

# LICENSING SUB COMMITTEE

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Tuesday, 14 March 2017 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place,

5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

**Contact for further enquiries:**

Antoinette Duhaney, Democratic Services

1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG

Tel: 020 7364 4120

E-mail: [antoinette.duhaney@towerhamlets.gov.uk](mailto:antoinette.duhaney@towerhamlets.gov.uk)

Website: <http://www.towerhamlets.gov.uk/committee>

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QR code for smart phone users.

## **APOLOGIES FOR ABSENCE**

To receive any apologies for absence.

### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 1 - 4)**

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

### **2. RULES OF PROCEDURE (Pages 5 - 14)**

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

### **3. MINUTES OF PREVIOUS MEETING(S) (Pages 15 - 40)**

To confirm as a correct record the minutes of the Licensing Sub-Committee meetings held on 16.06.17, 17.06.17 & 08.08.16

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4 .1 Licensing Act 2003: Application for a Premises Licence for Phoenix Off Licence, 104 East India Dock Road, E14 0BP</b>	<b>41 - 80</b>	<b>Poplar</b>
Licensing objectives:		
<ul style="list-style-type: none"> <li>the prevention of public nuisance</li> </ul>		
Representations by: Local Business		
<b>4 .2 Licensing Act 2003: Application for a Variation of a Premises Licence for Trade Union, Units 1, 2 &amp; 3 Thomas More Square, E1W 1YN (APPLICATION WITHDRAWN)</b>	<b>81 - 168</b>	<b>St Katharine's &amp; Wapping</b>

Licensing objectives:

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

Representations by: Metropolitan Police, Environmental Protection

**4 .3 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, E1 6QL (APPLICATION DEFERRED)**

**Spitalfields  
&  
Banglatown**

Licensing objectives:

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

Review Instigator:

- Licensing Authority

Review Supporters:

- Metropolitan Police,
- Local Residents,
- Local Businesses

**5. EXTENSION OF DECISION DEADLINE:  
LICENSING ACT 2003**

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

# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

### **Interests and Disclosable Pecuniary Interests (DPIs)**

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

### **Further advice**

For further advice please contact:

Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer  
Telephone: 020 7364 4800

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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**TOWER HAMLETS**



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

## **2. Composition of Sub-Committee**

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

## **3. Procedure**

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

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

Adviser to the Licensing Committee if they require in respect of matters raised during the presentation by the Licensing Officer.

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

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

#### **4. Exclusions**

- 4.1 In addition to any exclusion under paragraph 3.1 above, The Licensing Committee may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may refuse to permit the person to return; or allow them to return only on such conditions as Licensing Committee may specify.
- 4.2 Any person so excluded may, before the end of the hearing, submit to the Authority in writing, any information which, they would have been entitled to give orally had they not been required to leave.

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## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

### (2) Licensing Sub-Committee Role and Membership.

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

**(5) What can be circulated?**

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

**(6) How will the applications be considered?**

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

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

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

**(8) Queries on reports.**

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

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

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



## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON THURSDAY, 16 JUNE 2016

ROOM C1, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON,  
E14 2BG

#### Members Present:

Councillor Candida Ronald (Chair)  
Councillor Suluk Ahmed  
Councillor Shah Alam

#### Officers Present:

Mohshin Ali	–	(Senior Licensing Officer)
Vivienne Walker	–	(Senior Prosecution Lawyer)
Antonella Burgio	–	(Democratic Services)
Kate Boulter	–	(Senior Committee Officer, Democratic Services)

#### Applicants In Attendance:

Sonny Soper	Applicant, the Chesterfield
Graham Hopkins	Representing, Taste Wine Two
Mrs Linda Potter	Representing, Taste Wine Two
Mr Nathan Lowry	Applicant, Taste Wine Two

#### Objectors In Attendance:

Luke Elford	Representing objectors, the Chesterfield
Mr Leo Charalambides	Legal Representative for objectors, Taste Wine Two
Sue Hughes	Chair St Katherine's Dock Residents Association, objectors re: Taste Wine Two
Heather Corben	Objector, Taste Wine Two

#### Apologies

No Apologies for absence were received.

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were made.

## **2. RULES OF PROCEDURE**

The rules of procedure published at agenda item two were noted.

## **3. MINUTES OF THE PREVIOUS MEETING(S)**

The minutes of the meeting held on 12 May 2016 were deferred.

## **4. ITEMS FOR CONSIDERATION**

### **4.1 Licensing Act 2003 Application for a Premises Licence for The Chesterfield - 341-343 Roman Road, London, E3 5QR**

At the Chair's invitation, the Licensing Officer introduced the report which concerned a new application for a premises licence for on and off sales of alcohol. The sub-committee was informed:

- that applicant had later amended his application to on sales of alcohol only.
- two residents had objected to the application and Mr L Elford acted in a personal capacity to represent them.
- the applicant had accepted the conditions requested by the residents except the request that alcohol should be served only to a person seated and taking a table meal there and for consumption by such a person as ancillary to their meal.

The Sub-Committee heard from the applicant that:

- the nature of the premises was a coffee shop with some casual dining such as cakes and bagels and it was not intended that the provision of alcohol sales should change the character of the premises.
- an application to sell alcohol with food had been made to enhance the offer to customers.
- the permission to provide late night refreshment had not been applied for.
- he had willingly considered the concerns and arguments made by the objectors and accepted conditions to relieve their concerns that the intended activity would create public nuisance. However he was unable to agree to the condition that request that alcohol should be served only to a person seated and taking a table meal there and for consumption by such a person as ancillary to their meal as the business did not have waiter service.

The Sub-Committee then heard from the objectors' representative whose concerns were that introduction of alcohol sales at the premises could cause public nuisance as:

- it was unclear whether the business was to be a coffee shop or a restaurant.
- it was unclear how the garden on the premises would be used.

- the sale of alcohol was unrestricted within the premises.
- the premises might operate as a bar rather than a coffee shop.
- the premises were previously operated as an estate agents and some noise nuisance had been created by its change of use to a coffee shop.

The application and issues raised were discussed and the following information noted by the sub-committee:

- the maximum capacity of the premises was 120 covers
- the footfall was variable depending on the time of day.
- customers were able to buy food to take away or to eat on the premises.
- counter service was provided to customers wishing to buy food.
- the menu consisted of wraps, sandwiches, bagels, salads, fruit juices and coffee. There was no printed menu offering starters/mains/desserts.
- alcohol to be served would be in the form of beer and a small selection of wines but. It was not intended that the premises would move towards
- 

#### The Licensing Objectives

In considering the application, members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the licensing objectives, the Home Office guidance and the Council's Statement of Licensing Policy.

#### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and verbal representations made by the applicant and their representative and those of the two residents who had objected to the application. The Sub-Committee noted that:

- the application concerned a new premises licence for The Chesterfield, a coffee shop wishing to offer on sales of alcohol to accompany consumption of food inside the premises;
- the application had been amended to background music only (not licensable) and not recorded music;
- the application related only to the interior of the premises and not the garden;
- the hours requested for Supply of Alcohol had been confirmed as from 0800 to 2130 seven days a week, with the premises closing at 2200;
- there had been two representations made by interested parties, namely residents in the locality, relating to the prevention of public nuisance.

Members heard from the owner Mr Soper that:

- the business currently operated as a coffee shop and providing alcohol would enhance the offering;
- the premises was a family-orientated business and there was CCTV throughout;
- the applicant had offered many conditions (listed in the application) intended to eliminate the potential for public nuisance;
- the only area upon which the applicant and objectors had been unable to agree was the wording of a condition relating to the sale of alcohol with food;
- the applicant was prepared to agree a condition restricting alcohol to be sold only with food but believed the objectors' request for a condition specifying a "table meal" was not appropriate for the type of business.

Members also considered arguments from Mr Elford on behalf of residents:

- there was a lack of clarity as to the intended use of the premises which had variously been described as a restaurant and coffee shop;
- if the business was going to operate as a restaurant, there was an expectation that customers would be having meals there;
- residents were concerned that the business would operate as a bar and wished a condition to be imposed only permitting alcohol to be served with a meal.

Members were sympathetic to the serious concerns of residents and noted that:

- the hours applied for were within the framework hours in the Council's Licensing Policy that related to hours of trading;
- the applicant had agreed conditions that could mitigate;
- the business was a coffee shop offering light food such as sandwiches and cakes and it would not be in keeping with the nature of the business to impose a condition requiring sale of alcohol to be restricted to supply with a "table meal".

They therefore considered that it would be inappropriate to refuse to grant a licence or impose a condition requiring sale of alcohol to be restricted to supply with a "table meal". Members noted that the applicant had offered conditions that would control any potential disruption to residents' lives. The Sub-Committee considered that the grant of the licence *together* with the conditions would meet the licensing objectives in regard to public nuisance.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for The Chesterfield, 341-343 Roman Road, London, E3 5QR **be granted** with conditions

Sale of alcohol ( on sales only)

Monday to Sunday from 08:00 hours to 21:30 hours

The opening hours of the premises

Monday to Sunday from 08:00 hours to 22:00 hours

Conditions

1. Loudspeakers shall not be located in the garden area.
2. Windows and doors to the garden area shall be kept closed after 19:00 hours.
3. The garden area shall not be used after 19:00 hours and all tables and chairs shall be rendered unusable by 19:00 hours.
4. The supply of alcohol at the premises shall be by waiter or waitress service only.
5. The telephone number of the premises shall be freely available to the public and a manager present throughout trading hours to be contacted by local residents if required.
6. The supply of alcohol at the premises shall only be ancillary to food purchased and consumed at the premises.

#### **4.2 Licensing Act 2003 Application for a Premises Licence for (Taste Wine 2) Unit D1 & D2, Ivory House, East Smithfield, London E1W 1AT**

At the Chair's invitation, the Licensing Officer introduced the report which concerned a new application for a premises licence for on and off sales of alcohol. The sub-committee was informed the application was for:

- off sales of wine and
- on sales of wine and some speciality beer accompanied by charcuterie inside the premises and 10 covers on the terrace outside the premises
- the hours requested for licensable activity were:
  - mon-sat 11:00 – 23:30 plus 30 minutes drink up time
  - sun 12:00 – 23:30 plus 30 minutes drink up time
- 46 representations against the application had been made by residents.

Mr Hopkins, on behalf of the applicant, made representations in favour of the application and Mr Brace of the St Katherine's Dock management company, with agreement, gave evidence in support of the application. Mr Hopkins presented the following arguments:

- the premises was to operate as a wine shop offering fine wines to takeaway and to drink on the premises accompanied by fine charcuterie
- the offer was not large scale, permission for 32 indoor covers and 10 outdoor covers was sought

- use of the external terrace would cease at 21:00 hrs and no drinks or bottles would be permitted outside the premises after this time also
- no more than four smokers were to be allowed outside of the premises after 23:00hrs. Additionally a smoking area located 30 metres away from the premises had been created by St Katherine's Dock management company which patrons were able to use
- there was to be no regulated entertainment or provision of late night refreshment under the Licensing Act 2003
- a range of conditions had been offered by the applicant (as set out in the application) to ensure that the objective of 'prevention of public nuisance' was not offended against
- the objections raised were historical issues related to premises already operating in the area and were a matter for residents and the management company to address

The applicant made a submission, informing the Sub-Committee that:

- he had three other premises of a similar nature and these had operated without incident
- the average spend was expected to be £35 per head
- the aim of the offer was to establish a presence in the community and create a pleasant ambiance intended to attract returning custom

Mr Brace was invited to comment and informed the Sub-Committee that:

- he had been appointed to his post earlier in the year and historic issues relating to previous underfunding had been addressed by the management company
- residents' concerns would be addressed proactively

Barrister, Mr Charalambides, and Ms Hughes made representations against the application on behalf of Friends of St Katherine's Dock Association and Ms Corben also made a representation to the Sub-Committee. They argued:

- residents were not aware that Mr Brace had agreed to speak in support of the application and were concerned that since he was a contractor of Blackstone, the landlord was not acting in the interests of residents as one would expect
- the precise nature of the offer Mr Lowry intended to provide was unclear. Residents suspected that he intended to run the premises, in the main, as a wine bar since quantities intended for on sales were not clearly indicated, there expected price per head was modest and there was no clarity on whether alcohol was intended to be taken with food, the premises were small and it was not clear whether capacity was linked to the number of covers. Indeed a mystery shopper exercise carried out by some members of Friends of St Katherine's Doc Association supported residents' suspicions
- additional off sales facilities were not needed as the area was already well served by outlets offering off sales of alcohol during the times that the premises intended to trade
- notwithstanding that historic issues existed with some licensed premises trading, the area, in recent years, had also seen an increase in premises open to the public during the evening and this had



deteriorated residents' enjoyment of the area and brought increasing nuisance which was damaging quality of life

- residents' numerous complaints to the landlord had not resulted in resolutions and they were tiring of ineffective response
- over 20 residents were present at the hearing which demonstrated their strength of feeling on the matter
- the designated smoking area provide with agreement of the management company was located much further away from the premises than the applicant had indicated. Its location, near an exit gate to the St Katherine's Dock was so distant that it was unlikely that patrons of the premises were likely to use it and would result in noise nuisance from smokers and enforcement issues for the management company
- residents were disappointed to learn that their complaints referred through the management company had not been referred onward to the Police and therefore there was no Police record of the nuisance that residents had experienced. Residents further noted that the management company had been reticent to make records of complaints available to residents on request

The application and issues raised were discussed and the following information noted by the sub-committee:

- the applicant intended to operate a small venture
- he had sought to engage with the local community, albeit unsuccessfully
- he had offered many conditions to mitigate possible public nuisance
- many objectors had attended the meeting, an indication of the extent of their concern around the application
- that families and working persons living in the vicinity had previously enjoyed a quieter environment but that the area had become saturated with licensed premises which made it a focal point for large groups of people and was changing the character of the locality

Mr Hopkins on behalf of the applicant and the objectors each made their closing statements following which the Sub-Committee retired to consider its decision.

### The Licensing Objectives

In considering the application, members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the licensing objectives, the Home Office guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered all the evidence before them and had heard representations made by the applicant and his representative; and those of residents which were provided by two of the residents and their

barrister on behalf of all who had objected to the application. Members noted:

- that the application concerned a new premises licence for Taste Wine 2, a wine shop offering off sales of alcohol (wine) and on sales of alcohol accompanied by charcuterie inside the premises and 10 covers on the terrace outside the premises.
- that there had been 46 representations made by interested parties, namely residents in the locality, relating to the licensing objectives of prevention of public nuisance, prevention of crime and disorder and public safety.

Members heard from agent Mr Hopkins that the applicant:

- intended to operate a small venture aimed at those wishing to sample and purchase fine wines.
- had sought to engage with the local community, albeit unsuccessfully, prior to the hearing.
- was working collaboratively with the private security firm at in the locality to mitigate the potential of public nuisance from customers at the premises in terms of noise and smoking .
- had offered many conditions (listed in the application) intended to eliminate the potential for public nuisance and crime and disorder from the premises.

Members also considered arguments from Mr Charalambides, Ms Hughes and Ms Corben on behalf of residents:

- that families and working persons had lived in the locality for many years and had previously enjoyed a quieter environment.
- that the proliferation of licensed premises in the locality had caused intolerable cumulative impacts on residents arising from the inconsiderate and antisocial behaviours of premises' customers and staff.
- that residents did not wish the detriment they already experience to be exacerbated by the addition of another licensed premises.
- that the area has become saturated with licensed premises which has made it a focal point for large groups of people together, changing the character of the locality and creating issues of public nuisance, crime and disorder; and (due to the proximity of deep water) of public safety.

Members were sympathetic to the serious concerns of residents and considered them in the context of the application that:

- the hours applied for were within the framework hours in the Council's Licensing Policy that related to hours of trading.
- the applicant intended to operate a small scale business and had offered a large range of conditions that could mitigate the nuisance that might arise
- the anecdotal evidence of public nuisance and antisocial behaviour that was provided related to other businesses already trading in the locality and could not be readily directed to the premises/business which the applicant wished to initiate.

