

LICENSING SUB COMMITTEE

Tuesday, 28 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

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

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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 - 36)

To confirm as a correct record the minutes of the Licensing Sub-Committee meetings held on 15.09.16, 27.09.16 & 08.11.16.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Licensing Act 2003: Application for a Premises Licence for Renegade London Wine, Arch 12, Gales Gardens, E2 0EJ	37 - 110	St Peter's
Licensing objectives:		
1. The Prevention of Crime and Disorder		
2. Prevention of Public Nuisance		
Representations by: Local residents		
4 .2 Licensing Act 2003: Application for a Premises Licence for Mile End Park at Bow Common Lane (Bus Stop MS), Burdett Road, London, E3 4TN	111 - 164	Bow East

Licensing objectives:

1. The Prevention of Crime and Disorder
2. Prevention of Public Nuisance

Representations by: Local resident

- 4 .3 Licensing Act 2003: Application for a Time Limited Premises Licence for The London Shuffleboard Club, 1 Chance Street, London E1 6JT** **165 - 238** **Weavers**

Licensing objectives:

1. The Prevention of Crime and Disorder
2. Prevention of Public Nuisance

Representations by: Metropolitan Police, Environmental Protection

**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:-

Acting Corporate Director, Governance and Interim Monitoring Officer

Telephone Number: 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 - '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 6.40 P.M. ON THURSDAY, 15 SEPTEMBER 2016

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

Members Present:

Councillor Amina Ali
Councillor Dave Chesterton
Councillor Suluk Ahmed

Officers Present:

John Smith – Licensing Officer
Vicky Fowler – Legal Services
Charles Yankiah – Democratic Services

Applicants In Attendance:

Mr Enver Ari - London Food Centre
Mr Robert Sutherland - London Food Centre
Mr Daniel Woodcock - Maki

Objectors In Attendance:

Mrs Alex Josephy - London Food Centre
Mrs Heather Dyer - London Food Centre
Mr Andrew Heron - Tower Hamlets Licensing Authority

The Chair welcomed everyone to the meeting, ensured that introductions were made and then briefly outlined the procedure for the meeting.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

**3.1 LICENSING ACT 2003, APPLICATION FOR VARIATION TO PREMISES
LICENCE FOR LONDON FOOD CENTRE, 407 ROMAN ROAD, E3 5QS**

At the request of the Chair, Mr John Smith, Licensing Officer, introduced the report which detailed the variation application for the London Food Centre, 407 Roman Road, London, E3 5QS. It was noted that the hours on the current licence for the sale of alcohol were imposed by the Licensing Sub-Committee on the 12th May 2009 following a review initiated by local residents. Before that the premises had been licenced 24/7. At a further Police led review on the 29th June 2010 the opening hours were restricted to the current hours. The current licence holder and applicant, Mr Ari was not the licence holder or DPS at the time of these reviews.

At the request of the Chair, Mr Robert Sutherland, Legal Representative on behalf of the Applicant explained that the application for variation was to extend the sale by retail of alcohol off the premises, Monday – Thursday and Friday - Sunday.

He explained that these premises under previous ownership had caused problems, however it was noted that the current applicant had taken over the premise since March 2016 and had 15 years of experience in the business. The premises are currently well-managed and there were no representations from Responsible Authorities and there had been no complaints in the past 6 months. Mr Sutherland explained that the hours sought were reasonable and in line with other licensed premises in the local area and will not impact the Licensing Objectives.

Mr Sutherland referred to the resident objections and said that he was happy to note that residents welcomed and acknowledged the change in ownership and to date there were no complaints or issues regarding the premises or the way in which it was managed.

He concluded that the premises were owned and managed by a family of 2 brothers with 15 years of experience at Lewisham and Southwark with no reviews or issues with the Police.

Members then heard from Mrs Alex Josephy and Mrs Heather Dyer, local residents who stated that the shop was run well, it is kept clean and tidy and serves the community and since the new owners took over in March 2016, they had improved the appearance of the shop and it is appreciated by the local community. However, there were real concerns that if the application was granted that the previous problems and issues that the community had to deal with for a long time would creep back into the lives of the local residents and affect the community again. It was a public nuisance with customers arriving and leaving the premises and causing disturbances with intimidating behaviour and constantly parking on Ellesmere Road and drinking in their cars. Residents were subjected to loud music and disturbances all through the night, with empty bottles of whiskey left on the street and residents living in fear. It is a geographical problem given the location of the shop on the corner of Roman Road and Ellesmere Road. Residents did not want those problems to return.

In response to questions from Members it was noted, that;

- The Applicant was willing to change the image of the premises and be a part of the community;
- The Applicant would ensure that all staff were trained to deal with customers effectively;
- The Applicant would use his 15 years of experience to manage the premises properly and learn lessons from the previous owners; and
- The Applicant where necessary uses the emergency link to the Police and the Fire Services.

Members adjourned the meeting at 7:18pm to consider the decision and reconvened at 7:54pm.

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 Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Members heard concerns of the residence that if a licence was granted as requested that the issues which occurred in 2009/10 would resurface. Members noted that the applicant has 15 years of experience in working in businesses of a similar nature without any issues and since the applicant has managed the premises it is accepted by the residence that the premises is well managed and there have been no issues of crime and disorder or public nuisance associated with the premises.

Members were mindful that no representations had been made by the Police or Responsible Authorities who were aware of the premises and the previous issues which occurred between 2008 and 2010.

Members were encouraged by the applicant's willingness to ensure that all members of staff are adequately trained in their roles.

Therefore considering all of the above, Members decided to grant the application for a variation to the premises licence with an added condition.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for a Variation of the Premises Licence for the London Food Centre, 407 Roman Road, London, E3 5QS be **GRANTED** with conditions.

Sale by retail of alcohol (off the premises)

- Monday – Thursday from 08:00 hours to 00:00 hours
- Friday – Sunday from 08:00 hours to 00:00 hours

The Opening Hours of the Premises

- Daily from 07:00 hours to 01:00 hours

Conditions

1. CCTV to be fully operational within the premises and to maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police.
 - a. All recordings shall be stored for a minimum period of 31 days with date and time stamping;
 - b. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period;
 - c. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
2. All members of staff will receive effective training commensurate to their duties. Training records to be made available upon request of the Police of Authorised Officer.

3.2 LICENSING ACT 2003, APPLICATION FOR A NEW PREMISES LICENCE FOR MAKI, 36 BRUSHFIELD STREET, LONDON E1 6AT

At the request of the Chair, Mr John Smith, Licensing Officer, introduced the report which detailed a new premises licence for Maki, 36 Brushfield Street, London, E1 6AT

It was noted that the application was for the sale of alcohol (**on and off sales**)

The hours applied for were noted as follows:-

Sale of Alcohol (on and off sales)

Monday to Sunday from 12:00 hours to 22:00 hours

Hours premises is open to the public:

Monday to Friday from 11:00 hours to 22:00 hours

Saturday from 12:00 hours to 22:00 hours

Sunday from 12:00 hours to 20:00 hours

John Smith, Licensing Officer advised that the premises was in the Cumulative Impact Zone in the Brick Lane area and that Andrew Heron of the Tower Hamlets Licensing Authority had made representations. The objections related to anti-social behaviour from patrons leaving the premises and drinking in the neighbouring area and the LBTH Cumulative Impact Zone.

At the request of the Chair, Mr Daniel Woodcock the applicant, explained that the application was for a new licence and that he had been at the premises for 1 year with no issues. He acknowledged that his core hours were during the day and mainly comprised of office and commercial customers between 12:00midday and 14:30pm. However, in order for his business to succeed and to compete with other businesses he needed to apply for the alcohol licence, as while his business was open till 10:00pm, it was very quiet in comparison to his competitors and with bills and a high rent to pay he needed to generate more income. He stated that he had been in communication with Mr Andrew Heron from the Licensing Authority and was willing to accept the conditions.

Members also heard from Andrew Heron, Licensing Officer, who referred to his representation contained in the agenda. He highlighted that there was no general objections and Mr Woodcock had a good business model, but that the premises was already in a saturated Cumulative Impact Zone and that it would have a negative impact on the area.

In response to questions, Mr Woodcock described the premises as a small takeaway shop with lunchtime trading hours of 12:00 – 14:30pm and an evening trading period between 16:30pm – 18:00pm. He stated that there are no gatherings outside his shop and since opening 12 months ago, there has been no drunkenness or disorderly behaviour of any kind, as it is mainly a sushi takeaway. He explained that he is the Premises Licence Holder and has completed various training relating to premises licences and will be providing staff training to deal with customers effectively.

With respect to deliveries and trading Mr Woodcock explained that 80% of trade was conducted during the lunchtime core hours with only 20% of deliveries being made to corporate customers within walking or cycling distance, but from 6pm onwards about 70% of trade were deliveries to homes over a 2 mile radius, with only 30% being in store trade. He proposed to enforce the Challenge 25 policy by ensuring the staff are trained properly and any delivery contracts with Deliveroo etc that terms and conditions would be agreed to enforce the Challenge 25 policy.

Members adjourned the meeting at 8:18pm to consider the decision and reconvened at 8:27pm.

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 Sub Committee had carefully considered all of the evidence before them and heard representation from the applicant and the representation made by the Licensing Authority with particular regard to Cumulative Impact Zone.

Members noted that the premises was trading for 12 months with no issues being reported and that measures in the operating schedule of the application addresses the promotion of the Licensing Objectives including a Challenge 25 scheme, a comprehensive CCTV system and staff training. Members also noted that though the premises were in the Cumulative Impact Zone that 70% of the evening trade was takeaways/deliveries out of the area and would not impact the immediate area. On the basis of this and further conditions considered at the meeting, Members agreed to grant the application, subject to conditions being included which would promote the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED

That the application for New Premises Licence for Maki, 36 Brushfield Street, London, E1 6AT be **GRANTED** with conditions.

Sale of alcohol (on and off sales)

- Monday – Sunday from 12:00 hours to 22:00 hours

Hours premises is open to the public:

- Monday to Friday from 11:00 hours to 22:00 hours
- Saturday from 12:00 to 22:00 hours
- Sunday from 12:00 hours to 20:00 hours

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 for patrons consuming alcohol inside the premises shall be by waiter or waitress service only.
3. The sale of alcohol for consumption off the premises shall only be to persons purchasing a meal for consumption off the premises (takeaway).
4. CCTV to be fully operational within the premises and to maintain a comprehensive CCTV system as per the minimum requirements of the Metropolitan Police.
 - a. All recordings shall be stored for a minimum period of 31 days with date and time stamping;
 - b. Recordings shall be made available immediately upon request of Police or authorised officer throughout the preceding 31 day period;
 - c. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.
5. All members of staff will receive effective training commensurate to their duties. Training records to be made available upon request of the Police or Authorised Officer.
6. A Challenge 25 Scheme shall operate to ensure that any person attempting to purchase alcohol who appears to be under the age of 25 shall provide documented proof that he/she is over 25 years of age. Proof of age shall only comprise a passport, a photo card driving licence, an EU/EEA national ID card or similar document, or an industry approved proof of age identity card.

7. An incident log shall be kept at the premises and made available on request to an authorised officer of the licensing authority or the Police, which will record the following: -
 - a. All crimes reported to the venue, or by the venue to the police;
 - b. All ejections of patrons;
 - c. Any complaints received;
 - d. Any incidents of disorder;
 - e. Any faults in the CCTV system; and
 - f. Any refusal of the sale of alcohol.

4. LICENSING ACT 2003 TEMPORARY EVENT NOTICE FOR IBIS LONDON CITY HOTEL - 5 COMMERCIAL STREET, LONDON, E1 6BF

This item was withdrawn by the Applicant.

The meeting ended at 8.35 p.m.

Councillor Dave Chesterton, Chair,
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 27 SEPTEMBER 2016

THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,

5 CLOVE CRESCENT, LONDON, E14 2BG

Members Present:

Councillor Dave Chesterton

Councillor Peter Golds

Councillor Denise Jones

Officers Present:

Kathy Driver – (Principal Licensing Officer)

Victoria Fowler – (Legal Services)

Antoinette Duhaney – (Interim Senior Committee Officer)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The Rules of Procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for a Premises Licence for (Select Convenience), Unit 2, New Festival Quarter, Upper North Street, London E14 6FY

In attendance

Applicant

Gill Sherratt, Licensing Matters - Applicants Representative

Jimmy Tun, Applicant and Designated Premises Supervisor

Cheryl Tun – Applicant's Wife

Objectors

Armando Veras Sepulveda

Nitesh Patel

Martin Schwitzener

Kathy Schroeder

Kathy Driver, Principal Licensing Officer, introduced the report which detailed an application for a new Premises Licence for Select Convenience, Unit 2, New Festival Quarter, Upper North Street, E14 6FY. Mrs Driver highlighted the fact that no representations had been made by the Responsible Authorities. However representations had been made by St Matthias Community Centre, St Mary & St Joseph Catholic Church and local residents. Ms Driver also drew the Sub Committee's attention to the first agenda supplement which included third party submissions which an objector wished to use to support their oral representations to the Sub Committee. However these third party submissions should be disregarded as they were produced after the statutory consultation period had ended (pages 41 onwards).

Gill Sherratt addressed the meeting on behalf of the applicant and began by stating that she had concerns about written submissions included in the second agenda supplement alleging that the application before the Sub Committee was dishonest. She stated that the new store in Poplar would be a "Select Convenience" style shop selling a range of more than 4,000 products including alcohol. Although Conviviality Retail operated franchised off licences and convenience stores trading under four different brands, Ms Sherratt reiterated that a "Select Convenience" style store was proposed and that only 15-20% of stock available for purchase would be alcohol.

Ms Sherratt stated that she had consulted all the Responsible Authorities informally before the application was submitted and the applicant was willing to reduce the store opening times by an hour to 7am in accordance with advice from the Metropolitan Police. The Location of the premises close to schools and a church was not unique as licensed premises operated alongside schools and churches in communities across the Country.

Armando Veras Sepulveda, Nitesh Patel, Kathy Schroeder and Martin Schwitzener addressed the meeting opposing the application and raising the following concerns:

- Ms Sherratt's description of the proposed Select Convenience was contradicted by the registered company trademark which suggested that the main focus of the business was the sale of alcohol
- The location of the store was incompatible with a residential location with nearby schools, a church and a hostel which housed vulnerable people.
- The application form did not demonstrate how the licensing objectives would be met particularly in relation to the prevention of children from harm and there was potential for Anti-Social Behaviour, loitering, street drinking and public nuisance.
- There were already several other convenience stores within close proximity and the proposed store would compound existing problems with Anti-Social Behaviour and loitering in the area.

- There had been no informal consultation with residents before the application was submitted.
- The Church Green and nearby Park were well used by residents, especially families with young children. The proposed store would encourage loitering in communal areas and residents were concerned for their safety

In response to questions from Members it was noted, that;

- Alcohol would form 15 - 20% of goods for sale on the premises
- Although Conviviality Retail operated four separate Business Models, the Poplar Store would be based on the Select Convenience model.
- The applicant was willing to accept a condition limiting the amount of alcohol on sale.
- Some objectors had stated that the assurances given by the applicant's representative that a Select Convenience store was proposed, had addressed some of the concerns of residents.

Members adjourned the meeting at 7:50pm 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. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Having considered all the written and oral representations from the applicant and objectors, on balance the Sub Committee accepted Ms Sherratt's confirmation that the premises would operate using the Select Convenience business model and that only 15-20% of the store's stock would be alcohol. Members were also satisfied that Ms Sherratt's clarification had provided some assurances to residents and addressed some of their concerns. However in view of the location of the premises, and the potential for crime and disorder and public nuisance, the Sub Committee was of the view that the sale of alcohol from 6am – 11pm would not uphold the licensing objectives.

Members then went on to consider what hours were appropriate for the sale of alcohol, having regard to the location of the premises, the hours proposed, proximity to other licensed premises and the adequacy of proposals to

address crime and disorder and public nuisance. Given the location of the premises, the Sub Committee felt that the proposed hours for the sale of alcohol were inappropriate. Furthermore, there were other licensed premises in close proximity selling alcohol.

