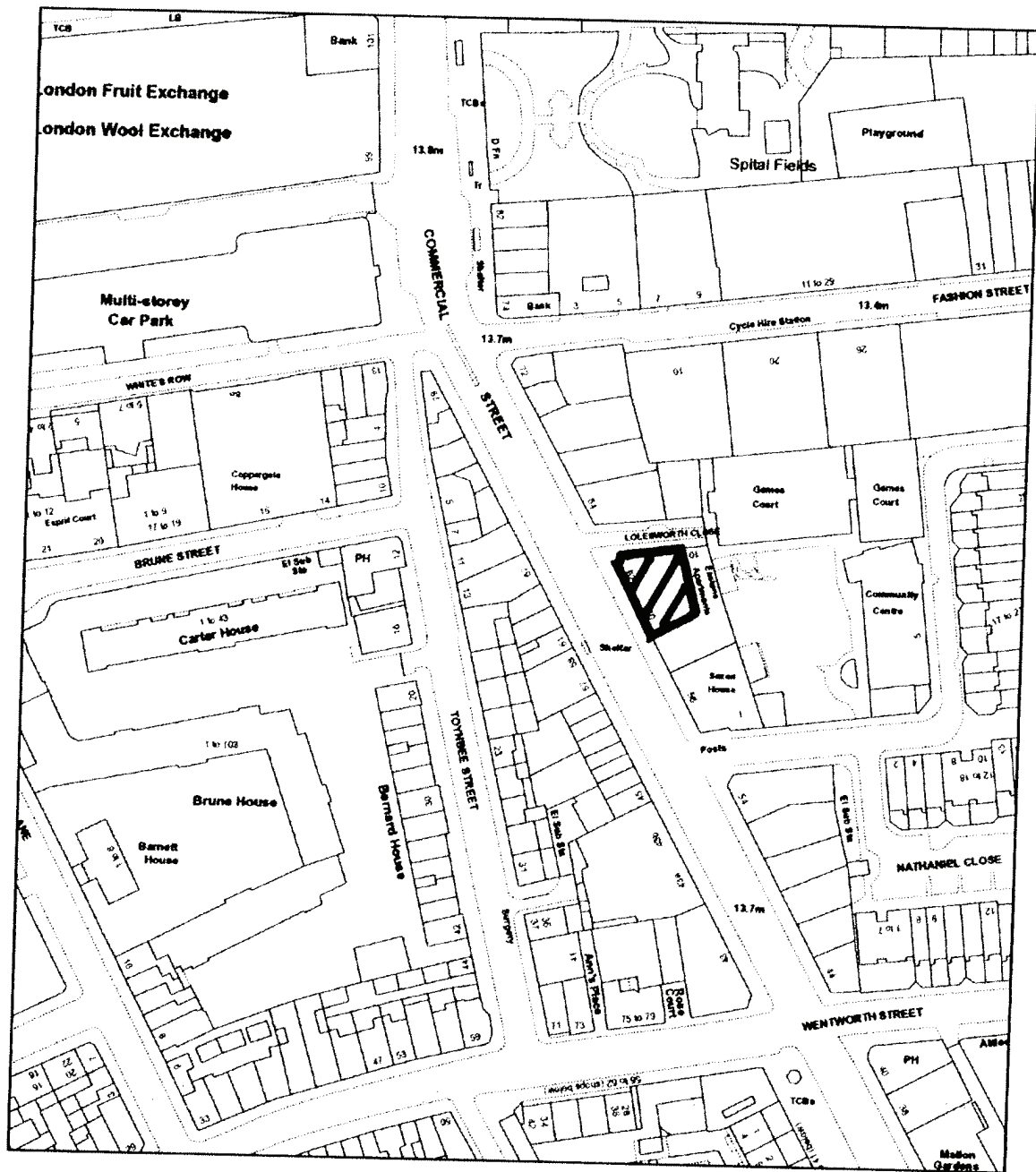
Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Miss Kalliopi Papadimatos