Members therefore considered that it would be inappropriate to refuse to grant a licence. However, noting the extensive conditions offered by the applicant and the concessions discussed at the meeting by the parties, Members came to a view that, should the licence operate within a comprehensive range of conditions, any potential antisocial behaviour and disruption to residents' lives could be controlled. Members considered the numerous conditions offered and the unique nature of the residential properties above the premises and determined that the grant of the licence *together* with the conditions will meet the licensing objectives in regard to public nuisance.

Members were not persuaded by the representations made in respect of the designated smoking area.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for Taste Wine 2, Units D1 & D2, Ivory House, East Smithfield, London E1W 1AT **be granted** with conditions

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

Monday to Wednesday from 11:00 hours to 21:00 hours

Thursday to Saturday from 11:00 hours to 23:00 hours

Sunday from 12:00 hours to 21:00 hours

#### The opening hours of the premises

Monday to Wednesday from 11:00 hours to 21:30 hours

Thursday to Saturday 11:00 hours to 23:30 hours

Sunday from 12:00 hours to 21:30 hours

#### Conditions

1. No more than the stated seated capacity of 32 seats inside the premises and 10 outside on the terrace area at the front of the premises may be served at any one time
2. The terrace shall not be used after 21:00 hours Sunday to Saturday and all tables and chairs shall be rendered unusable by patrons by 21:00 hours;

3. There shall be no smoking on the terrace area during the hours of operation after 21:00 hours Sunday to Saturday;
4. There shall only be seated smoking on the terrace during the permitted hours and otherwise no smoking in the vicinity of the premises. Suitable containers will be provided for smokers use at tables only;
5. There will be no disposals of refuse and bottles and glasses or deliveries received between 20:00 hours and 08:00 hours Sunday to Saturday;
6. no deliveries will be received or glass bottles and refuse removed between the hours of 20:00 hours and 08:00 hours Sunday to Sunday;
7. That the supply of alcohol for consumption at the premises shall be by waiter or waitress service only;.
8. A member of staff must be present to usher people away at closing time. A written dispersal policy will be prepared which staff will be trained to comply with including a requirement that between the terminal hour and close of the premises, staff will direct customers to nearby public transport, taxi ranks or call a taxi for customers upon request;
9. There must be regular cleansing outside the premises during the day and at close of business. The shop-front will be kept tidy at all times;
10. A contact telephone number to be prominently displayed at all times indicating where customers and residents may contact the manager with any concerns. Details of complaints and the action taken will be recorded in the incident book which should be made available to the Police or Authorised Council Officers;
11. There must be a member of staff at the door at closing time to ensure that customers are ushered away quietly;
12. CCTV covering the interior and exterior of the premises will be installed and will be kept operational at all times the premises are open to the public. It shall be capable of taking a head and shoulders shot of persons present entering the premises, be capable of storing images from minimum of 31 days and a member of staff trained and capable of downloading images shall be on duty at all times the premises are open to the public. Images shall be provided to the Police or Authorised Council Officers on request;
13. No drinks or glassware will be permitted to be taken outside the shop except to the terrace (when in use) at any time. Only sealed containers of alcohol may be removed from the shop/ terrace;

14. All sales of alcohol for consumption off the premises shall be in sealed containers only, except for sales to customers seated at the outside tables and chairs located immediately outside the shop;
15. (VW suggests “No unaccompanied child will be permitted on the premises at any time”)
16. Front of house / waiting staff will be trained on induction and be given refresher training at six monthly intervals for their role in the operation of Challenge 25 Scheme. Training will include identifying persons under 25 making a challenge, acceptable proof of age and checking it, making and documenting refusals, avoiding conflict and responsible alcohol retailing;
17. Challenge 25 Scheme will be operated as the proof of age policy. Only a photographic driving licence, valid passport, HM forces photographic ID card or a proof of age card bearing the holders’ photograph and pass hologram / logo will be accepted as proof of age;
18. An incident book shall be kept at the premises, and made available to the Police or authorised Council Officers which will record:
  - a. crimes reported,
  - b. lost property,
  - c. all ejections of customers,
  - d. any complaints received,
  - e. any incidents of disorder,
  - f. any seizure of drugs or offensive weapons,
  - g. any faults in the CCTV,
  - h. any refusal in the sale of alcohol,
  - i. any visit by a Responsible Authority or Emergency Service,
19. Notices will be prominently displayed at entry and exit doors and point of sales advising customers:
  - a. that CCTV and Challenge 25 are in operation,
  - b. of the provision of the Licensing Act 2003 regarding underage and proxy sales,
  - c. of the trading and opening times of the premises,
  - d. that no open containers of alcohol may be taken off the premises including the terrace when in use at any time,
  - e. to respect the residents in the vicinity and to leave the premises quietly and not to loiter outside the premises,
  - f. not to loiter outside, and to be seated at the outside tables and chairs and to keep noise to a minimum,
20. A fire risk assessment and emergency plan will be prepared and regularly reviewed, staff will receive appropriate fire and safety training;

21. Management and staff will regularly monitor the outside of the premises including customers conduct by CCTV and physically;
22. Background level music will be played only inside the shop. No music will be played outside the premises;
23. All refusals of service will be recorded in the Incident Book (in a Refusals section) and will be made available to the Police or Authorised Council Officers upon request.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

Nil items.

The meeting ended at 9.20 p.m.

Chair, Councillor Candida Ronald  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 4.05 P.M. ON FRIDAY, 17 JUNE 2016**

**MP404 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,  
LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed  
Councillor Peter Golds (Chair)  
Councillor Khaled Uddin Ahmed

**Officers Present:**

Mohshin Ali – (Senior Licensing Officer)  
Janet Grant – (Legal Advisor)  
Antonella Burgio – (Democratic Services)

**Applicants In Attendance:**

Mr J Banton Applicant  
Mr Wheales Supporter

**Objectors In Attendance:**

PC Alan Cruickshank Metropolitan Police  
Nicola Cadzow Environmental Health (Noise)

**Apologies**

No apologies for absence were received.

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations of disclosable pecuniary interests were made.

**2. RULES OF PROCEDURE**

The rules of procedure, as circulated at agenda item 2. were noted.

**3. ITEMS FOR CONSIDERATION**

**3.1 Application for a Temporary Event Notice for Nomadic Community Gardens, Fleet Street Hill, London E1 5ES**

*Tuesday 14th June 2016 at 2.00pm*

The Chair opened the meeting and noted that neither applicant nor responsible authorities had attended. He queried the situation with the clerk

who confirmed that the parties participating had been sent documents summoning them to the meeting in accordance with the procedure.

The Chair considered the situation and **resolved** that in the interests of natural justice the meeting should be adjourned, the parties contacted and offered an opportunity to attend at a later date to enable them to make their representations. The meeting was adjourned at 2:05 p.m. to reconvene at 4.00p.m. Friday 17 June 2016 and officers asked to investigate why the parties had not attended the hearing.

*Friday 17th June 4:05 p.m.*

The Chair opened the reconvened meeting. He introduced himself to the parties present and at his invitation all parties present also introduce themselves. He then enquired and the parties responded that they had not attended on the notified date as they had not received papers. The clerk confirmed that in the absence of a postal address an electronic copy of the agenda had been sent to the applicant in accordance with procedures. Papers had also been circulated to responsible authorities, Metropolitan Police and Environmental Health. The Police advised that because of weekend operations they had been absent on the date of the meeting (returning to work on the day after) and Environmental Health advised that the agenda had been incorrectly addressed and delivered after the date of the meeting. The Sub-committee noted the reasons offered and decided that they would hear the application.

The applicant made his submission assisted by his supporter. He informed the Sub-committee that:

- the event was small-scale and was to be held between Sunday, 19 June and Tuesday, 21 June.
- there were to be no licensable activities in the form of sale of alcohol or regulated entertainment (music) on Monday, 20 June;
- for financial reasons it was not possible to provide 8 SIA security staff as requested by the police and offered three best IT staff plus instrument
- to ensure that residents did not experience additional noise nuisance, a decibel reader would be used to take readings throughout the event to ensure that the noise levels remained at background noise levels

The Sub-committee then heard from the objectors.

The Metropolitan Police submitted that:

- this World Music Event was previously going to be held in Weavers Field and the Police had deemed the venue unsuitable. Following a planning meeting with the Police this application had been withdrawn. However an application for the event had now been made for a smaller venue.
- the applicant had failed to have planning meetings with the Police and other responsible authorities to discuss the details of the event plan; a practice expected of all applicants wishing to put on an event over three days.



- there was local concern the event would increase drunkenness and drug use in the locality, an area which already experienced detriment.
- the applicant had not submitted a security plan and there was inadequate egress from the venue.
- the applicant's security arrangements were insufficient and would have implications on crime and disorder in the area.

Environmental Health (Noise) submitted that there was no noise management plan. However the application could be reconsidered if the applicant were to reduce the proposed hours for regulated entertainment and the music were unamplified.

The Sub-committee asked questions of the parties and during questioning and discussion the following information was confirmed:

- world music comprised ethnic, folk and drumming genres of music.
- the DJs hired would be reggae DJs. PC Cruikshank noted that no DJ names had been submitted to the Police, it was practice that these were usually submitted 40 days before the event.
- evidence of antisocial behaviour and drugs was anecdotal originating with the Safer Neighbourhood Teams; Police (Licensing) Officers, had not dealt with any such matters directly. Environmental Health confirmed that were CCTV records of antisocial behaviour in the area and report from THEOs of antisocial behaviour towards them.
- referring to a photograph of the area for the proposed venue, the Chair queried whether noise level levels would be raised in order to counter the effects of the nearby railway lines. He was informed by the Supporter that the perimeter walls of the garden buffer the sound of trains and therefore it was thought that amplification would be unnecessary.
- the event would be a free un-ticketed community-based event but the organisers would seek to recoup their costs through donations and the sale of alcohol.
- the event had been publicised by word of mouth through people who frequent the gardens.
- the Nomadic Gardens were an area of leased land used for a community allotment, garden, storage yard and for events such as consciousness awareness raising.
- alcohol to be supplied would be in the form of wine and cider
- details of the reduced of operation were sent by e-mail to PC Perry on June 10<sup>th</sup>
- there would be no licensable activities on Monday, 19<sup>th</sup> June; this day would be dedicated to themed talks e.g. beekeeping
- the licensable activities would be restricted to the following hours:
  - Sunday, 19 June between 12.00pm and 9.00pm and
  - Tuesday, 21 June between 4.00pm and 9.00pm
- the applicant consented to reduce the dispersal time from one hour to 30 minutes and therefore the premises would be vacated by 9.30pm.
- after some consideration the applicant consented to the Police request that 4 SIA registered staff be present during the hours when licensable activities were taking place.

Having discussed the above matters of concern and having received clarity on the terms/conditions accepted by the applicant arising from the discussion, the responsible authorities, Police and Environmental Health were satisfied that their objections had been addressed and agreed to withdraw their representation. Accordingly the Temporary Event Notice was granted on the basis of the agreement reached.

The hearing closed at 4:43 p.m.

## **DECISION**

### The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits. The Chair noted that the objections from the Metropolitan Police related to concerns that the event would create further antisocial behaviour and crime and disorder in an area which already experienced detriment caused by anti-social behaviour through drunkenness and drug issues. The Police were also concerned that there would be only 3 SIA staff present at the event. Members also heard from Environmental Health (Noise) that no noise management plan had been submitted to demonstrate how noise nuisance to the surrounding community would be mitigated. Additionally the applicant's suggested dispersal time of one hour would cause nuisance to local residents.

The applicant and Responsible Authorities discussed what measures would suitably mitigate public nuisance and clarified what the intended programme of activities during the event was to be. The applicant advised that the event would involve provision of regulated entertainment (world music) and the sale of alcohol on Sunday 19 June and Tuesday 21 June 2016 only, there would be no licensable activities on Monday 20 June 2016. The applicant agreed to requests from the Responsible Authorities that the hours of licensable activities be reduced from those applied for and terminate at 9.00pm; that the requested dispersal time after the licensable activities cease be reduced from one hour to 30 minutes and that the number of SIA staff present during the activities be increased from 3 to 4. The applicant agreed to the terms requested. The applicant wrote and signed a memo outlining the agreement:

*"Sunday 19<sup>th</sup> June 2016, 12.00pm -9.00pm - Music  
9.30pm – kickout*

*Tuesday 21<sup>st</sup> June 2016, 4.00pm -9.00pm - Music  
9.30pm – kickout*

*10 Stewards*

*4 SIA Security”*

The Responsible Authorities were then satisfied with the terms of operation offered and withdrew their objections.

In considering their decision Members gave regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning prevention of public nuisance and prevention of crime and disorder.

Therefore considering agreement reached by all parties, Members decided to **grant** the application for a Temporary Event under the revised schedule that had been agreed by the parties before them.

Decision

Accordingly, the Sub-Committee unanimously –

**RESOLVED**

That the application for a Temporary Event Nomadic Community Gardens, Fleet Street Hill, London E1 5ES be **GRANTED** for the following agreed terms:

Sale by retail of alcohol (on sales only) and Provision of Regulated Entertainment

Sunday 19<sup>th</sup> June 2016 from 12:00 hours to 21:00 hours

Tuesday 21<sup>st</sup> June 2016 from 16:00 hours to 21:00 hours

The opening hours of the premises

Sunday 19<sup>th</sup> June from 12:00 hours to 21:30 hours

Tuesday 21<sup>st</sup> June from 16:00 hours to 21:30 hours

That 4 SIA staff and 10 Stewards be present at all times when licensable activities are taking place.

**4. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

Nil items.

The meeting ended at 4.43 p.m.

Councillor Peter Golds, Chair,  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 2.00 P.M. ON MONDAY, 8 AUGUST 2016**

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,  
LONDON E14 2BG.**

**Members Present:**

Councillor Rajib Ahmed  
Councillor Peter Golds (Chair)  
Councillor Khaled Uddin Ahmed

**Officers Present:**

Victoria Fowler	–	Legal Services
	–	Legal Services (observer)
	–	Licensing Authority
Antoinette Duhaney	–	Committee Services

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

None.

**2. RULES OF PROCEDURE**

Noted.

**3. ITEMS FOR CONSIDERATION**

**3.1 LICENSING ACT 2003, APPLICATION FOR VARIATION TO PREMISES  
LICENSE FOR EFES, 1 WHITECHAPEL ROAD, E1 6TY**

**In attendance for this item**

Ibrahim Uzun – Applicant  
Jerome Wilcox – Applicant's representative  
PC Alan Cruickshank – Metropolitan Police  
Kathy Driver - Licensing Authority  
Nicola Cadzow – Environmental Health (Noise Team)  
Jon Shapiro – Resident

The report was introduced by Mohshin Ali, Licensing Officer who advised that the application was for a variation to a Premises Licence for Efes, 1 Whitechapel Road, E1 6TY.

**Presentation by the applicant**

Jerome Wilcox addressed the meeting on behalf of the applicant and stated that Mr Uzun was one of three directors of EBL which entered into an 18 year lease for the premises in June 2014. Since then, more than £750,000 had been spent on refurbishing the premises. The restaurant could accommodate 130 patrons at a time and served approximately 3,500 customers a week.

Since the restaurant had opened, there had been no complaints despite being located within a busy area within the Cumulative Impact Zone. The majority of the dining area was in the basement so it was difficult to envisage any disturbance being caused to residents and anti-social behaviour was unlikely as the restaurant operated with a member of staff acting as a "Maitre De" to welcome and screen customers.

A variation was sought to give the restaurant the flexibility to serve alcohol to late evening diners and the applicant did not foresee any potential difficulties with access or egress if the application was granted given that to date, the applicant had received no complaints. In respect of the incident on 28<sup>th</sup> January 2016, the applicant had reacted angrily to a vehicle parked on a double yellow line blocking the garage door to access the staff parking area behind the premises. Due to the obstruction, the applicant had been unable to leave the premises to attend a wedding party. The applicant regretted his foolish behaviour and had made efforts to compensate the vehicle owner.

**Presentation by objectors**

PC Alan Cruickshank addressed the Sub Committee and stated that as the restaurant was located within the Cumulative Impact Zone, later opening times would be a retrograde step. The saturation policy had not been reflected in the opening hours proposed and would encourage visitors from outside area. The later opening hours would impact on residents and increase the potential for anti-social behaviour.