The Sub Committee accepted the concerns of residents regarding the potential for Anti-Social Behaviour, crime and disorder and public nuisance and consequently considered it necessary and proportionate to add further conditions to the licence to assist the applicant in upholding the Licensing Objectives, specifically in respect of Crime and Disorder and Public Nuisance.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED - That the application for a new Premises Licence for Select Convenience, Unit 2, New Festival Quarter, Upper North Street, E14 6FY, be **GRANTED** with conditions as set out below

Sale by retail of alcohol (off the premises)

- Daily from 08:00 hours to 22:00 hours

The Opening Hours of the Premises

- Daily from 06:00 hours to 23:00 hours

Conditions

1. There shall be no sales of alcohol for consumption on the premises and no taster sessions.
2. Alcohol may only be sold in sealed containers and no single cans of alcohol to be sold.
3. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
4. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

5. An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
 - a. all ejections of patrons;
 - b. any complaints received;
 - c. any incidents of crime or disorder;
 - d. any faults in the CCTV system; and
 - e. any visit by a relevant authority or emergency service.
6. A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises.
7. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
8. A notice shall be displayed at the exit to the premises requesting customers to respect local residents and leave the premises quietly.
9. The Designated Premises Supervisor, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, must be on the premises at all times when the premises are authorised to sell alcohol.
10. A maximum of 20% of the retail space should be devoted to alcohol sales.
11. A maximum of 20% of advertising space is to be devoted to advertising alcohol for sale.
12. Training record to be retained on the premises.

The meeting ended at 7.50 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.45 P.M. ON TUESDAY, 8 NOVEMBER 2016****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,****5 CLOVE CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)
Councillor Amina Ali
Councillor Shah Alam

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

None.

2. RULES OF PROCEDURE

Noted.

3. ITEMS FOR CONSIDERATION**3.1 Cat Industries Ltd, 43 Brick Lane, E1 6PU****Applicant**

Jack Spiegler, Thomas and Thomas – Applicant's Representative
Phil Curl – Applicant
Wes Anson – Joint Business Owner

Objectors

PC Alan Cruickshank, Metropolitan Police
Kathy Driver, Licensing Authority

Mohshin Ali, Senior Licensing Officer, introduced the report which detailed an application for a new Premises Licence for Cat Industries Ltd, 43 Brick Lane, E1 6PU. In presenting the report, Mr Ali highlighted information in the agenda supplement (page 5) confirming that Mr Tom Dean had withdrawn his representation. He also referred to the conditions suggested by the Metropolitan Police (page 70 of the main agenda pack) in the event that the application was granted were also drawn to the Sub Committee's attention.

Phil Curl, the Designated Premises Supervisor and Director of Cat Industries addressed the meeting and advised that the premises specialised in the sale of craft beers. The premises was modest in size and could accommodate up to 60 customers at any one time. The aim of Cat Industries was to inform and

educate customers in the “craft beer experience” and the tasting room provided an opportunity for individuals to explore.

The premises stocked approximately 100 beers from around the world which were not stocked by mainstream supermarkets. Cat Industries wanted to engage with customers by offering a premium product for customers interested in quality rather than quantity. Residents had been fully consulted and the concerns of residents were addressed through additional voluntary conditions. The premises had a positive impact and over the last 3 weeks had operated with Temporary Event Notices, all of which had passed without incident.

Jack Spiegler addressed Members and reiterated that there were no objections from residents and the objections from the Responsible Authorities were policy based only and there were specific concerns raised with the premises. There would be no impact on the Cumulative Impact Zone (CIZ) as the premises were already had a premise licence and the opening times applied for were well within the standard framework hours. In addition this would not necessarily be a night time business as the closing hours applied for are well below the councils adopted framework hours.

PC Alan Cruickshank addressed the meeting and referred to the CIZ Policy which was adopted 3 years ago. This was the first applicant for an off license with on sales and it was noted that SPIRE had not made representations. PC Cruickshank advised Members that his full objections could be found at page 68 and the conditions agreed between himself and the applicant could be found at page 70.

Kathy Driver addressed the meeting and expressed concerns regarding the sale of high strength beers. The definition of craft beers was not clear and the off sales would mean that there was potential for street drinking when customers left the premises which was an issue faced within the CIZ.

In response to questions and comments from Members, Mr Curl stated the following with assistance from Mr Anson.

- There would be no promotional offers for cheaper beers
- The taster measures would be served in small measures
- There would be books and magazines to educate and inform patrons.
- On sales would be limited to 15 patrons at any one time
- No glasses would be taken outside
- There were generally only 2 smokers outside of the premises at any one time

Members adjourned the meeting at 7.44pm 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. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Having considered all the written and oral representations from the applicant and Responsible Authorities, The Sub Committee was not convinced that the higher pricing of alcohol would eliminate the potential for noise and disturbance and anti-social behaviour after customers had left the premises.

Members consider the rebuttable presumption set out within the Council's Special Cumulative Impact Policy and determined that the applicant had produced evidence to rebut the presumption that the premises would contribute to the issue already faced within the Brick Lane area in that the premises had run under a number of TENs where no incidents had occurred and that proposed operating hours are such that the premises would be closed before many of the complaints surrounding crime and disorder and anti-social behaviour occur.

In spite of the above Members were very mindful of the objections raised by the Police and Licensing Authority and considered that it was necessary to add conditions to the licence to ensure that the premise does not impact on the Cumulative Impact Zone. Members noted 2.1 of the section 182 Guidance and felt that the police had first-hand experience in dealing with issues within the CIZ and therefore accepted the conditions which had been agreed between the applicant and the police and believed that this would go some way in ensuring that the licensing objectives would be upheld.

Members welcomed the specialist products being offered and felt that this would enhance the local area for residence and visitors to the borough.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED - That the application for a new Premises Licence for Cat Industries Ltd, 43 Brick Lane, E1 6PU, be **GRANTED** with conditions as set out below

Supply of alcohol (on and off sales)

- Monday to Wednesday from 12 noon to 22.00 hours
- Thursday to Saturday from 11.00 hours to 23.00 hours
- Sunday from 11:00 hours to 21:00 hours

The Opening Hours of the Premises

- Monday to Wednesday from 12 noon to 22.00 hours
- Thursday to Saturday from 11.00 hours to 23.00 hours
- Sunday from 11:00 hours to 21:00 hours

Conditions

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available and download immediately upon the request of police or an authorised officer throughout the preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.
- A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
- An incident log shall be kept at the premises for at least 6 months, and made available on request to an authorised officer of the licensing authority of the Police, which must record the following:
 - all ejections of patrons;
 - any complaints received;
 - any incidents of crime or disorder;
 - any faults in the CCTV system; and
 - any visit by a relevant authority or emergency service.
- A Challenge 25 Policy shall be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises and staff trained to implement this policy
- The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
- No admittance to children under the age of 16 unless accompanied by an adult
- No more than 15 on sales customers at any one time

- Three draught beer taps (for craft beer only to be provided)
- No Beer, lager or cider which exceeds ABV strength of 5.6% shall be sold unless it is a beer, lager or cider which is classed as a craft beer, craft lager or craft cider.

Definition of a “craft” product is a product “made in a traditional or non-mechanized way by a small brewery”¹

- No open vessels of alcohol to be taken outside the premises.
- No alcohol to be sold for less than £2.50 per 330ml bottle/can, and no less than £2.20 per half pint (284ml) draught,
- Fire exits to be clearly displayed and a smoke alarm to be installed
- Clear and prominent notices will be displayed requesting customers to respect local residents by keeping noise levels to a minimum and instructing customers not to drink on the streets.

3.2 Libreria, 65 Hanbury Street, E1 5JP

Applicant

Laura Nelson, Croft Solicitors - Applicants Representative

Patrick Butler - Applicant

Objectors

None of the interested parties who had made written representations were present.

Mohshin Ali, Senior Licensing Officer, introduced the report which detailed an application for a new Premises Licence for Libreria, 65 Hanbury Street, E1 5JP.

Ms Nelson addressed the meeting on behalf of the applicant and began by referring to the further submissions included within the supplementary pack (pages 23 onwards) and highlighting the correspondence which had been forwarded to the objectors offering reduced hours of operating times and alcohol sales and amended conditions as suggested by Environmental Health (page 148 of main agenda pack)

Ms Nelson explained that Libreria aimed to create a “digital detox” zone without wi-fi and wished to offer an enhanced customer experience by serving alcohol to customers. Ms Nelson gave assurances that there would be no noise disturbance as the premises was not a late night venue. An email supporting the application had also been included in the agenda supplement (page 42)

¹ Definition from https://en.oxforddictionaries.com/definition/craft_beer as of 14/11/2016

In response to questions and comments from Committee Members, Mr Butler stated that:

1. In the event of the license being granted, organised events would be mostly literary events such as guest speakers normally held on Thursdays.
2. Similar events were already taking place at the Second Home Premises which was opposite Libreria which was run by the same company
3. Libreria was on small premises and minors would be supervised and would not have access to alcohol
4. It was envisaged that any music for events would be provided by a DJ or a single musician such as a guitarist as the premises was too small to accommodate a band
5. Staff would be fully trained in all aspects of the business, including the sale of alcohol, and a Designated Premises Supervisor would be on site

Members adjourned the meeting at 8.27pm 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. The Sub Committee had carefully considered all of the evidence before them and heard representation on behalf of the applicant and the objectors with particular regard to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

Members consider the rebuttable presumption set out within the Council's Special Cumulative Impact Policy and determined that the applicant had rebutted the presumption that the premises would contribute to the issue already faced within the Brick Lane area in that the premises was not an off-licence or restaurant where the sole purpose of someone's visit would be to purchase alcohol and that proposed operating hours are such that the premises would be closed before many of the complaints surrounding crime and disorder and anti-social behaviour occur.

Members were concerned how the business would be able to monitor the consumption of alcohol on the premises of anyone who is under the age of 18 and believed that it would be appropriate to include relevant conditions on the licence to ensure that the licensing objective of the protection of children from harm is upheld.

Members were also of the view that the conditions agreed with Environmental Health were necessary and proportionate to ensure that the licensing objectives are upheld, more so as the premises is situated within the CIZ.

Decision

Accordingly, the Sub-Committee unanimously;

RESOLVED - That the application for a new Premises Licence for Libreria, 65 Hanbury Street, E1 5JP, be **GRANTED** with conditions as set out below

Supply of alcohol (on sales)

- Monday to Saturday from 16:00 hours to 21:30 hours
- Sunday from 14:00 hours to 17:30 hours

The provision of regulated entertainment – Films (Indoors only)

- Monday and Tuesday, from 19:00 hours to 22:00 hours
- Saturday from 19:00 hours to 22:00 hours

The provision of regulated entertainment – Live Music (Indoors only)

- Friday, from 17:00 hours to 22:00 hours
- Sunday, from 14:00 hours to 18:00 hours

The Opening Hours of the Premises

- Monday to Saturday from 12 noon to 22:00 hours
- Sunday from 12 noon to 18:00 hours

Conditions

1. Sale of alcohol shall be on sales only and no open vessels of alcohol to be taken outside the premises.
2. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available and download immediately upon the request of police or an authorised officer throughout the

preceding 31 day period. No alcohol shall be sold if the CCTV equipment is inoperative for any reason.

3. A log shall be kept detailing all refused sales of alcohol. The log is to include the date and time of the refusal of sale, the reason for refusal and the name of the member of staff who refused sale. The log shall be made available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.
4. An incident log shall be kept at the premises for at least 6 months, and made available on request by an authorised officer of the licensing authority of the Police, which must record the following:
 - a. all ejections of patrons;
 - b. any complaints received;
 - c. any incidents of crime or disorder;
 - d. any faults in the CCTV system; and
 - e. any visit by a relevant authority or emergency service.
5. A Challenge 21 Policy shall be enforced, where any person reasonably looking under the age of 21 shall be asked to prove their age when attempting to purchase alcohol. Signs to this effect must be displayed at the premises.
6. The only acceptable forms of identity will be those photographic identification documents recognised by the Home Office guidance, including passports, photo-card driving licence or proof of age card bearing a PASS hologram.
7. No admittance to children under the age of 18 unless accompanied by an adult during the hours that alcohol can be sold.
8. Age verification must be requested from customers attending film screenings where they reasonably look under the age of the relevant film classification.
9. Details of the Designated Premises Supervisor to be displayed so that they can be contacted regarding any concerns about the premises.
10. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a statutory nuisance.

The meeting ended at 8.27 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification
Licensing Sub Committee	28th March 2017	Unrestricted

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for Renegade London Wine – Arch 12, Gales Gardens, London, E2 0EJ
Originating Officer: Andrew Heron Licensing Officer	Ward affected: St. Peter's

1.0 Summary

Applicant: **Mr John Warwick Smith**
Name and **Renegade London Wine**
Address of Premises: **Railway Arch 12**
Gales Gardens
London
E2 0EJ

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

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a new premises licence for Renegade London Wine – Arch 12, Gales Gardens, London, E2 0EJ.

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

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

- The sale of alcohol
- Providing regulated entertainment

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

Sale of Alcohol (both on and off sales)

- Monday to Friday from 17:00hrs to 23:00hrs
- Saturday and Sunday from 12:00hrs (midday) to 23:00hrs

The Provision of Regulated Entertainment in the form of Live and Recorded Music (indoors):

- Monday to Friday from 17:00hrs to 23:00hrs
- Saturday and Sunday from 12:00hrs (midday) to 23:00hrs

Hours premises is open to the public:

- Monday to Friday from 17:00hrs to 23:00hrs
- Saturday and Sunday from 12:00hrs (midday) to 23:00hrs

3.5 The application has since been amended upon consultation with the Responsible Authorities. Please see **Appendix 2** for an email containing the agreed modifications.

1) The application for Regulated Entertainment (both live and recorded music) has been withdrawn;

2) The hours for the sale of alcohol (both on and off sales) has been reduced:

- Monday to Friday from 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (midday) to 22:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

3) The opening hours have been agreed at closing half an hour after the last drinks are serviced, thus remained the same as per the application with the exception of Sunday, where the terminal hour will be 22:30hrs;

4) Four additional conditions have been agreed with the Applicant:

- a) 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 31days. 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 to be placed outside the entrance and one on entry);

- b) No drinks to be taken outside after 21:00hrs;
- c) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance;
- d) Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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 other licensed venues in the immediate vicinity are included as **Appendix 5**.

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 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. 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 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.
- **Appendix 7** Fakhrul Ahmed
 - **Appendix 8** Identical letters of objection received from the following persons, some residing at the same residential address:
 - Sitara Bibi, Akhtar Hussain, Renu Bibi and Rujna Begum - of the same address
 - Jean Ryan
 - Mamta and Amit Sharma - of the same address
 - Margaret Betgman
 - Mrs Jahura Bibi
 - Askalu Ferezji
 - Hamna Miah
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police

- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)

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

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

6.11 The objections cover allegations of:

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

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

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

7.0 Conditions consistent with Operating Schedule

7.1 The Applicant has provided extensive references to potential within the Operating Schedule, which have been simply duplicated here for the purposes of the report (Members will need to apply any that they feel are necessary and proportionate):

7.2 The prevention of crime and disorder:

- Preventing crime and disorder in the premises is very important to all the team. We want to create a safe, homely environment that is relaxed and welcoming. We will have a zero tolerance attitude to drugs, violence, unsociable behaviour, crime and disorder.
- We plan to put in place a number of policies and practices that will significantly reduce the possibility of such negative activity. Namely;

- Security measures including CCTV – internal and external CCTV to prevent and record all activity.
- External lighting – to ensure areas are illuminated for safety.
- Door staff – if the premises require staff we will not hesitate to hire highly trained staff. That said, we do not plan to have excessive numbers of customers at any time.
- Effective security policies – all staff will be trained on security procedures.
- Security reviews – every 6 months we will carry out security reviews.
- Daily staff briefing – before and after shifts.
- Door admissions policy – known by all staff and enforced.
- Provision of plastic drinking vessels – if needed, we will provide plastic vessels.
- Measures to preserve a crime scene – in the unlikely event of a crime happening.
- Staff Training – compulsory.
- Sharing of information – with local bars, businesses and the police and council.
- Zero tolerance to drugs and weapons – Zero tolerance!
- Working with the police – we are keen to work with the Met and local teams.
- Layout and lighting – our space will be open and uncluttered and well lit.
- Positioning alcohol – alcohol will be securely stored and with CCTV.
- Drink aware posters – promoting healthy and responsible drinking.
- Restrict sale – we will not sell to people who we are concerned will not uphold our rules regarding safety, respect and responsible drinking.