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

No

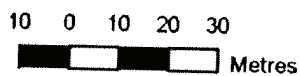
Appendix 3



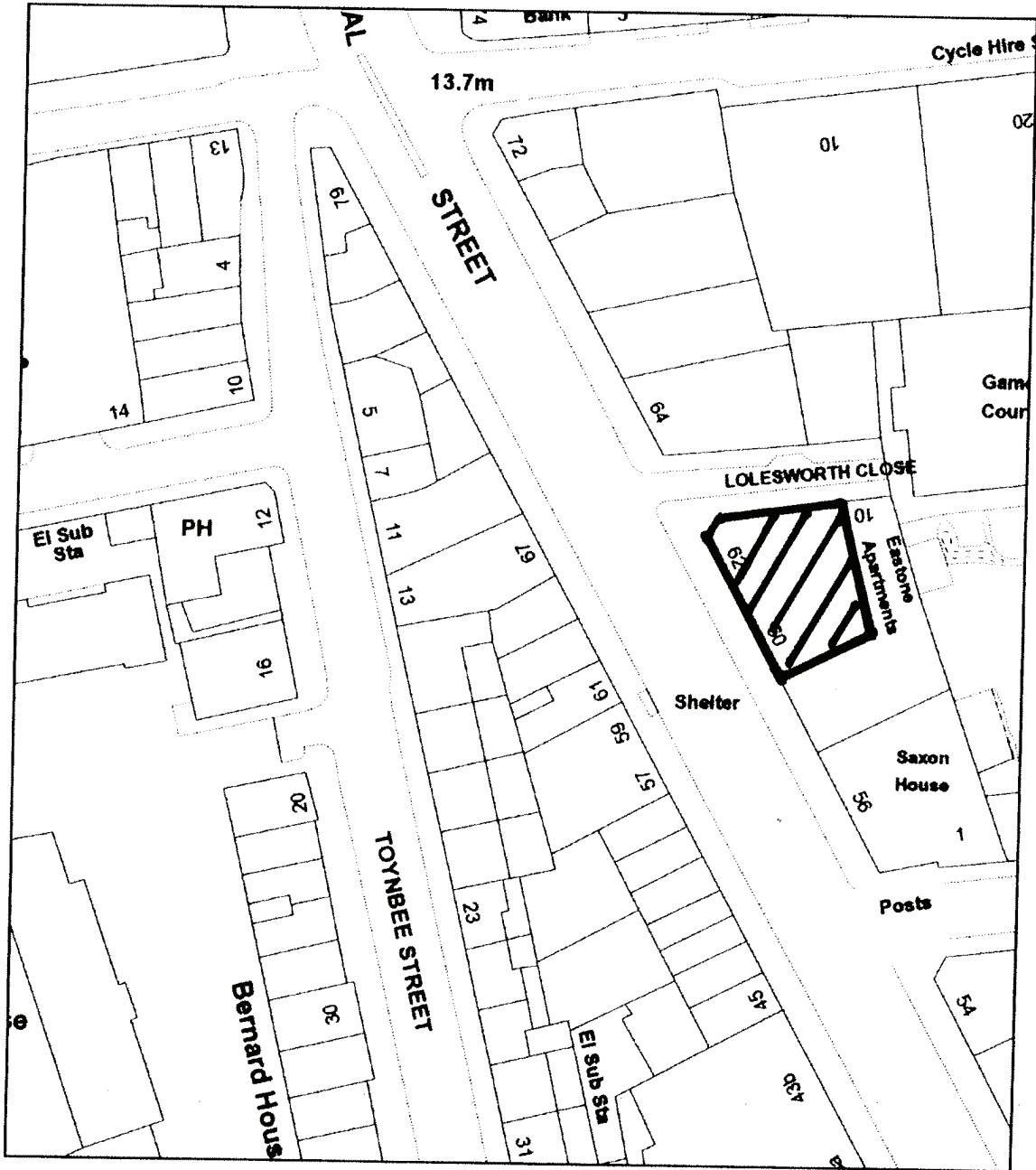
60-62 Commercial Street



Scale 1:1335



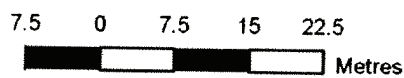
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60-62 Commercial Street