In respect of the incident on 28<sup>th</sup> January 2016, the applicant had been cautioned for the offence of criminal damage. His details had been retained on the Metropolitan Police database and any further police involvement could impact on licence transfers.

Kathy Driver addressed Members stating that residents had complained about anti-social behaviour associated with other premises nearby. During a test purchase at another premises owned by the applicant, out of hours sales had been made which did not instil confidence that these premises were managed well.

Nicola Cadzow addressed the Sub Committee and stated that she did not feel that the application met the Licensing Objective of prevention of public nuisance, The premises was close to residential dwellings and there was potential for noise and disturbance and increased anti-social behaviour if the variation was granted.

Jon Shapiro addressed Members reiterating the objections made by the Metropolitan Police and the Licensing Authority. He stated that the provision

of late night alcohol and refreshment would increase anti-social behaviour in an area very close to two hostels for vulnerable young people. There was also the potential for increased hospital admissions as a result of alcohol related injuries.

When the oral representations concluded, Members questioned the applicant and objectors following which the Sub Committee then withdrew from the meeting to deliberate in private.

### The Licensing Objectives

In considering the application, members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the licensing objectives, the Home Office guidance and the Council's Statement of Licensing Policy.

### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and oral representations made by the applicant and the Metropolitan Police, Licensing Authority, Environmental Health Authority and local residents who had objected to the application in relation to the prevention of crime and disorder and public nuisance.

The Sub Committee noted that they were asked to consider the application for a premises licence variation for Efes, 1 Whitechapel Road, E1 6TY. The Sub Committee considered the Metropolitan Police representations which involved an incident on 28 January 2016 involving a vehicle which was obstructing the Efes staff garage entrance/exit. It was noted that reparations had been made to compensate the vehicle owner. The Sub-Committee were content that this was a "one off" occurrence which should not affect the applicant in this applicant and was not relevant the licensing issues.

The Sub Committee took into consideration the concerns of the Environmental Health Authority in that noise emanating from the premises could cause a nuisance however the members noted that the basement was the main seating area for the restaurant.

Members considered the Council's policy relating to the Cumulative Impact Zone and on this occasion do feel that the applicant has provided evidence which rebuts the presumption, in that the main seating area is underground so it is likely there will be limited noise coming from the premises whilst trading, the egress of clientele would be scattered and the premises has been running as a restaurant under the current licence holder for a period of time without any complaints, as was confirmed by the Licensing Authority and Environmental Health Authority at the hearing.

However, Members were concerned that extending hours for the sale of alcohol as applied for could have a detrimental impact the issues faced in the Cumulative Impact Zone, with specific regard to anti-social behaviour and

public nuisance. Members have due regard to the experience of the police in the area and the problems faced within the Zone and on this basis accept the hours which the police have recommended in respect of the sale of alcohol.

Members have considered the issues faced by local residents and business within the Cumulative Impact Zone and considered it necessary and proportionate to add conditions to the licence to assist the Licence Holder in upholding the Licensing Objectives, specifically Crime and Disorder and Public Nuisance, to ensure that the premises is unlikely to add to issues already faced within the Zone.

#### Decision

Having considered the written and oral representations made by the applicant and objectors, the Sub-Committee unanimously

### **RESOLVED**

That the application for a variation to the Premises Licence for Efes, 1 Whitechapel Road, E1 6TY be **GRANTED** with the following conditions:

#### The opening hours of the premises

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

#### Late night refreshment

Sunday to Wednesday from 23.00 hours to 23.30 hours  
Thursday to Saturday from 23.00 hours to 00.30 hours

#### Supply of alcohol (on sales only)

Monday to Thursday 10:00 hours to 23:00 hours  
Friday and Saturday 10:00 hours to 23:30 hours  
Sunday 11:00 hours to 23:00 hours

#### Additional Conditions

1. Alcohol only to be served ancillary to a meal
2. No off sales
3. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the Police and other Responsible Authorities
4. The CCTV camera system shall cover both internal and external to the premises. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that



the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be present on the premises who can download the images and present them immediately on request by a Police Officer or other Responsible Authority.

5. An Incident Report book that documents all incidents of disorder, refusals of entry and any other incident of note shall be kept and provided on request to a Police Officer or other Responsible Authority

**3.2 LICENSING ACT 2003, APPLICATION FOR VARIATION TO PREMISES LICENCE FOR EFES, 230 COMMERCIAL ROAD, E1 2NB (Shadwell ward)**

This application was rejected as it was invalid.

**3.3 LICENSING ACT 2003, APPLICATION FOR TRANSFER OF LICENCE HOLDER FOR EFES, 230 COMMERCIAL ROAD, E1 2NB (Shadwell ward)**

This application was withdrawn.

**3.4 LICENSING ACT 2003, APPLICATION FOR NEW PREMISES LICENCE FOR EFES, 230 MILE END ROAD, E1 4LJ (St Dunstan's ward)**

**In attendance for this item**

Cahit Tastan - Applicant  
Jerome Wilcox - Applicant's representative  
PC Alan Cruickshank - Metropolitan Police  
Kathy Driver - Licensing Authority  
Nicola Cadzow - Environmental Health (Noise Team)

The report was introduced by Mohshin Ali, Licensing Officer who advised that the application was for a new Premises Licence for Efes, 230 Mile End Road, E1 4LJ

**Presentation by the applicant**

Jerome Wilcox addressed the meeting on behalf of the applicant and stated that Mr Tastan was not aware of the outstanding licence fees when he took over the premises, hence the application for a new Premises Licence. Mr Tastan was under the impression that the previous licence allowed late night refreshment and was unaware that he was operating without the appropriate premises licence.

The premises was located outside the Cumulative Impact Zone and although smaller than Efes in Whitechapel, had the same modus operandi with a member of staff greeting and screening patrons. Since the premises had opened in March 2016, no complaints had been received and all the licensing objectives were being promoted. The applicant was happy to accept the additional conditions proposed by the Licensing Authority (page 233 of agenda pack)

**Presentation by Objectors**

PC Alan Cruickshank addressed the Sub Committee urging Members to reduce the hours applied for or alternatively to reject the application because of the increased potential for anti-social behaviour and stated. He stated that the later the premises was open, the more challenging it was for the Metropolitan Police to address anti-social behaviour and the hours applied for would not promote the licensing objectives.

Kathy Driver addressed Members stating that the previous premises licence had not been in use since 2008 and had therefore lapsed. Outstanding fees had not been paid and the Council had commenced Enforcement Action against the previous Licensee. Given the clear breaches of licensing conditions by the applicant, the Licensing Authority had no confidence that the premises would be well managed. This was demonstrated by the fact that, after receiving a caution for serving late night refreshment beyond 23.00 hours, hot food has still been served without the appropriate licence.

Nicola Cadzow addressed the meeting supporting the comments made by PC Cruickshank. She stated that the premises was close to residential dwellings including residential units above the premises. The hours applied for would result in increased noise and disturbance to residents and would not promote the licensing objectives.

When the oral representations concluded, Members questioned the applicant and objectors following which the Sub Committee then withdrew from the meeting to deliberate in private.

The Licensing Objectives

In considering the application, members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the licensing objectives, the Home Office guidance and the Council's Statement of Licensing Policy.

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub-Committee had carefully considered the written and oral representations made by the applicant and the Metropolitan Police, Licensing Authority and Environmental Health Authority who had objected to the application in relation to the prevention of crime and disorder and public nuisance.

Members understood that they were asked to consider the application for a new premises licence for Efes, 230 Mile End Road, E1 4LJ.

Members noted that the Premises had been found to be carrying out licensable activities outside of a relevant premises licence but felt that this reason alone was not sufficient to refuse the application for a new licence.

Members considered the concerns of the responsible authorities in details but also noted that the applicant had recently been granted three Temporary Event Notices which had passed without incident and that since the premises had opened, no complaints had been received.

#### Decision

Having considered the written and oral representations made by the applicant and objectors, the Sub-Committee unanimously

#### **RESOLVED**

That the application for a new Premises Licence for Efes, 230 Mile End Road, E1 4LJ be **GRANTED** with the following conditions:

#### The opening hours of the premises

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

#### Late night refreshment (indoors)

Sunday to Thursday from 23:00 hrs to 23:30 hrs  
Friday and Saturday from 23:00 hrs to 00:30 hrs (the following day)

#### The supply of alcohol (on sales only)

Sunday to Thursday from 11:00 hrs to 23:30 hrs  
Friday and Saturday from 11:00 hrs to 00:30 hrs (the following day)

#### Conditions

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The supply of alcohol shall be by waiter or waitress service only.
3. No off sales
4. The premises shall install and maintain a comprehensive CCTV system to the satisfaction of the Police and other Responsible Authorities
5. The CCTV camera system shall cover both internal and external to the premises. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be

present on the premises who can download the images and present them immediately on request by a Police Officer or other Responsible Authority.

6. Notices shall be displayed with details of local minicab provision.
7. An Incident Report book that documents all incidents of disorder, refusals of entry and any other incident of note shall be kept and provided on request to a Police Officer or other Responsible Authority.
8. The Premises will operate a "Challenge 25" proof of age policy

**3.5 LICENSING ACT 2003, APPLICATION FOR TRANSFER OF LICENCE HOLDER FOR EFES, 230 MILE END ROAD, E1 4LJ (St Dunstan's ward)**

This application was withdrawn.

**4. LICENSING ACT 2003, APPLICATION FOR VARIATION OF DESIGNATED PREMISES SUPERVISOR FOR EFES, 230 MILE END ROAD, E1 4LJ (St Dunstan's Ward)**

This application was withdrawn.

**5. ANY OTHER BUSINESS THAT THE CHAIR CONSIDERS URGENT**

None.

The meeting ended at 5.00 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

# Agenda Item 4.1

Committee :	Date	Classification
<b>Licensing Sub Committee</b>	<b>14<sup>th</sup> March 2017</b>	<b>Unrestricted</b>

Report of : <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>	Title: <b>Licensing Act 2003 Application for a Premises Licence for Phoenix Off Licence – Ground Floor, 104 East India Dock Road, London, E14 0BP</b>
Originating Officer: <b>Andrew Heron</b> <b>Licensing Officer</b>	Ward affected: <b>Poplar</b>

## 1.0 **Summary**

Applicant: **Narin Karakus**  
Name and **Phoenix Off Licence**  
Address of Premises: **Ground Floor**  
**104 East India Dock Road**  
**London**  
**E14 0BP**

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

Objectors: **A Local Business**

## 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

**Andrew Heron**  
**020 7364 2665**

### 3.0 **Background**

3.1 This is an application for a premises licence for Phoenix Off Licence – Ground Floor, 104 East India Dock Road, London, E14 0BP.

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

3.3 The applicant has described the nature of the application as:

- The sale of alcohol

3.4 The hours that have been applied for are as follows:-

#### **Sale of Alcohol (off sales only)**

- Monday to Sunday from 07:00hrs to 23:00hrs

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

Monday to Sunday from 07:00hrs to 23:00hrs

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

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

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

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

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

### 5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1<sup>st</sup> November 2013.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in March 2015.

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

## 6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 4**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by Jamir Chowdhury, a local business owner of JTA Convenience Store, an unlicensed shop, please see **Appendices 5**.
- 6.9 Members will note from the lone representation its borderline validity. Members must not take into account complaints of potential competition as this falls out of the scope of the Licensing Objectives. It is noted that Mr Chowdhury states that ‘a number of people’ have approached him with concerns about the new premises, however, no other representations have been received, nor has proof of additional concerned residents been forthcoming. The premises was a public house a number of years ago, however, no complaints have been received about the premises in the last five years.
- 6.10 All of the responsible authorities have been consulted about this application. None have made representation. They are as follows:
- The Licensing Authority
  - The Metropolitan Police
  - The LFEPA (the London Fire and Emergency Planning Authority).
  - Planning
  - Health and Safety
  - Noise (Environmental Health)
  - Trading Standards

- Child Protection
- Primary Care Trust (Public Health England)

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

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

6.12 The objections cover allegations of

- Potential anti-social behaviour from patrons leaving the premises
- Close proximity to residential properties

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

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

## 7.0 **Conditions consistent with Operating Schedule**

7.1 The Applicant has proposed a number of potential conditions in the Operating Schedule within the application, namely:

- 1) To look to the Police as main source of advice on crime and disorder;
- 2) CCTV in operation both inside and outside of the premises to prevent criminal behaviour;
- 3) To prevent poor management which could lead to any disorder and risk public safety i.e. not to sell alcohol to someone who is already under influence of alcohol to prevent any disorder from rising;
- 4) Appropriate and frequent waste disposal especially glass bottles if any;
- 5) Ensuring adequate lighting outside to the premises to prevent any crime / disorder to keep area safe;
- 6) Ensuring to keep the fire and safety standards and requirements;
- 7) Prevent litter from building up and smelling, ensuring all waste is disposed of correctly;



- 8) Try to reduce light disturbance from the lights in the shop/sign to the residents around while balancing the need of light to maintain public safety and prevent crime and disorder;
- 9) Address any disturbance caused as customers leave and enter during late hours to prevent residents being disturbed;
- 10) Preventing purchase of alcohol by or on behalf of a child/children;
- 11) Not allowing delivery / sending a child to obtain alcohol;
- 12) Preventing unsupervised sale by a child;
- 13) Prohibiting sale of alcohol to a child/children;
- 14) By no sale of alcohol to anyone under the age of 18.

8.0 No additional conditions have been requested by any of the Responsible Authorities.

## 9.0 Licensing Officer Comments

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

9.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken." Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note "A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives." (1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
  - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
  - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
  - ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
  - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 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.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 6-7** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

## 10.0 Legal Comments

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

## 11.0 Finance Comments

11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Site Plan
<b>Appendix 3</b>	Maps of the surrounding area
<b>Appendix 4</b>	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
<b>Appendix 5</b>	Representation of Jamir Chowdhury, local business owner of JTA Convenience Store
<b>Appendix 6</b>	Licensing officer comments on anti-social behaviour patrons leaving the premises
<b>Appendix 7</b>	Licensing officer comments on Access and egress problems

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# Appendix 1



FOR OFFICE USE			
Receipt No:	FEE REQUIRED:	Date:	Initials:
On-Line Payment Ref:			

This form should be completed and forwarded to: Licensing Section, John Onslow House, 1 Ewart Place, London E3 5EQ with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

**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.

Narin Karakus

I/We (Insert name(s) of applicant) .....

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

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description	
GROUND FLOOR , PHOENIX LOFT, 104 EAST INDIA DOCK ROAD, LONDON	
Post town	Post code
POPLAR	E14 0BP

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 as appropriate
- 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 as appropriate
- 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**

KARAKUS

**First names**

NARIN

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

[Redacted address]

**Post Town**

[Redacted town]

**Postcode**

[Redacted 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 surname field]

**First names**

[Empty first names field]

I am 18 years old or over

Please tick yes

**Current postal address if different from premises address**

[Empty address field]

**Post Town**

[Empty town field]

**Postcode**

[Empty postcode field]

**Daytime contact telephone number**

[Empty telephone number field]

**E-mail address (optional)**

[Empty email address field]



## 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
0	1	0
3	2	0
1	7	

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.

N/A
-----

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

The premises is intended to operate as a offlicence and grocery store selling alcohol to be consumed off-site.

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 all that apply

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

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

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

**In all cases complete boxes K, L and M**

I

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

J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</b>	On the premises		
Day	Start	Finish		Off the premises	X	
				Both		
Mon	07:00	23:00	<b>Please give further details here</b> (please read guidance)			
Tue	07:00	23:00		N/A		
Wed	07:00	23:00		<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)		
Thur	07:00	23:00			N/A	
Fri	07:00	23:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 5)			
Sat	07:00	23:00		N/A		
Sun	07:00	23:00				

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

**Name**

NARIN KARAKUS

**Address**

[Redacted address]

**Personal Licence number(if known)**

[Redacted licence number]

**Issuing licensing authority (if known)**

[Redacted authority]

**K**

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

N/A

**L**

<b>Hours premises are open to the public</b> Standard timings (please read guidance note 6)			<b>State any seasonal variation</b> (please read guidance note 4)          <p style="text-align: center;">N/A</p>
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
<b>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</b> (please read guidance note 5)			<p style="text-align: center;">N/A</p>
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	

## **M**

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

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

MAKING SURE THERE IS ALWAYS MORE THAN 1 STAFF PRESENT.  
NO SALE OF ALCOHOL TO UNDER 18S.  
ENSURE ALL STAFF ARE PROPERLY TRAINED TO PREVENT ANY  
DISORDER THAT CAN ARISE LEADING TO ANY PUBLIC NUISANCE,  
DISORDER OR CRIME AND TO PROTECT THE SAFETY OF CHILDREN.