7.3 Public safety:

- Public safety is central to ensuring our winery business is viable and that our customers are reassured that there are sufficient policies in place to make the premises safe and enjoyable.
- We plan to undertake a number of policies and practical initiatives to ensure we do all we can to make the premises as safe as can be. These are detailed below;
- Premises Risk Assessment – in order to provide guidance and context to a number of safety issues we are keen to undertake a premises risk assessment and review this regularly.
- First Aid Boxes – we will keep primary first aid resources within the premises.
- First Aider – we will appoint a trained first aider or send employees for training as necessary.
- Temperature levels – naturally the winery is kept as a moderate temperature. If necessary, however, we will install additional temperature controls to keep patrons comfortable.
- Capacity of premises – this will be assessed in the principle risk assessment
- Policy to manage capacity – this will be shared with all employees and hired door staff.

- Glass collection policy – to keep areas safe and free from excessive glasses.
- Spill and broken glass – policy includes details of how to clean this up quickly and effectively.
- Bottle bins – for used wine bottles.
- Fire detection system – to prevent fire spreading and detection before danger occurs.
- Means of escape – clearly marked escape routes and fire exits.
- Staff training – critical to ensuring policies run smoothly.
- Zero tolerance – as before, ZERO tolerance to crime, drugs, anti-social activities and other negative behaviours.
- Discourage drink driving – we will actively discourage this. All staff will communicate this.

7.4 The prevention of public nuisance

- We want to be an asset to the local community and not a nuisance. Our daily activity of making wine does not make excessive noise or have the potential to cause nuisance. We want to ensure that this is also the case where the supply of alcohol is also concerned. We are dedicated to making sure that the neighbourhood and our neighbours are not disturbed or irritated by any of the activities of the business. We aim to create a relaxed atmosphere and do not plan to play loud music or trade late into the night. All precautions will be taken to ensure that noise is not polluted to the outside of the premises and that any additional noise insulating steps are taken.
- We plan to install a number of policies and practical arrangements to mitigate against any public nuisance. These are detailed below;
- Noise management policy – regarding when and how sound is made, what we do to ensure no sound pollution or nuisance is created.
- Windows and doors to be kept closed – this is to mitigate from the potential for noise to carry in the surrounding areas. We are also prepared to install additional sound insulation within the property to mitigate this. That said, the arch is quite a distance from any residential development and is also close to the road where significant road noise is present. We do not envisage creating any additional noise pollution for local residents.
- Location of speakers and noise creating devices – these will be placed at locations within the premises to minimise any disturbance to external parties.
- Contact telephone number for all residents – we will provide a 24hour contact number for all local residents so that they can voice their concerns or pose questions to the staff. We will act on the requests and desires of local residents to ensure no public nuisance occurs.
- Reduce queue lines – we do not envisage having significant numbers of customers within the premises that queues will ever occur. That said, we will ask customers to not queue outside.
- Customer dispersal policy – all customers will be asked to leave quietly and this will be overseen by staff. We will also put up signage reinforcing this.

- Signage – as mentioned, we will have clear signage asking customers to be respectful and quiet.
- Door supervisors – these, if needed will be fully trained on our policies.
- Screening and noise travel prevention – we do not believe at this stage that any significant screening or additional noise prevention materials are needed to keep the peace and avoid nuisance. That said, should we need to erect screens or increase insulation, or reduce any activity that causes noise, we are very willing to do so.

7.5 The protection of children from harm

- We are dedicated to providing a winery that is for the enjoyment and education of adults. We will not allow children that are not accompanied by an adult, preferably their parents, to be on the premises. We will take a number of steps to ensure that children are protected from harm. These are detailed below.
- Restrict access to children – No unaccompanied children will be allowed on the premises. That means, no under 18's.
- No ID, No Sale Policy – if we suspect someone to be under 25, we will ask for ID to verify their age. Only driving photo cards, passports or PASS cards will be accepted.
- Posters – these will indicate that it is an offence to purchase alcohol on behalf of an underage person.
- Refusals Book – to log and formalise all that were refused sale.
- Staff training – to ensure knowledge is up to date and that policies are enforced.
- No access to unaccompanied under 18's – as above we will have a zero tolerance policy to allowing underage persons within the premises. Nobody under 18 will be allowed in the premises unless accompanied by an adult.

8.0 Conditions Agreed/Requested by Responsible Authorities

8.1 As stated above in 3.5:

- 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 to be placed outside the entrance and one on entry);
- 2) No drinks to be taken outside after 21:00hrs;

- 3) No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance;
- 4) Loudspeakers shall not be located in the entrance lobby or outside the premises building.

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 the 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 9-11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** An email between the Applicant and the Responsible Authorities modifying the application
- Appendix 3** Site Plan
- Appendix 4** Maps of the surrounding area
- Appendix 5** Other licensed venues in the area
- Appendix 6** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 7** Representation of local resident Fakhrul Ahmed
- Appendix 8** Representation of local residents – identical letters from Sitara Bibi, Akhtar Hussain, Renu Bibi and Rujna Begum, Jean Ryan, Mamta and Amit Sharma, Margaret Betgman, Mrs Jahura Bibi, Askalu Ferezji and Hamna Miah
- Appendix 9** Licensing Officer comments on Anti-Social Behaviour on the premises
- Appendix 10** Licensing officer comments on anti-social behaviour patrons leaving the premises
- Appendix 11** 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.

On-Line payments can be made at:

http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I *(Insert name(s) of applicant)* **John Warwick SMITH**

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 am making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Part 1 – Premises details

Arch 12, Gales Gardens, Bethnal Green, E2 0EJ	
Post town London	Post code E2 0EJ

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 SMITH	First names John Warwick
-------------------------	------------------------------------

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

SECOND INDIVIDUAL APPLICANT (if applicable)

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

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

I am 18 years old or over Please tick yes

Current postal address if different from premises address

Post Town **Postcode**

Daytime contact telephone number

E-mail address (optional)

B) OTHER APPLICANTS

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

Name
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			
2	0	0	2	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.

--

Arch 12, Gales Gardens, E2 0EJ is a recently renovated Network Rail owned railway arch. The recent renovation has been completed to a standard Network Rail fit out and includes secure roller shutters, glass and double door facade, renovated concrete floor, updated electrics, fully lined interior and WC facilities.

It is a double height railway arch space measuring 16.5m in length, 6.5m in width and with a maximum ceiling height of 4.7m.

The property is to be occupied by John Warwick Smith. (Brand name: Renegade London Wine). Renegade London Wine is a new urban winery established in June 2016. The business is a fully functioning winery where wine is made. Essentially, this is a new concept in London and echoes the demand from the public for locally made artisan products, similar to craft beers and London made gin. We have the full support for our business and premises license from Network Rail. Any questions please contact James Walton (Asset Manager, Tower Hamlets, Network Rail). Contact details on demand.

Renegade London Wine makes high quality wine in London from grapes that are sourced from the UK and other parts of Europe. We hand harvest the grapes and transport them to the London winery in refrigerated lorries where they are destemmed, pressed, fermented,

aged and finally bottled. The first vintage was completed in Oct 2016 in our previous winery in NW10. We have decided to move the business and centre our urban winery in the London Borough of Tower Hamlets. We believe that this will bring an interesting craft to central London and benefit the local economy and wider community. This is a very low touch process and does not have any smell or noise issues for surrounding community.

The arch fully functions as a working winery during normal working hours and this is the premises principle use, however, we would also like the ability to sell our wines to the public for them to be tasted on site specifically where they are made. This licensable activity would be ancillary to our core business of making wine but also essential in making the financial viability of bringing this concept to Tower Hamlets possible.

The arch is divided into a core production space and also a secure barrel room where our wines are aged in French oak barrels. There is a small service area to the right hand side of the arch where we can allow customers to taste the wines. There are also newly renovated WC facilities for customers to access.

The premises will be used for low key and relaxed wine tasting. Our interests are to promote sensible consumption of wine as well as education around how wines are made.

We would also like to apply to be able to have live music played in the premises very occasionally. We do not envisage that this will be a frequent activity, however, acoustic guitar performances by local up and coming artists could benefit the local community.

We look forward to bringing this concept to Bethnal Green.

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

A

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

B

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

C

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

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			<u>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
				Both	
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list.</u> (please read guidance note 5)		
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	YES
				Outdoors	NO
				Both	NO
Day	Start	Finish	<p>Please give further details here We would like the ability to have live musicians play within the winery property occasionally. We do not envisage that this will be commonplace, but occasional.</p> <p>State any seasonal variations for the performance of live music No seasonal variation</p> <p>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Mon	17:00	23:00			
Tue	17:00	23:00			
Wed	17:00	23:00			
Thur	17:00	23:00			
Fri	17:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

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	YES
				Outdoors	NO
				Both	NO
Day	Start	Finish	<p>Please give further details here We would like the ability to play recorded music within the premises to add atmosphere to the space.</p> <p>State any seasonal variations for playing recorded music No seasonal variation</p> <p>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</p>		
Mon	17:00	23:00			
Tue	17:00	23:00			
Wed	17:00	23:00			
Thur	17:00	23:00			
Fri	17:00	23:00			
Sat	12:00	23:00			
Sun	12:00	23:00			

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	
				Outdoors	

Day	Start	Finish	Both
Mon			<u>Please give further details here</u> (please read guidance note 4)
Tue			
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)
Thur			
Fri			<u>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</u> (please read guidance note 5) 5)
Sat			
Sun			

H

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

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon				Please give further details here (please read guidance note 4)	Both	
Tue						
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)			
Thur						
Fri						
Sat			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)			
Sun						

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	YES	
Day	Start	Finish		Off the premises	YES	
Mon	17:00	23:00		Please give further details here We are keen to offer visitors to the winery the ability to consume alcohol and pay to taste our products.	Both	YES
Tue	17:00	23:00				
Wed	17:00	23:00	State any seasonal variations for the supply of alcohol No seasonal variation			
Thur	17:00	23:00				
Fri	17:00	23:00				
Sat	12:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)			
Sun	12:00	23:00				

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

Name

John Warwick SMITH

Address

[Redacted Address]

Personal Licence number(if known)

[Redacted Personal Licence number]

Issuing licensing authority (if known)

[Redacted Issuing licensing authority]

K

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

We do not wish, nor shall we ever wish to provide adult entertainment or services that should give rise to concern in respect to children.

L

Hours premises are open to the public Standard timings (please read guidance note 6)			<u>State any seasonal variation</u> No seasonal variation.
Day	Start	Finish	<u>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Mon	17:00	23:00	
Tue	17:00	23:00	
Wed	17:00	23:00	
Thur	17:00	23:00	
Fri	17:00	23:00	
Sat	12:00	23:00	
Sun	12:00	23:00	

M

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

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

In order to promote all four of the licensing objectives, all staff who work in the premises will be sufficiently educated with regards to licensing law.

I am keen to ensure that staff also look to gain formal personal licensing training to be paid for by the company.

b) The prevention of crime and disorder

Preventing crime and disorder in the premises is very important to all the team. We want to create a safe, homely environment that is relaxed and welcoming. We will have a zero tolerance attitude to drugs, violence, unsociable behaviour, crime and disorder.

We plan to put in place a number of policies and practices that will significantly reduce the possibility of such negative activity. Namely;

Security measures including CCTV – internal and external CCTV to prevent and record all activity.

External lighting – to ensure areas are illuminated for safety.

Door staff – if the premises require staff we will not hesitate to hire highly trained staff. That said, we do not plan to have excessive numbers of customers at any time.

Effective security policies – all staff will be trained on security procedures.

Security reviews – every 6 months we will carry out security reviews.

Daily staff briefing – before and after shifts.

Door admissions policy – known by all staff and enforced.

Provision of plastic drinking vessels – if needed, we will provide plastic vessels.

Measures to preserve a crime scene – in the unlikely event of a crime happening.

Staff Training – compulsory.

Sharing of information – with local bars, businesses and the police and council.
Zero tolerance to drugs and weapons – Zero tolerance!

Working with the police – we are keen to work with the Met and local teams.

Layout and lighting – our space will be open and uncluttered and well lit.

Positioning alcohol – alcohol will be securely stored and with CCTV.

Drink aware posters – promoting healthy and responsible drinking.

Restrict sale – we will not sell to people who we are concerned will not uphold our rules regarding safety, respect and responsible drinking.

c) Public safety

Public safety is central to ensuring our winery business is viable and that our customers are reassured that there are sufficient policies in place to make the premises safe and enjoyable.

We plan to undertake a number of policies and practical initiatives to ensure we do all we can to make the premises as safe as can be. These are detailed below;

Premises Risk Assessment – in order to provide guidance and context to a number of safety issues we are keen to undertake a premises risk assessment and review this regularly.

First Aid Boxes – we will keep primary first aid resources within the premises.

First Aider – we will appoint a trained first aider or send employees for training as necessary.

Temperature levels – naturally the winery is kept as a moderate temperature. If necessary, however, we will install additional temperature controls to keep patrons comfortable.

Capacity of premises – this will be assessed in the principle risk assessment

Policy to manage capacity – this will be shared with all employees and hired door staff.

Glass collection policy – to keep areas safe and free from excessive glasses.

Spill and broken glass – policy includes details of how to clean this up quickly and effectively.

Bottle bins – for used wine bottles.

Fire detection system – to prevent fire spreading and detection before danger occurs.

Means of escape – clearly marked escape routes and fire exits.

Staff training – critical to ensuring policies run smoothly.

Zero tolerance – as before, ZERO tolerance to crime, drugs, anti-social activities and other negative behaviours.

Discourage drink driving – we will actively discourage this. All staff will communicate this.

d) The prevention of public nuisance

We want to be an asset to the local community and not a nuisance. Our daily activity of making wine does not make excessive noise or have the potential to cause nuisance. We want to ensure that this is also the case where the supply of alcohol is also concerned. We are dedicated to making sure that the neighbourhood and our neighbours are not disturbed or irritated by any of the activities of the business. We aim to create a relaxed atmosphere and do not plan to play loud music or trade late into the night. All precautions will be taken to ensure that noise is not polluted to the outside of the premises and that any additional noise insulating steps are taken.

We plan to install a number of policies and practical arrangements to mitigate against any public nuisance. These are detailed below;

Noise management policy – regarding when and how sound is made, what we do to ensure no sound pollution or nuisance is created.

Windows and doors to be kept closed – this is to mitigate from the potential for noise to carry in the surrounding areas. We are also prepared to install additional sound insulation within the property to mitigate this. That said, the arch is quite a distance from any residential development and is also close to the road where significant road noise is present. We do not envisage creating any additional noise pollution for local residents.

Location of speakers and noise creating devices – these will be placed at locations within the premises to minimise any disturbance to external parties.

Contact telephone number for all residents – we will provide a 24hour contact number for all local residents so that they can voice their concerns or pose questions to the staff. We will act on the requests and desires of local residents to ensure no public nuisance occurs.

Reduce queue lines – we do not envisage having significant numbers of customers within the premises that queues will ever occur. That said, we will ask customers to not queue outside.

Customer dispersal policy – all customers will be asked to leave quietly and this will be overseen by staff. We will also put up signage reinforcing this.

Signage – as mentioned, we will have clear signage asking customers to be respectful and quiet.

Door supervisors – these, if needed will be fully trained on our policies.

Screening and noise travel prevention – we do not believe at this stage that any significant screening or additional noise prevention materials are needed to keep the peace and avoid nuisance. That said, should we need to erect screens or increase insulation, or reduce any activity that causes noise, we are very willing to do so.

e) The protection of children from harm

We are dedicated to providing a winery that is for the enjoyment and education of adults. We will not allow children that are not accompanied by an adult, preferably their parents, to be on the premises. We will take a number of steps to ensure that children are protected from harm. These are detailed below.

Restrict access to children – No unaccompanied children will be allowed on the premises. That means, no under 18's.

No ID, No Sale Policy – if we suspect someone to be under 25, we will ask for ID to verify their age. Only driving photo cards, passports or PASS cards will be accepted.

Posters – these will indicate that it is an offence to purchase alcohol on behalf of an underage person.

Refusals Book – to log and formalise all that were refused sale.

Staff training – to ensure knowledge is up to date and that policies are enforced.

No access to unaccompanied under 18's – as above we will have a zero tolerance policy to allowing underage persons within the premises. Nobody under 18 will be allowed in the premises unless accompanied by an adult.

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 : 4BBE7ET27W32 ✓
- 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**  **f of the applicant please state in what capacity.**

Signature

Date: 09/01/2017








Capacity: Applicant

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

Signature

Date

Capacity

John Warwick SMITH	
  	
Post town London	Post code 
Telephone number (if any) 	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)  	

Appendix 2

Andrew Heron

From: Nicola Cadzow
Sent: 27 January 2017 13:59
To: Licensing; Andrew Heron
Cc: [REDACTED]
Subject: Premise License Applicaiton - Regenade London Wine Railway Arch 12, Gales Gardens, London - Ref M/097686

Dear Licensing,

Just to confirm the Police and Environmental Health have no objections to the Premise License Application for Regenade London Wine Railway Arch 12, Gales Gardens, London - Ref M/097686, following conditions added and amendments to the application as follows:-

1. Recorded music withdrawn
2. Live music withdrawn

Alcohol hours.