Scale 1:668



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Appendix 4

Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Planning and Building Control

PLANNING AND BUILDING CONTROL

- 13.64 The statement of licensing policy should indicate that planning, building control and licensing regimes will be properly separated to avoid duplication and inefficiency. Applications for premises licences for permanent commercial premises should normally be from businesses with planning consent for the property concerned. However, applications for licences may be made before any relevant planning permission has been sought or granted by the planning authority.
- 13.65 The planning and licensing regimes involve consideration of different (albeit related) matters. For instance, licensing considers public nuisance whereas planning considers amenity. As such licensing applications should not be a re-run of the planning application and should not cut across decisions taken by the local authority planning committee or following appeals against decisions taken by that committee. Licensing committees are not bound by decisions made by a planning committee, and vice versa.
- 13.66 The granting by the licensing committee of any variation of a licence which involves a material alteration to a building would not relieve the applicant of the need to apply for planning permission or building control where appropriate.
- 13.67 There are also circumstances when as a condition of planning permission, a terminal hour has been set for the use of premises for commercial purposes. Where these hours are different to the licensing hours, the applicant must observe the earlier closing time. Premises operating in breach of their planning permission would be liable to prosecution under planning law.
- 13.68 Proper integration should be assured by licensing committees, where appropriate, providing regular reports to the planning committee on the situation regarding licensed premises in the area, including the general impact of alcohol related crime and disorder. This would enable the planning committee to have regard to such matters when taking its decisions and avoid any unnecessary overlap. A planning authority may also make representations as a responsible authority as long as they relate to the licensing objectives.

Appendix 5



Working together for a safer London

TERRITORIAL POLICING

Ms Randall
LBTH Licensing
Mulberry Place (AH)
5 Clove Crescent
E14

HT - Tower Hamlets Borough

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

Telephone: 0208 217 6699
Facsimile:
Email: Alan.Cruickshank@met.police.uk
www.met.police.uk

Your ref:
Our ref:

16th November 2010

Dear Ms Randall

Re: Review of a premises licence
Gramophone,60 Commercial St,E1 6LT

I write with reference to the above review which was received in this office on the 5th November 2010.

Please accept this letter as notification that the police, as a responsible authority are supporting the review initiated by the LBTH Planning Authority in relation to the crime and disorder and public nuisance licensing objectives.

Commercial Street is a very busy area and has become increasingly so, being so close to the night-time economy of Brick Lane. This area puts pressure on police resources whether it is dealing with assaults, anti-social behaviour (ASB) or bag thefts.

The Licensing Unit has proposed a saturation policy for Brick Lane. Commercial Street has a number of older established pubs and restaurants. New applications have been applied for in Commercial Street and also opposite towards Middlesex St. I have expressed to a previous licensing committee my concerns that Commercial Street and its nearby streets, with its increased applications, are mirroring the problems that are now in evident in Brick Lane.

To ensure that assaults and ASB do not become prevalent in Commercial Street, I support the Planning Authorities and their wish that the planning hours are enforced.

In relation to Gramophone itself there has been the following incidents.

On the 22nd November 2009 at about 0103, police were called to outside the venue where a woman had collapsed. On police arrival the woman was found to be very drunk but was able to be taken home in a taxi by her brother.(CAD 627 / 22 Nov 2009 refers)

On the 19th December 2009 at about 0312, police were called to outside the venue where an "extremely intoxicated" male tried to get into a cab and he and another drunk began fighting with the driver. Despite this being captured on CCTV, on police arrival the victim did not wish to make any allegations. (CAD 1687 / 19 Dec 2009)

The Licensing Unit supports this review.