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

TO LOOK TO THE POLICE AS MAIN SOURCE OF ADVICE ON CRIME AND  
DISORDER.  
CCTV OPERATION BOTH INSIDE AND OUTSIDE OF PREMISES TO  
PREVENT CRIMINAL BRHAVIOUR.  
TO PREVENT POOR MANAGEMENT WHICH COULD LEAD TO ANY  
DISORDER AND RISK PUBLIC SAFETY I.E NOT TO SELL ALCOHOL TO  
SOMEONE WHO IS ALREADY UNDER INFLUENCE OF ALCOHOL TO  
PREVENT ANY DISORDER FROM RISING

**c) Public safety**

CCTV OPERATION BOTH INSIDE AND OUTSIDE OF PREMISES.  
APPROPRIATE AND FREQUENT WASTE DISPOSAL ESPECIALLY GLAS  
BOTTLES IF ANY.  
ENSURING ADEQUATE LIGHTING OUTSIDE THE PREMISES TO  
PREVENT ANY CRIME / DISORDER TO KEEP AREA SAFE.  
ENSURING TO KEEP TO THE FIRE AND SAFETY STANDARDS AND  
REQUIREMENTS

**d) The prevention of public nuisance**

PREVENT LITTER FROM BUILDING UP AND SMELLING, ENSURING ALL WASTE IS DISPOSED OF CORRECTLY.  
TRY TO REDUCE LIGHT DISTURBANCE FROM THE LIGHTS IN THE SHOP/ SIGN TO THE RESIDENTS AROUND WHILE BALANCING THE NEED OF LIGHT TO MAINTAIN PUBLIC SAFETY AND PREVENT CRIME & DISORDER.  
ADDRESS ANY DISTURBANCE CAUSED AS CUSTOMERS LEAVE AND ENTER DURING LATE HOURS TO PREVENT RESIDENTS BEING DISTURBED.

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

PREVENTING PURCHASE OF ALCOHOL BY OR ON BEHALF OF A CHILD/ CHILDREN.  
NOT ALLOWING DELIVERY/ SENDING A CHILD TO OBTAIN ALCOHOL.  
PREVENTING UNSUPERVISED SALE BY A CHILD.  
PROHIBITING SALE OF ALCOHOL TO A CHILD/ CHILDREN.  
BY NO SALE OF ALCOHOL TO ANYONE UNDER THE AGE OF 18.

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

**CHECKLIST:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee  
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) 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 13/01/2017 .....

Capacity .....

**For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant’s solicitor or other authorised agent.** (please read guidance note 12) **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date .....

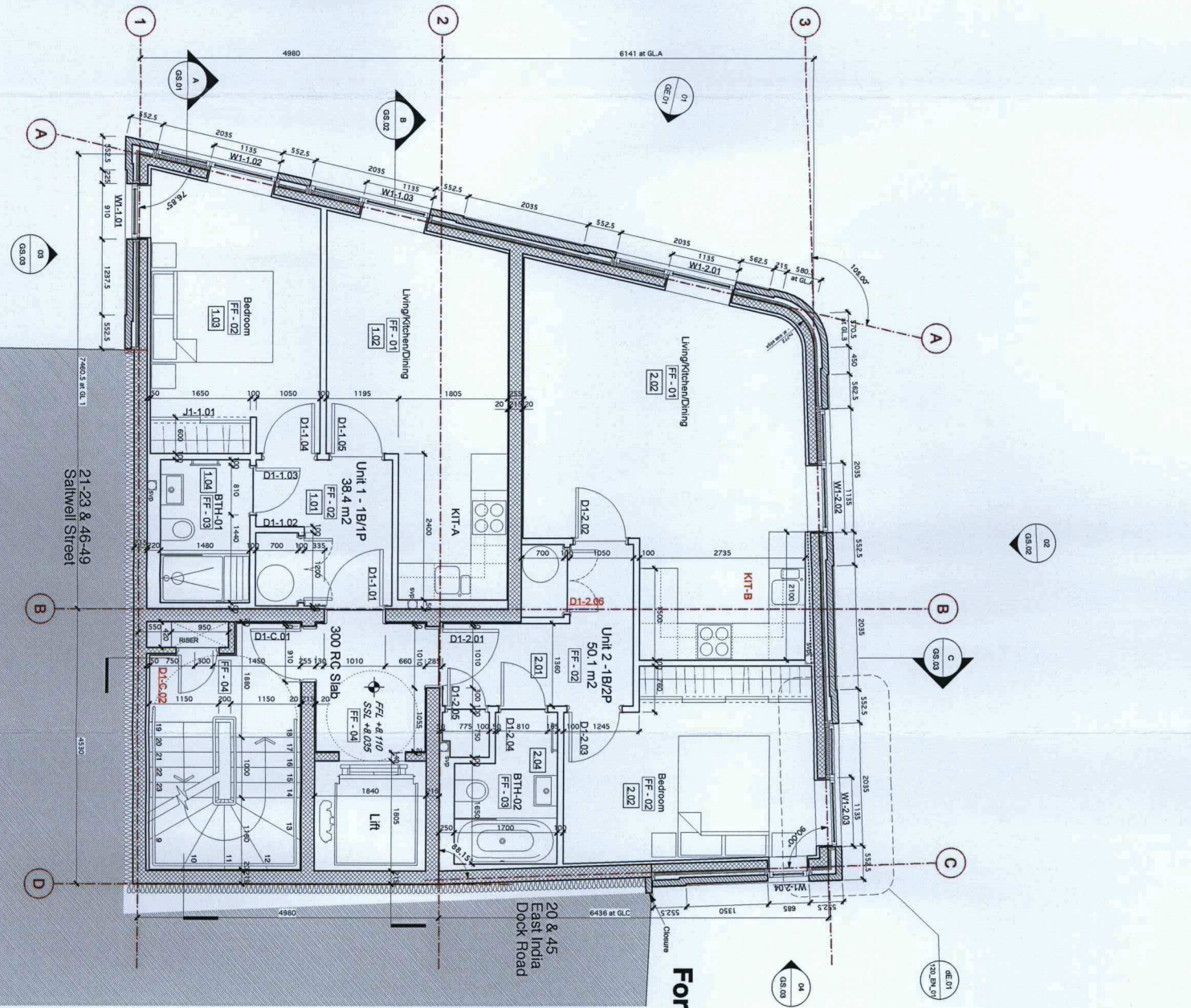
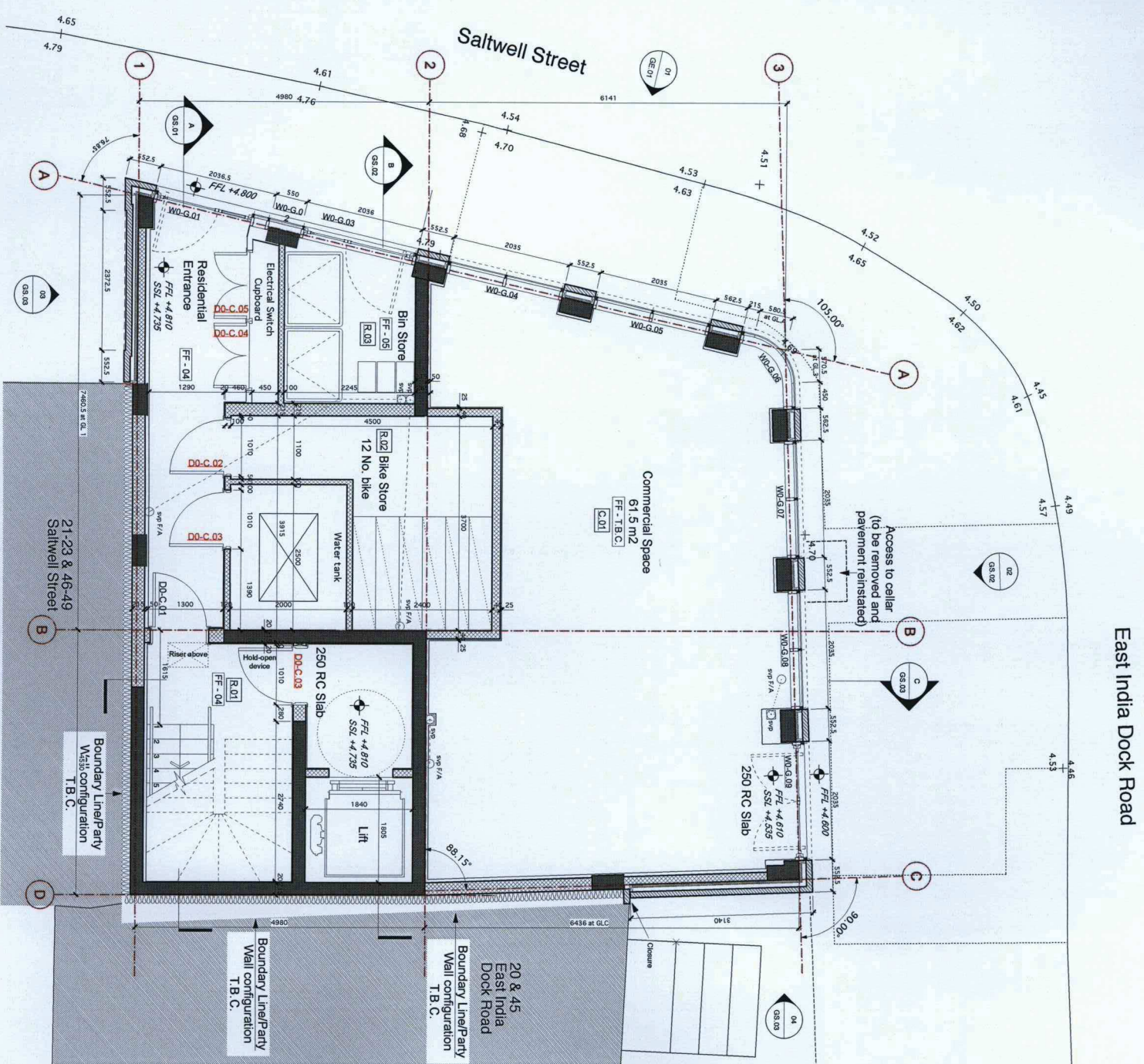
Capacity .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 13)	
<b>Post town</b>	<b>Post code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you by e-mail your e-mail address (optional)</b>	



# Appendix 2





**For Discussion Purposes**

- Floor Finishes:**
- FF-01 Timber
  - FF-02 Carpet
  - FF-03 Tiles Bathrooms
  - FF-04 Tiles Core
  - FF-05 Painted Concrete
  - RF-01 Decking Terrace
  - RF-02 Land Floor

**NOTES**

THIS IS A DESIGN INTENT DRAWING. SUB-CONTRACTOR / SUPPLIERS DETAILED DRAWINGS AND SPECIFICATIONS TO BE SUBMITTED FOR DESIGN TEAM INFORMATION AND/OR COMMENT

Setting out and all G.A. drawings prepared from survey information. All setting out must be checked on site. All levels must be checked on site and refer to the drawing. All dimensions must be checked on site. All dimensions must be checked on site. The drawing must not be scaled. This drawing must not be used for land transfer purposes. This drawing must not be used for construction purposes. This drawing must not be used for construction purposes.

**WARNING TO HOME BUYERS**  
 Property Marketing Act 1991  
 Buyers are warned that this is a working drawing and not intended to be treated as descriptive material. Describing in relation to any prescribed by any order and under the above act. The contents of this drawing may be subject to change at any time and alterations may be made without notice. The drawing is intended to provide a general impression of the proposed development. The drawing does not constitute a contract. The drawing is intended to provide a general impression of the proposed development. The drawing does not constitute a contract. The drawing is intended to provide a general impression of the proposed development. The drawing does not constitute a contract.

Client	Estates and Lets LLP
Project	The Phoenix Pub 104 East India Dock Road London E14 0BP
Drawing Title	Proposed Ground and 1st Floor Plans
Scale	1:50@A1 1:100@A3
Date	Jan 2013
Revision	F

Twenty First Architecture Ltd.  
 314 Oswell Road,  
 London, EC1V 7AF  
 Tel: +44(0)20 7952 0252  
 www.21starchitecture.com



# Appendix 3



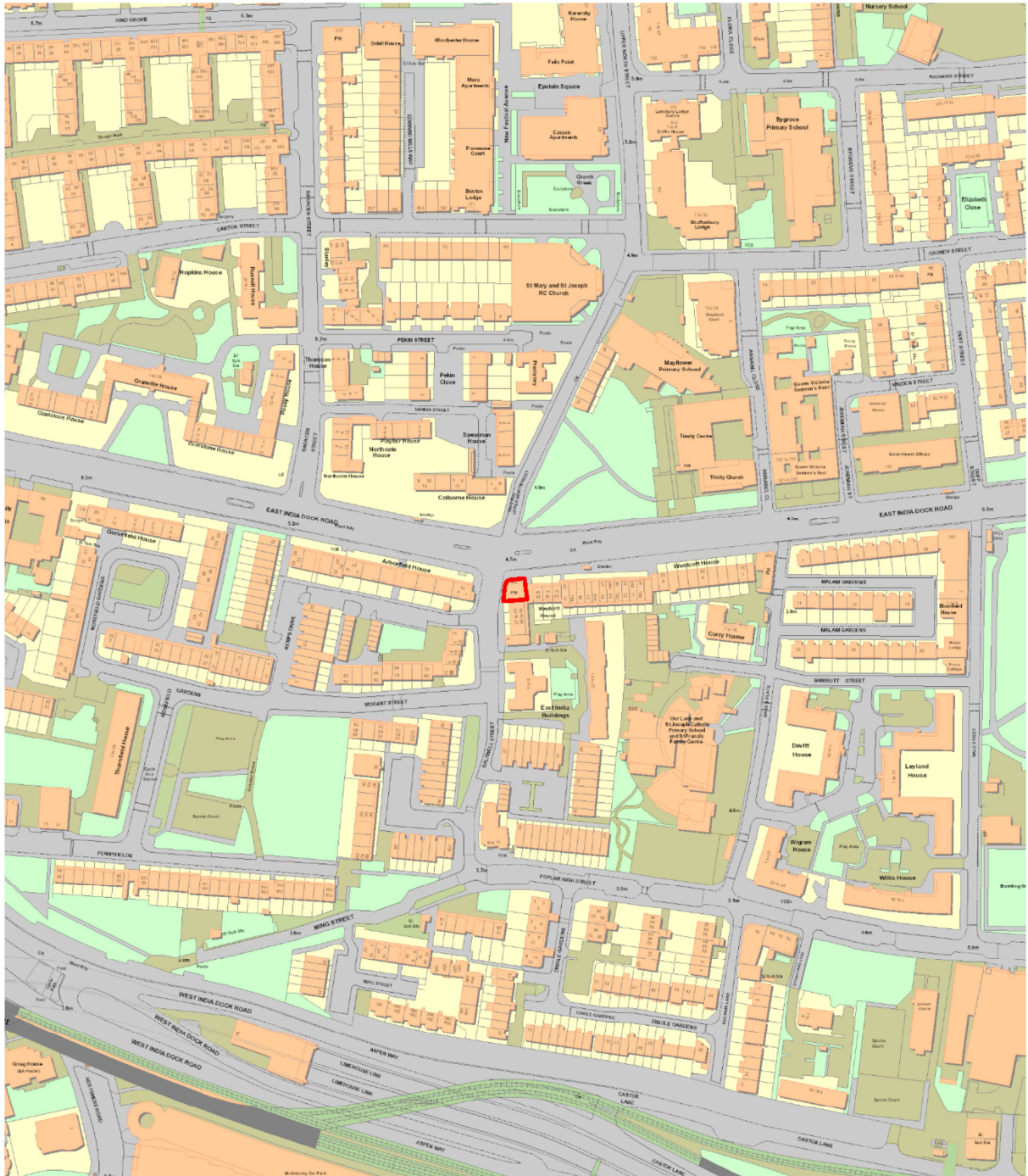
**104 East India Dock Road**

**Map 1**



**104 East India Dock Road**

**Map 2**



**104 East India Dock Road**

**Map 3**

# Appendix 4

### Section 182 Advice by the Home Office Updated on March 2015

#### Relevant, vexatious and frivolous representations

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



by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

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

# Appendix 5

## Andrew Heron

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**From:** Jamir Chowdhury [REDACTED]  
**Sent:** 01 February 2017 16:55  
**To:** Licensing  
**Subject:** Pheonix Off Licence, Pheonix Loft 104, East India Dock Road, London E14 0BP

FAI: Licencing Department

Re: Pheonix Off Licence, Pheonix Loft 104, East India Dock Road, London E14 0BP

Dear Sir/Madam

As a premises shop owner, leased from Tower Hamlets Council (JTA Convenience Store, [REDACTED]), I'm writing **against** a proposed licencing application for a proposed Off Licence at Pheonix Loft 104, East India Dock Road, London E14 0BP for the following reasons:

1. There has been a number of concern raised to me in person by the local residents of having an Off Licence there. There was a pub there in the past, I'm sure The Council has access to a number of complaints received about the pub from the past, complaints of possible increase noise, fights and Anti-Social Behaviour.
2. My premises has been burgled three times in the last two years, in my view, having an Off Licence will increase threat to my premises being burgled.
3. Having an Off Licence will attract a number of unwanted people often with adverse behaviour, linking to the above point, the increase of drinking and loitering will have a negative impact on the immediate surrounding environment and will adversely affect my business.
4. My business will be severely impacted, I'm struggling now to make ends meet, how would I be able to compete with an Off License if it granted permission to open from early till late (11pm)
4. The noise levels will be increased, as this is a residential area, noise levels will increase, not just by increased late night foot fall, but, with alcohol consumption, and a number of other add on noise related activities can take place.
5. There has been a number of people who has approached me to raise concerns on their behalf against allowing licence for the proposed Off Licence, some people do not want to come forward direct and others have writing capability issues. If the Council wishes to, signatures can be provided to support this point.