Mon-Fri 1700-2230

Sat: 1200-2230

Sun: 1200-2200

Closing a half hour later

Conditions

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.

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

2. No drinks to be taken outside after 2100

3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

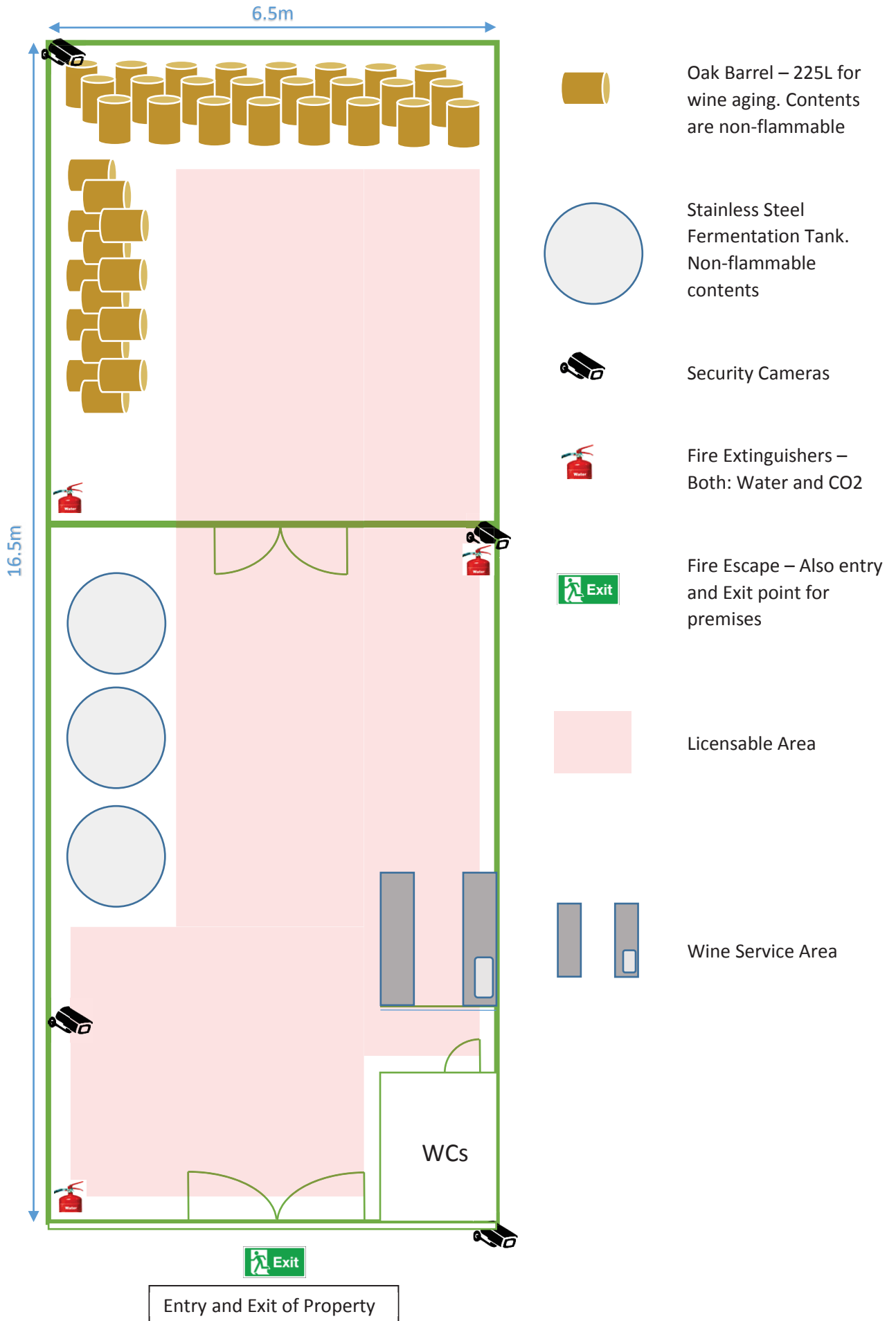
4. Loudspeakers shall not be located in the entrance lobby or outside the premises building.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 3

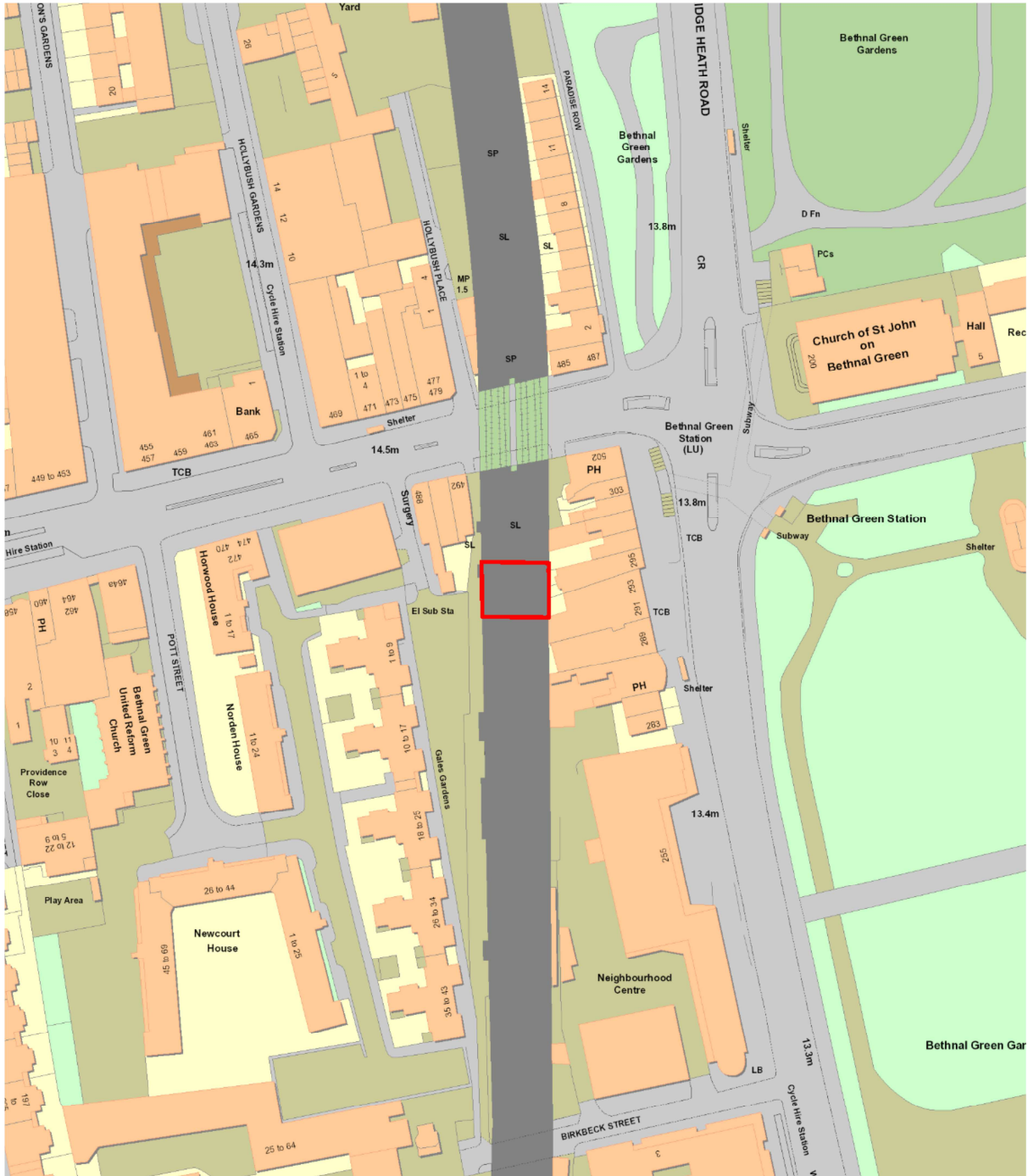


Appendix 4



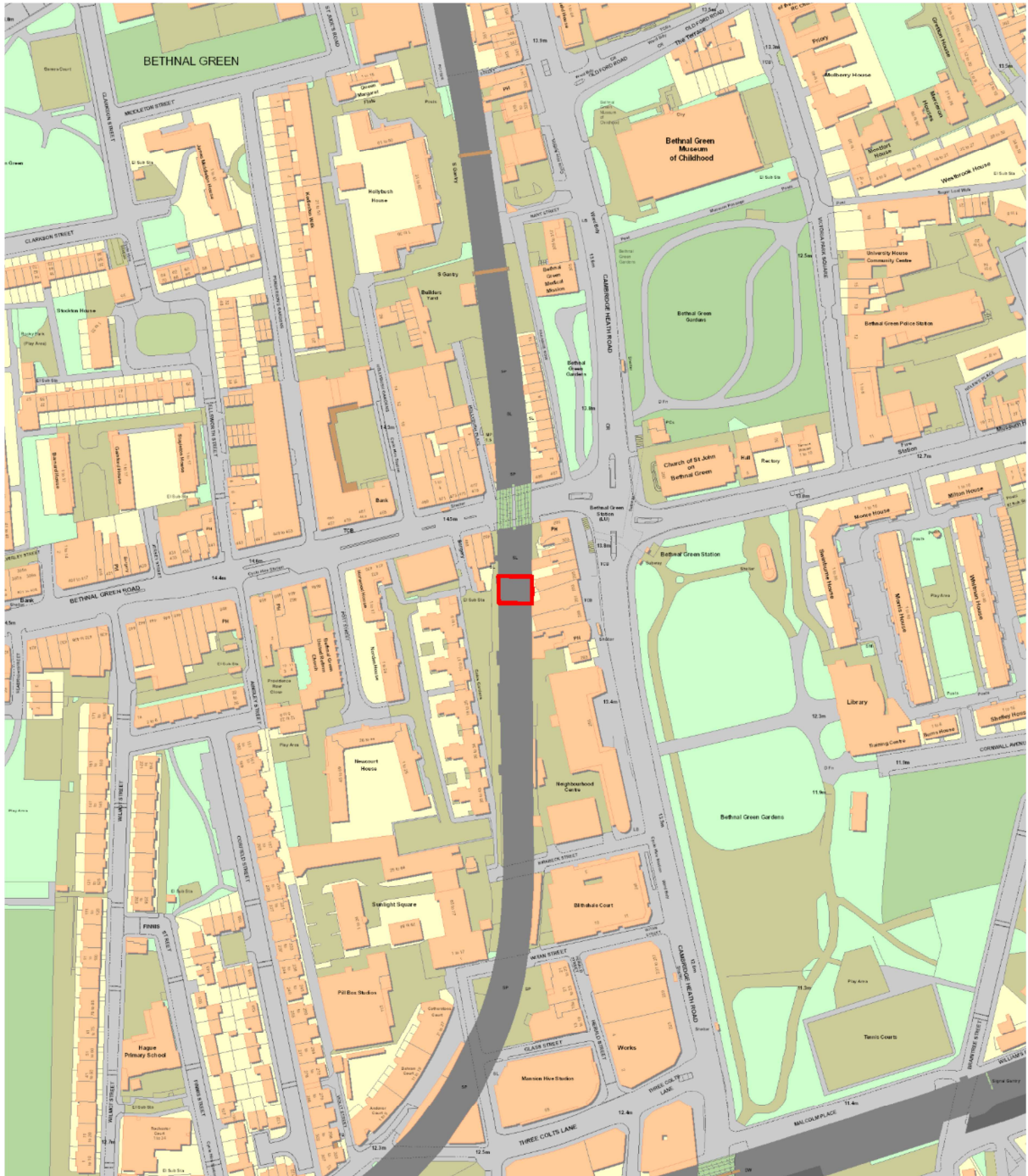
Arch 12, Gales Gardens, E2

Map 1



Arch 12, Gales Gardens, E2

Map 2



Arch 12, Gales Gardens, E2

Map 3

Appendix 5

Licenced Premises in the Immediate Vicinity

W Goodmans Newsagents
472 Bethnal Green Road
London
E2 0EA

The Supply of Alcohol (off sales only)

- Monday to Sunday from 08:00hrs to 23:00hrs

The Opening Hours of the Premises

- Monday to Sunday from 08:00hrs to 23:00hrs
-

Paradise Cottage
477 Bethnal Green Road
London
E2 9QH

Alcohol may be sold or supplied:

- (1) Monday to Saturday, other than Christmas Day, Good Friday or New Year's Eve from 11:00hrs to 00:00hrs (midnight)
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00hrs (midday) to 23:30hrs;
- (3) On Christmas Day: 12:00hrs (midday) to 23:30hrs;
- (4) On New Year's Eve, except on a Sunday, 11:00hrs to 00:00hrs (midnight);
- (5) On New Year's Eve on a Sunday, 12:00hrs (midday) to 23:30hrs;
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve 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).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
 - (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
 - (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
 - (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;
- Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

The Provision of Late Night Refreshment

- Monday to Thursday from 23:00hrs to 02:00hrs (the following day)
- Friday and Saturday from 23:00hrs to 03:00hrs (the following day)

- Sunday from 23:00hrs to 01:00hrs (the following day)

Note: However, New Year's Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Year's Eve and 11:00hrs on New Year's Day.

The Opening Hours of the Premises

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

Salmon and Ball
502 Bethnal Green Road
London
E2 0EA

The Sale by Retail of Alcohol

- Sunday to Thursday from 10:00hrs to 12:00hrs (midnight)
- Friday and Saturday from 10:00 to 02:00hrs (the following day)

Regulated Entertainment in the form of Recorded Music or entertainment of a similar nature

- Sunday to Thursday from 10:00hrs to 12:00hrs (midnight)
- Friday and Saturday 10:00 to 02:00hrs (the following day)

Regulated Entertainment in the form of (Live Music)

- Sunday to Thursday from 18:00hrs to 23:30hrs
- Friday and Saturday from 18:00hrs to 01:00hrs (the following day)

The premises may continue the above 10:00hrs to 02:00hrs (the following day) on Christmas Eve, St Patrick's Day, St George's Day, St Andrew's Day, St David's Day, Burns Night, New Year's Eve and on 12 additional occasions throughout the year at the discretion of the licensee. Approval from the licensing authority must be sought 10days prior to each discretionary day.

The Opening Hours of the Premises

- Sunday to Thursday from 10:00hrs to 00:30hrs (the following day)
- Friday and Saturday from 10:00hrs to 02.30hrs (the following day)

The premises may remain open 10am to 2am on Christmas Eve, St Patrick's Day, St George's Day, St Andrew's Day, St David's Day, Burns Night, New Year's Eve and on 12 additional occasions throughout the year at the discretion of the licensee. Approval from the licensing authority must be sought 10days prior to each discretionary day.

Appendix 6

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 7

Andrew Heron

From: [REDACTED]
Sent: 20 January 2017 10:59
To: Andrew Heron
Subject: RE: CLC/EHTS/LIC/097686

Follow Up Flag: Follow up
Flag Status: Completed

Hello Andrew

As my email below I can confirm my address below.

[REDACTED]
[REDACTED]
[REDACTED]

kind Regards
Fakhrul Ahmed

Sent from my Samsung Galaxy smartphone.

----- Original message -----

From: Andrew Heron <[REDACTED]>
[REDACTED]
[REDACTED]

Dear Mr Ahmed,

Thank you for your email, the contents of which are noted.

However, for me to accept this as a valid representation, you must provide your full residential address.

Please do so by 6th February, otherwise I will deem your representation as invalid.

Regards,

Andrew Heron

Licensing Officer

Licensing Section

London Borough of Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

Tel: 020 7364 2665

Fax: 020 7364 6935

www.towerhamlets.gov.uk

From: [REDACTED]
Sent: 19 January 2017 10:21
To: Licensing
Subject: CLC/EHTS/LIC/097686

Hi

I have received this letter regarding to open a alcohol licensing in arch 12 Gales Garden. I am writing to you of my concern giving this premises alcohol licence. We previously had issue with this arches last 2 years were people was serving illegal alcohol and entertainment during this time the was number of incident as I will list below.

1. A lot of people Congress outside this arch after 11pm shouting and swearing as you are aware we live right opposite this arch and it causes a lot of disruption at night.