Alan Cruickshank PC 189HT

In conclusion, the Metropolitan Police Licensing Unit supports this review

Alan Cruickshank PC 189HT

Appendix 6

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

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.
- 11.22 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

- 11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.
- 11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs 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 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 unlawful gaming and gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.27 It is envisaged that licensing authorities, the police 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 the 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. We would also encourage liaison with the local Crime and Disorder Reduction Partnership.

11.28 It should be noted that it is unlawful to discriminate or to refuse service on grounds of race or by displaying racially discriminatory signs on the premises. Representations made about such activity from responsible authorities or interested parties would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

Appendix 7

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

CONDITIONS RELATING TO THE PREVENTION OF PUBLIC NUISANCE

It should be noted that provisions of the Environmental Protection Act 1990, the Noise Act 1996 and the Clean Neighbourhoods and Environment Act 2005 provide some protection to the general public from the effects of noise nuisance. In addition, the provisions in Part 8 of the Licensing Act 2003 enable a senior police officer to close down instantly for up to 24 hours licensed premises and premises carrying on temporary permitted activities that are causing nuisance resulting from noise emanating from the premises. These matters should be considered before deciding whether or not conditions are necessary for the prevention of public nuisance.

Hours

The hours during which the premises are permitted to be open to the public or to members and their guests can be restricted by the conditions of a premises licence or a club premises certificate for the prevention of public nuisance. But this must be balanced by the potential impact on disorder which may result from arbitrarily fixed closing times. However, there is no general presumption in favour of lengthening licensing hours and the four licensing objectives should be paramount considerations at all times.

Restrictions could be necessary on the times when certain licensable activities take place even though the premises may be open to the public as such times. For example, the playing of recorded music after a certain time might be prohibited, even though other licensable activities are permitted to continue. Or the playing of recorded music might only be permitted after a certain time where conditions have been attached to the licence or certificate to ensure that any potential nuisance is satisfactorily prevented.

Restrictions might also be necessary on the parts of premises that might be used for certain licensable activities at certain times. For example, while the provision of regulated entertainment might be permitted while the premises is open to the public or members and their guests, regulated entertainment might not be permitted in garden areas of the premises after a certain time. In premises where existing legislation does not provide adequately for the prevention of public nuisance, consideration might be given to the following conditions.

Noise and vibration

In determining which conditions are necessary and appropriate, licensing authorities should be aware of the need to avoid unnecessary or disproportionate measures that could deter the holding of 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. The following conditions may be considered:

- Noise or vibration does not emanate from the premises so as to cause a nuisance to nearby properties. This might be achieved by one or more of the following conditions:

a simple requirement to keep doors and windows at the premises closed;
limiting live music to a particular area of the building;
moving the location and direction of speakers away from external walls or walls that abut private premises;
installation of acoustic curtains;
fitting of rubber seals to doorways;
installation of rubber speaker mounts;
requiring the licensee to take measure to ensure that music will not be audible above background level at the nearest noise sensitive location;
require licensee to undertake routine monitoring to ensure external levels of music are not excessive and take appropriate action where necessary;
noise limiters on amplification equipment used at the premises (if other measures have been unsuccessful).

Prominent, clear and legible notices are displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

The use of explosives, pyrotechnics and fireworks of a similar nature which could cause disturbance in surrounding areas are restricted.

The placing of refuse – such as bottles – into receptacles outside the premises takes place at times that will minimise the disturbance to nearby properties.

Noxious smells

- Noxious smells from licensed premises are not permitted so as to cause a nuisance to nearby properties and the premises are properly vented.

Light pollution

- Flashing or particularly bright lights on or outside licensed premises do not cause a nuisance to nearby properties. Any such condition needs to be balanced against the benefits to the prevention of crime and disorder of bright lighting in certain places.