I hope you take the above into consideration, I strongly oppose the application for an off Licence.

Kind regards

Jamir Chowdhury

# Appendix 6

### Anti-Social Behaviour from Patrons Leaving the Premises

#### General Advice

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

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

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

#### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

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

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

## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 7 of the Licensing Policy).**

## Police Powers

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

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

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

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

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

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

## Other Legislation

### Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism



# Appendix 7

### Access and Egress Problems

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

#### Comment

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

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

#### General Advice

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

The hours of operation also need to be considered.

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

#### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Section 10 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. (**See Section 10.2 of the Licensing Policy**).

The policy also recognises that staggered closing can help prevent problems at closure time (**See Section 15.1**).

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.5**)

The Council has adopted a set of framework hours (**See 15.8 of the licensing policy**). This relates to potential disturbance caused by late night trading.

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

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

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) 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.

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# Agenda Item 4.2

Committee :	Date	Classification
<b>Licensing Sub Committee</b>	<b>14<sup>th</sup> March 2017</b>	<b>Unrestricted</b>

Report of: <b>David Tolley</b> <b>Head of Environmental Health and Trading Standards</b>  Originating Officer: <b>Mohshin Ali</b> <b>Senior Licensing Officer</b>	Title: <b>Licensing Act 2003</b> <b>Application for a variation of a premises licence for (Trade Union), Units 1, 2 and 3 Thomas More Square, London E1W 1YN</b>  Ward affected: <b>St. Katherine's and Wapping</b>
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## 1.0 Summary

Applicant:	<b>Grand Union Company LTD</b>
Name and	<b>Trade Union</b>
Address of Premises:	<b>Units 1, 2 and 3 Thomas More Square London E1W 1YN</b>
Licence sought:	<b>Licensing Act 2003 – variation of a premises licence</b> <ul style="list-style-type: none"><li>• <b>Extending the times of the licensable activities.</b></li></ul>
Representations:	<b>Met Police Environmental Protection</b>

## 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 variation of a premises licence for (Trade Union), Unit 1,2 & 3 Thomas More Square, London E1W 1YN.

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

3.3 The timings of the existing licence are detailed below for information only:-

#### **The supply of alcohol (both on and off sales)**

- Monday to Wednesday from 11:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

#### **The provision of late night refreshment (both indoors and outdoors)**

- Monday to Saturday from 23:00hrs to 00:00hrs (midnight)

#### **The provision of regulated entertainment in the form of live music (indoors)**

- Monday to Saturday from 19:00hrs to 23:00hrs
- Sunday from 13:00hrs to 22:00hrs

#### **The provision of regulated entertainment in the form of recorded music (indoors)**

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:00hrs (the following day)

#### **The provision of regulated entertainment in the form of films (indoors)**

- Monday to Saturday from 09:30hrs to 23:00hrs
- Sunday from 09:30hrs to 22:00hrs

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

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:30hrs (the following day)
- Sunday 07:00hrs to 22:00hrs

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

3.5 The applicant has applied to vary the times for the sale of alcohol, provision of late night refreshment and recorded music:

#### **Sale of alcohol – on and off sales**

- Saturday, from 0100hrs to 0300hrs the following day

#### **Recorded music - indoors**

- Saturday, from 01:00hrs to 03:00hrs the following day

#### **Provision of late night refreshment – Indoors & outdoors**

- Saturday 00:00-03:00hrs the following day

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

- Saturday 01:30hrs to 03:00hrs the following day

**4.0 Location and Nature of the premises**

4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.

4.2 The site plan of the venue is included as **Appendix 3**.

4.3 Maps showing the vicinity are included as **Appendix 4**.

4.4 Details of the nearest licensed venues are included as **Appendix 5**.

**5.0 Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1<sup>st</sup> November 2013.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in March 2015.

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

**6.0 Representations**

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following responsible authorities:

- Met Police (**Appendix 6**)
- LBTH Environmental Protection (**Appendix 7**)

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

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise
- Trading Standards

- Child Protection
- Public Health

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

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

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

6.5 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.

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

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

7.1 After 23:00 hours on Saturdays customers will only be permitted to leave the venue via the northeast exit onto Vaughan Way, 'Exit C' shown on drawing 4969 M 1001 PL Rev 8. Appropriate management of this policy will be achieved through the following steps:

7.2 Erection of barriers, of the type identified in the attached Appendices. These barriers will be situated in the following locations;

(a) 2 barriers to the left of our entrance, covering entrance into the square, this will minimise any noise reflection from the high glass buildings.

(b) A further 2 or 3 barriers to the right of our entrance, preventing customers from going right onto Vaughan way

(c) We believe that this level of barrier coverage will be adequate to direct customers along the stipulated exit route towards East Smithfield. If additional barriers prove to be necessary, we will introduce adequate numbers to achieve the required customer movement



- 7.3 A minimum of 5 SIA badged Door Supervisors to be working after 23:00 on Saturdays when trading until 03:00
- 7.4 A taxi rank to be managed at the top end of Vaughan way, with the junction of East Smithfield, to reduce any disruption to local residents.
- 7.5 At least one member of security will be stationed at the exit to our premises after 23.00 with the express task of directing customers immediately on exit toward the main exit route. The route which will have been defined through the positioning of our barriers, as noted in point 1 above.
- 7.6 Signs to be posted on all barriers reminding customers of local residents and asking them to minimise any noise.
- 7.7 All staff and external security personnel will be trained to an appropriate standard regarding the customer management strategy and their responsibilities under it.
- 7.8 We will implement external and internal signage to ensure that the message to customers is reinforced, regarding exit routes and consideration for local residents.

## **8.0 Conditions in consultation with the responsible authorities/other persons**

- 8.1 The police initially agreed a reduction in hours with the applicant but now the applicant wishes to pursue their initial hours applied for and has written to the Licensing Authority with this request. **(Appendix 8)**

## **9.0 Licensing Officer Comments**

- 9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice (See 6.2). Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

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

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions.” It is a key mechanism for promoting best practice, ensuring consistent application and promoting fairness (1.7)

- ❖ Also “so long as licensing authorities have properly understood the Guidance, they may depart from it if they have reason to do so as long as they have reason to do so.” When doing so licensing authorities will need to give full reasons for their actions (1.9).
  - ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
  - ❖ 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 (10.6).
  - ❖ 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.
  - ❖ “The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
  - ❖ Mandatory conditions must be imposed (10.38) and censorship avoided (10.17).
  - ❖ Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.26).
- 9.3 The Licensing Act 2003 permits children of any age to be on premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof that is “the balance of probability.”

- 9.5 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.
- 9.6 The Government has advised that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.” (2.20)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 9 - 14** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters in the representations.

## 10.0 Legal Comments

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

## 11.0 Finance Comments

11.1 There are no financial implications in this report.

## 12.0 Appendices

<b>Appendix 1</b>	A copy of the existing licence
<b>Appendix 2</b>	A copy of the variation application
<b>Appendix 3</b>	Site plan of the venue
<b>Appendix 4</b>	Maps showing vicinity of venue
<b>Appendix 5</b>	Details of nearest licensed venues
<b>Appendix 6</b>	Representations from Police

<b>Appendix 7</b>	Representations from Environmental Protection
<b>Appendix 8</b>	Applicants response to the responsible authorities
<b>Appendix 9</b>	Licensing Officer comments on noise whilst the premises is in use
<b>Appendix 10</b>	Licensing Officer comments on access and egress problems
<b>Appendix 11</b>	Licensing Officer comments on crime and disorder on the premises
<b>Appendix 12</b>	Licensing Officer comments on crime and disorder from patrons leaving the premises
<b>Appendix 13</b>	Planning
<b>Appendix 14</b>	Licensing Policy relating to hours of trading

# Appendix 1

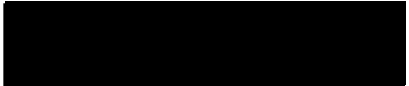
**(Grand Union Company Ltd.)  
Units 1, 2 and 3  
Thomas More Square  
London  
E1W 1YN**

**Licensable Activities authorised by the licence**

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

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

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 14<sup>th</sup> December 2015**



**Part A - Format of premises licence**

Premises licence number

19857

**Part 1 - Premises details**

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

(Grand Union Company Ltd.)  
Units 1, 2 and 3  
Thomas More Square

**Post town**

London

**Post code**

E1W 1YN

**Telephone number**

None

**Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**

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

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

#### The supply of alcohol (both on and off sales)

- Monday to Wednesday from 11:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

#### The provision of late night refreshment (both indoors and outdoors)

- Monday to Saturday from 23:00hrs to 00:00hrs (midnight)

#### The provision of regulated entertainment in the form of live music (indoors)

- Monday to Saturday from 19:00hrs to 23:00hrs
- Sunday from 13:00hrs to 22:00hrs
- 

#### The provision of regulated entertainment in the form of recorded music (indoors)

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:00hrs (the following day)

#### The provision of regulated entertainment in the form of films (indoors)

- Monday to Saturday from 09:30hrs to 23:00hrs
- Sunday from 09:30hrs to 22:00hrs

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

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:30hrs (the following day)
- Sunday 07:00hrs to 22:00hrs

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

- On and off sales



## **Part 2**

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

Grand Union Company Ltd.  
111 Kennington Road  
London  
SE11 6SF

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

Registered Company Number: 06671807

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

John Byrne

[REDACTED]

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

Licence Number: L [REDACTED]  
Issuing Authority: [REDACTED]

## Annex 1 - Mandatory conditions

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

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

1.

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

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

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

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

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

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

1. 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 on request by a police officer or other responsible authority. One camera be placed outside the entrance and on entry;
2. Use of Incident/refusal book;
3. The external area will be closed by 22:30hrs each day;
4. Security staff will be employed at busier times;
5. The premises will ensure appropriately times deliveries to minimise local disruption;
6. The outside trading area will be monitored for noise;
7. The premises will have notices for customers to consider locals;
8. The premises will ensure strict adherence to age requirements for the serving of alcohol;
9. The premises will be proactive in their liaison with local residents.

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

Not applicable

**Annex 4 - Plans**

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

10<sup>th</sup> November 2015 – Licensing Plan (543 – 01.02.01)

**Part B - Premises licence summary**

**Premises licence number**

19857

**Premises details**

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

(Grand Union Company Ltd.)  
Units 1, 2 and 3  
Thomas More Square

**Post town**

London

**Post code**

E1W 1YN

**Telephone number**

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

The supply of alcohol (both on and off sales)

- Monday to Wednesday from 11:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The provision of late night refreshment (both indoors and outdoors)

- Monday to Saturday from 23:00hrs to 00:00hrs (midnight)

The provision of regulated entertainment in the form of live music (indoors)

- Monday to Saturday from 19:00hrs to 23:00hrs
- Sunday from 13:00hrs to 22:00hrs

The provision of regulated entertainment in the form of recorded music (indoors)

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:00hrs (the following day)

The provision of regulated entertainment in the form of films (indoors)

- Monday to Saturday from 09:30hrs to 23:00hrs
- Sunday from 09:30hrs to 22:00hrs

The opening hours of the premises

- Monday to Wednesday from 07:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 07:00hrs to 01:30hrs (the following day)
- Sunday 07:00hrs to 22:00hrs

Name, (registered) address of holder of premises licence

Grand Union Company Ltd.  
111 Kennington Road  
London, SE11 6SF

Where the licence authorises supplies of alcohol

On and off sales

Registered company number

06671807

Name of designated premises supervisor

John Byrne

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

No restrictions



# Appendix 2



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.

[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

**Application to vary a premises licence under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

#We GRAND UNION COMPANY LTD. (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 19857

**Part 1 – Premises details**

Postal address of premises or, if none, ordnance survey map reference or description <u>TRADE UNION</u> <u>3 THOMAS MORE SQUARE</u>	
Post town <u>LONDON</u>	Post code <u>E1W 1YW</u>

Telephone number at premises (if any)	<u>[REDACTED]</u>
Non-domestic rateable value of premises	£ <u>90'500</u>

## Part 2 - Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

## Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not, when do you want the variation to take effect from?