2. People taking legal highs every Saturday and Sunday morning our estate is filled with legal high canisters we have kids living here as well and does not give good impression secondly to that does this arch provide toilets to its customers if not this will be another problem as numerous time people cross over to our estate and urinate everywhere.

3. I had a incident before where someone threw alcohol bottle over to our estate and smashed my front window of my car.

4. From previous incident when fire brigade had to attend they had to close it down do to Health and Safety because there was too many people in the arches considering how small these arches are.

I don't believe this place is suited for alcohol and entertainment as we live right opposite these arches my main concern is what I mentioned above and the cleanliness of our estate the owner of arch 12 I won't care as he don't live here but we have kids who live on the estate. I urge tower hamlets to consider this carefully and not to let money drive their decision rather the concern of what I raised.

Kind Regards

Fakhrul Ahmed

Sent from my Samsung Galaxy smartphone.

Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility: Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Appendix 8

Andrew Heron (Licensing Officer)
London Borough of Tower Hamlets
John Onslow House
1 EWART PLACE
LONDON
E3 3EQ

SITARA BIBI
[REDACTED]
[REDACTED]

22ND January 2017

Your Ref: CLC/EHTS/LIC/097686

Re: License Application for
Renegade London Wine Arch 12 Gales Gardens E2 0EJ

Dr Mr Andrew Heron

I am extremely concerned about the license application that has been submitted application that has been submitted for the above premises.

I object completely to the application and kindly request you not to issue the license as me and all the residents of Gales Gardens will have to live with the anti social behaviour and be victims who will suffer.

Previously the above premises have been used illegally during the weekend for all night parties. The customers would block our estate entrance and which forces us to leave the car elsewhere.

Every Sunday morning we would wake up to find urine all over our estate as well as many times on my vehicle had been urinated on as well as other neighbours vehicles, the whole estate would smell of urine and alcohol.

We would also find broken beer bottles all over our estate, which many times the drunk customers would throw over the wall.

Also the use of illegal laughing gas drug canisters is left all over our estate.

We have young children living within Gales Gardens who are exposed to this sort of left over substance.

There would also be 15 to 20 bin bags full of beer bottles left outside our bin area and the entrance of our estate.

Many times when I and many neighbours return home late we are exposed to the customers urinating as well as sometimes arguing with each other and using drugs.

They would always be in big groups which make us feel intimidated and vulnerable.

Please carefully consider this representation and kindly reject the application, I am sure he would be better off on the main road there are many vacant premises as well it would not cause any problem to resident.

Thank you very much

[REDACTED]
SITARA BIBI

LBTH
TRADING STANDARDS
- 3 FEB 2017
LICENSING

Andrew Heron (Licensing Officer)
London Borough of Tower Hamlets
John Onslow House
1 EWART PLACE
LONDON
E3 3EQ

AKHTAR HUSSAIN



22ND January 2017

Your Ref: CLC/EHTS/LIC/097686

Re: License Application for
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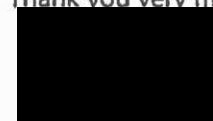
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AKHTAR HUSSAIN



Andrew Heron (Licensing Officer)
London Borough of Tower Hamlets
John Onslow House
1 EWART PLACE
LONDON
E3 3EQ

RENU BIBI
[REDACTED]
[REDACTED]

22ND January 2017

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Thank you very much

[REDACTED]

Renu Bibi

Andrew Heron (Licensing Officer)
London Borough of Tower Hamlets
John Onslow House
1 EWART PLACE
LONDON
E3 3EQ

JEAN RYAN
[REDACTED]
[REDACTED]

22ND January 2017

Your Ref: CLC/EHTS/LIC/097686

Re: License Application for
Renegade London Wine Arch 12 Gales Gardens E2 0EJ

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Thank you very much
[REDACTED]

JEAN RYAN

Andrew Heron (Licensing Officer)
London Borough of Tower Hamlets
John Onslow House
1 EWART PLACE
LONDON
E3 3EQ

MAMTA SHARMA
[REDACTED]
[REDACTED]

22ND January 2017

Your Ref: CLC/EHTS/LIC/097686

Re: License Application for
Renegade London Wine Arch 12 Gales Gardens E2 0EJ

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We have young children living within Gales Gardens who are exposed to this sort of left over substance.

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They would always be in big groups which make us feel intimidated and vulnerable.

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[REDACTED]

RUJNA BEGUM

Appendix 9

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

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

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 10

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. **(See Section 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 11

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 : Licensing Sub Committee	Date 28th March 2017	Classification Unrestricted
Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for Mile End Park (at Bow Common Lane Bus Stop (Stop MS)), Burdett Road, London, E3 4TN	
Originating Officer: Andrew Heron Licensing Officer	Ward affected: Bow East	

1.0 Summary

Applicant: **London Oktoberfest Limited**
Name and **Mile End Park**
Address of Premises: **Mile End Park**
At Bow Common Lane Bus Stop (Stop MS)
Burdett Road
London
E3 4TN

Licence sought: **Licensing Act 2003**
The Sale of Alcohol
Provide regulated entertainment

Objectors: **A Local Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a premises licence for Mile End Park (at Bow Common Lane Bus Stop (Stop MS)), Burdett Road, London, E3 4TN.

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
- Providing regulated entertainment

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

Sale of Alcohol (on sales only)

- Monday from 12:00hrs (midday) to 19:00hrs
- Thursday to Saturday from 12:00hrs (midday) to 22:30hrs
- Sunday from 12:00hrs (midday) to 22:00hrs

The Provision of Regulated Entertainment in the form of Live Music (indoors):

- Monday from 12:00hrs (midday) to 18:30hrs
Thursday to Saturday from 12:00hrs (midday) to 22:00hrs
- Sunday from 12:00hrs (midday) to 21:30hrs

The Provision of Regulated Entertainment in the form of Live Music (both indoors and outdoors):

- Monday from 12:00hrs (midday) to 19:15hrs
- Thursday to Saturday from 12:00hrs (midday) to 22:45hrs
- Sunday from 12:00hrs to 22:15hrs

(Recorded music will provide by a German DJ playing German and international Pop Music, the DJ only plays during the set breaks of the traditional Bavarian folk band)

Hours premises is open to the public:

- Monday from 12:00hrs (midday) to 19:30hrs
- Thursday to Saturday from 12:00hrs (midday) to 23:00hrs
- Sunday from 12:00hrs (midday) to 22:30hrs

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 Most licenced venues in the immediate vicinity cater only for late night refreshment. Details of other alcohol licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st 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. 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 5**.

- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local resident Leo Wilson. Please see **Appendix 6**. Members will note that this is a weak representation, containing little detail, however, it has been deemed as valid by the Licensing Authority.
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of:
- Anti-social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Close proximity to residential properties
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

7.1 See application:

1. Between 6 and 18 Security and Stewards will be employed for every event day when the tent is open. When the beer garden is open there will be a minimum of two Security. Door searches will be conducted and those who are suspected of engaging in anti-social behaviour will be denied entrance. We will also stay in close contact to the local police.
2. An early closing time means that the public transportation is available for the guests. Safety Stewards will also be used to aid guests making a quick departure from the event site.
3. The tent will be closed once capacity is reached. Anti-social behaviour will not be tolerated and anyone engaging in such behaviour will be removed from the premises.
4. People under the age of 18 are only allowed to enter Sunday and Monday the tent (beer garden will be open for everybody) and only when they are accompanied by an adult over the age of 18. Furthermore, we will follow Check 25 protocol and request picture identification from anyone who appears to be under the age of 25.

8.0 Conditions Agreed/Requested by Responsible Authorities

8.1 See Appendix 7.

1. This license is for "German Village Festival" only. This is a single event which will run on the last weekend in April and the first weekend in May;
2. A Security Plan will be agreed with Police at least one month prior to the event taking place;
3. An Event Management Plan will be agreed at a planning meeting with Police and Tower Hamlets Council at least one month prior to the event taking place.

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 the 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 8-10** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

- Appendix 1** A copy of the application
- Appendix 2** Site Plan
- Appendix 3** Maps of the surrounding area
- Appendix 4** Other licensed venues in the area
- Appendix 5** Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
- Appendix 6** Representation of local resident Leo Wilson
- Appendix 7** Emails agreeing conditions
- Appendix 8** Licensing officer comments on anti-social behaviour patrons leaving the premises
- Appendix 9** Licensing officer comments on Access and egress problems
- Appendix 10** Licensing officer comments on Noise when the premises is in use

Appendix 1

Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Are you:

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

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

If your business is registered, use its registered name.
 Put "none" if you are not registered for VAT.

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Address Description

Mile End Park
At Bow Common Lane Bus Stop (Stop MD)
Buedett RD
E34TN London

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Address

Building number or name	<input type="text" value="B1 Business Center, Suite 206"/>
Street	<input type="text" value="Davyfield Road"/>
District	<input type="text"/>
City or town	<input type="text" value="Blackburn"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="BB12QY"/>
Country	<input type="text" value="United Kingdom"/>

Contact Details

E-mail	<input type="text" value="[REDACTED]"/>
Telephone number	<input type="text" value="[REDACTED]"/>
Other telephone number	<input type="text"/>

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

Mile End Park is locatetd near the underground station "Mile End".
Next to it ist the Bus Station "Stop MD"

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

Continued from previous page...

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

Will the performance of live music take place indoors or outdoors or both?

Indoors Outdoors Both

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

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

traditional bavarian folk musik will be played. Mixed with some international pop songs that are well known in england. The instruments are: Guitar, Bass, accordion, acoustic guitar, drums, tuba , trombone

State any seasonal variations for the performance of live music

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

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

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

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

Recorded music will provide by a german DJ playing German and international Pop Music, the DJ only plays during the set
breaks of the traditional bavarian folk band.

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

non

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

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

non

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

No one under the age of 18 is allowed to enter the (beer garden will be open for everybody), except on Sundays and Mondays. On Sundays and Monday only, people under the age of 18 are allowed to entry when accompanied by an adult 18 or older. We will also follow the Check 25 protocol and ask for picture identification from anyone who looks younger than 25.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

Page

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

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

non

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

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

non

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e) **Page 130**

Continued from previous page...

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

London Oktoberfest aims to fulfill all of the rules of the licencing act 2003 by staying in close contact with the Tower Hamlets Council and surrounding residents. Our goal is to minimize the event's impact on the everyday activities of Mile End Park

b) The prevention of crime and disorder

Between 6 and 18 Security and Stewards will be employed for every event day when the tent is open. When the beer garden is open the will be a minimum of two Security. Door searches will be conducted and those who are suspected of engaging in anti-social behaviour will be denied entrance. We will also stay in close contact to the local police.

c) Public safety

An early closing time means that the public transportation is available for the guests. Safety Stuards will also be used to aid guests making a quick departure from the event site.

d) The prevention of public nuisance

The tent will be closed once capacity is reached. Anti social behaviour will not be tolerated and anyone engaging in such behaviour will be removed from the premises.

e) The protection of children from harm

People under the age of 18 are only allowed to enter sundays and Monday the tent (beer garden will be open for everybody) and only when they are accompanied be a adult over the age of 18. Furthermore, we will follow Check 25 protocol and request picture identification from anyone who appears to be under the age of 25.

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment only

Continued from previous page...

where the entertainment is provided by and at the school or college and for the purposes of the school or college.
If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

- Capacity 5000-9999 = £1,000.00
- Capacity 10000 -14999 = £2,000.00
- Capacity 15000-19999 = £4,000.00
- Capacity 20000-29999 = £8,000.00
- Capacity 30000-39000 = £16,000.00
- Capacity 40000-49999 = £24,000.00
- Capacity 50000-59999 = £32,000.00
- Capacity 60000-69999 = £40,000.00
- Capacity 70000-79999 = £48,000.00
- Capacity 80000-89999 = £56,000.00
- Capacity 90000 and over = £64,000.00

* Fee amount (£)

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

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

DECLARATION

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

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same

* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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

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

* Full name	<input type="text"/>
* Capacity	<input type="text"/>
Date (dd/mm/yyyy)	<input type="text"/>

Continued from previous page...

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

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

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

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

Appendix 2

Site plan - German Village Festival - London 2017



Appendix 3



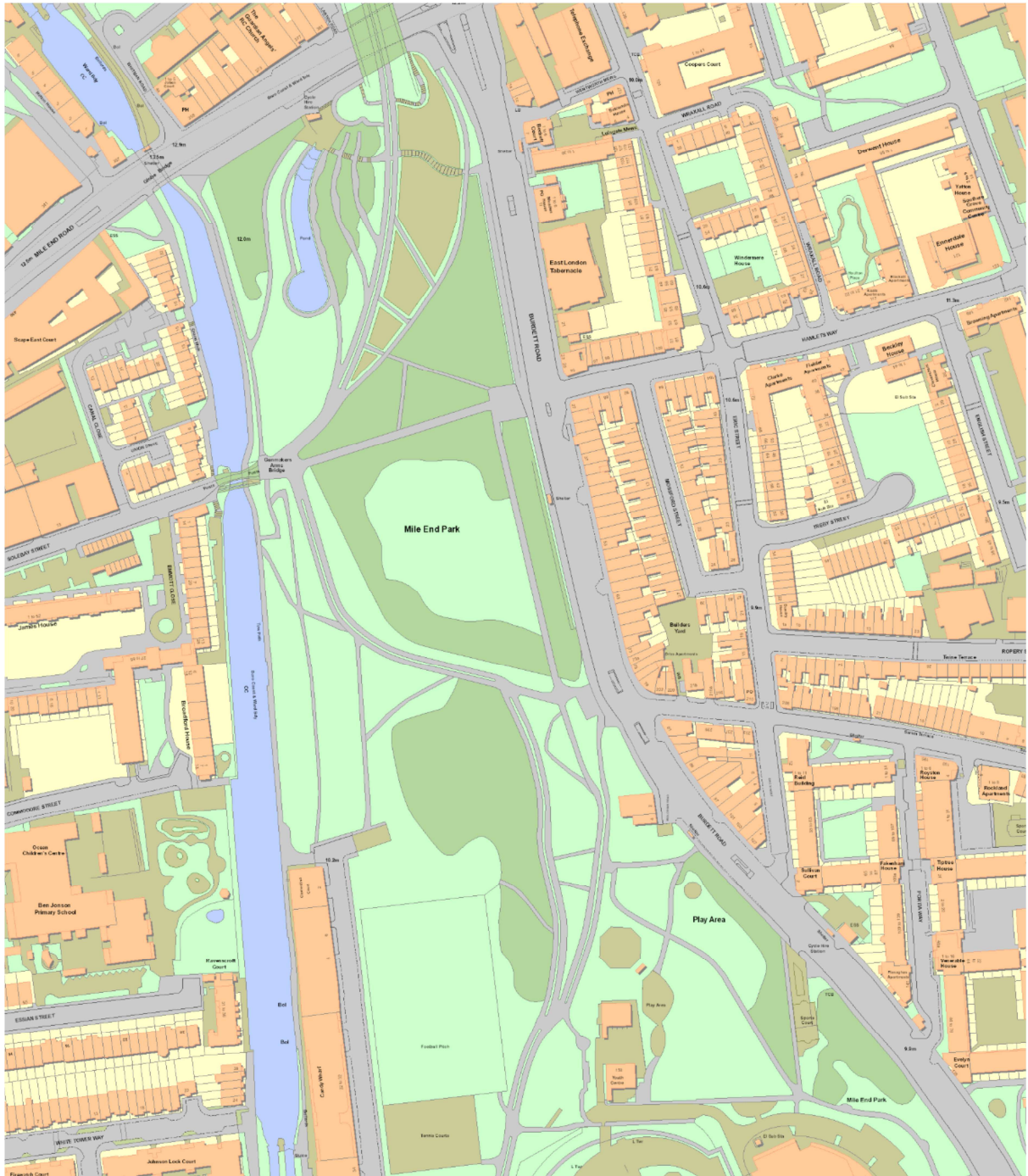
Mile End Park

Map 1



Mile End Park

Map 2



Mile End Park

Map 3

Appendix 4

Alcohol Licensed Premises in the Immediate Vicinity

Oho Shop
61 Burdett Road
London
E3 4TN

The Sale by Retail of Alcohol (off sales)

- Monday to Sunday from 10:00hrs to 22:00hrs

The Opening Hours of the Premises

- Monday to Sunday from 10:00hrs to 22:00hrs
-

(DKH Supermarket)
93 Burdett Road
Mile End
London
E3 4JN

The Sale by Retail of Alcohol (off sales)

- Monday to Sunday from 08:00hrs to 01:00hrs (the following day)

The opening hours of the premises

- Monday to Sunday from 08:00hrs to 01:00hrs (the following day)

Appendix 5

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 6

Andrew Heron

From: [REDACTED]
Sent: 30 January 2017 15:01
To: Licensing
Subject: Mile End Park

Dear Sir/Madam

Your Ref: CLC/EHTS/LIC/098054

I am writing to you about an application by London Oktoberfest Ltd for a premises licence at:

Mile End Park
At Bow Common Lane Bus Stop (Stop MD)
Burdett RD
E34TN London

I live on a street within Mile End Park, [REDACTED] and I object to the park being used for this purpose.