Other measures

Other measures previously mentioned in relation to the Prevention of Crime and Disorder may also be relevant as necessary to prevent public nuisance. These might include the provision of door supervisors, open containers not to be taken from the premises, and restrictions on drinking areas (see Part 1 for further detail).

Appendix 8

London Borough of Tower Hamlets Policy in relation to the Prevention of Public Nuisance

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 8.1 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 12.11**).

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 8.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D 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
- Conditions controlling the use of explosives, pyrotechnics and fireworks
- Conditions controlling the placing of refuse
- Conditions controlling noxious smells
- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. A premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

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 (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) 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 (2.38).

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 9

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

Crime and Disorder Act 1998

- 1.28 All local authorities must fulfil their obligations under section 17 of the Crime and Disorder Act 1998 when carrying out their functions as licensing authorities under the 2003 Act.
- 1.29 Section 17 is aimed at giving the vital work of crime and disorder reduction a focus across the wide range of local services and putting it at the heart of local decision-making. It places a duty on certain key authorities, including local authorities and police and fire and rescue authorities to do all they reasonably can to prevent crime and disorder in their area.
- 1.30 The Government believes that licensing authorities should, as a matter of good practice, involve Crime and Disorder Reduction Partnerships (CDRPs) in decision-making in order to ensure that statements of licensing policy include effective strategies that take full account of crime and disorder implications.

Pool Conditions

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

Annex D

Conditions relating to the prevention of crime and disorder

It should be noted in particular that it is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol.

Conditions enforcing these arrangements are therefore unnecessary.

CORE PRINCIPLES

1 When applicants are preparing their operating schedules or club operating schedules, responsible authorities are considering applications and licensing authorities are considering applications following the receipt of relevant representations, they should consider whether the measures set out below are necessary to promote the licensing objectives.

2. Any risk assessment to identify necessary measures should consider the individual circumstances of the premises (including local knowledge) and take into account a range of factors including:

- the nature and style of the venue;
- the activities being conducted there;
- the location; and
- the anticipated clientele.

Under no circumstances should licensing authorities regard these conditions as standard conditions to be automatically imposed in all cases.

1 Any individual preparing an operating schedule or club operating schedule is at liberty to volunteer any measure, such as those below, as a step they intend to take to promote the licensing objectives. When measures are incorporated into the licence or certificate as conditions, they become enforceable under the law and any breach could give rise to prosecution.

2 Licensing authorities should carefully consider conditions to ensure that they are not only necessary but realistic, practical and achievable, so that they are capable of being met. Failure to comply with any conditions attached to a licence or certificate is a criminal offence, which on conviction would be punishable by a fine of up to £20,000 or up to six months imprisonment or both. As such, it would be wholly inappropriate to impose conditions outside the control of those responsible for the running of the premises. It is also important that conditions which are imprecise or difficult to enforce should be avoided.

5. It should be borne in mind that club premises operate under codes of discipline to ensure the good order and behaviour of members and that conditions enforcing offences under the Act are unnecessary.

CONDITIONS RELATING TO THE PREVENTION OF CRIME AND DISORDER

Text/Radio pagers

Text and radio pagers connecting premises licence holders, designated premises supervisors, managers of premises and clubs to the local police can provide for rapid response by the police to situations of disorder which may be endangering the customers and staff on the premises.

Pagers provide two-way communication, allowing licence holders, managers, designated premises supervisors and clubs to report incidents to the police, and the police to warn those operating a large number of other premises of potential trouble-makers or individuals suspected of criminal behaviour who are about in a particular area. Pager systems can also be used by licence holders, door supervisors, managers, designated premises supervisors and clubs to warn each other of the presence in an area of such people.

The Secretary of State recommends that text or radio pagers should be considered for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These conditions may also be appropriate and necessary in other areas.