Day	Month	Year

Please describe briefly the nature of the proposed variation (please see guidance note1)

*EXTENSION OF TRADING HOURS UNTIL 3AM ON SATURDAY NIGHT/SUNDAY MORNING.*

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

## Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

### Provision of regulated entertainment

- |  | Please tick <input type="checkbox"/> 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)<br>(if ticking yes, fill in box H) | <input type="checkbox"/>                 |

---

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

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

In all cases complete boxes K, L and M

**A**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here (please read guidance note 3)</b>	Both	
Tue					
Wed			<b>State any seasonal variations for performing plays (please read guidance note 4)</b>		
Thur					
Fri			<b>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)</b>		
Sat					
Sun					

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here (please read guidance note 3)</b>	Both	
Tue					
Wed			<b>State any seasonal variations for exhibition of films (please read guidance note 4)</b>		
Thur					
Fri			<b>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)</b>		
Sat					
Sun					

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<b>Please give further details here</b> (please read guidance note 3)  <b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)  <b>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</b> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

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

**F**

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	<input checked="" type="checkbox"/>	
Day	Start	Finish		Outdoors		
				Both		
Mon	07:00	00:00	<b>Please give further details here</b> (please read guidance note 3)			
Tue	07:00	00:00				
Wed	07:00	00:00		<b>State any seasonal variations for playing recorded music</b> (please read guidance note 4)		
Thur	07:00	01:00				
Fri	07:00	01:00		<b>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</b> (please read guidance note 5)		
Sat	07:00	03:00				
Sun	07:00	00:00				

**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					
Tue			<b>Please give further details here</b> (please read guidance)		
Wed					
Thur			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 4)		
Fri					
Sat			<b>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</b> (please read guidance note 5) 5)		
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			
Tue			
Wed			<b>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</b> (please read guidance note 4)
Thur			
Fri			<b>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</b> (please read guidance note 5)
Sat			
Sun			



<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input checked="" type="checkbox"/>
Mon	23:00	00:00	<b>Please give further details here (please read guidance</b>	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	<b>State any seasonal variations for the provision of late night refreshment (please read guidance note 4)</b>		
Thur	23:00	01:00			
Fri	23:00	01:00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	23:00	03:00			
Sun					

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)</b>	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input checked="" type="checkbox"/>
Mon	11:00	00:00	<b>Please give further details here (please read guidance</b>	Both	<input checked="" type="checkbox"/>
Tue	11:00	00:00			
Wed	11:00	00:00	<b>State any seasonal variations for the supply of alcohol (please read guidance note 4)</b>		
Thur	11:00	01:00			
Fri	11:00	01:00	<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)</b>		
Sat	11:00	03:00			
Sun	11:00	22:00			

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)**

N/A

L

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	07:00	00:00	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)
Tue	07:00	00:00	
Wed	07:00	00:00	
Thur	07:00	01:30	
Fri	07:00	01:30	
Sat	07:00	03:00	
Sun	07:00	22:00	

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

N/A

Please tick yes

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

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

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

**M**

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

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

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

**c) Public safety**

**d) The prevention of public nuisance**

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

**CHECKLIST:**

- Please tick  yes
- I have made or enclosed payment of the fee
  - I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
  - I understand that I must now advertise my application
  - I have enclosed the premises licence or relevant part of it or explanation
  - I understand that if I do not comply with the above requirements my application will be rejected

**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**

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	[REDACTED]
Date	08/12/2016
Capacity	OPERATIONS MANAGER

Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> 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)	

**Thomas More Square**

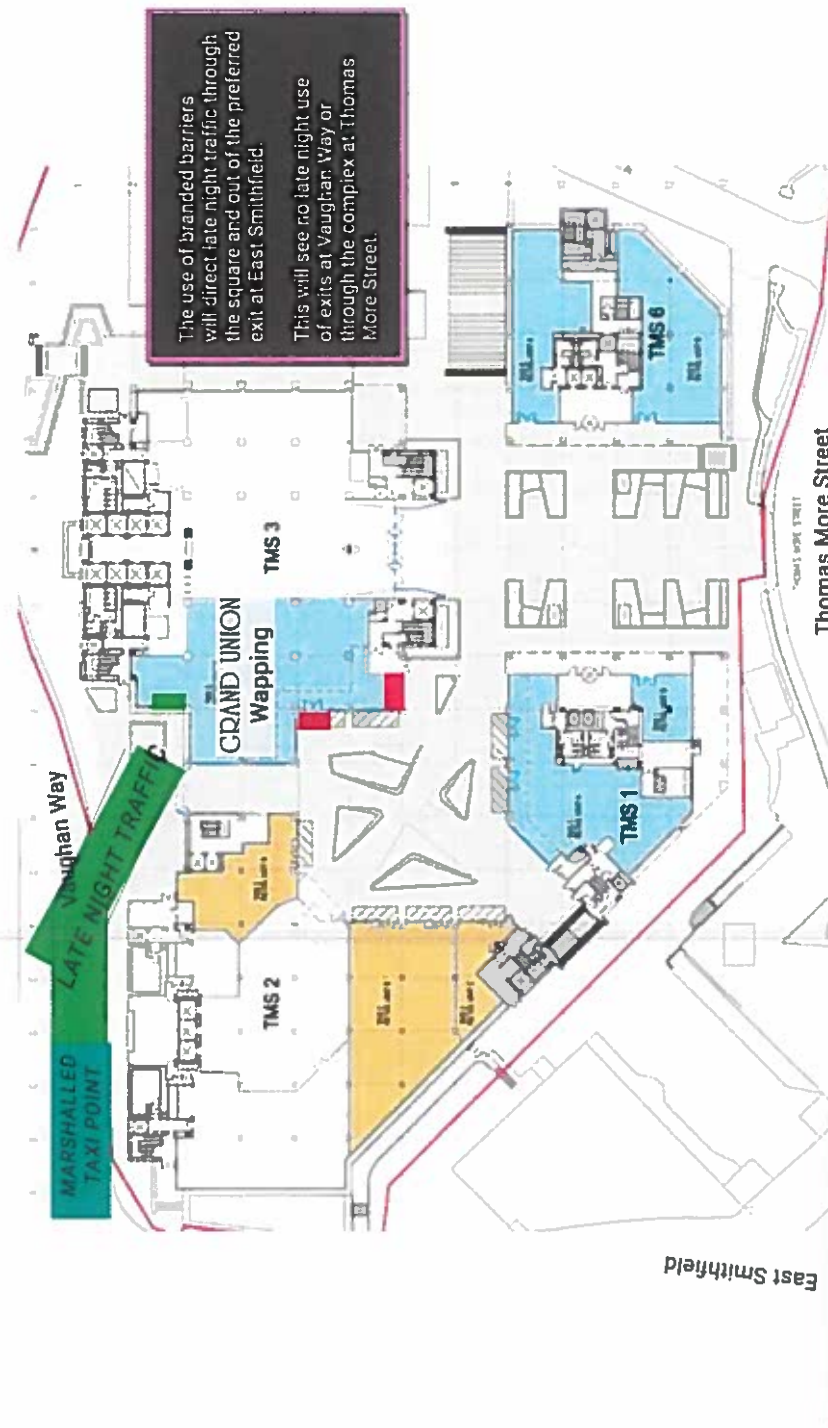
**Customer Management Strategy for trading until 03.00 on Saturdays.**

In addition to our overall customer management strategy we will implement specific measures after 23.00.

After 23:00 hours on Saturdays customers will only be permitted to leave the venue via the north-east exit onto Vaughan Way, 'Exit C' shown on drawing 4969 M 1001 PL Rev 8.

Appropriate management of this policy will be achieved through the following steps:

1. Erection of barriers, of the type identified in the attached Appendices. These barriers will be situated in the following locations;
  - a. 2 barriers to the left of our entrance, covering entrance into the square, this will minimise any noise reflection from the high glass buildings.
  - b. A further 2 or 3 barriers to the right of our entrance, preventing customers from going right onto Vaughan way.
  - c. We believe that this level of barrier coverage will be adequate to direct customers along the stipulated exit route towards East Smithfield. If additional barriers prove to be necessary, we will introduce adequate numbers to achieve the required customer movement.
2. A minimum of 5 SIA badged Door Supervisors to be working after 23:00 on Saturdays when trading until 03:00
3. A taxi rank to be managed at the top end of Vaughan way, with the junction of East Smithfield, to reduce any disruption to local residents.
4. At least one member of security will be stationed at the exit to our premises after 23.00, with the express task of directing customers immediately on exit toward the main exit route. The route which will have been defined through the positioning of our barriers, as noted in point 1. above.
5. Signs to be posted on all barriers reminding customers of local residents and asking them to minimise any noise.
6. All staff and external security personnel will be trained to an appropriate standard regarding the customer management strategy and their responsibilities under it.
7. We will implement external and internal signage to ensure that the message to customers is reinforced, regarding exit routes and consideration for local residents.



The use of branded barriers will direct late night traffic through the square and out of the preferred exit at East Smithfield.

This will see no late night use of exits at Vaughan Way or through the complex at Thomas More Street.

Exits in use

Exits not in use



# Appendix 3

PROJECT NO.	543
DATE	01.02.01
ISSUED FOR	AS SHOWN @ A3
DATE	09/11/12
BY	MAH
<b>LICENSING PLAN</b>	

1 Thomas More Square  
 E1W 1YW  
 LONDON

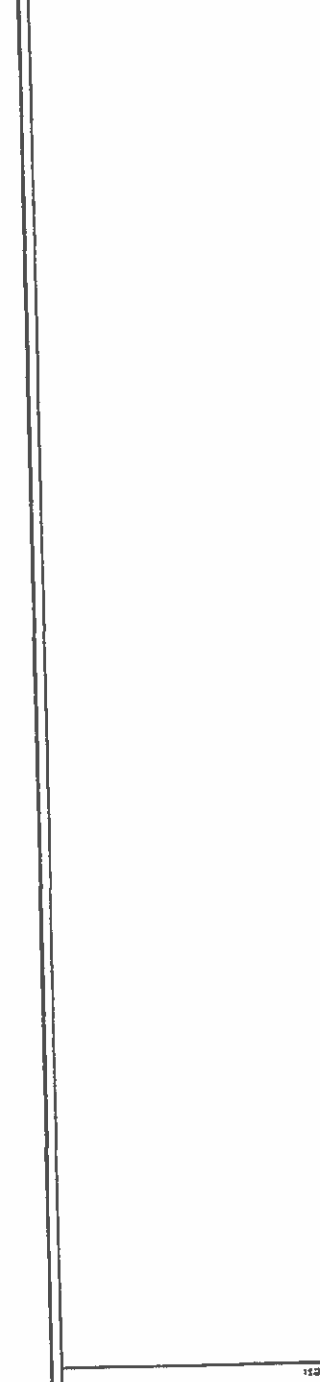
ADAM MARSHALL  
 115 Kensington Road  
 London  
 W8 3QG London

KAI  
 18 Mansour Terrace  
 W1G 8JZ  
 London  
 W8 3QG London

Notes: All dimensions must be checked on site and verified with the designer.

NO.	DESCRIPTION	BY	DATE
1			

Legend Area  
 FD30 Fire Door - 20 min protection  
 Green Dashed Line Escapement  
 Area covered by Smoke Lighting  
 Area covered by Smoke Ejectors



MEZZANINE  
 1 of 2 @ A3

GROUND  
 1 of 2 @ A3

Notes:

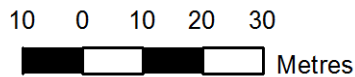
# Appendix 4



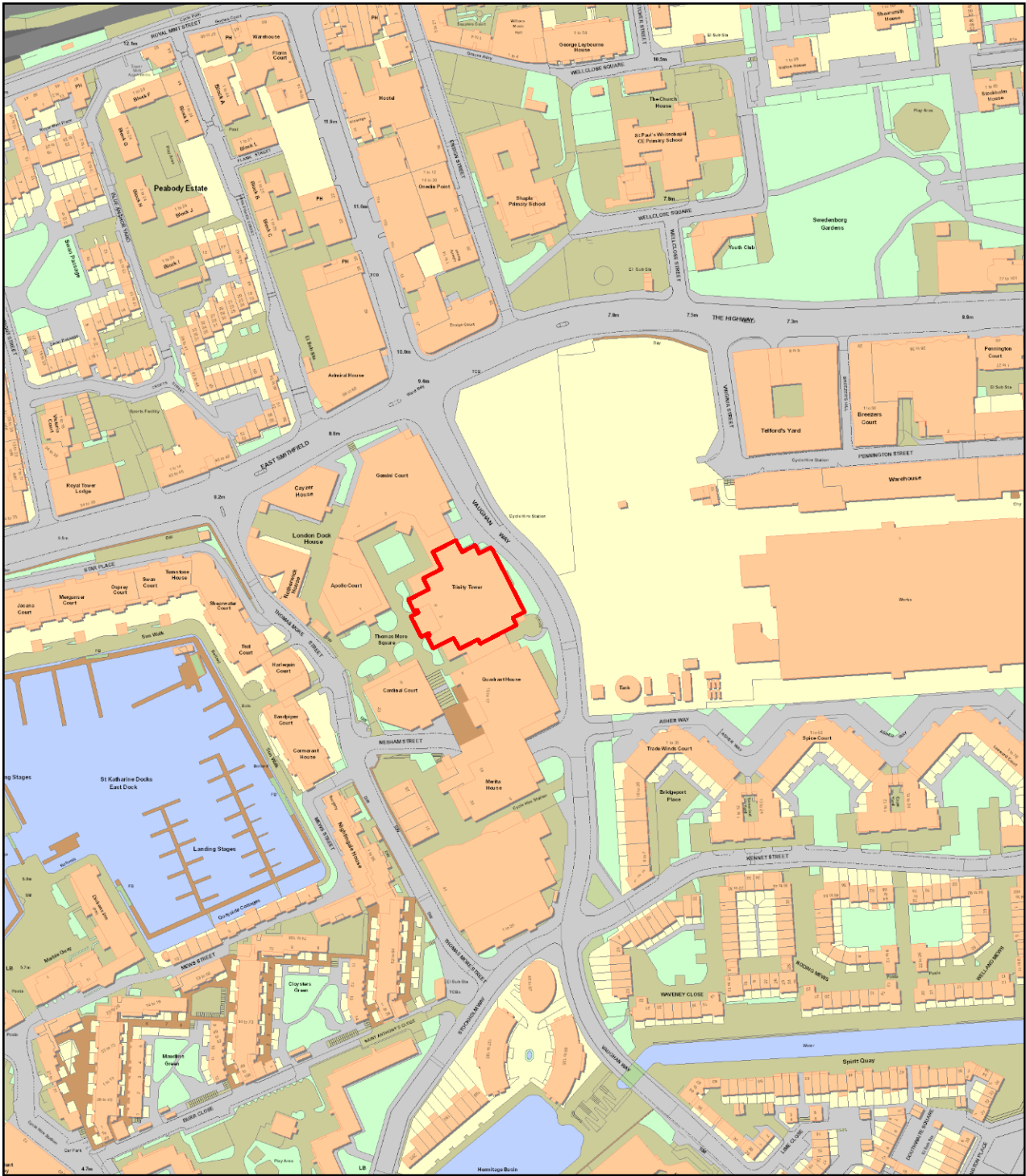
### 3 Thomas More Square



Scale 1:1537



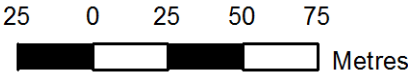
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# 3 Thomas More Square



Scale 1:3074



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# Appendix 5

Nearest licensed premises: (Grand Union), 3 Thomas More Square

Name and address	Licensable hours	Opening hours
<p><b>(Churchills)</b>  <b>6 Thomas More Square</b>  <b>Wapping</b>  <b>London</b>  <b>E1W 1YY</b></p>	<p>Alcohol (on and off sales) shall not be sold or supplied except during permitted hours.                      In this condition, permitted hours means:                      a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.                      b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.                      c. On Good Friday, 12 noon to 10.30 p.m.                      d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.                      e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.                      f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.                      g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>No restriction on hours</p>
<p><b>(Pumblechook's Deli Cafe)</b>  <b>27-29 Thomas More Street</b>  <b>London</b>  <b>E1W 1YW</b></p>	<p><u>The Supply of Alcohol (both on and off premises)</u></p> <ul style="list-style-type: none"> <li>• Monday to Saturday from 11:00hrs to 21:00hrs</li> <li>• Sunday from 11:00hrs 15:00hrs</li> </ul>	<p>Monday to Friday from 06:30hrs to 21:00hrs                      Saturday from 08:00hrs to 21:00hrs                      Sunday from 09:00hrs to 15:00hrs</p>
<p><b>(Chuzzlewits)</b>  <b>Ground Floor,</b>  <b>21 Thomas More Street</b>  <b>London</b>  <b>E1W 1YY</b></p>	<p>Alcohol shall not be sold or supplied except during permitted hours.                      In this condition, permitted hours means:                      a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m.                      b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m.                      c. On Good Friday, 12 noon to 10.30 p.m.</p>	<p>No restriction on hours</p>

	<p>d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.</p> <p>e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m.</p> <p>f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m.</p> <p>g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	
<p><b>(Corney and Barrow)</b>  <b>1 Thomas More Street</b>  <b>London</b>  <b>E1W 1YZ</b></p>	<p>Monday to Sunday from 08:00 hours to 23:00 hours</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>Monday to Sunday from 08:00 hours to 23:00 hours</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
<p><b>(Waitrose)</b>  <b>41 Thomas More Street</b>  <b>St Katharine Docks</b>  <b>London</b>  <b>E1W 1YY</b></p>	<p>Monday to Sunday from 07:00 hours to 23:00 hours</p>	<p>Monday to Sunday from 07:00 hours to 23:00 hours</p>



# Appendix 6

## Mohshin Ali

---

**From:** [REDACTED]@police.uk  
**Sent:** 26 February 2017 20:11  
**To:** Mohshin Ali  
**Cc:** Nicola Cadzow  
**Subject:** Trade Union, 3 Thomas More Sq, E1

Dear Licensing.