I use the park with my two young children, and the live music and drinking of alcohol will add to noise and litter in our neighbourhood. I would also be concerned at the provision of outside toilets in the park, and hours of opening until 11 pm at night.

The park is amenity green space for local residents for quiet enjoyment and the provision of a large tent and drinking outside in the park is a nuisance for the people that live here.

Regards

Leo Wilson

This email is confidential and may also be privileged. If you are not the intended recipient please delete it and notify us immediately by telephoning or e-mailing the sender. You should not copy it or use it for any purpose nor disclose its contents to any other person.

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Appendix 7

Andrew Heron

From: Marvin Kluge [REDACTED]
Sent: 30 January 2017 09:26
To: [REDACTED] Andrew Heron
Cc: [REDACTED]
[REDACTED]

Subject: Re: Mile End Park

Follow Up Flag: Follow up
Flag Status: Completed

Hello Mark,

The application is for several years.

You condition you wish to add is absolutely fine for us.

Kind Regards

Marvin Kluge



World Wide Oktoberfest

Marvin Kluge
Event Manager

[REDACTED]
[REDACTED]
[REDACTED]

London Oktoberfest Ltd.

B1 Business Center, Suite 206
Davyfieldroad

BB1 2 QY
Blackburn

Von: [REDACTED]
Datum: Sonntag, 29. Januar 2017 um 17:44

[REDACTED]
[REDACTED]
Betreff: RE: Mile End Park

Hi,

Please can you confirm if the application is for a time limited license for 1 year or for several years.

Also the conditions I would like added to the license are as follows:

1) A Security Plan will be agreed with Police at least one month prior to the event taking place.

2) A Event Management Plan will be agreed at a planning meeting with Police and Tower Hamlets Council at least one month prior to the event taking place.

Please let me know if these conditions are acceptable.

I am back in on Wednesday.

Regards

Mark

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

From: Marvin Kluge [REDACTED]
Sent: 26 January 2017 12:57
To: Andrew Heron
Cc: Carsten Raun; Perry MARK J - HT
Subject: Re: Mile End Park

Dear Andrew,

many thanks for the confirmation. The blue notice are placed around the premises with the correct date on it.

The license should be valid for a specific period of time. Two weeks in April/May each year.

I would place the notice in the Docklands & East London Advertiser where we placed the notice for millwall park. Is that fine for the Mile End area?

Please let me know when you need any additional information.

Kind Regards
Marvin Kluge

World Wide Oktoberfest

Marvin Kluge
Event Manager

[REDACTED]
[REDACTED]
[REDACTED]

London Oktoberfest Ltd.
B1 Business Center, Suite 206
Davyfieldroad
BB1 2 QY
Blackburn

Am 26.01.2017 um 13:27 schrieb Andrew Heron [REDACTED]:

Dear Marvin and Carsten,
I am in receipt of your application for the above premises; should you have any questions during the process, please direct them to myself. Can I assume once again that this is in fact intended to be an event limited to a particular period each year? There is nothing in the application to indicate that. Please advise ASAP in relation to additional conditions limiting

the event. Please also copy in PC Perry as I am aware that that remains his current concern with the application

The application is subject to a 28 day consultation period. The end date of the consultation must appear on both the external blue notice and the newspaper advert. Your end date should read as on or after **20th February 2017**.

I will arrange for a colleague to visit the premises shortly to photograph the blue notice. Please be advised that it must remain on display to the public 24hours a day during the consultation. Please also write back advising which local newspaper will publish your advert.

Should the application receive any representations (objections), I will advise you at the end of the consultation. You will then be advised the time and date of the Hearing by our Democratic Services Department.

I look forward to hearing from you.

Regards,

Andrew Heron

Licensing Officer

Licensing Section

London Borough of Tower Hamlets

John Onslow House

1 Ewart Place

London E3 5EQ

[Redacted]
[Redacted]
[Redacted]

Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

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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.

Andrew Heron

From: Marvin Kluge [REDACTED]
Sent: 27 January 2017 07:31
To: Andrew Heron
Cc: [REDACTED]
Subject: Re: Mile End Park

Follow Up Flag: Follow up
Flag Status: Completed

Hello Andrew,

I'm sorry for the language barrier. We would like to have this license in the same way as we have it for our Oktoberfest.

This license is for "German Village Festival" only. This is a single event which will run on the last weekend in April and the first weekend in May.

Kind Regards

Marvin Kluge



World Wide Oktoberfest

Marvin Kluge
Event Manager

[REDACTED]
[REDACTED]
[REDACTED]

London Oktoberfest Ltd.

B1 Business Center, Suite 206
Davyfieldroad

BB1 2 QY
Blackburn

Von: Andrew Heron [REDACTED]

Datum: Donnerstag, 26. Januar 2017 um 16:34

[REDACTED]
[REDACTED]
[REDACTED]

Betreff: RE: Mile End Park

Dear Marvin,

Thank you for your email, that newspaper is fine.

Please advise as soon as possible what weeks in April/May at your earliest opportunity. This should have been in the original application, it therefore remains incomplete in its current state – all the Responsible Authorities will have to be informed of this amendment once it is made.

Regards,

Andrew Heron
Licensing Officer

Licensing Section

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

From: Marvin Kluge [REDACTED]
Sent: 26 January 2017 12:57
To: Andrew Heron
Cc: Carsten Raun; [REDACTED]
Subject: Re: Mile End Park

Dear Andrew,

many thanks for the confirmation. The blue notice are placed around the premises with the correct date on it.

The license should be valid for a specific period of time. Two weeks in April/May each year.

I would place the notice in the Docklands & East London Advertiser where we placed the notice for millwall park. Is that fine for the Mile End area?

Please let me know when you need any additional information.

Kind Regards

Marvin Kluge

World Wide Oktoberfest

Marvin Kluge
Event Manager

[REDACTED]
[REDACTED]
[REDACTED]

London Oktoberfest Ltd.
B1 Business Center, Suite 206
Davyfieldroad
BB1 2 QY
Blackburn

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I look forward to hearing from you.

Regards,

Andrew Heron
Licensing Officer

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

[Redacted]
[Redacted]
[Redacted]

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Appendix 8

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 9

Access and Egress Problems

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

Comment

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

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 10

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 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 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.

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Agenda Item 4.3

Committee : Licensing Sub Committee	Date 28th March 2017	Classification Unrestricted
Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT	
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Weavers	

1.0 Summary

Applicant:	The Shuffle Group Ltd
Name and	The London Shuffleboard Club
Address of Premises:	1 Chance Street London E1 6JT
Licence sought:	Licensing Act 2003 – time limited-premises licence (ASAP to 01/03/2020) <ul style="list-style-type: none">• The sale by retail of alcohol (on sales)• The provision of regulated entertainment
Representations:	Local Residents

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT. The application has been applied from as soon as possible to 1st March 2020.

3.2 A copy of the timed limited premises licence application form is enclosed as **Appendix 1**.

3.3 The applicant has applied for the following licensable activities and timings:

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

- Monday to Saturday, from 12.00 hours to 22:00 hours
- Sunday, from 12.00 hours to 21:00 hours

The provision of regulated entertainment – Indoors

(Indoor sporting events)

- Monday to Saturday, from 12.00 hours to 22:30 hours
- Sunday, from 12.00 hours to 21:30 hours

(Recorded music only)

- Monday to Saturday, from 12.00 hours to 22:00 hours
- Sunday, from 12.00 hours to 21:00 hours

The opening hours of the premises

- Monday to Saturday, from 12.00 hours to 23:00 hours
- Sunday, from 12.00 hours to 22:00 hours

4.0 **Location and Nature of the premises**

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

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

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

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

5.0 **Licensing Policy and Government Advice**

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 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. 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, than in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.
- 6.0 Representations**
- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made the following local resident:
- Tim Noble & Sue Webster – **Appendix 6**
 - Robin Fellgett (for JAG) – **Appendix 7**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards

- Child Protection
- Public Health

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

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

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

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

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

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

7.1 Alcohol supplied to those people taking part in the gaming activity or waiting to play.

7.2 Experienced bar staff will maintain vigilance in alcohol units per customer.

7.3 SIA security present at times venue is open to public after 6pm.

7.4 SIA security throughout the venue in pre-designated locations with industry standard equipment - protective clothing and radios

7.5 Clear notices on entry and exits warning of potential criminal activity, such as theft, that may target customers shall be displayed.

7.6 Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit. Anyone not adhering to this will be asked to leave the premises in a controlled and orderly manner by SIA security.

7.7 Security will involve police immediately if any illegal activity occurs.

- 7.8 Security and key staff shall be on radios for communication.
- 7.9 The level of SIA staff on site will vary according to the number of customers but will be a minimum of 1 and maximum of 4.
- 7.10 Training and implementation of underage ID checks for staff.
- 7.11 A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
- 7.12 H&S officer sign off on all activity.
- 7.13 Risk assessments from all suppliers.
- 7.14 Good event management plan to be in place with excellent event fire escape plan will be in place with SIA and staff familiar with emergency plans and process.
- 7.15 A first aider on site at all times of public opening.
- 7.16 No drinks allowed outside the venue.
- 7.17 Noise reduction measures to address the public nuisance objective including decibel readings taken regularly and a limiting on the sound with volume block.
- 7.18 Prominent, clear and legible notices will be displayed at the exit requesting the public to leave the premises and the area quietly as well as security on exit to reiterate and manage noise proactively.
- 7.19 Customers will be restricted from not congregating in the street outside the premises and access of customers will be strictly maintained to opening hours.
- 7.20 The movement of bins and rubbish outside the premises will be kept to a minimum after 10.00pm. This will help to reduce the levels of noise produced by the premises. Cleaning staff will operate within hours of licence.
- 7.21 Customers won't be able to take products off premises and will be monitored by security.
- 7.22 Attendance levels will be kept to maximum of 28 and will be proactively escorted from the venue in stages to ensure minimum noise on egress.
- 7.23 A "Challenge 25" sign will be positioned at the bar. This will encourage anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

- 7.24 Staff will be well trained about requirements for persons' identification and age establishment.
- 7.25 Log Book will be kept upon the premises all the time with staff trained in its use, it will be regularly checked and staff informed of any changes to it.
- 7.26 Full exclusion for anyone under 18 will be in place after 6pm and zones will be created to separate as best possible under 18s and those consuming alcohol.
- 7.27 When possible we will host no alcohol periods for families at the start of Saturdays and Sundays for 2 hours.

8.0 Conditions in consultation with the Responsible Authorities/other persons

- 8.1 Environmental Protection has agreed (please see **Appendix 8**) the following with the applicant:

“1) no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

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

3) All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access & egress of persons.

Just to repeat, as the Applicant has already confirmed, the Provision for Indoor Sporting Events is until 22:30 hours Thursday Friday and Saturday, with premise closing at 23:00 hours, with all other days and timing as per original application”.

- 8.2 Met Police has also agreed (please see **Appendix 9**) the following with the applicant:

“1. 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.

2. No drinks to be taken outside

3. Use of incident / refusals book”.

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. 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 the 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 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 10 - 16** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representation of Tim Noble & Sue Webster
Appendix 7	Representation of Robin Fellgett (for JAG)
Appendix 8	Agreement with Environmental Protection
Appendix 9	Agreement with Met Police
Appendix 10	Licensing Officer comments on noise while the premise is in use
Appendix 11	Licensing Officer comments on access/egress Problems
Appendix 12	Licensing Officer comments on crime and disorder on the premises
Appendix 13	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 14	Planning
Appendix 15	Licensing Policy relating to hours of trading
Appendix 16	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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Appendix 1



* required information

Section 1 of 19

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

* Registration number

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

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

* Legal status

Continued from previous page...

* Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

* Building number or name

* Street

District

* City or town

County or administrative area

* Postcode

* Country

Section 2 of 19

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 19

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

Section 5 of 19

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

We plan to produce a recreational activity based event space for all members of society. It is completely accessible to all ages, sexes and abilities.

The activity is known as table shuffleboard, we will install 3 original tables and all equipment for rental on an hourly rate.

Table Shuffleboard is a game in which players push weighted discs, sending them gliding down a narrow and elongated wooden table, with the purpose of having them come to rest within a marked scoring area.

The space will be open to bookings of individuals or groups as it can be played by a team and we plan to host small leagues for local businesses and residents to participate in. There is also a plan to have a senior's afternoon.

Continued from previous page...

The activity is the hero of our installation, but we also feel it necessary to have the facility to sell food, soft drinks and alcohol.

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

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

- Yes No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

- Yes No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

Table Shuffleboard, is a game in which players use push weighted discs, sending them gliding down a narrow and elongated table, with the purpose of having them come to rest within a marked scoring area.

State any seasonal variations for indoor sporting events

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

N/A

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

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

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

Yes No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

Yes No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

Yes No

Continued from previous page...

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the playing of recorded music take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

- Yes No

Section 13 of 19

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

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

- Yes No

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

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

Continued from previous page...

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

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

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Continued from previous page...

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 19

ADULT ENTERTAINMENT

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

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

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

TUESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

State any seasonal variations

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

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

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

Section 18 of 19

LICENSING OBJECTIVES

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

a) General – all four licensing objectives (b,c,d,e) **Page 186**

Continued from previous page...

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

London Shuffle will take every effort to deliver a safe and secure experience for all that enter its environment and surrounding areas. In order to do this it will promote the following rules to its staff and will run a strict zero tolerance to any such deviance:

1. Alcohol supplied to those people taking part in the gaming activity or waiting to play.
2. Experienced bar staff will maintain vigilance in alcohol units per customer.
3. SIA security present at times venue is open to public after 6pm.
4. Special consideration of the licence granted and its strict obedience considering but not restricted to:
 - no selling of alcohol to underage people
 - no drunk and disorderly behaviour tolerated on the premises or surrounding estate
 - zero tolerance of drug use
 - zero tolerance of aggressive or violent behaviour
 - no harm to any children
 - well presented operating hours around staff areas so that all are aware
 - 1 management level staff present at all times the venue is open to maintain staff and security levels

b) The prevention of crime and disorder

London Shuffle will take every effort to deliver a legal and orderly experience for all that enter its environment and in the surrounding areas. In order to do this it will promote the following rules to its staff and will run a strict zero tolerance to any such deviance:

1. SIA security throughout the venue in predesignated locations with industry standard equipment - protective clothing and radios
2. A clear and legible notice will be placed outside the premises indicating the normal hours under the terms of the premises license during which licensable activities are permitted.
3. Clear notices on entry and exits warning of potential criminal activity, such as theft, that may target customers may be displayed.
4. Customer consumption restricted to acceptable units and those drunk considered and managed appropriately.
5. Prevention and vigilance in illegal drug use through out the entire venue.
6. Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit. Anyone not adhering to this will be asked to leave the premises in a controlled and orderly manner by SIA security.
7. Staff to report to security any suspicious behaviour.
8. Security will involve police immediately if any illegal activity occurs.
9. Security and key staff on radios for comms.
10. The level of SIA staff on site will vary according to the number of customers but will be a minimum of 1 and maximum of 4.

c) Public safety

London Shuffle will take every effort to deliver an experience that is safe and focussed on public safety for all that enter its environment and in the surrounding areas. In order to do this it will promote the following rules to its staff and will run a strict zero tolerance to any such deviance:

1. Well trained staff adherence to environmental health requirements.
2. Training and implementation of underage ID checks.
3. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
4. All parts of the premises, fixtures, fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

Continued from previous page...

5. H&S officer sign off on all activity.
6. Risk assessments from all suppliers.
7. Good event management plan to be in place with excellent event fire escape plan will be in place with SIA and staff familiar with emergency plans and process.
8. A first aider on site at all times of public opening.
9. Security and key staff on radios for comms.
10. No drinks allowed outside the venue.

d) The prevention of public nuisance

London takes the consideration of local residents and commercial ventures seriously and will do all it can to minimise disruption with well considered plans and processes that will be reviewed by the management and improved where necessary.