It is recommended that a condition requiring the text/radio pager links to the police should include the following requirements:

- the text/pager equipment is kept in working order at all times;
 - the pager link is activated, made available to and monitored by the designated premises supervisor or a responsible member of staff at all times that the premises are open to the public;
 - any police instructions/directions are complied with whenever given;
- and
- all instances of crime or disorder are reported via the text/radio pager link by the designated premises supervisor or a responsible member of staff to an agreed police contact point.

Door supervisors

Conditions relating to the provision of door supervisors and security teams may be valuable in:

- preventing the admission and ensuring the departure from the premises of the drunk and disorderly, without causing further disorder;
- keeping out individuals excluded by court bans or by the licence holder;
- searching and excluding those suspected of carrying illegal drugs, or carrying offensive weapons; and

maintaining orderly queuing outside venues. Where the presence of door supervisors conducting security activities is to be a condition of a licence, which means that they would have to be registered with the Security Industry Authority, conditions may also need to deal with:

- the number of supervisors;
 - the displaying of name badges;
 - the carrying of proof of registration;
 - where, and at what times, they should be stationed on the premises;
- and
- whether at least one female supervisor should be available (for example, if female customers are to be given body searches).

Door supervisors also have a role to play in ensuring public safety (see Part 2) and the prevention of public nuisance (see Part 4).

Bottle bans

Glass bottles may be used as weapons to inflict serious harm during incidents of disorder. A condition can prevent sales of drinks in glass bottles for consumption on the premises. This should be expressed in clear terms and include the following elements:

- no bottles containing beverages of any kind, whether open or sealed, shall be given to customers on the premises whether at the bar or by staff service away from the bar;
 - no customers carrying open or sealed bottles shall be admitted to the premises at any time that the premises are open to the public (note: this needs to be carefully worded where off-sales also take place);

In appropriate circumstances, the condition could include exceptions, for example, as follows:

- but bottles containing wine may be sold for consumption with a table meal by customers who are seated in an area set aside from the main bar area for the consumption of food.

Bottle bans may also be a relevant necessary measure to promote public safety (see Part 2).

Plastic containers and toughened glass

Glasses containing drinks may be used as weapons and in untoughened form, can cause very serious injuries. Where necessary, consideration should therefore be given to conditions requiring the use of safer alternatives which inflict less severe injuries. Location and style of the venue and the activities carried on there are particularly important in assessing whether a condition is necessary. For example, the use of glass containers on the terraces of some outdoor sports grounds may obviously be of concern, and similar concerns may also apply to indoor sports events such as boxing matches. Similarly, the use of plastic containers or toughened glass may be a necessary condition during the televising of live sporting events, such as international football matches, when there may be high states of excitement and emotion fuelled by alcohol.

The use of plastic or paper drinks containers and toughened glass may also be relevant as measures necessary to promote public safety (see Part 2).

Open containers not to be taken from the premises

Drinks purchased in licensed premises or clubs may be taken from those premises for consumption elsewhere. This is lawful where premises are licensed for the sale of alcohol for consumption off the premises. However, consideration should be given to a condition preventing customers from taking alcoholic and other drinks from the premises in open containers (eg glasses and opened bottles) for example, by requiring the use of bottle bins on the premises. This may again be necessary to prevent the use of these containers as offensive weapons in surrounding streets after individuals have left the premises.

Restrictions on taking open containers from the premises may also be relevant necessary measures to prevent public nuisance (see Part 4).

CCTV

The presence of CCTV cameras can be an important means of deterring and detecting crime at and immediately outside licensed premises. Conditions should not just consider a requirement to have CCTV on the premises, but also the precise sitting of each camera, the requirement to maintain cameras in working order, and to retain recordings for an appropriate period of time.

The police should provide individuals conducting risk assessments when preparing operating schedules with advice on the use of CCTV to prevent crime.

Restrictions on drinking areas

It may be necessary to restrict the areas where alcoholic drinks may be consumed in premises after they have been purchased from the bar. An example would be at a sports ground where the police consider it necessary to prevent the consumption of alcohol on the terracing during particular sports events. Conditions should not only specify these areas, but indicate the circumstances in which the ban would apply and times at which it should be enforced.

Restrictions on drinking areas may also be relevant necessary measures to prevent public nuisance (see Part 4).

Capacity limits

Capacity limits are most commonly made a condition of a licence on public safety grounds (see Part 2), but should also be considered for licensed premises or clubs where overcrowding may lead to disorder and violence. If

such a condition is considered necessary, door supervisors may be needed to ensure that the numbers are appropriately controlled (see above).

Proof of age cards

It is unlawful for children under 18 to attempt to buy alcohol just as it is unlawful to sell or supply alcohol to them. To prevent these crimes, it may be necessary for certain licensed premises to require the production of "proof of age" before sales are made. The Secretary of State strongly supports the PASS accreditation system which aims to approve and accredit various proof of age schemes that are in existence. This ensures that such schemes maintain high standards, particularly in the area of integrity and security. While conditions may refer directly to PASS accredited proof of age cards, they should also allow for the production of other proof, such as photo-driving licences, student cards and passports.

Since many adults in England and Wales do not currently carry any proof of age, the wording of any condition will require careful thought. For example, many premises have adopted the "Challenge 21" or other similar initiatives. Under the "Challenge 21" initiative those premises selling or supplying alcohol require sight of evidence of age from any person appearing to be under the age of 21 and who is attempting to buy alcohol. Making this a licensing condition would ensure that most minors – even those looking older – would need to produce appropriate proof of age before making a purchase.

Proof of age may also be relevant and necessary to protect children from harm (see Part 5).

Crime prevention notices

It may be necessary at some premises for notices to be displayed which warn customers of the prevalence of crime which may target them. Some premises may be reluctant to volunteer the display of such notices for commercial reasons. For example, in certain areas, a condition attached to a premises licence or club premises certificate might require the display of notices at the premises which warn customers about the need to be aware of pickpockets or bag snatchers, and to guard their property. Similarly, it may be necessary for notices to be displayed which advise customers not to leave bags unattended because of concerns about terrorism. Consideration could be given to a condition requiring a notice to display the name of a contact for customers if they wish to report concerns.

Drinks promotions

Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club premises certificates in an area as this is likely to breach competition law. It is also likely to be unlawful for licensing authorities or police officers to promote voluntary arrangements of this kind as this can risk creating cartels.

However, conditions specifically designed to address irresponsible drinks promotions or discounting at individual premises may be permissible provided they are necessary for the promotion of the licensing objectives. Licensing authorities should be aware that there may often be a very fine line between responsible and irresponsible promotions. It is therefore vital that they consider these matters objectively in the context of the licensing objectives and before pursuing any form of restrictions at all, take their own legal advice.

Signage

It may be necessary for the normal hours at which licensable activities are permitted to take place under the terms of the premises licence or club premises certificate to be displayed on or immediately outside the premises so that it is clear if breaches of these terms are taking place.

Similarly, it may be necessary for any restrictions on the admission of children to be displayed on or immediately outside the premises to deter those who might seek admission in breach of those conditions.

Large capacity venues used exclusively or primarily for the “vertical” consumption of alcohol (HVVDs)

Large capacity “vertical drinking” premises, sometimes called High Volume Vertical Drinking establishments (HVVDs), are premises which have exceptionally high capacities, used primarily or exclusively for the sale and consumption of alcohol, and little or no seating for patrons.

Where necessary and appropriate, conditions can be attached to licences for these premises which require adherence to:

- a prescribed capacity;
- an appropriate ratio of tables and chairs to customers based on the capacity; and
- the presence of security staff holding the appropriate SIA licence or exemption (see paragraphs 10.58-10.64) to control entry for the purpose of compliance with the capacity limit.

Appendix 10

Licensing Policy Adopted by the London Borough of Tower Hamlets

- 5.1 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.
- 5.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonable can to prevent crime and disorder in the Borough.

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