On Thursday 12th January 2017 , Nicola Cadzow of LBTH EH and I met the applicants to discuss the variation. At the time we agreed the following:

All licensable activities : Saturday : until 0130 (Sun)  
Closing at 0200

Even at the time, I had concerns that the hours agreed may have been too long. However I received an email from Adam Marshall, the Chief Executive for Trade Union to ask me to reconsider the hours. We also talked on the telephone and I would say there was some disagreement on the proposed hours.

I have been quoted that the Urban Bar in Whitechapel Road has a 3am licence and a half drinking up time. This may well be the case but it was granted in 2005 and if they were to apply today, Tower Hamlets Police Licensing Unit would be opposing such a late hour.

There are certainly a number of bars that have late hours but equally there are probably more that have lesser hours.

If the Trade Union was to obtain their full variation I believe it will undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

There are a number of new residential buildings close to Trade Union. At 2-3am , noise can certainly travel whether it is just people talking excitedly or waiting for taxis.

I have visited the bar and it was laid out with a large number of tables to attract a food lead customer base. However on visiting on the 25th February 2017 at about 2215 to conduct a visit with my LFB colleagues and LBTH Licensing, the majority of tables had been removed , a DJ set up, turning the bar into what looked like a night club.

They had a TEN for the evening and at that time only a handful of customers. SIA staff were on duty. It would appear therefore that this is more of a late night attraction /club than the relaxed atmosphere of the early evening.

The applicant has been applying for TENs and there has been no early morning incidents. However there is a difference between running the occasional event and one every weekend. Small incidents can sometimes lead to disorder.

There has been one reported incident at Trade Union. On Friday 10th February 2017 at about 2045. At this time the suspect had been drinking at the bar and was heavily intoxicated. A member of the door staff asked him to leave. He initially left but soon returned and was refused entry by the door staff. This resulted in the suspect attacking the door staff. The suspect knocked over a standing heater and then picked up a bucket, hitting the window, cracking the glass. The suspect was detained by the door staff and arrested on police arrival. This was captured on CCTV and downloaded at a later time.

3am would certainly be the longest hours granted for a bar that I can remember for some years. If the committee are to consider granting the variation I would ask that they do not exceed 2am. Residential properties will bear the brunt of such late hours.

Alan Cruickshank PC 189HT

**Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.**

## Mohshin Ali

---

**From:** [REDACTED].police.uk  
**Sent:** 03 February 2017 14:11  
**To:** Mohshin Ali; Nicola Cadzow; [REDACTED]@grandunionbars.c[REDACTED]; [REDACTED]@grandunionbars.c[REDACTED]  
**Cc:** [REDACTED]; [REDACTED]@grandunionbars[REDACTED]  
**Subject:** Trade Union Licence Variation Application

Hi Mohshin

I have been unable to contact Mr Marshall but will try again. In the mean time, I wish to object to this application on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

I believe a 3am finish would at the very least cause a noise nuisance from people leaving the bar at 3am and standing about in the street waiting for taxis etc.

If we cannot reach an agreement, I will expand on my objection at a later time.

Regards

Alan Cruickshank PC 189HT

---

**From:** Mohshin Ali [REDACTED]  
**Sent:** 03 February 2017 12:17  
**To:** Nicola Cadzow; Cruickshank Alan D - HT; [REDACTED]@grandunionbars[REDACTED]; [REDACTED]@grandunionbars[REDACTED]  
**Cc:** [REDACTED]; [REDACTED]@grandunionbars[REDACTED]; HT - Licensing Office  
**Subject:** RE: Trade Union Licence Variation Application

Dear All,

As the consultation period ends today (3<sup>rd</sup> February 2017), please let me know the outcome before midnight.

Thanks

### ***Mohshin Ali - Senior Licensing Officer***

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

 [REDACTED] |  [REDACTED] |  [REDACTED]

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



---

**From:** Nicola Cadzow  
**Sent:** 03 February 2017 08:48  
**To:** [REDACTED].police.uk; [REDACTED]@grandunionbars[REDACTED]; [REDACTED]@grandunionbars[REDACTED]; Mohshin Ali  
**Cc:** Martin [REDACTED]; [REDACTED]@grandunionbars[REDACTED]; [REDACTED].police.uk  
**Subject:** RE: Trade Union Licence Variation Application

Dear Adam,

Each premises is looked at individually, and as Alan has said I am also happy to attend a licensing committee hearing.

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm - Environmental Health and Trading Standards  
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

---

**From:** [REDACTED].police.uk [mailto:[REDACTED].police.uk]  
**Sent:** 03 February 2017 08:39  
**To:** [REDACTED]@grandunionbars.[REDACTED]grandunionbars.com; Mohshin Ali; Nicola Cadzow  
**Cc:** [REDACTED]; [REDACTED]@grandunionbars.[REDACTED].police.uk  
**Subject:** Trade Union Licence Variation Application

Dear Adam

I have come late into this conversation. Are you now withdrawing our agreement?

There are many bars that have shorter hours with a few that have longer hours. I am happy to attend a licensing committee to explain my reasons.

Best wishes

Alan

---

**From:** Adam Marshall [mailto:[REDACTED]@grandunionbars.[REDACTED]]  
**Sent:** 02 February 2017 15:41  
**To:** Perry MARK J - HT; Mark Whitmore; [REDACTED]towerhamlets.gov.uk;  
[REDACTED]towerhamlets.gov.uk; Cruickshank Alan D - HT  
**Cc:** [REDACTED]; John Byrne; HT - Licensing Office  
**Subject:** Re: Trade Union Licence Variation Application

**Without prejudice**

Dear Mark,

Thank you for your note.

The bar referenced is Urban Bar in Whitechapel <http://www.theurbanbar.co.uk> which has a 3am license with 30 mins drinking up time every Friday and Saturday evening/Sunday morning.

I would be grateful if you could call me tomorrow morning to discuss further.

Many thanks and Kind regards

Adam

Adam Marshall  
Chief Executive

**GRAND UNION / TRADE UNION**

[REDACTED]  
[REDACTED]

---

[REDACTED] "[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)" "[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)"  
**Date:** Thursday, 2 February 2017 at 14:07  
**To:** Mark Whitmore <[\[REDACTED\]@grandunionbars.com](mailto:[REDACTED]@grandunionbars.com)>, "[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)", "[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)"  
"[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)", "[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)"  
"[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)", "[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)"  
"[\[REDACTED\]@towerhamlets.gov.uk](mailto:[REDACTED]@towerhamlets.gov.uk)"  
**Cc:** "[\[REDACTED\]@grandunionbars.com](mailto:[REDACTED]@grandunionbars.com)" <[\[REDACTED\]@grandunionbars.com](mailto:[REDACTED]@grandunionbars.com)>, "[\[REDACTED\]@grandunionbars.com](mailto:[REDACTED]@grandunionbars.com)" <[\[REDACTED\]@grandunionbars.com](mailto:[REDACTED]@grandunionbars.com)>, "[\[REDACTED\]@met.police.uk](mailto:[REDACTED]@met.police.uk)" <[\[REDACTED\]@met.police.uk](mailto:[REDACTED]@met.police.uk)>  
**Subject:** RE: Trade Union Licence Variation Application

Dear all,

As far as I am aware the Urban Bar Three Colts Street has a license till 01:30 not 3:00am.

Regards

Mark

PC Mark Perry  
Police Licensing Officer  
Toby Club  
Vawdry Close  
E1 9UA

---

**From:** Mark Whitmore [REDACTED]  
**Sent:** 02 February 2017 13:57  
**To:** Mohshin Ali; Nicola Cadzow; Cruickshank Alan D - HT  
**Cc:** [REDACTED] Adam Marshall; John Byrne; HT - Licensing Office  
**Subject:** RE: Trade Union Licence Variation Application

Mr Ali,

**Without prejudice**

Thank you very much for coming back to me so quickly.

We were advised in our licensing meeting by Ms Cadzow that 1am was currently the latest licence in the Borough, and that by granting us the 2am we would become the latest licence. Since then we have discovered that we were misinformed as Urban Bar currently trades with a 3am licence.

We would like to be considered for the 3am variation on **Saturdays only** to bring us in line with other licensed premises in the Borough. As stated in my previous letter 2<sup>nd</sup> February, Trade Union/Grand Union is a very good and competent operator of London late night venues.

Please come back to me at your earliest convenience with any more information you may require.

Kind Regards

MARK WHITMORE  
Operations Manager

**GRAND UNION / TRADE UNION**

[REDACTED]  
[REDACTED]  
[REDACTED]

**From:** Mohshin Ali [REDACTED]  
**Sent:** 02 February 2017 13:06  
**To:** Mark Whitmore <[REDACTED]>; Nicola Cadzow <[REDACTED]>; [REDACTED]  
**Cc:** M [REDACTED] Adam Marshall <[REDACTED].com>; John Byrne <[REDACTED]>; [REDACTED] e [REDACTED] <[REDACTED]>  
**Subject:** RE: Trade Union Licence Variation Application

Dear All,

**Licensing Act 2003**

Variation: (Grand Union Company Ltd.), Units 1, 2 and 3, Thomas More Square, London E1W 1YN

Just to clarify, does that mean Alan's email of 12 January 2017 (attached) no longer applies?

Please note that the consultation period ends on the **3<sup>rd</sup> February 2017**.

Regards

**Mohshin Ali - Senior Licensing Officer**

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

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

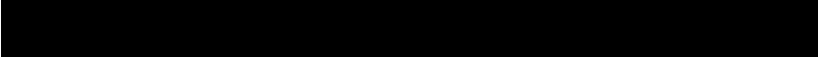


---

**From:** Mark Whitmore [REDACTED]  
**Sent:** 02 February 2017 12:44  
**To:** Nicola Cadzow; Mohshin Ali; [REDACTED]  
**Cc:** [REDACTED] Adam Marshall; John Byrne  
**Subject:** Trade Union Licence Variation Application

Nicola/ Alan,  
Please see attached letter regarding the licence variation application for Trade Union.  
Kind Regards

MARK WHITMORE  
Operations Manager  
**GRAND UNION / TRADE UNION**



\*\*\*\*\*  
\*\*\*\*\*

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## Mohshin Ali

---

**From:** Alan.D.Cruickshank [REDACTED]  
**Sent:** 12 January 2017 14:23  
**To:** [REDACTED] Nicola Cadzow  
**Cc:** Licensing  
**Subject:** Trade Union, 3 Thomas Square, E1

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

Dear Licensing

Having met with the applicants today , we have agreed the following:

All licensable activities : Saturday : until 0130 (Sun)  
Closing at 0200

Best wishes

Alan

**Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.**

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# Appendix 7



## Mohshin Ali

---

**From:** Nicola Cadzow  
**Sent:** 01 March 2017 08:42  
**To:** Mohshin Ali  
**Cc:** [REDACTED].police.uk'  
**Subject:** RE: Trade Union, 3 Thomas More Sq, E1

Dear Licensing

A site meeting was undertaken with the applicants on 12<sup>th</sup> January 2017 with Alan Cruickshank and myself regarding the variation application for the Premises License and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours, and an agreement was made in respect to the variation of opening hours.

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

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

The Premise Current Opening Hours are already beyond the Council's Framework hours:

- **Monday to Thursday 0700 hours to Midnight; and**
- **Friday & Saturday 0700 hours to 01:30 hours**
- **Sunday 0700 hours to 2200 hours.**

It was agreed with the applicant:

- **Saturday all Licensable Activities till 01:30 hours, with premises closing at 0200 hours**

The applicant is now insisting on

- **Saturday premises closing at 0300 hours**

**Noise Sensitive premises:** residential and commercial premises in close proximity to Trade Union 3 Thomas More Square, E1W 1YW at Teal Court 71 residential properties 37 Metres away, Sandpiper House 33 residential premise 43 Metres away, Harlequin Court 81 residential premises 23 metres away.

In my view the application, as it stands fails, to comply with the objective of the Licensing Act 2003 relating to "public nuisance" for the following reasons:-

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

### **CONCLUSION**

Environmental Protection **does not** support the application for Trade Union 3 Thomas More Square, E1W 1YW as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought of 0300 hours.

Kind regards

Nicola Cadzow

Environmental Health Technical Officer  
Place Directorate  
Public Realm - Environmental Health and Trading Standards  
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

---

**From:** [REDACTED]@police.uk [REDACTED]  
**Sent:** 26 February 2017 20:11  
**To:** Mohshin Ali  
**Cc:** Nicola Cadzow  
**Subject:** Trade Union, 3 Thomas More Sq, E1

Dear Licensing.

On Thursday 12th January 2017 , Nicola Cadzow of LBTH EH and I met the applicants to discuss the variation. At the time we agreed the following:

All licensable activities : Saturday : until 0130 (Sun)  
Closing at 0200

Even at the time, I had concerns that the hours agreed may have been too long. However I received an email from Adam Marshall, the Chief Executive for Trade Union to ask me to reconsider the hours. We also talked on the telephone and I would say there was some disagreement on the proposed hours.

I have been quoted that the Urban Bar in Whitechapel Road has a 3am licence and a half drinking up time. This may well be the case but it was granted in 2005 and if they were to apply today, Tower Hamlets Police Licensing Unit would be opposing such a late hour.

There are certainly a number of bars that have late hours but equally there are probably more that have lesser hours.

If the Trade Union was to obtain their full variation I believe it will undermine the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

There are a number of new residential buildings close to Trade Union. At 2-3am , noise can certainly travel whether it is just people talking excitedly or waiting for taxis.

I have visited the bar and it was laid out with a large number of tables to attract a food lead customer base. However on visiting on the 25th February 2017 at about 2215 to conduct a visit with my LFB colleagues and LBTH Licensing, the majority of tables had been removed , a DJ set up, turning the bar into what looked like a night club.

They had a TEN for the evening and at that time only a handful of customers. SIA staff were on duty. It would appear therefore that this is more of a late night attraction /club than the relaxed atmosphere of the early evening.

The applicant has been applying for TENs and there has been no early morning incidents. However there is a difference between running the occasional event and one every weekend. Small incidents can sometimes lead to disorder.

There has been one reported incident at Trade Union. On Friday 10th February 2017 at about 2045. At this time the suspect had been drinking at the bar and was heavily intoxicated. A member of the door staff asked him to leave. He initially left but soon returned and was refused entry by the door staff. This resulted in the suspect attacking the door staff. The suspect knocked over a standing heater and then picked up a bucket, hitting the window, cracking the glass. The suspect was detained by the door staff and arrested on police arrival. This was captured on CCTV and downloaded at a later time.

3am would certainly be the longest hours granted for a bar that I can remember for some years. If the committee are to consider granting the variation I would ask that they do not exceed 2am. Residential properties will bear the brunt of such late hours.

Alan Cruickshank PC 189HT

## Mohshin Ali

---

**From:** Nicola Cadzow  
**Sent:** 03 February 2017 14:58  
**To:** 'A [REDACTED] Mohshin Ali; [REDACTED]  
[REDACTED]  
[REDACTED]  
**Subject:** RE: Trade Union Licence Variation Application

Hi Mohshin

We are unable to reach an agreement with the applicant with regards opening hours of 0300 hours, which in my view is too late due to access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits and the hours of operation (inclusive of proposals).

Therefore please take this as my representation to the application, as I do not believe the licensing objective for the Prevention of Public Nuisance will be met at the hours sought.

I will provide a more details representation in due course.

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm - Environmental Health and Trading Standards  
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

---

**From:** Alan.D.Cruickshank [REDACTED]  
**Sent:** 03 February 2017 14:11  
**To:** Mohshin Ali; Nicola Cadzow; a [REDACTED]@grandunionbars. [REDACTED]@grandunionbars [REDACTED]  
**Cc:** [REDACTED]@grandunionbars.d [REDACTED]  
**Subject:** Trade Union Licence Variation Application

Hi Mohshin

I have been unable to contact Mr Marshall but will try again. In the mean time, I wish to object to this application on the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

I believe a 3am finish would at the very least cause a noise nuisance from people leaving the bar at 3am and standing about in the street waiting for taxis etc.

If we cannot reach an agreement, I will expand on my objection at a later time.

Regards

Alan Cruickshank PC 189HT

**From:** Mohshin Ali [REDACTED]  
**Sent:** 03 February 2017 12:17  
**To:** Nicola Cadzow; Cruickshank Alan D - HT; [REDACTED]@grandunionbars.com [REDACTED]@grandunionbars.com [REDACTED]  
**Cc:** [REDACTED]@grandunionbars.com [REDACTED] HT - Licensing Office  
**Subject:** RE: Trade Union Licence Variation Application

Dear All,

As the consultation period ends today (3<sup>rd</sup> February 2017), please let me know the outcome before midnight.