1. Noise reduction measures to address the public nuisance objective including decibel readings taken regularly and a limiting on the sound with volume block.
2. Prominent, clear and legible notices will be displayed at the exit requesting the public to leave the premises and the area quietly as well as security on exit to reiterate and manage noise proactively.
3. Customers will be restricted from not congregating in the street outside the premises and access of customers will be strictly maintained to opening hours. We do not envisage any build up of customers before doors open.
4. The movement of bins and rubbish outside the premises will be kept to a minimum after 10.00pm. This will help to reduce the levels of noise produced by the premises. Cleaning staff will operate within hours of license.
5. Customers won't be able to take products off premises and will be monitored by security.
6. Attendance levels will be kept to maximum of 28 and will be proactively escorted from the venue in stages to ensure minimum noise on egress.

e) The protection of children from harm

1. A "Challenge 25" sign will be positioned at the bar. This will encourage anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
2. Staff will be well trained about requirements for persons' identification and age establishment.
3. Log Book will be kept upon the premises all the time with staff trained in its use, it will be regularly checked and staff informed of any changes to it.
4. Full exclusion for anyone under 18 will be in place after 6pm and zones will be created to separate as best possible under 18s and those consuming alcohol.
5. A first aider will be present at all times of public opening.
6. Excessive consumption prohibited at all times and when under 18s on site consumption kept to below moderate.
7. When possible we will host no alcohol periods for families at the start of Saturdays and Sundays for 2 hours.

Section 19 of 19

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls,

Continued from previous page...

chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

* Fee amount (£)

190.00

DECLARATION

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

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same

* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

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

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

* Full name

Graeme Hawkins

* Capacity

Director

* Date

30 / 01 / 2017

dd mm yyyy

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

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

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

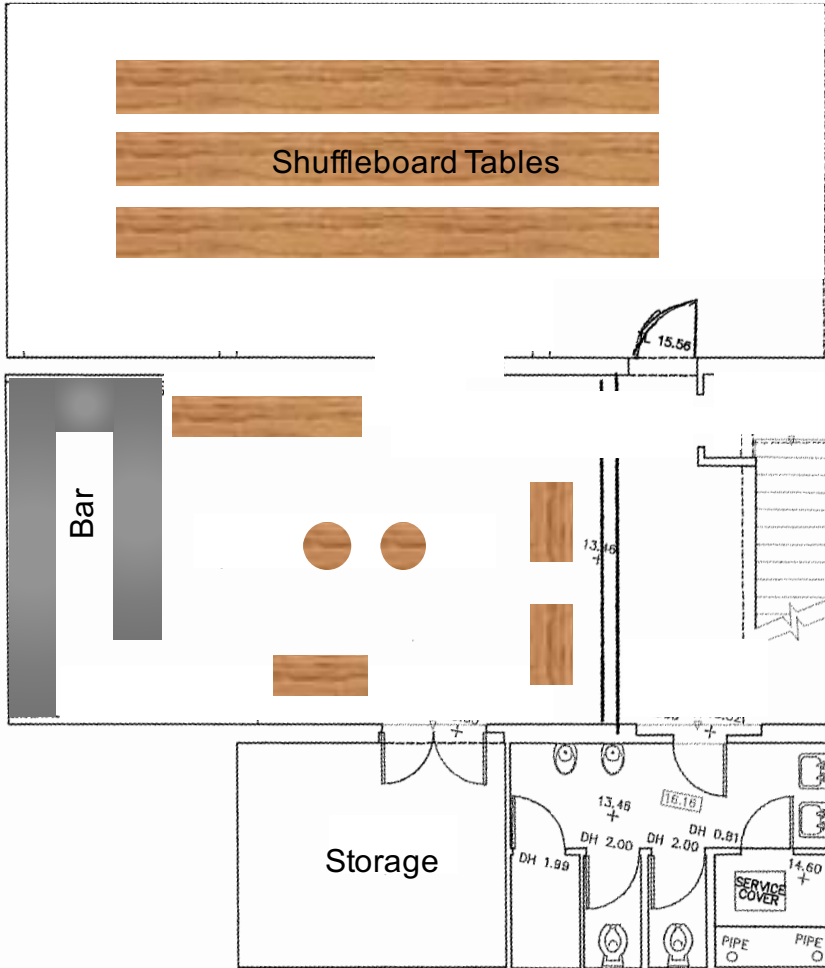
IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

OFFICE USE ONLY

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

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

Appendix 2



Chance St

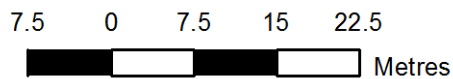
Appendix 3



1 Chance Street



Scale 1:835



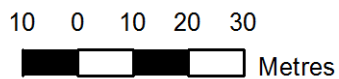
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1 Chance Street



Scale 1:1670



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Appendix 4

Application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT

Name and address	Licensable hours	Opening hours
<p>(Owl & Pussycat) 34 Redchurch Street London E2 7DP</p>	<p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> ▪ Monday and Tuesday - 10.00 hours until midnight ▪ Wednesday ,Thursday, Friday and Saturday, 10.00 hours until 02.00 hours the following day ▪ Sunday 10.00 hours until midnight <p><i>The provision of regulated entertainment</i></p> <ul style="list-style-type: none"> ▪ Monday and Tuesday - 10.00 hours until 00.15 hours the following day ▪ Wednesday ,Thursday, Friday and Saturday, 10.00 hours until 02.15 hours the following day ▪ Sunday 10.00 hours until 00.15 hours the following day <p><i>The provision of late night refreshment</i></p> <ul style="list-style-type: none"> ▪ Monday and Tuesday - 23.00 hours until midnight ▪ Wednesday ,Thursday, Friday and Saturday, 10.00 hours until 02.00 hours the following day ▪ Sunday 10.00 hours until midnight 	<ul style="list-style-type: none"> ▪ Monday and Tuesday - 10.00 hours until 00.30 hours the following day ▪ Wednesday ,Thursday, Friday and Saturday, 10.00 hours until 02.30 hours the following day ▪ Sunday 10.00 hours until 00.30 hours the following day <p>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>(Patty & Bun) 36 Redchurch Street London E2 7DP</p>	<p align="center"><u>Ground Floor</u></p> <p>Sale by retail of Alcohol</p> <ul style="list-style-type: none"> • Sunday to Wednesday 11.00 hrs to midnight • Thursday to Saturday 11.00 hrs to 02.00 hrs the following day <p>The provision of regulated entertainment consisting of:</p> <p><u>Recorded Music</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday 11.00 hrs to midnight • Thursday to Saturday 11.00 hrs to 02.00 hrs the following day <p><u>Facilities for Dancing</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday 18.00 hrs to midnight • Thursday to Saturday 18.00 until 02.00 hrs the following day <p>The provision of late night refreshment Sunday to Wednesday until midnight Thursday to Saturday until 02.00 hrs the following day</p> <p align="center"><u>Basement Floor</u></p> <p>Sale by retail of Alcohol</p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to midnight <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday, from 23:00 hours to midnight 	<p align="center"><u>Ground Floor</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday 11.00 hrs to midnight • Thursday to Saturday 11.00 hrs to 02.00 hrs the following day <p align="center"><u>Basement Floor</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to midnight <p><u>Non-standard timings:</u> Public holidays and bank holiday weekend Sundays from the permitted hours to the start of the permitted hours the following day.</p>

Application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT

<p>(Walluc Bistro) 40 Redchurch Street London E2 7DP</p>	<p>The supply of alcohol (On Sales)</p> <p>Monday, Tuesday, Wednesday and Thursday from 11:00 hours until 23:30 hours Friday and Saturday from 11:00 hours until 01:00 hours the following day Sunday from 11:00 hours until 22:30 hours.</p> <p>The Provision of Late Night Refreshment</p> <p>Monday, Tuesday, Wednesday and Thursday from 11:00 hours until 23:30 hours Friday and Saturday from 11:00 hours until 01:00 hours the following day Sunday from 11:00 hours until 22:30 hours.</p> <p>The Provision of Regulated Entertainment (Recorded Music)</p> <p>Monday, Tuesday, Wednesday and Thursday from 11:00 hours until 23:30 hours Friday and Saturday from 11:00 hours until 00:30 hours the following day Sunday from 11:00 hours until 22:30 hours.</p>	<p>Monday, Tuesday, Wednesday and Thursday from 09:00 hours until midnight Friday and Saturday from 11:00 hours until 01:00 hours the following day Sunday from 10:00 hours until 23:00 hours.</p>
<p>(Counter Albion) 45 Redchurch Street London E2 7DJ</p>	<p>Sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Sunday, from 10:00 hours to 22:00 hours 	<ul style="list-style-type: none"> Monday to Sunday from 07:00 hours to 22:30 hours
<p>(Barber and Parlour) Basement, Ground and First Floors 64-66 Redchurch Street London E2 7DP</p>	<p><u>Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Saturday from 09:00hrs to 23:00hrs Sunday from 10:00hrs to 23:00hrs <p><u>The Provision of Regulated Entertainment in the form of Films (indoors) & Recorded Music (indoors)</u></p> <ul style="list-style-type: none"> Monday to Saturday from 09:00hrs to 23:00hrs Sunday from 10:00hrs to 23:00hrs 	<ul style="list-style-type: none"> Monday to Saturday from 09:00hrs to 23:30hrs Sunday from 10:00 hours to 23:30hrs
<p>(Burro E Salvia) 52 Redchurch Street London E2 7DP</p>	<p>Sale of Alcohol (On and off sales)</p> <ul style="list-style-type: none"> Monday to Wednesday from 10:00 hours to 19:00 hours Thursday to Saturday from 10:00 hours to 21:30 hours Sunday, from 11:00 hours to 17:00 hours 	<p>Monday to Wednesday from 10:00 hours to 19:00 hours Thursday to Saturday from 10:00 hours to 22:00hours Sunday, from 11:00 hours to 17:00 hours</p>
<p>(Redchurch Studios) 58-60 Redchurch Studios London E2 7DP</p>	<p>The sale by retail of alcohol (On sales only) The provision of regulated entertainment consisting of films only Monday to Sunday 24 hours a day</p>	<p>Monday to Sunday 24 hours a day</p>

Application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT

<p>(Art Gallery) 77 Redchurch Street London E2 7DJ</p>	<p><i>Supply of Alcohol (On sales)</i></p> <ul style="list-style-type: none"> Monday to Saturday, from 12:00 hours to 00:00 hours Sunday, from 12:00 hours to 23:00 hours <p>Regulated Entertainment</p> <p><u>(Films)</u></p> <ul style="list-style-type: none"> Thursday, from 19:00 hours to 22:00 hours 	<ul style="list-style-type: none"> Monday to Saturday, from 12:00 hours to 00:00 hours Sunday, from 12:00 hours to 23:00 hours
<p>17 Bethnal Green Road (Ground Floor. Inc. basement for toilet facilities only) London E1 6LA</p>	<p>Alcohol may be sold or supplied: (On sales only)</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve 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>There are no restrictions on the hours during which this premises is open to the public</p>
<p>Beach Blanket Babylon Basement, Ground and First Floor 19 – 23 Bethnal Green Road London E1 6LA</p>	<p>Alcohol (On sales only) and Regulated Entertainment - Indoors (live music, recorded music, provision of facilities for making music, provision of facilities for dancing)</p> <ul style="list-style-type: none"> Sunday to Wednesday, from 10:00hrs to 01:00hrs (the following day) Thursday to Saturday, from 10:00hrs to 03:00hrs (the following day) <p>Alcohol non-standard timings On no more that 12 occasions per calendar year, the terminal hours shall be one hour later that the standard timing show above, following 10 working days notice to the Police and licensing Authority and subject to the consent of the Police.</p> <p>Late Night Refreshment - Indoors</p> <ul style="list-style-type: none"> Sunday to Wednesday, from 23:00hrs to 01:00hrs (the following day) Thursday to Saturday, from 23:00hrs to 03:00hrs (the following day) <p>Further non-standard timings Licensable activities from New Years Eve until the start time on New Years Day for all of the above.</p>	<ul style="list-style-type: none"> Monday to Sunday, from 10:00hrs to 30 minutes after the terminal hours for the sale of alcohol the following day
<p>(Private Members Club) First Floor 19-23 Bethnal Green Road London E1 6LA</p>	<p><u>Sale of Alcohol (On sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 10:00hrs to 01:00hrs (the following day) <p><u>The Provision of Late Night Refreshments (indoors)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 10:00hrs to 01:00hrs (the following day) 	<p>Monday to Sunday from 10:00hrs to 01:00hrs (the following day)</p>

Application for a time limited-premises licence for (The London Shuffleboard Club), 1 Chance Street, London E1 6JT

<p>(London Cocktail Club) Unit 12, Avant Garde 32-42 Bethnal Green Road London E1 6HZ</p>	<p><u>Sale of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 16:30 hours to 00:00 hours • Friday & Saturday from 16:30 hours to 01:00 hours (the following day) <p><u>The Provision of Late Night Refreshments (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00 hours to 00:00 hours • Friday & Saturday from 23:00 hours to 01:00 hours (the following day) <p><u>The Provision of Regulated Entertainment in the form of Films (indoors), Live Music (indoors) and Recorded Music (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 16:30 hours to 00:00 hours • Friday & Saturday from 16:30 hours to 01:00 hours (the following day) 	<ul style="list-style-type: none"> • Sunday to Thursday from 10:00 hours to 00:30 hours (the following day) • Friday & Saturday from 10:00 hours to 01:30 hours (the following day)
<p>(Pizzaluxe) Unit 11, Avant Garde Sclater Street London E1 6HZ</p>	<p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Sunday to Wednesday from 09:00hrs to 23:00hrs • Thursday to Saturday from 09:00hrs to 00:00hrs (midnight) <p>The provision of late night refreshment (both indoors and outdoors)</p> <ul style="list-style-type: none"> • Thursday to Saturday from 23:00hrs to 00:00hrs (midnight) 	<ul style="list-style-type: none"> • Sunday to Wednesday from 08:00hrs to 23:30hrs • Thursday to Saturday from 08:00hrs to 00:30hrs (the following day)
<p>(Smokestack) Unit 11 Avant Garde Sclater Street London E1 6HZ</p>	<p>The sale by retail of alcohol (On and off sales) Daily 10:00 hours to 00:00 hours</p> <p>The provision of late night refreshment Daily 23:00 hours to 00:00 hours</p>	<p>Daily 10:00 hours to 00:30 hours</p>
<p>(Byron) Unit 13 (Basement and Ground Floors) 5 Sclater Street London E1 6GX</p>	<p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 23:30 hours <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday, from 23:00 hours to 23:30 hours 	<p>Monday to Sunday, from 11:00 hours to 23:30 hours</p>

Appendix 5

**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 6

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 13 February 2017 11:58
To: Mohshin Ali
Subject: FW: The London Shuffle Club, 1 Chance Street London E1 6JT

From: Sue Webster [REDACTED]
Sent: 13 February 2017 09:46
To: Licensing
Subject: The London Shuffle Club, 1 Chance Street London E1 6JT

Tim Noble & Sue Webster
[REDACTED]
[REDACTED]
[REDACTED]

13th February 2017

My Ref: CLC/EHTS/LIC/098194
The London Shuffle Club, 1 Chance Street London E1 6JT

Dear Kathy Driver,

I am writing to object to the above application made by The London Shuffle Club to obtain a premises licence in order to run a late night entertainment venue that serves alcohol and other refreshments.

On the basis that:

- * The proposed venue in question sits directly opposite my home where I have lived for the past 15 years.
- * The doorway of the proposed venue is a single doorway that would cause a human bottleneck of visitors entering and exiting the property which in turn would cause an unnecessary increase of people traffic to an already over used street.
- * I am concerned that an increase of people to the area, particularly the kind that have come to play 'adult games' will bring with it an increase of exaggerated noise heightened by the lubrication of alcohol as they linger outside waiting for friends and taxis to bring and take them away.
- * there will be an increase of vehicular traffic to an other wise quiet street. This will bring an increase of noise, engines running and horns blowing as they wait for guests, turn in the street or simply get lost trying to find the venue.
- * Chance Street is a narrow Street, an increase of traffic in both directions results in vehicles mounting the pavement in order to pass, I have on several occasions been scared for my life as I opened my front door onto the street and a car or delivery van careers past at high speed barely in front of my nose as it mounts the pavement

* recently myself and my neighbours on both sides ([REDACTED]) have been experiencing an increasing amount of vandalism and graffiti to our properties, the gate next to my front door that belongs to my neighbour was kicked in on Sunday night leaving both of our rear doors vulnerable, our houses in danger of break-ins

* the outside of our buildings are regularly attacked by graffiti using either spray paint that we have to pay to be professionally removed or more recently, with acid pens, that cannot be removed and so results in my entire window being replaced, which costs me somewhere in the region of £3,000 a go as they are architecturally designed.

* Graffiti, if not acted on immediately just attracts more vandalism to the area.

* my windows are constantly being spat at, vomited over and I regularly have drinks sprayed or even bottles thrown at them

The application states that the proposed venue will operate between the hours of 12 noon to 11 pm 7 days a week for the next three years. As a direct neighbour I feel that granting this license will ruin my life as I literally have no where to go.

I have been a resident in Shoreditch for over 20 years and we simply do not need yet another late night entertainment venue that serves alcohol in this area, there doesn't seem to be any respect for other people's property where alcohol is consumed, put in my position would you stand for this?

I thank you for taking the time to listen to my objection, please spare us any more grief.

Yours,

SUE
WEBSTER

Appendix 7

Mohshin Ali

From: Mail Admin
Sent: 28 February 2017 15:17
To: Licensing
Subject: FW: Licensing Act 2003: 1 Chance Street

Follow Up Flag: Follow up
Flag Status: Completed

From: Robin Fellgett [REDACTED]
Sent: 27 February 2017 15:52
To: Licensing
Cc: Brad Lochore; Will Nutland; Rebecca Collings
Subject: Licensing Act 2003: 1 Chance Street

Dear Sirs,

I write on behalf of the Jago Action Group (JAG) to oppose the licence application for these premises made by the London Shuffle Group.

JAG is the residents' and tenants' association representing residents in the neighbourhood of the application premises. This is a predominantly residential area, although at street level there are mainly commercial premises, most in the retail and hospitality trades, and the application site is on the edge of a former light industrial estate (but directly opposite homes).

JAG welcomes the decision of the owners of the industrial estate to let out premises on it, presumably including 1 Chance Street, on 3-5 year tenancies. Indeed we hope this will lead to a reconsideration of the plans for the estate's development, so that they focus more on providing homes for Londoners. However this is not a licensing consideration and we are also mindful of the problems that have already arisen relating to the operation of other parts of the estate, especially [REDACTED].

In any case, JAG welcomed the introduction of the Brick Lane Cumulative Impact Zone (CIZ) and continues to call for its strict enforcement. As the authority is aware, the neighbourhood continues to suffer from the excesses of the 'night time economy', including: noise both from premises and from inebriated groups in the street; anti-social behaviour and petty crime including littering, aggressive behaviour, drug taking, public urination, defecation and vomiting.

1 Chance Street is within the CIZ. As you well know, under section 8 of the policy adopted by the Borough the license application must be refused unless the applicants 'show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced' (8.4).

We have examined carefully the application submitted and there appears to be little or no attempt to demonstrate that the operation of the premises, were a licence to be granted, would not add to the cumulative impact being experienced in the neighbourhood. We note that the applicants propose to finish serving alcohol at 10pm (9pm on Sunday), which is earlier than many existing bars, but this is still late enough to add to the cumulative problems residents face. We also note that the applicants propose to limit the number of customers to 28, but 28 people can still make a lot of noise and add to all the other problems. Although there is a reference to serving only players and those waiting to play, this does not appear to be an enforceable condition that would tie to the premises being used as a shuffle club. The application is of

course for a premises licence, albeit for a limited period, that could be passed on to other operators. The other elements of the application, i.e. the great majority, appear to offer merely conditions that are pretty standard. Furthermore in the case of noise from within the premises they are extremely vague.

The association will of course examine any serious attempt the applicants may make to strengthen their proposals so they might demonstrate the operation of the premises will not add to cumulative impact. On the basis of this application however their case is far from made and we submit the authority is bound to turn it down under section 8 of the licensing policy.

Please don't hesitate to get in touch if we can clarify anything further.

Robin Fellgett
for JAG

████████████████████
██████████

Appendix 8

Mohshin Ali

From: Nicola Cadzow
Sent: 31 January 2017 09:07
To: Licensing
Cc: [REDACTED]
Subject: FW: Premises Licence Application - The London Shuffleboard Club 1 Chance Street - ref M/098194

Dear Licensing,

I have no objections to the Premise License Application for Shuffle Group Ltd 1 Chance Street following agreement with the Applicant to add conditions to apply as follows:-

- 1) no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 3) All windows and external doors shall be kept closed after **22:00 hours**, except for the immediate access & egress of persons.

Just to repeat, as the Applicant has already confirmed, the Provision for Indoor Sporting Events is until 22:30 hours Thursday Friday and Saturday, with premise closing at 23:00 hours, with all other days and timing as per original application.

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: Graeme Hawkins [REDACTED]
Sent: 30 January 2017 16:10
To: Nicola Cadzow
Cc: A [REDACTED] met.police.uk
Subject: Re: Premises Licence Application - Shuffle Group Ltd - ref M/09819

Hi Nicola

Thanks for this. I can 100% agree to these points.

Kind regards

Graeme

On 30 Jan 2017, at 15:50, Nicola Cadzow <[REDACTED]> wrote:

Graeme

Not a problem!

I would like to include noise conditions to your the license as below:-

- 1) no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 3) All windows and external doors shall be kept closed after **22:00 hours**, except for the immediate access & egress of persons.

I shall wait your confirmation in due course

Regards

Nicola

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

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 Web site : <http://www.towerhamlets.gov.uk>

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Appendix 9

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 08 February 2017 11:04
To: Mohshin Ali
Subject: FW: Premises Licence Application - Shuffle Group Ltd - ref M/09819

Follow Up Flag: Follow up
Flag Status: Flagged

From: [REDACTED]
Sent: 08 February 2017 10:33
To: [REDACTED]; Licensing
Cc: Nicola Cadzow
Subject: Premises Licence Application - Shuffle Group Ltd - ref M/09819

[Dear Licensing](#)

[Please note our agreement below regarding conditions.](#)

[Best wishes](#)

[Alan](#)

From: Graeme Hawkins [REDACTED]
Sent: 08 February 2017 10:10
To: Cruickshank Alan D - HT
Cc: [REDACTED]
Subject: Re: Premises Licence Application - Shuffle Group Ltd - ref M/09819

Sure thing Alan, happy to take these on board.

Kind regards

From: "[REDACTED].police.uk" [REDACTED].police.uk>
Date: Wednesday, 8 February 2017 at 09:59
To: Graeme Hawkins <[REDACTED]>
Cc: "[Nicola](#) [REDACTED]
Subject: Premises Licence Application - Shuffle Group Ltd - ref M/09819

[Hi Graeme](#)

[Can you please consider the following conditions.](#)

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.

2. No drinks to be taken outside

3. Use of incident / refusals book

Thanks

Alan

From: Cruickshank Alan D - HT
Sent: 31 January 2017 08:54
To: 'Graeme Hawkins'
Cc: [REDACTED]
Subject: Premises Licence Application - Shuffle Group Ltd - ref M/09819

Ok...I will get back to you soon

Thanks

Alan

From: Graeme Hawkins [REDACTED]
Sent: 31 January 2017 08:44
To: Cruickshank Alan D - HT
Cc: [REDACTED]
Subject: Re: Premises Licence Application - Shuffle Group Ltd - ref M/09819

Hi Alan

Just the basement at this stage. We haven't agreed a rental rate for ground floor yet.

Thanks

On 31 Jan 2017, at 08:41, "A [REDACTED] [police.uk](https://www.police.uk)"

[REDACTED] wrote:

Hi Graeme

The last time we met you mentioned the possibility of an outdoor space. Is this still the plan as you application only mentions a basement?

Thanks

Alan

From: Graeme Hawkins [mailto:]
Sent: 30 January 2017 16:10
To: Nicola Cadzow
Cc: Cruickshank Alan D - HT
Subject: Re: Premises Licence Application - Shuffle Group Ltd - ref M/09819

Hi Nicola

Thanks for this. I can 100% agree to these points.

Kind regards

Graeme

On 30 Jan 2017, at 15:50, Nicola Cadzow

wrote:

Graeme

Not a problem!

I would like to include noise conditions to your the license as below:-

- 1) no noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 2) Loudspeakers shall not be located in the entrance lobby or outside the premises building.
- 3) All windows and external doors shall be kept closed after **22:00 hours**, except for the immediate access & egress of persons.

I shall wait your confirmation in due course

Regards

Nicola

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

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Appendix 10

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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 11

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 12

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 13

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 14

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 15

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

Appendix 16

Licensing Policy

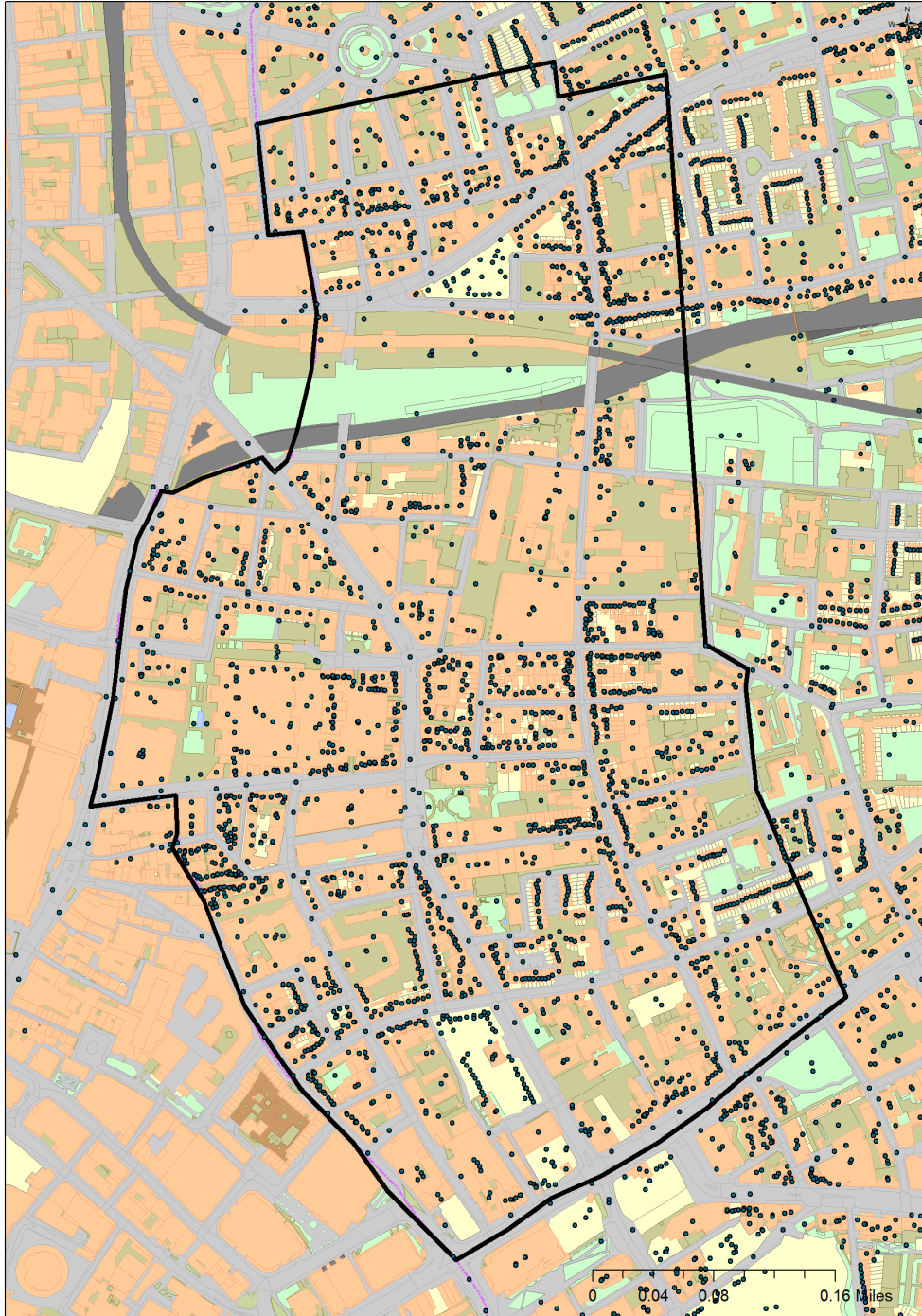
8 Special Cumulative Impact Policy for the Brick Lane Area

- 8.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- 8.2 After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 8.3 The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.
- 8.4 The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- 8.5 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Figure One

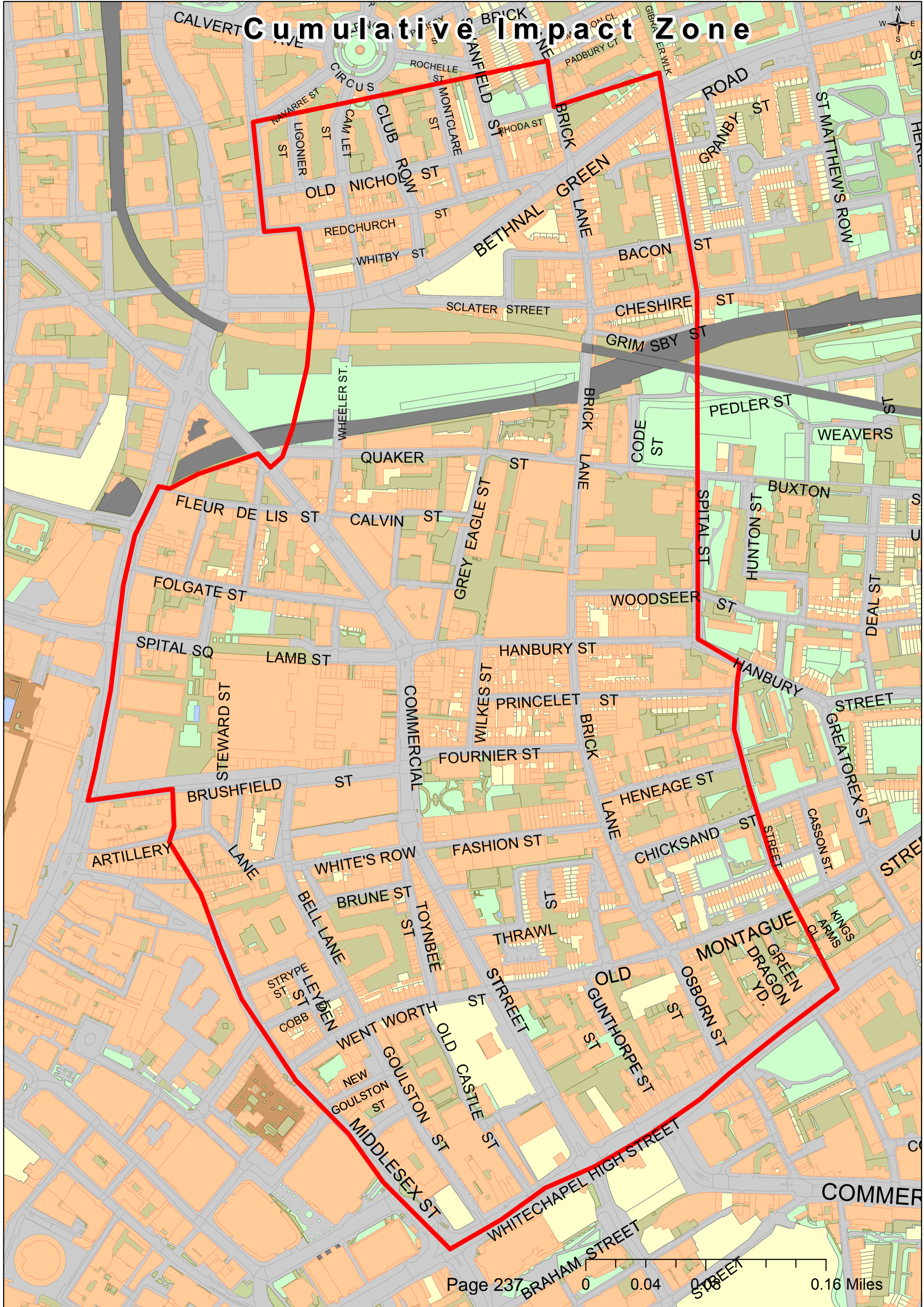
The Cumulative Impact Zone in the Brick Lane area

The Cumulative Impact Zone is detailed in the map below. The map shows all of the premises (dots) currently licensed under the Licensing Act 2003 in the Brick Lane Area. The Cumulative Impact Zone is defined by the dark line.



Drawn By: WJH CJC Strategy & Performance September 2012

Cumulative Impact Zone



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