Thanks

***Mohshin Ali - Senior Licensing Officer***

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



[REDACTED] |

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



---

**From:** Nicola Cadzow  
**Sent:** 03 February 2017 08:48  
**To:** 'Alan.D.Cruickshank [REDACTED]@grandunionbars.com [REDACTED]@grandunionbars.com [REDACTED] Mohshin Ali  
**Cc:** [REDACTED]@grandunionbars.com [REDACTED]@met.police.uk  
**Subject:** RE: Trade Union Licence Variation Application

Dear Adam,

Each premises is looked at individually, and as Alan has said I am also happy to attend a licensing committee hearing.

Kind regards

Nicola Cadzow  
Environmental Health Technical Officer  
Place Directorate  
Public Realm - Environmental Health and Trading Standards  
London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

---

**From:** [\[REDACTED\]@met.police.uk](mailto:[REDACTED]@met.police.uk) [REDACTED]  
**Sent:** 03 February 2017 08:39  
**To:** [REDACTED]@grandunionbars.com; [REDACTED]@grandunionbars.com; Mohshin Ali; Nicola Cadzow  
**Cc:** [REDACTED]@met.police.uk  
**Subject:** Trade Union Licence Variation Application

Dear Adam

I have come late into this conversation. Are you now withdrawing our agreement?

There are many bars that have shorter hours with a few that have longer hours. I am happy to attend a licensing committee to explain my reasons.

Best wishes

Alan

---

**From:** Adam Marshall [REDACTED]  
**Sent:** 02 February 2017 15:41  
**To:** Perry MARK J - HT; Mark Whitmore; [Mohshin.Ali](#) [REDACTED]  
[Nicola.Cadzow](#) [REDACTED]; Cruickshank Alan D - HT  
**Cc:** [REDACTED] John Byrne; HT - Licensing Office  
**Subject:** Re: Trade Union Licence Variation Application

**Without prejudice**

Dear Mark,

Thank you for your note.

The bar referenced is Urban Bar in Whitechapel <http://www.theurbanbar.co.uk> which has a 3am license with 30 mins drinking up time every Friday and Saturday evening/Sunday morning.

I would be grateful if you could call me tomorrow morning to discuss further.

Many thanks and Kind regards

Adam

Adam Marshall  
Chief Executive  
**GRAND UNION / TRADE UNION**

[REDACTED]  
[REDACTED]

---

**From:** [REDACTED] [met.pnn.police.uk](mailto:met.pnn.police.uk)" [REDACTED] [met.pnn.police.uk](mailto:met.pnn.police.uk)>  
**Date:** Thursday, 2 February 2017 at 14:07  
**To:** Mark Whitmore <[REDACTED]> "[Mohshin.Ali](#)" [REDACTED]  
<[Mohshin.Ali@towerhamlets.gov.uk](mailto:Mohshin.Ali@towerhamlets.gov.uk)>, "[Nicola.Cadzow](#)" [REDACTED]  
<[Nicola.Cadzow](#) [REDACTED], "[Alan.D.Cruickshank](#)" [REDACTED]  
<[Alan.D.Cruickshank@](#)[REDACTED]>  
**Cc:** "[REDACTED]" Adam Marshall  
[REDACTED]  
[REDACTED]  
**Subject:** RE: Trade Union Licence Variation Application

Dear all,

As far as I am aware the Urban Bar Three Colts Street has a license till 01:30 not 3:00am.

Regards

Mark

PC Mark Perry  
Police Licensing Officer  
Toby Club  
Vawdry Close  
E1 9UA

---

**From:** Mark Whitmore [REDACTED]  
**Sent:** 02 February 2017 13:57  
**To:** Mohshin Ali; Nicola Cadzow; Cruickshank Alan D - HT  
**Cc:** [REDACTED] Adam Marshall; John Byrne; HT - Licensing Office  
**Subject:** RE: Trade Union Licence Variation Application

Mr Ali,

**Without prejudice**

Thank you very much for coming back to me so quickly.

We were advised in our licensing meeting by Ms Cadzow that 1am was currently the latest licence in the Borough, and that by granting us the 2am we would become the latest licence. Since then we have discovered that we were misinformed as Urban Bar currently trades with a 3am licence.

We would like to be considered for the 3am variation on **Saturdays only** to bring us in line with other licensed premises in the Borough. As stated in my previous letter 2<sup>nd</sup> February, Trade Union/Grand Union is a very good and competent operator of London late night venues.

Please come back to me at your earliest convenience with any more information you may require.

Kind Regards

MARK WHITMORE

Operations Manager

[REDACTED]

[REDACTED]

[REDACTED]

<image004.png>

---

**From:** Mohshin Ali [REDACTED]  
**Sent:** 02 February 2017 13:06  
**To:** Mark Whitmore [REDACTED]; Nicola Cadzow  
<[REDACTED]>  
**Cc:** [REDACTED] John Byrne  
[REDACTED] <[REDACTED]>  
[REDACTED]

**Subject:** RE: Trade Union Licence Variation Application

Dear All,

**Licensing Act 2003**

Variation: (Grand Union Company Ltd.), Units 1, 2 and 3, Thomas More Square, London E1W 1YN

Just to clarify, does that mean Alan's email of 12 January 2017 (attached) no longer applies?

Please note that the consultation period ends on the **3<sup>rd</sup> February 2017**.

Regards

**Mohshin Ali - Senior Licensing Officer**

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

[REDACTED]

[REDACTED]



**From:** Mark Whitmore [REDACTED]  
**Sent:** 02 February 2017 12:44  
**To:** Nicola Cadzow; Mohshin Ali; [REDACTED]  
**Cc:** [REDACTED] Adam Marshall; John Byrne  
**Subject:** Trade Union Licence Variation Application  
Nicola/ Alan,  
Please see attached letter regarding the licence variation application for Trade Union.  
Kind Regards  
MARK WHITMORE  
Operations Manager  
**GRAND UNION / TRADE UNION**  
[REDACTED] 6SF  
[REDACTED]

\*\*\*\*\*  
\*\*\*\*\*

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

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\*\*\*\*\*  
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# Appendix 8



## Mohshin Ali

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**From:** Mark Whitmore <[REDACTED]>  
**Sent:** 02 February 2017 12:44  
**To:** Nicola Cadzow; Mohshin Ali; Alan.D.Cruickshank [REDACTED]  
**Cc:** [REDACTED]; Adam Marshall; John Byrne  
**Subject:** Trade Union Licence Variation Application  
**Attachments:** Trade Union Licence Variation Application.docx; Whitechapel Road 176.pdf

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

Nicola/ Alan,

Please see attached letter regarding the licence variation application for Trade Union.

Kind Regards

MARK WHITMORE  
Operations Manager

**GRAND UNION / TRADE UNION**  
[REDACTED]  
[REDACTED]

# GRAND UNION

Grand Union Company Limited  
111 Kennington Road  
London  
SE11 6SF  
24/01/2017

## **Without Prejudice**

### **RE: Trade Union Wapping Licence Variation**

Dear Nicola,

Thank you very much for your time at our recent meeting, we found it very useful.

During our meeting on 12th January 2017 to discuss our application for a variation to the licence at Trade Union Wapping, 3 Thomas More Square, London, E1W 1YW, we were made aware that you were not content with our original application to supply alcohol until 03am on Saturday nights / Sunday mornings, and that you would be happy to grant a 2am licence, which would bring us in line with the latest trading licence in the Tower Hamlets Borough.

Since our conversation, I have been made aware that Urban Bar, 176 Whitechapel Road, E1 1BJ has a licence to supply alcohol until 3am on both Friday and Saturday Nights (Copy of licence attached).

We feel this sets a precedent that Tower Hamlets Council could grant 3am licences and that we should be allowed the same opportunity as other businesses trading in the area.

Grand Union Company Limited is looking to vary the licence until 3am on Saturday night / Sunday morning only.

As a significant contributor of business rates to the Tower Hamlets Borough I'm sure you can appreciate our need to run a profitable business, and a 3am licence will assist with this.

Trade Union is a business that has traded until 3am previously using Temporary Event Notices, we have a proven track record as a responsible operator. As discussed, we have also put together a Management Plan to ensure that any disruption is minimised or eliminated.

The Management Plan that we presented to you includes:

- Door Supervisors for late-night trading
- Barriers for managing customer flow
- Active Dispersal Management Procedures
- A Designated Taxi Company

We have a very good relationship with business' as well as local residents and will work to ensure this continues. Our aim is to provide local residents with what they are looking for in terms of a later night experience, often choosing to go out later in the evening (10pm/11pm), wanting to come home later.

**Grand Union Head Office**

111 Kennington Road | London SE11 6SF | t: 020 7226 3303 | [www.grandunionbars.com](http://www.grandunionbars.com)

Registered Company: Grand Union Company Limited | Company Number: 06671807

# GRAND UNION

As a company trading for 11 years in the London late night sector we are an operator of many late night licenses in various London Boroughs, including Islington, Lambeth, Wandsworth, Camden and City of London.

We would welcome another conversation on this matter or a meeting in a view to Tower Hamlets issuing our license as requested.

Please contact me directly if you require any further information.

Many thanks and kind regards.

Mark Whitmore

Operations Manager

Grand Union Company Limited

**Grand Union Head Office**

111 Kennington Road | London SE11 6SF | t: 020 7226 3303 | [www.grandunionbars.com](http://www.grandunionbars.com)

Registered Company: Grand Union Company Limited | Company Number: 06671807

**Postal Address  
(LHT-URBAN BAR)  
176 Whitechapel Road  
London  
E1 1BJ**

**Licensable Activities authorised by the licence**

**The sale by retail of alcohol  
Regulated Entertainment  
Late Night Refreshment**

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

**Signed by**

**John Cruse \_\_\_\_\_  
Team Leader Licensing**

**Date: 11<sup>th</sup> November 2005**

**Part A - Format of premises licence**

Premises licence number

10196

**Part 1 - Premises details****Postal address of premises, or if none, ordnance survey map reference or description****(LHT-URBAN BAR)  
176 Whitechapel Road****Post town****London****Post code****E1 1BJ****Telephone number****Where the licence is time limited the dates**

Not applicable

**Licensable activities authorised by the licence**The sale by retail of alcohol  
Regulated Entertainment  
Late Night Refreshment**The times the licence authorises the carrying out of licensable activities****For the Supply of Alcohol and Late Night Refreshment**Sunday to Thursday 07 00 hrs to 02 00 hrs the following day  
Friday and Saturday 07 00 hrs until 03 00 hrs the following day**Recorded Music (including facilities)**Sunday to Thursday 07 00 hrs to 02 00 hrs the following day  
Friday and Saturday 07 00 hrs until 03 00 hrs the following day**Live Music (including facilities), Dancing and Provision of Facilities for Dancing**Sunday to Thursday 18 00 hrs to 02 00 hrs the following day  
Friday and Saturday 18 00 hrs until 03 00 hrs the following day

**For all regulated activities**

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

**The opening hours of the premises**

Monday to Sunday 07 00 hrs to 04 00 hrs the following day

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

On and off sales

## **Part 2**

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

[REDACTED]

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

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

[REDACTED]

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

[REDACTED]

### **Annex 1 - Mandatory conditions**

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or

- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

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

### **Door Supervisors**

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

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

in respect of premises in relation to-

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

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

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

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

The beer cellar and storage area in the basement are not accessible to the public

The second floor is private and not accessible to the public

At all times the premises are open to the public a personal licence holder will be present

Vertical drinking will be discouraged by seating

Opened glass containers will not be allowed to leave the premises. Anyone drinking or wishing to leave with glass containers outside the premises will be provided with a plastic cup

The immediate neighbours will be given a contact number for the Designated Premises Supervisor

Litter will be cleared away from the immediate area

All exits to have a notice asking customers to leave quietly

Exterior doors to have notices advising of the age policy

During live music performance all exterior doors will be kept closed

Under 18s are only admitted before 18 00 hrs, except for a private function

An appointed mini-cab firm will be used, and the firm will be required to enter the premises, not sound a horn

### **Regulated Entertainment**

**This is subject to the following conditions:**

Only live music, recorded music, dance and the provision of facilities for making music and dancing are permitted

No adult entertainment



The rules of the Council relating to the management of places of public entertainment must be met

The maximum number of persons to be accommodated at any one time shall not exceed 100 persons in the ground floor bar and 80 in the first floor room

The doors to Whitechapel Road shall be unlocked to permit exit at all times that either areas are open for use

Two Door Supervisors registered with the London Borough of Tower Hamlets shall be employed whenever the public entertainment licence is in use

All amplified equipment shall be connected through to the noise limiter which should be active and set at 94 dB Leq lin; 91dBA as agreed with the Environmental Health Department (Environment Protection) in order to control noise levels

All noise emanating from the premise must not cause a statutory nuisance as set out in Section 79, Sub-Section (1) paragraph (g) of the Environmental Protection Act 1990 within any other premise.

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

No drinking to be allowed in the street outside the premises

**Annex 4 - Plans**

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

18 July 2005

**Part B - Premises licence summary**

**Premises licence number**

**10196**

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description  
(LHT-URBAN BAR)  
176 Whitechapel Road  
E1 1BJ**

**Post town  
London**

**Post code  
E1 1BJ**

**Telephone number**  
[REDACTED]

Where the licence is time limited the dates

N/a

Licensable activities authorised by the licence

The sale of retail of alcohol  
Regulated Entertainment  
Late Night Refreshment

The times the licence authorises the carrying out of licensable activities

**For the Supply of Alcohol and Late Night Refreshment**  
Sunday to Thursday 07 00 hrs to 02 00 hrs the following day  
Friday and Saturday 07 00 hrs until 03 00 hrs the following day

**Recorded Music (including facilities)**  
Sunday to Thursday 07 00 hrs to 02 00 hrs the following

day  
Friday and Saturday 07 00 hrs until 03 00 hrs the following day

**Live Music (including facilities), Dancing and Provision of Facilities for Dancing**

Sunday to Thursday 18 00 hrs to 02 00 hrs the following day

Friday and Saturday 18 00 hrs until 03 00 hrs the following day

**For all regulated activities**

Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

The opening hours of the premises

Monday to Sunday 07 00 hrs to 04 00 hrs the following day

Name, (registered) address of holder of premises licence

[Redacted]

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

On and off

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

[Redacted]

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

[Redacted]

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

No

# Appendix 9

## 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).**

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 10

## Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

### Comment

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

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

### General Advice

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

The hours of operation also need to be considered.

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

### Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Section 10 of the Licensing Policy)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 10.2 of the Licensing Policy)**.

The policy also recognises that staggered closing can help prevent problems at closure time **(See Section 15.1)**.

However, while all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 15.5)**

The Council has adopted a set of framework hours **(See 15.8 of the licensing policy)**. This relates to potential disturbance caused by late night trading.



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

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

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

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

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

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

# Appendix 11

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of

Customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.7).

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

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

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

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 12

## Anti-Social Behaviour from Patrons Leaving the Premises

### General Advice

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

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

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

### Licensing Policy

The policy recognises that other legislation or measures may be more appropriate but also states that licensing laws are “a key aspect of such control and will always be part of an overall approach to the management of the evening and night time economy” (**see Section 4.15 and 4.16 of the Licensing Policy**).

The Licensing Authority expects the applicant to have addressed all crime and disorder issues relating to the premises in their operating schedule and to have sought appropriate advice. (**See Sections 6.2 of the Licensing Policy**)

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

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

## Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 7 of the Licensing Policy**).

## Police Powers

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

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

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

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

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

There is also guidance issued around public nuisance (2.14 – 2.20).

The pool of conditions, adopted by the Council is recommended (see Appendix 3 of the Licensing Policy). Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.20).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (13.13).

## Other Legislation

### Crime and Disorder Act 1998

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

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

- Anti-Social Behaviour Orders
- Child Curfew Schemes
- Truancy
- Parenting Orders
- Reparation Orders
- Tackling Racism



# Appendix 13

## **Planning**

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

# Appendix 14

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

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates