

LICENSING SUB COMMITTEE

Tuesday, 9 May 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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E-mail: antoinette.duhaney@towerhamlets.gov.uk

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

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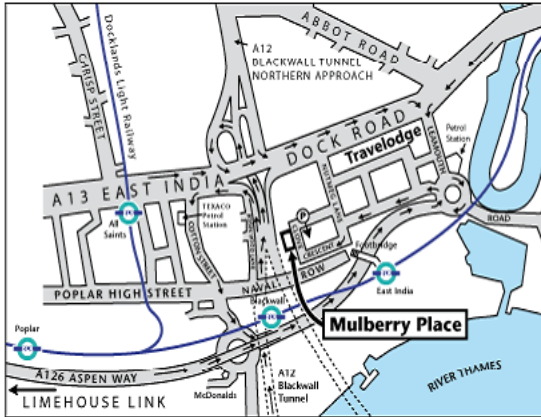
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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 5 - 14)

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

3. MINUTES OF PREVIOUS MEETING(S) (Pages 15 - 18)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 22nd November 2016.

| | PAGE NUMBER(S) | WARD(S) AFFECTED |
|---|---------------------------|-----------------------------|
| 4. ITEMS FOR CONSIDERATION | | |
| 4 .1 Hostem, 41 - 43 Redchurch Street, E2 7DJ APPLICATION ADJOURNED TO 30TH MAY | 19 - 84 | Weavers |
| Licensing objectives: Public nuisance, Crime & disorder | | |
| Representations by: Local residents | | |
| 4 .2 Gusta Coffee, 91 Fieldgate Street, E1 1JU | 85 - 146 | Whitechapel |
| Licensing objectives: Public nuisance, Crime & disorder | | |
| Representations by: Local residents | | |
| 4 .3 Kafe 1788 Ltd, 4 Vesey Path, E14 6BT | 147 - 218 | Lansbury |

Licensing objectives: Public nuisance, Crime & disorder

Representations by: Local Business

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

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Graham White, Acting Corporate Director of Law, Probity & Governance & 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 6.44 P.M. ON TUESDAY, 22 NOVEMBER 2016

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Peter Golds
Councillor Denise Jones
Councillor Joshua Peck (Chair)

Officers Present:

| | |
|-----------------|----------------------------|
| Mohshin Ali | - Senior Licensing Officer |
| Victoria Fowler | - Legal Services |
| Charles Yankiah | - Democratic Services |

Applicants In Attendance:

| | |
|----------------------|-----------------|
| Mr Markos Tsimikalis | - Hungry Donkey |
| Ms Lana Tricker | - Hungry Donkey |

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedures were noted.

3. ITEMS FOR CONSIDERATION

3.1 Licensing Act 2003: Application for Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL

At the request of the Chair, Mr Mohshin Ali, introduced the report which detailed the application for a variation of the premises licence for Hungry Donkey, 56 Wentworth Street, London, E1 7AL. It was noted that the applicant was applying to vary Conditions 1, 10 & 17 of the existing premises licence and that there was only one objector, Mr Shapiro. Mr Ali also informed the meeting that there were no representations made by any of the responsible authorities that had been consulted.

At the request of the Chair, Ms Lana Tricker, the applicant's representative explained that the Hungry Donkey was a family business focussed specifically on Greek food, specialist Greek wine and beer at a specific price point. She informed the meeting that the premises had been taken over by Mr Markos Tsimikalis, the applicant, over 18 months ago and that it operated as an all-day restaurant starting with breakfast through to dinner and is food led. Ms Tricker further stated that the applicant wanted to vary existing conditions 1, 10 & 17 to allow for a longer serving period from 9.00pm to 10.00pm in the outside area and to provide off sales of alcohol together with telephone and mail order sales. Ms Tricker also informed the Sub Committee that the applicant had also proven himself over the last 18 months of taking over the premises as there had been no formal complaints logged relating to crime or disturbances, neither were there any issues raised with regard to dispersal issues or anti-social behaviour. She said that the premises continued to attract families, professionals and local residents generally over 30 years of age which meant that the existing customers were local and mature and support the Licensing Objectives. Mr Tsimikalis also expressed a desire to promote the Licensing Objectives and to continue within the framework hours.

Ms Tricker made it very clear to Members that the purpose of this variation was not to convert the business into a bottle shop off licence but was merely an extra feature to the restaurant business. The Licence holder will not be changing the current layout to accommodate higher quantities of alcohol.

The applicant, Mr Tsimikalis added that he had received requests from his regular customers to offer off sale of his specialist alcoholic products which he has been unable to do which is why he is now applying for a variation to the off sale exceptions. He continued that the service will not be widely advertised and will mainly serve existing customers. Mr Tsimikalis advised members that he offered specialist Greek craft products which carried a premium price tag.

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

- off sales were needed to generate the telephone and mail order side of the business;
- off sales would also be with takeaway meals and on its own;
- the biggest % of sales would be generated through the ancillary side of the business;
- the selling of beer would be in multiples of 6 (6 pack) rather than single sales;
- there was no history of any complaints being made in relation to the premises in the previous 18 months relating to crime and disorder, disturbances or noise; and
- the Applicant would continue to ensure that the Licensing Objectives would be met.

Members adjourned the meeting at 7.00pm to consider the decision and reconvened at 7.07pm.

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 considered written and verbal representation on behalf of the applicant and the objectors with particular regard to the licensing objective of public safety and the prevention of public nuisance.

Members were mindful that no representations had been made by the Police or Responsible Authorities.

Members noted the written objections raised by local resident, John Shapiro and in his absence considered the same when deliberating their decisions in respect of this matter.

Members considered the Cumulative Impact Zone contained within the Council's Statement of Licensing Policy and determined that the applicant had rebutted its presumption as there was evidence that the business was being run well as there were no complaints lodged against the business since it had been trading for the past 18 months, specifically in relation to crime and disorder, anti-social behaviour and customer dispersal and there had been no representations from the responsible authorities objecting to this application. Members accepted that it was a family run business which served its local community and its operating hours were well within the Council's adopted framework hours. Members also noted that the mail/telephone order sales would be delivered to the customers home address so would unlikely be consumed on the street.

Therefore considering all of the above, Members decided to grant the application for a variation premises licence with additional conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Premises Licence Variation for Hungry Donkey, 56 Wentworth Street, London, E1 7AL be **GRANTED** with conditions.

Condition 1 is now varied, to read as follows:

There shall be no alcohol or refreshments in the outside area after 22.00 hours.

Condition 17 is now varied, to read as follows:

The outside area will close at 22:00 hours Monday to Sunday.

Condition 10 is now varied, to read as follows:

There shall be no off sales of alcohol permitted with the exception of:

- a) Persons seated outside the premises at tables having meals;
- b) Telephone and mail order sales, ancillary to the main use of the business as a restaurant. All telephone and mail order sales requests are to be logged with the time and date in a register complete with the name and address of the customer. All persons ordering alcohol will be required to declare they are over 18 before an order can be placed. A Challenge 21 policy will be implemented. Trained delivery staff will implement the requirement to see the appropriate ID for those people who appear to be under 21.
- c) Sealed containers to members of the public attending the premises for purchase, ancillary to the main use of the business as a restaurant.
- d) Beer shall not be sold as single bottles/cans, but only in multiples of 6, where 6 is the minimum.

All the existing conditions identified in Annex 1, Annex 2, Annex 3 and Annex 4 be retained.

The meeting ended at 7.10 p.m.

Chair, Councillor Joshua Peck
Licensing Sub Committee

Agenda Item 4.1

| | | |
|--------------------------------|--------------------------------|---------------------|
| Committee : | Date | Classification |
| Licensing Sub Committee | 9th May 2015 | Unrestricted |

| | |
|---|--|
| Report of : David Tolley Head of Environmental Health & Trading Standards | Title: Licensing Act 2003 Application for a new Premises Licence for HOSTEM, Ground to First Floor, 41-43 Redchurch Street, London, E2 7DJ |
| Originating Officer: Corinne Holland Licensing Officer | Ward affected: Weavers |

1.0 Summary

Applicant: **Hostem Ltd**
Name and
Address of Premises: **Hostem,
Ground to First Floor,
41-43 Redchurch Street
London
E2 7DJ**

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

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 This is an application for a new premises licence for **(HOSTEM), Ground to First Floor, 41-43 Redchurch Street, London, E2 7DJ**

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

3.3 The applicant has applied for the sale of alcohol.

Sale of alcohol – (on sales only)

- Monday to Sunday 1200 – 2300 hours

Hours premises are open to the public:

- Monday to Sunday 1200 – 2330 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 other 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 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents

- Mr Sam Adams (**Appendix 5**)
- Mr James Bruce and Mrs Jenny Bruce (**Appendix 6**)
- Mr Max Jagerberg (**Appendix 7**)

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

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

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

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

6.4 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

6.5 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.

6.6 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.

6.7 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.

6.8 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.

- 6.9 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 8**.
- 6.10 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.
- 6.11 The objections cover allegations of:
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises
 - Close proximity to residential properties
 - Noise leakage from the premises
 - Lack of planning permission
 - The LBTH Cumulative Impact Zone
- 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 A CCTV system shall be installed at the premises, be maintained in full working order and be continually recording at all times the premises are in use under the licence.
- 7.2 All CCTV footage will be kept for a period of 31 days and be available to the police or council officers for viewing on request.
- 7.3 There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download footage on request.
- 7.4 The premises shall only operate as a supper club:-
- In which guests will be pre-booked
 - In which all guests are met by a maitre d'
 - Where alcohol shall only be sold or supplied to persons eating a table meal and for consumption by such persons as ancillary to their meal.

- 7.5 The maximum number of persons (excluding staff) accommodated at any one time shall not exceed 16.
- 7.6 The placing of bottles into receptacles outside the premises shall only be permitted to take place between the hours of 0900 to 2100hrs to minimise disturbance to nearby properties.
- 7.7 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

8.0 Conditions Agreed/Requested by *Responsible Authority*

8.1 N/A

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 - 15** 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 the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the vicinity |
| Appendix 5 | Representations from Mr Sam Adams |
| Appendix 6 | Representations from Mr James & Mrs Jenny Bruce |
| Appendix 7 | Representation from Mr Max Jagerberg |
| Appendix 8 | Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations |
| Appendix 9 | Anti- social behaviour on premises |
| Appendix 10 | Anti-social behaviour leaving the premises |
| Appendix 11 | Noise whilst premises is in use |

| | |
|--------------------|--|
| Appendix 12 | S182 Guidance on public nuisance |
| Appendix 13 | Licensing Policy on prevention of nuisance |
| Appendix 14 | Access and Egress problems |
| Appendix 15 | CIZ Policy |
| Appendix 16 | Planning |

Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

We Hostem Limited

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

Part 1 – Premises Details

| | | | |
|---|--------|------------------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| Hostem Ground to First Floor 41-43 Redchurch Street | | | |
| Post town | London | Post code | E2 7DJ |

| | |
|---|----------------------|
| Telephone number at premises (if any) | |
| Non-domestic rateable value of premises | £ under construction |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- 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) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

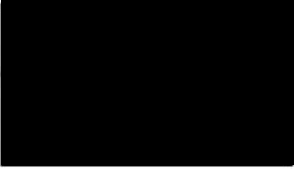

| | | | | | |
|---|------------------------------|-------------------------------|-----------------------------|--------------------------------|-----------------|
| Mr <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | <input type="checkbox"/> | 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 <input type="checkbox"/> | Mrs <input type="checkbox"/> | Miss <input type="checkbox"/> | Ms <input type="checkbox"/> | Other Title (for example, Rev) | |
| Surname | | | First names | | |
| I am 18 years old or over | | | | <input type="checkbox"/> | 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 Hostem Limited |
| Address  |
| Registered number (where applicable)  |
| Description of applicant (for example, partnership, company, unincorporated association etc.) Private limited company |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3 Operating Schedule

When do you want the premises licence to start?

| | | |
|---------|-------|------|
| Day | Month | Year |
| A S A P | | |

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

| | | |
|-----|-------|------|
| Day | Month | Year |
| | | |

A

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

The premises will operate as an exclusive supper club. There will be an entrance on the ground floor and the customer space will be on the first floor including a lounge, dining room and small external terrace on the first floor as well as kitchen and toilet facilities.

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

| |
|-----|
| N/A |
|-----|

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)

- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

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

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

In all cases complete boxes K, L and M

A

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

B

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

| | | | |
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| | | | |
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C

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

D

| | | | | | |
|---|-------|--------|--|--|-----------------------------------|
| Boxing or wrestling entertainments Standard days and timings (please read guidance note 6) | | | Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | | Indoors <input type="checkbox"/> |
| Day | Start | Finish | | | Outdoors <input type="checkbox"/> |
| Mon | | | Please give further details here (please read guidance note 3) State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4) Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) | | Both <input type="checkbox"/> |
| Tue | | | | | |
| Wed | | | | | |
| Thur | | | | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

E

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

F

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

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 (please read guidance note 2) | | Indoors | <input checked="" type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | | |
| Tue | | | | | | |
| Wed | | | State any seasonal variations for the performance of dance (please read guidance note 4) | | | |
| Thur | | | | | | |
| Fri | | | Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| Sat | | | | | | |
| Sun | | | | | | |

H

| | | | | | | |
|---|-------|--------|---|--|----------|--------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6) | | | Please give a description of the type of entertainment you will be providing | | | |
| | | | Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2) | | Indoors | <input type="checkbox"/> |
| | | | | | Outdoors | <input type="checkbox"/> |
| | | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | | |
| Tue | | | | | | |
| Wed | | | | | | |
| Thur | | | State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4) | | | |
| Fri | | | | | | |
| Sat | | | Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5) | | | |
| 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 (please read guidance note 2) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | Please give further details here (please read guidance note 3) | | |
| Tue | | | | | |
| Wed | | | State any seasonal variations for the provision of late night refreshment (please read guidance note 4) | | |
| Thur | | | | | |
| Fri | | | 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) | | |
| Sat | | | | | |
| Sun | | | | | |
| | | | | | |

J

| | | | | | |
|--|-------|--------|---|------------------|-------------------------------------|
| Supply of alcohol Standard days and timings (please read guidance note 6) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7) | On the premises | <input checked="" type="checkbox"/> |
| | | | | Off the premises | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | 12:00 | 23:00 | State any seasonal variations for the supply of alcohol (please read guidance note 4) | | |
| Tue | 12:00 | 23:00 | | | |
| Wed | 12:00 | 23:00 | | | |
| Thur | 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) | | |
| Fri | 12:00 | 23:00 | | | |
| Sat | 12:00 | 23:00 | | | |
| 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 Jason Leigh | |
| Address [REDACTED] | |
| Postcode | [REDACTED] |
| Personal Licence number (if known) TBC | |
| Issuing licensing authority (if known) TBC | |

K

| |
|---|
| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>None</p> |
|---|

L

| <p>Hours premises are open to the public Standard days and timings (please read guidance note 6)</p> <table border="1"> <thead> <tr> <th>Day</th> <th>Start</th> <th>Finish</th> </tr> </thead> <tbody> <tr> <td>Mon</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Tue</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Wed</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Thur</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Fri</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Sat</td> <td>12:00</td> <td>23:30</td> </tr> <tr> <td>Sun</td> <td>12:00</td> <td>23:30</td> </tr> </tbody> </table> | Day | Start | Finish | Mon | 12:00 | 23:30 | Tue | 12:00 | 23:30 | Wed | 12:00 | 23:30 | Thur | 12:00 | 23:30 | Fri | 12:00 | 23:30 | Sat | 12:00 | 23:30 | Sun | 12:00 | 23:30 | <p>State any seasonal variations (please read guidance note 4)</p> |
|---|--|-------|--------|-----|-------|-------|-----|-------|-------|-----|-------|-------|------|-------|-------|-----|-------|-------|-----|-------|-------|-----|-------|-------|---|
| | Day | Start | Finish | | | | | | | | | | | | | | | | | | | | | | |
| Mon | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| Tue | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| Wed | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| Thur | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| Fri | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| Sat | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| Sun | 12:00 | 23:30 | | | | | | | | | | | | | | | | | | | | | | | |
| | <p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p> | | | | | | | | | | | | | | | | | | | | | | | | |

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)

The applicant is seeking a premises licence for the purpose of operating an exclusive supper club hosted and catered for by a high profile chef, Nuno Mendes, in association with the applicant Company, who are the freehold owners of the building. The premises is currently undergoing an extensive refurbishment and for many years the ground and basement floors have operated as retail units and the retail operation will continue once the refurbishment is complete. The proposal here is to use the lounge, dining room and small terrace on the first floor for the supper club, with an entrance on the ground floor separate from the retail space as detailed on proposed drawing number 2120.

The applicant has sought the partnership of a well respected and experienced operator in Nuno Mendes and they believe that the style of operation will present a genuinely exceptional case to the existing licensed premises in the area.

The proposed operation is for no more than 16 clients at any one time to enjoy a private, premium gastronomic experience. The pre-booked clients would be greeted at the entrance by a maître d' and the sale of alcohol would be ancillary to them taking a table teal.

In addition to the evening supper service, the applicant recognises the potential for a lunchtime service and they therefore seek to permit licensable activities from midday.

The applicant is conscious of the sensitive location of the premises with respect to the number of licensed premises in the area and issues of public nuisance. Having considered Tower Hamlets' Statement of Licensing Policy, we note that the premises is within the Brick Lane area Cumulative Impact Zone. The applicant believes that the proposed style of operation presents an exceptional case and would bring something different to the area without contributing to the problems of nuisance, disturbance or disorder caused by the combined effect of licensed premises in the area.

To ensure the promotion of the licensing objectives and to tailor the licence to the use of the premises outlined above, the applicant is not seeking any form of regulated entertainment and has prepared the conditions set out in the operating schedule below. In particular, the applicant proposes to restrict the capacity to only 16 people and operate well within Tower Hamlets' framework hours from Monday to Saturday. This will promote the prevention of public nuisance and crime and disorder, as the proposed operation would not significantly contribute to local dispersal issues. Furthermore, the applicant proposes to only supply alcohol to pre-booked guests as ancillary to their table meal and the premises could therefore not operate as a bar or night club. The applicant is also only applying for alcohol to be sold on the premises and will therefore not contribute to any local issues relating to street drinking and the crime, disorder or nuisance associated with that.

The applicant is keen to engage with the community and provide something new and exciting to the area. Pre consultation has taken place with the Police Licensing Officer, Alan Cruickshank, and in addition the applicant has taken the opportunity to write to local residents about this proposal and are happy to maintain open communication to try and address any concerns.

b) The prevention of crime and disorder

1. A CCTV system shall be installed at the premises, be maintained in full working order and be continually recording at all times the premises are in use under the licence. All CCTV footage will be kept for a period of 31 days and shall be available to the police or council officers for viewing on request. There will be at least one person on duty at all times that is familiar with the operation of the CCTV and able to download footage on request.
2. The premises shall only operate as a supper club:-
 - a. In which guests will be pre-booked;
 - b. In which all guests will be met by a maître d';

c. Where alcohol shall only be sold or supplied to persons eating a table meal and for consumption by such persons as ancillary to their meal.

3. The maximum number of persons (excluding staff) accommodated at any one time shall not exceed 16.

c) Public safety

We understand our obligations under existing legislation, and take our responsibility seriously.

d) The prevention of public nuisance

4. The Premises Licence Holder shall ensure that reasonable steps are taken to recognise the needs of the local residents and/or businesses and to encourage customers to leave the premises quietly.
5. The placing of bottles into receptacles outside the premises shall only be permitted to take place between the hours of 09:00hrs and 21:00hrs to minimise disturbance to nearby properties.

e) The protection of children from harm

6. The Premises Licence Holder shall ensure that the premises adopts a Challenge 25 age verification policy and any person wishing to purchase alcohol who appears to be under 25 shall be asked to produce an acceptable form of identification (photographic driving licence, international passport, a PASS hologrammed/ultraviolet feature card, Military ID card.)

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 4 – Signatures (please read guidance note 10)

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

| | |
|-----------|--|
| Signature | <i>Poppleston Allen</i> |
| Date | 2nd March 2017 |
| Capacity | Poppleston Allen – Solicitors for and on behalf of the 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 | |

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

██████████
 Poppleston Allen Solicitors
 The Stanley Building
 7 Pancras Square

| | | | |
|-----------|--------|-----------|---------|
| Post town | London | Post code | N1C 4AG |
|-----------|--------|-----------|---------|

| | |
|---------------------------|------------|
| Telephone number (if any) | ██████████ |
|---------------------------|------------|

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

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you

intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.

9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2

- KEY:**
- The area where licensable activities will take place.
 - The premises
 - Fire extinguishers
 - Emergency exit sign
 - ⊙ Heat detector with beacon and sounder
 - ⊙ Smoke detector with beacon and sounder
 - Manual call point
 - Automatic fire suppression nozzle.

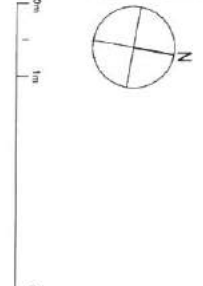
NOTES:

FIRE SAFETY EQUIPMENT IS INDICATIVE ONLY. THE APPLICANT MUST CONSULT A FIRE SAFETY ASSESSOR FOLLOWING THE PRODUCTION OF A FIRE MANAGEMENT PLAN BY THE APPLICANT.

CCTV IS TO BE INSTALLED BY THE APPLICANT.

A MINIMUM CLASS L2 FIRE DETECTION WILL BE INSTALLED BY THE APPLICANT.

ANYTHING SHOWN ON THIS PLAN WHICH IS NOT REQUIRED BY THE PLAN REGULATIONS IS FOR INFORMATION ONLY AND IS NOT A PART OF THE PREMISES LICENSE.



DESIGN INTENT DRAWING

| Rev | Date | Description |
|-----|----------|----------------------|
| 1 | 13.01.17 | Issued for Licensing |

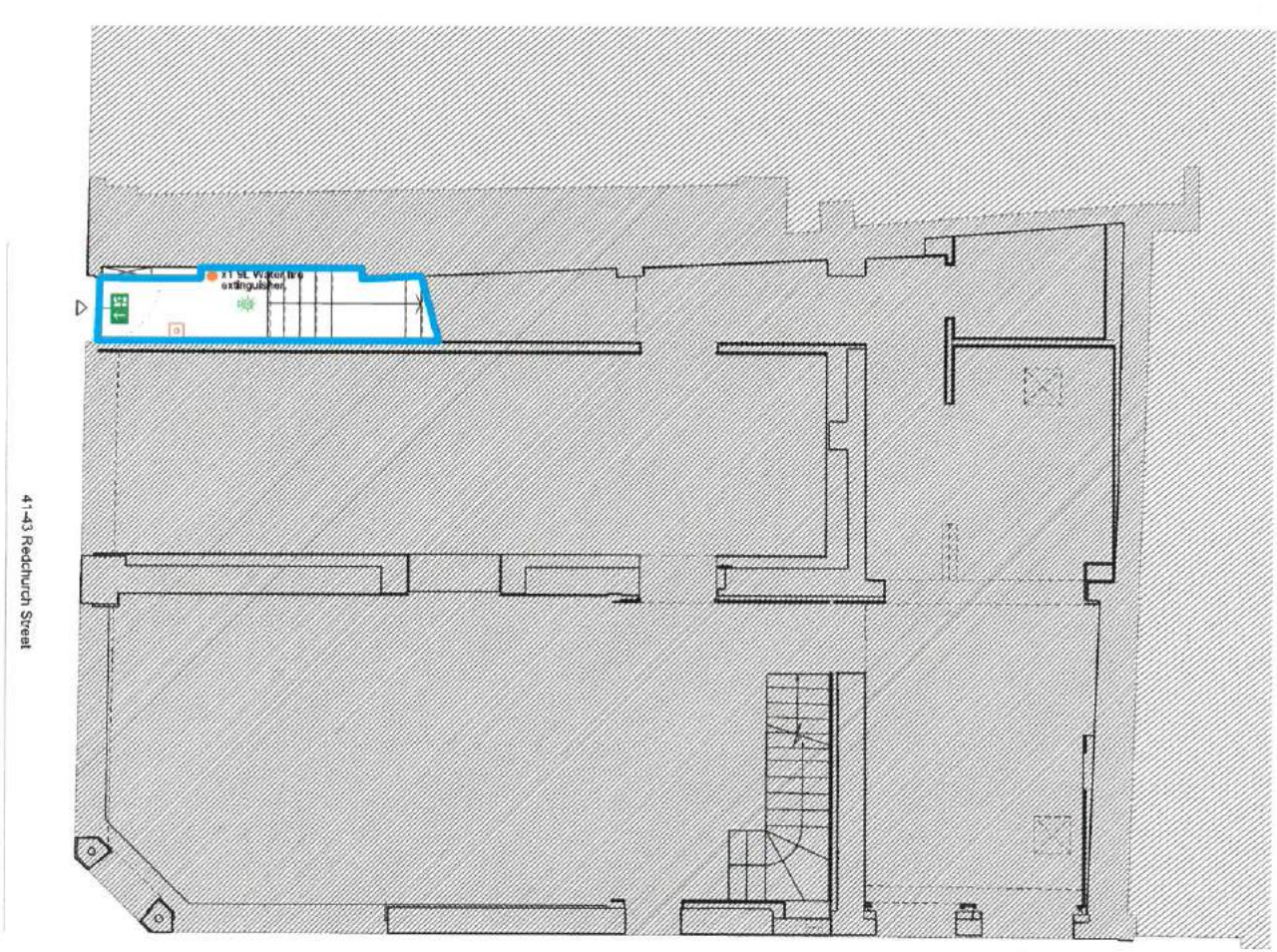
PROJECT: Hostam
41-43 Reddchurch Street & Church Street
JOB: 327

TITLE: Proposed Ground and First Floor Plan
STATUS: INFORMATION

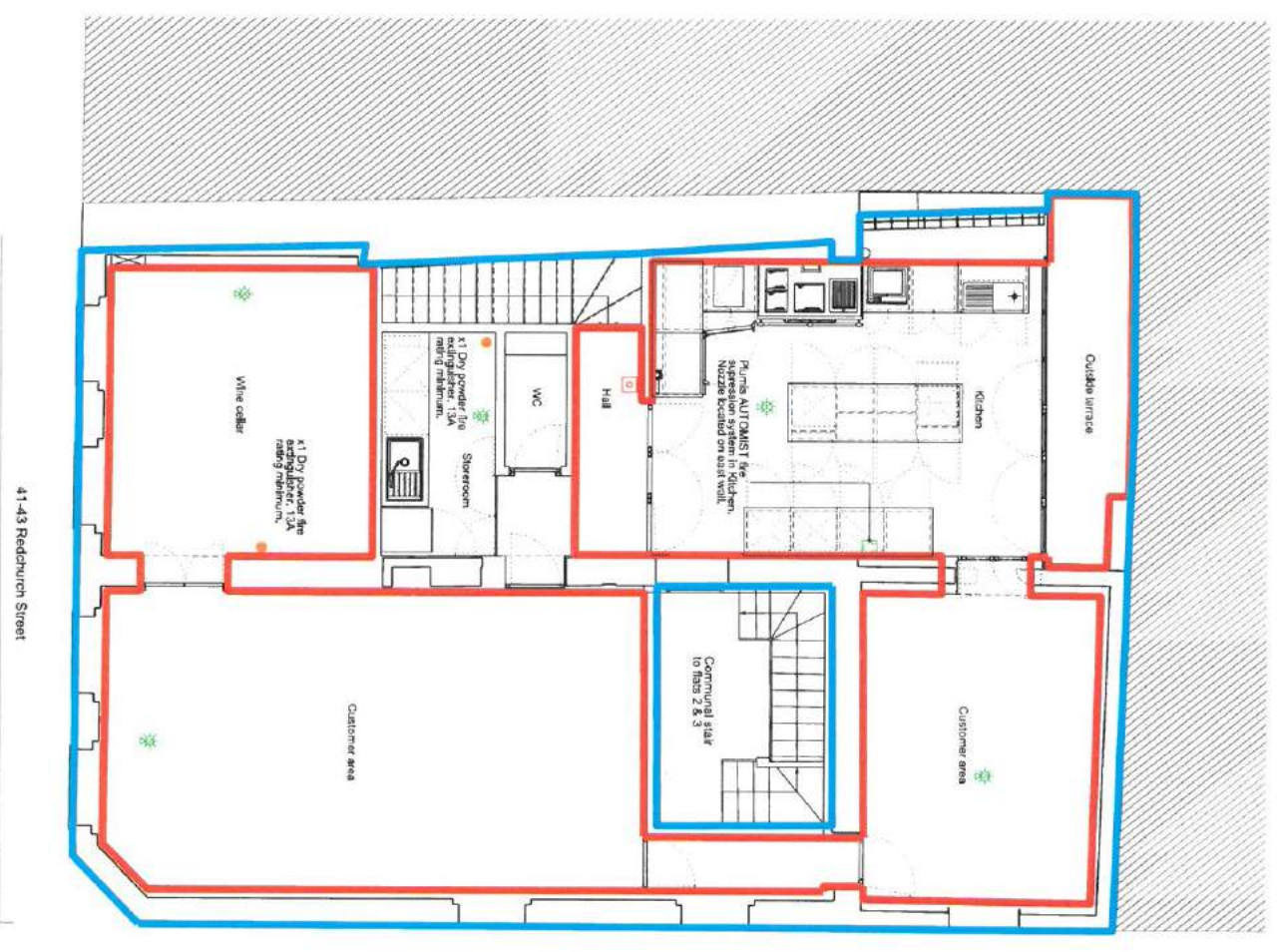
DATE: 13.01.17 **SCALE:** 1:50 (A1)
REV: - **NUMBER:** 2:120

CONSENTS FROM THE LICENSING AUTHORITY ARE TO BE OBTAINED BEFORE COMMENCING WORK. CONSULT WITH LICENSING AUTHORITY FOR MORE INFORMATION.

DRAWN: AC **INSPECTED:** OW



11 Ground Floor Plan
SCALE: 1:50



12 First Floor Plan
SCALE: 1:50

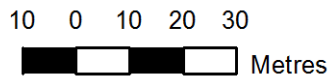
Appendix 3



Hostem



Scale 1:1725



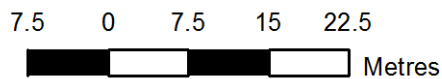
Produced by London Borough of Tower Hamlets on 06/04/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



Hostem



Scale 1:863



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Appendix 4

| Name and address | Licensable Hours | Opening Hours |
|--|--|---|
| <p>(Walluc Bistro) 40 Redchurch Street</p> <p>On Sales Only</p> | <p>The times the licence authorises the carrying out of licensable activities</p> <p>The supply of alcohol</p> <p>Mon - Thurs from 11:00 hours until 23:30 hours Fri -Sat 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>Mon - Thurs from 11:00 hours until 23:30 hours Fri - Sat 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>Mon - Thurs from 11:00 hours until 23:30 hours Fri - Sat from 11:00 hours until 00:30 hours the following day Sunday from 11:00 hours until 22:30 hours.</p> | <p>Mon -Thurs from 09:00 hours until midnight</p> <p>Fri - Sat from 11:00 hours until 01:00 hours the following day</p> <p>Sunday from 10:00 hours until 23:00 hours.</p> |
| <p>(Patty & Bun) 36 Redchurch Street</p> <p>On Sales Only</p> | <p>The times the licence authorises the carrying out of licensable activities</p> <p style="text-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 opening hours of the premises</p> <p style="text-align: center;"><u>Ground Floor</u></p> <p>Sunday to Wednesday 11.00 hrs to midnight</p> <p>Thursday to Saturday 11.00 hrs to 02.00 hrs the following day</p> <p style="text-align: center;"><u>Basement Floor</u></p> <p>Monday to Sunday, from 11:00 hours to midnight</p> <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> |

| | | |
|---|--|---|
| | <p>The provision of late night refreshment Sunday to Wednesday until midnight Thursday to Saturday until 02.00 hrs the following day</p> <p style="text-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><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> | |
| <p>(Owl & Pussycat) 34 Redchurch Street</p> <p>On and Off sales</p> | <p>The times the licence authorises the carrying out of licensable activities</p> <p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> ▪ Mon - Tues - 10.00 hours until midnight ▪ Wed - Sat, 10.00 hours until 02.00 hours the following day ▪ Sunday 10.00 hours until midnight <p>The provision of regulated entertainment</p> <ul style="list-style-type: none"> ▪ Mon - Tues - 10.00 hours until 00.15 hours the following day ▪ Wed - Sat, 10.00 hours until 02.15 hours the following day ▪ Sunday 10.00 hours until 00.15 hours the following day <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> ▪ Mon - Tues 23.00 hours until midnight ▪ Wed - Sat, 10.00 hours until 02.00 hours the following day ▪ Sunday 10.00 hours until midnight <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>The opening hours of the premises</p> <ul style="list-style-type: none"> ▪ Mon -Tues - 10.00 hours until 00.30 hours the following day ▪ Wed - Sat, 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>(Counter Albion) 45 Redchurch Street</p> <p>On Sales Only</p> | <p>The times the licence authorises the carrying out of licensable activities</p> <p>Sale by retail of alcohol Monday to Sunday, from 10:00 hours to 22:00 hours</p> | <p>The opening hours of the premises</p> <ul style="list-style-type: none"> Monday to Sunday from 07:00 hours to 22:30 hours |
|---|--|--|

Appendix 5

Corinne Holland

From: Sam Adams <[REDACTED]>
Sent: 29 March 2017 12:30
To: Licensing
Subject: Objection to Hostem license application, 41-43 Redchurch Street

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
29th March

Dear Sir / Madam,

I write to raise my objection to the licence application for 41-43 Redchurch Street made by Hostem Ltd.

My primary objection regards the noise and disruption such a development would produce. The daily / nightly activities proposed by Hostem if they were granted a license would result in excessive noise in what is designed to be a residential area. The site doesn't appear to be suited to the proposal, both in its proximity to residential properties and in its design. The site wasn't designed to be a restaurant and will lack the level of soundproofing and ventilation that would curtail disruption to the properties in the surrounding area. Operating their premises as a restaurant from 12 noon to 11.30 at night is bound to be a major public nuisance to neighbouring residents, especially to me. Likewise my own flat was never designed with special soundproofing to protect me from a commercial premises operating next door. The noise will reverberate around the terraces and significantly impact my home life.

Furthermore, the area is already teeming with similar properties that result in noise, littering, public nuisance, vomiting and drug taking. I don't believe that Hostem have sufficiently demonstrated that their operation will not have a negative impact on the neighbourhood.

Yours sincerely,

Sam Adams

Appendix 6

[REDACTED]
[REDACTED]

15th March 2017

Kathy Driver Esq
Principal Licensing Officer

David Tolley Esq
Head of Environmental Health & Trading Standards

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

Dear Ms Driver and Mr Tolley

Your reference CLC/EHTS/LIC/098914

We write with reference to Licensing Application for Hostem 41-43 Redchurch Street E" 7DJ

We live as a small family of four in the above address of which we are the owners. The small row of homes of which ours is part was developed as recently as 2007, winning an architectural award for affordable living on a brownfield site. The proposed Licensed Premises adjoin our buildings.

We formally oppose the granting of the License for the reasons set out below. It is becoming increasingly hard to live in Chance Street:-

- The Owl and Pussy Cat on Redchurch Street is open to late with crowds drinking on the pavements with the attendant shouting, laughing and general noise (including profanities);
- With a host of other bars and restaurants on Redchurch Street, including the Albion Counter directly opposite our home, there is a lot of noisy merry making generally;
- After the pub and the other hostelrys close, people rowdily make their way home up Chance Street, again more often than not using foul language;
- Many mornings we wake to find broken glass in the road;
- Chance Street is used as a "rat run" as traffic works its way around the one-way system on Shoreditch High Street. Cars and motorbikes stop and rev as they go across the intersections;
- On occasions when the noise of parties from the young people who live opposite has been on-going at 1am, 2am, 3am we have called the council to ask for help and been told "not our problem mate, call the police." So once permission is given, we the residents have no recourse for unreasonable behaviours.

Please note our son is 14, seeking to obtain GCSE's and suffers from sleep disorders for which he is currently medicated.

Under these circumstances we must formally oppose and object to another bar opening almost immediately next door. If you decide to grant permission it must be taken as a sign that you do not

want residential addresses on, or adjoining, Redchurch Street. This fact we reserve the right to publicise.

If you decide to grant permission, please show us the minimal consideration of making a stipulation of the licenses:

- Last drinks to be served at 10.30pm
- Doors closed at 11.00pm (with so many other bars with late licenses nearby, surely another is not necessary)
- No drinking on the pavements under any circumstances whether daytime or evening.

As an aside, we must commend The Albion Counter for the responsible way (including, but not limited to, operating times) in which they run their business.

We look forward to hearing from you.

Yours faithfully

James & Jenny Bruce

Appendix 7

Kathy Driver

From: Max Jaderberg <[REDACTED]>
Sent: 29 March 2017 18:56
To: Licensing
Subject: Licensing Act 2003: 41-43 Redchurch Street
Attachments: HostemLicenceobjectionletter.pdf

Dear Sir/Madam,

I am the owner and resident of [REDACTED], and I am writing to object the licence application made by Hostem Limited for 41-43 Redchurch Street.

My house [REDACTED] is a direct neighbour to the premises of 41-43 Redchurch Street which is to be used as a “supper club” (effectively a restaurant), sharing walls on the first and second floor as well as overlooking the garden/terrace of the proposed restaurant. The reasons for my objection are 1) it will greatly increase the noise to the public and private surrounding areas due to the incorrect soundproofing from incorrect planning permission, and 2) there is no evidence, and no attempt to demonstrate, that the proposed operation of the restaurant will not add to the negative cumulative impact of nightlife on the area, a direct infringement of the Brick Lane Cumulative Impact Zone policy which this operation falls under.

To address the first point, having referenced the Tower Hamlets planning website it is clear that the first floor of these premises have planning permission as a residential flat, not as a restaurant (A3). Therefore there is not the soundproofing to ensure that a restaurant of 16 people talking, drinking, along with dining, cooking, waiting, and entertainment such as music (the playing of which this licence will grant), will not cause a nuisance to neighbours through the adjoining walls. With proper planning permission and soundproofing this may not be an issue with noise travelling through the walls however as it stands this is a serious issue. In addition, the garden terrace will be used by guests of this restaurant for smoking and socialising, which will undoubtedly lead to a lot of noise travelling from it to the surrounding buildings, which are all residential, on every night of the week until 11:30pm. This is clearly unacceptable and will cause a nuisance to the surrounding area, which is a popular residential area primarily due to the current lack of night time establishments and noise.

To address the second point, 41-43 Redchurch Street is within the Brick Lane Cumulative Impact Zone and is therefore required to demonstrate that their proposed operation will not add to the negative cumulative impact being experience in this neighbourhood. After carefully reviewing the licence application and other materials made available by Hostem Limited, there has clearly been no attempt at all to demonstrate this, and so under section 8 of the policy, this licence application must be refused. In fact, due to the reasons discussed previously, it is certain that this operation will add to the noise and public nuisance of the area. There is no grounding that this particular project - of turning a residential flat into a restaurant operating every night of the week - is an “exceptional case” and should be granted exemption from a policy designed to protect the area.

For the reasons laid out in this letter it is therefore clear that this licence must be refused, considering section 8 of the licensing policy and the certain increases in public nuisance and disturbance.

I am happy to be contacted for any further information or discussion regarding this.

Yours faithfully,

Max Jaderberg
[REDACTED]
[REDACTED]

Mobile: [REDACTED]

Email: [REDACTED]

--

[Max Jaderberg](#)

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 8

**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 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

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 12

Public nuisance - S182 Updated March 2015

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 13

Prevention of Nuisance – Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 14

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Section 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 15

Licensing Policy

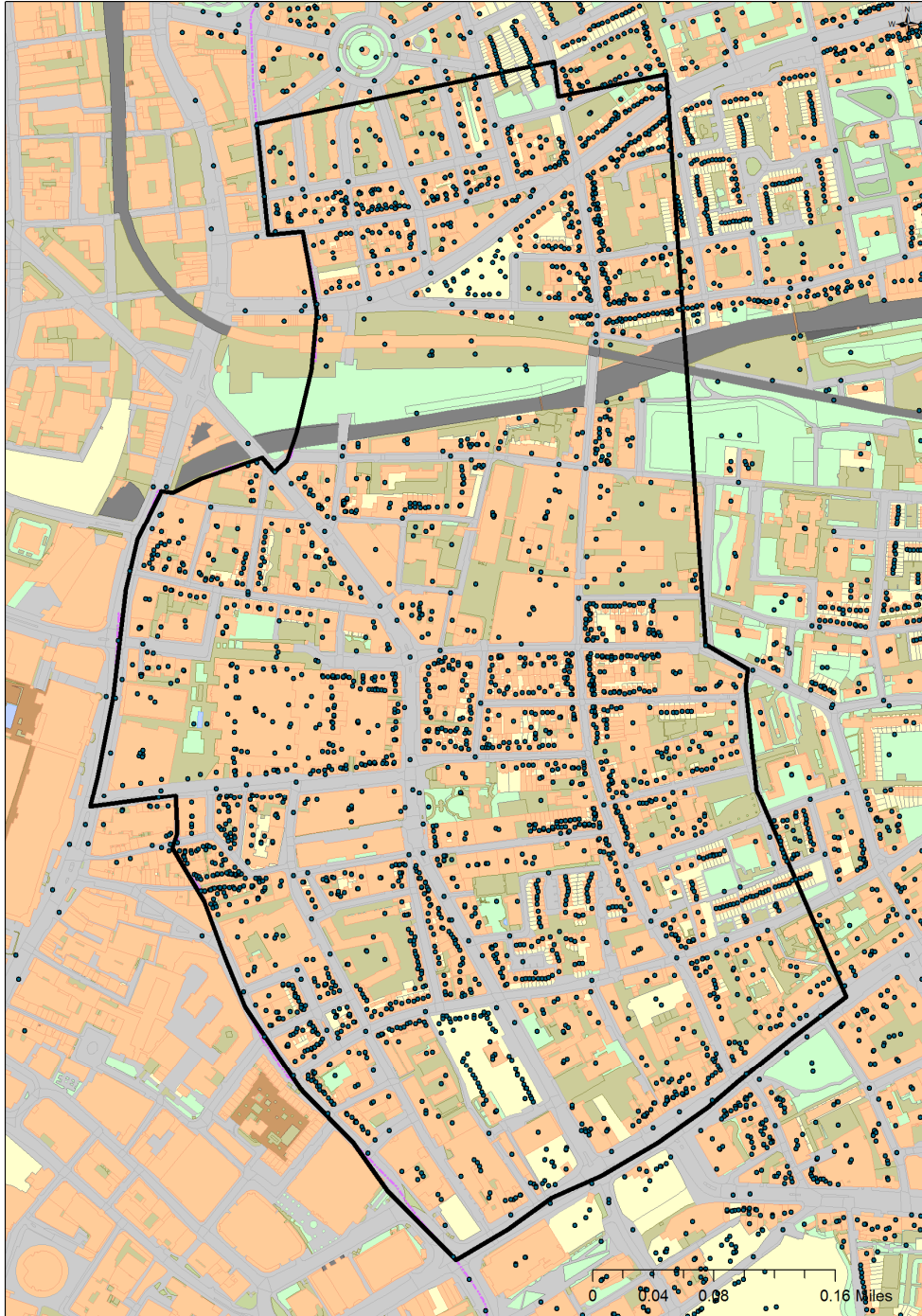
8 Special Cumulative Impact Policy for the Brick Lane Area

- 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.



Appendix 16

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.

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Agenda Item 4.2

| | | |
|--------------------------------|--------------------------------|---------------------|
| Committee : | Date | Classification |
| Licensing Sub Committee | 9th May 2015 | Unrestricted |

| | |
|---|--|
| Report of : David Tolley Head of Environmental Health & Trading Standards | Title: Licensing Act 2003 Application for a new Premises Licence for Gusta Coffee, 91 Fieldgate Street, London, E1 1JU |
| Originating Officer: Corinne Holland Licensing Officer | Ward affected: Whitechapel |

1.0 Summary

Applicant: **Gusta Coffee**

Name and

Address of Premises: **91 Fieldgate Street**
London
E1 1JU

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

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 This is an application for a new premises licence for (**GUSTA COFFEE**), **91 Fieldgate Street, London, E1 1JU**

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

3.3 The applicant has applied for the sale of alcohol.

Sale of alcohol – (off sales only)

- Monday to Thursday 0700 – 2330 hours
- Friday to Saturday 0700 – 2400 hours (midnight)
- Sunday 0700 – 2230 hours

Hours premises are open to the public:

- Monday to Thursday 0700 – 2330 hours
- Friday to Saturday 0700 – 2400 hours (midnight)
- Sunday 0700 – 2230 hours

The application for the provision of Late Night Refreshment was withdrawn in agreement with the Environmental Protection team.

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 of the surrounding area are included as **Appendix 3**.

4.4 Details of other 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 April 2017.

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

6.0 Representations

6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents

- Mr Ala Uddin (**Appendix 5**)
- Ms Laura Delnevo (**Appendix 6**)
- Ms Lucia Ladi (**Appendix 7**)
- Ms Nicola Chesaites (**Appendix 8**)

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

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

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

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

6.4 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

6.5 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.

- 6.6 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.
- 6.7 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.
- 6.8 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.9 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 9**.
- 6.10 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.
- 6.11 The objections cover allegations of:
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises
 - Close proximity to residential properties
 - Noise leakage from the premises
 - Lack of planning permission
- 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 Staff training shall be recorded and updated every 6 months.
- 7.2 Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment), drunks and street drinkers, licensing objectives and other

relevant matters as regards the licensing act, and the responsibilities of staff.

- 7.3 The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer.
- 7.4 The register shall record any refused sale of alcohol. The refusal register shall be inspected on a regular basis by the DPS (or nominated person) and signed by the DPS (or nominated person) that they have checked the register.
- 7.5 A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.
- 7.6 Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
- 7.7 Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
- 7.8 There will be a suitable colour digital CCTV system installed at the premises.
 - The system must be capable of providing 21 days recording.
 - The images recorded are to be retained for 21 days and made available to the Police or other enforcement agencies upon reasonable request.
 - Police or other agencies to ensure any request meets data protection law.
 - DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.
 - Any failure to be rectified within a two weeks period.

8.0 Conditions Agreed/Requested by Environmental Protection

- 8.1 No coffee or snack will be served after 22.00hours on a Sunday.

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 10- 15** 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 the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the vicinity |
| Appendix 5 | Representations from Mr Ala Uddin |
| Appendix 6 | Representations from Ms Laura Delnevo |
| Appendix 7 | Representation from Ms Lucia Ladi |
| Appendix 8 | Representation from Ms Nicola Chesaites |
| Appendix 9 | Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations |
| Appendix 10 | Anti-social behaviour leaving the premises |
| Appendix 11 | Noise whilst premises is in use |
| Appendix 12 | S182 Guidance on public nuisance |
| Appendix 13 | Licensing Policy on prevention of nuisance |
| Appendix 14 | Access and Egress problems |
| Appendix 15 | Planning |

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

Yes No

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

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 the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House? Yes No

Registration number

Business name If the applicant's business is registered, use its registered name.

VAT number Put "none" if the applicant is not registered for VAT.

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent 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:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent 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

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.

Agent 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...

PRIVATE LIMITED COMPANY

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.

COFFEE SHOP
WISHING TO PROVIDE CLIENTELE WITH RANGE OF ALCOHOL PRODUCTS

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

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

- Yes No

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?

Continued from previous page...

Yes

No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment 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

Continued from previous page...

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 late night refreshments 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 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

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

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.

NONE

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.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:00"/> | End | <input type="text" value="23:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

FRIDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:00"/> | End | <input type="text" value="24:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SATURDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:00"/> | End | <input type="text" value="24:00"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

SUNDAY

| | | | |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="07:00"/> | End | <input type="text" value="22:30"/> |
| Start | <input type="text"/> | End | <input type="text"/> |

State any seasonal variations

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

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

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

Section 18 of 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)

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

Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.. The refusal register shall be inspected on a regular basis by the DPS (OR NOMINATED PERSON) and signed by the DPS (OR NOMINATED PERSON) that

Continued from previous page...

they have checked the register

At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer

There shall be a documented reporting structure back to the Designated Premises Supervisor (DPS) and premises licence holder which shall include telephone contact numbers. This reporting document shall be immediately available upon request of an authorised officer

The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises at all times. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.

Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo driving licence or PASS accredited identity card

Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly

Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years

There must be a suitable colour digital CCTV system installed at the premises

The system must be capable of providing 21 days recording. The images recorded are to be retained for 21 days and made available to the Police or other enforcement agencies upon REASONABLE REQUEST AND POLICE OR OTHER AGENCIES TO ENSURE ANY REQUEST MEETS DATA PROTECTION LAW. DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.

Any failure to be rectified within a two week period

b) The prevention of crime and disorder

There WILL be a suitable colour digital CCTV system installed at the premises

The system must be capable of providing 21 days recording. The images recorded are to be retained for 21 days and made available to the Police or other enforcement agencies upon REASONABLE request AND POLICE OR ANY AGENCIES TO ENSURE ANY REQUEST COMPLIES WITH DATA PROTECTION LAW. DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.

Any failure to be reported to Licensing and rectified within two weeks

c) Public safety

Adhere to legislation and covered in a) above

d) The prevention of public nuisance

Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff

e) The protection of children from harm

The premises licence holder shall ensure that a 'challenge 25' policy is adopted on the premises at all times. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.

Acceptable identification accepted by the premises licence holder, DPS, or other staff members shall be a passport, photo

Continued from previous page...

driving licence or PASS accredited identity card

Staff training shall be recorded and updated every 6 months Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment) , drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer. The register shall record any refused sale of alcohol.. The refusal register shall be inspected on a regular basis by the DPS(OR NOMINATED [PERSON) and signed by the DPS (OR NOMINATED PERSON)that they have checked the register

At least 12 months of refusal register details shall be retained and made available upon request by an authorised officer

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 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.

Continued from previous page...

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

* Capacity

* Date / /
dd mm yyyy

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

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

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

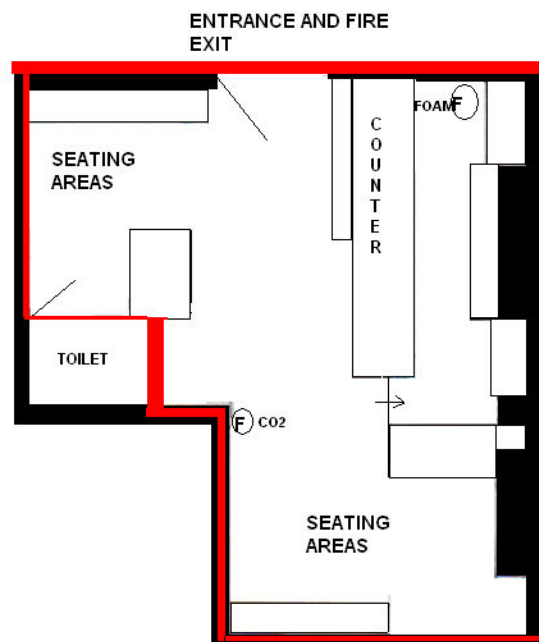
Appendix 2

PREMISES: GUSTA COFFEE,91 FIELDGATE,LONDON,E1 1JU

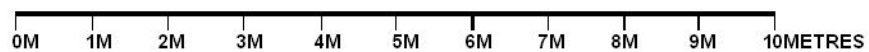
(F) FIRE EXTINGUISHER

WHOLE OF PREMISES TO BE LICENSED FOR ALCOHOL DISPLAY

[Red Outline] LICENSABLE AREA



SCALE BAR 1:100 AT A4



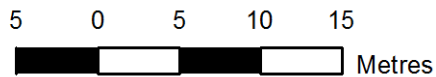
Appendix 3



91 Fieldgate Street



Scale 1:567



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91 Fieldgate Street



Scale 1:2270

20 0 20 40 60



Metres



Appendix 4

| NAME AND ADDRESS | LICENSING HOURS | OPENING HOURS |
|---|---|---|
| (Tesco Stores Ltd.) 4 Fieldgate Street | Sale of alcohol (off sales only): Monday to Friday: 08:00 to 23:00; Saturday: 08:00 to 22:30; Sunday: 11:00 to 17:30. | Monday to Friday: 06:00 to 00:30; Saturday: 06:00 to 22:30; Sunday: 11:00 to 17:30. |
| (New Road Off Licence) 109 New Road | <u>The Supply of Alcohol (off sales only)</u> <ul style="list-style-type: none"> • Monday to Sunday from 09:00hrs to 00:00hrs (midnight) | Monday to Sunday from 09:00hrs to 00:00hrs (midnight) |

Appendix 5

Corinne Holland

From: Corinne Holland on behalf of Licensing
Sent: 06 April 2017 08:24
To: Corinne Holland
Subject: FW: Gusta Coffee, 91 Fieldgate Street, London E1 1JU

From: Ala Uddin [REDACTED]
Sent: 05 April 2017 21:34
To: Licensing
Subject: RE: Gusta Coffee, 91 Fieldgate Street, London E1 1JU

Madam

1. All objections related to planning breaches would be ecerbated as they are already so with the neighbouring property. All of which I have reported to the local authority who choose to ignore this.
2. I have also reported to the MP and to no avail all these factors the noise nuisance, local children safety.
3. Local violent crime has risen and
Local youth have often clashed with patrons to the area
4. By ignoring these factors you are perpetuating the safety of local etc...
5. My objection to the neighbouring property should not be taken in isolation to Gusta as you are trying to do. For the record I have yet again informed the local authority about this planning breach. I will be pursuing this matter when the time allows and may sue the local authority; and it won't be the first that I will win. I will also bring criminal charges where necessary.

Thanks

Regards

Ala
[REDACTED]

---- Licensing wrote ----

Dear Mr Uddin

Would you be able to expand on your objection to this licensing application.

Your objection letter mainly relates to issues regarding a neighbouring restaurant and not Gusta Coffee.

Under the Licensing Act 2003, the criteria for your representation to be valid is that you must make it clear how granting this particular application will have an impact on you only in relation to one or more of the following licensing objectives:

- **the prevention of crime and disorder**

- the prevention of public nuisance
- public safety
- the protection of children from harm


kind regards

Corinne Holland - Licensing Officer

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



: Licensing@towerhamlets.gov.uk

From: Ala Uddin 
Sent: 19 March 2017 15:10
To: Licensing
Subject: Gusta Coffee, 91 Fieldgate Street, London E1 1JU

Please see attached.

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

London Borough of Tower Hamlets E-Mail Disclaimer.

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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.

[REDACTED]

Head of Environmental Health & Trading Standards
David Trolley
Licensing Section
John Onslow House
1 Ewart Place
London
E3 5EQ

19 March 2017

Dear Mr Trolley

Thank you for your letter dated the 9 March 2017, regarding the planning application from Gusta Coffee, 91 Fieldgate Street, London E1 1JU.

I wish to notify you of my objection to this planning application as it within a controlled drinking zone, which is regularly violated by the local restaurant at 89 Fieldgate Street, London E1. Incidentally, this, Tayyabs restaurant has now been operating without planning permission since 2005. The local authority has now served notice of closure in February 2016.

The owners continue to ignore and have no disregard for the law or respect the neighbourhood. Any further violation of this conservation area would be in tolerable.

Yours faithfully

Ala Uddin

Appendix 6

Corinne Holland

From: Mohshin Ali on behalf of Licensing
Sent: 14 March 2017 14:26
To: Corinne Holland
Subject: FW: CLC/EHTS/LIC/099036

From: Laura D [REDACTED]
Sent: 14 March 2017 11:04
To: Licensing
Subject: CLC/EHTS/LIC/099036

Dear Sir/Madam,

I'm writing to express my dissent on the "sale of alcohol, regulated entertainment or late night refreshment" Licensing application that Tower Hamlet has received from Gusta, Coffee, 91 Fieldgate Street, London E1 1JU.

I am a resident at [REDACTED] As such, I and my neighbours have been increasingly and greatly suffered from a disproportionate amount of noise pollution, and air pollution due to all new licensing and building works that the Borough has already approved in the neighbourhood.

Granting yet another Alcohol and Late Night license in the area would deeply worsen the already unbearable living conditions in the neighbourhood; where we already experience a high level of this application will have an impact and is "relevant" to one or more of the following licensing objectives:

- alcohol and drug-related public disorder
- public nuisance after 9PM
- public safety

Please advise if you have enough information in order to rule against the Licensing request, based on this information. Or if instead, you need me to change the wording in order to re-submit this information in form of a more formal Petition against this licensing.

Thank you in advance and

Kind Regards,
Laura Delnevo

Appendix 7

Corinne Holland

Subject: FW: Gusta Coffee License Application - Fieldgate Street

From: Lucia Ladi [REDACTED]
Sent: 17 March 2017 09:38
To: Licensing
Subject: Gusta Coffee License Application - Fieldgate Street

Hi there,

I've received a letter notifying me that Gusta Coffee on Fieldgate Street E1 have applied for a 'Alcohol and entertainment licence and late night refreshment' license.

I live [REDACTED] It is a residential building with 9 flats all directly above the coffee shop. 6 of which have bedrooms facing the street,; 3 bedrooms are directly above the frontage of Gusta, [REDACTED]

We already have the nightmare of Tayyab's next door, but thankfully we get some respite after 11 when it closes (though customers often stay on very loudly afterwards, and the staff are very noisy until the early hours). We then get woken up at 6am by the bottle/rubbish collection from Tayyab's. To add further insult to injury the hours after 11pm may now be ruined by more loud noise, potentially fueled by alcohol. This is actually making me feel completely distraught, it will be a nightmare!!!! If someone could come into our flat to hear how close we are to Gusta that might help.

In addition to the flats in the same building as Gusta there are hundreds of others flats directly next door and over the (narrow) street - Fieldgate Mansions are a very large residential block which would be greatly affected by this. A huge concern of mine is that many of these residents may not understand the letter being sent with English not being their first language. I think it's disgraceful not to have sent it out in multi-language form considering the multicultural nature of the area. It is precluding the possibility of these people objecting, when I'm sure they would. This is even more likely considering the license includes alcohol which is likely to upset the largely Muslim population of the street and immediate area.

This is going to have a massive impact on the residents of my building and the surrounding buildings; we simply will not be able to sleep or have peace and quiet. It's also going to exacerbate the dreadful parking and traffic problems around the area - the drunken customers spill out onto the street causing disruption as well as endless taxis parking up and causing traffic jams and incessant beeping. (on another note a sign to tell people to stop using their horns would be much appreciated as this is terribly annoying and wakes us up constantly).

To make all matters worse, the link to 'complaints and appeals' on your website http://www.towerhamlets.gov.uk/lgnl/business/licences/alcohol_and_entertainment/alcohol_and_entertainment.aspx does not work!!

I am on the verge of tears at the thought of this going ahead and would appreciate someone getting back to me ASAP on this.

Many thanks,
Lucia Ladi - [REDACTED]

Appendix 8

Corinne Holland

From: Corinne Holland on behalf of Licensing
Sent: 06 April 2017 08:23
To: Corinne Holland
Subject: FW: CLC/EHTS/LIC/099036 Gusta Coffee license application - opposition

From: nicola chesaites [REDACTED]
Sent: 05 April 2017 22:56
To: Licensing
Subject: CLC/EHTS/LIC/099036 Gusta Coffee license application - opposition

Your Reference: CLC/EHTS/LIC/099036

Tower Hamlets
Communities, Localities & Culture
Licensing Section
1 Ewart Place
London E3 5EQ

PREMISES: Gusta Coffee, 91 Fieldgate Street, London E1 1JU
For the attention of: David Tolley, Head of Environmental Health & Trading Standards

I write to you with reference to your letter dated 9 March 2017 regarding the abovementioned licensing application.

My name is Nicola Chesaites and I am the owner and occupier of [REDACTED] which is my permanent place of residence. While I understand that I am required to provide my personal details in order for your services to consider these representations, I do not consent to the disclosure of my personal data, which is protected under applicable data protection legislation, beyond that which is legally required and necessary for the purpose of your consideration of these representations pursuant to the Licensing Act 2003.

I have read the application for a premises licence under the Licensing Act 2003, made by Gusta Coffee on 8 April 2017 (the "**Application**"), as well as Tower Hamlets' Licensing Policy under the Licensing Act 2003, and I am opposed to the Application on the following grounds:

- (1) The prevention of crime and disorder; and
- (2) The prevention of public nuisance.

The prevention of crime and disorder

Gusta Coffee is situated on Fieldgate Street which is a narrow, one-way street, flanked on both sides by low rise apartment buildings, including a residential housing estate. It is therefore essentially residential. While there are a handful of small cafes and a restaurant, none of those establishments have a license to sell or serve alcohol. The only business that has a license to sell alcohol is Tesco's which is located at the far end of Fieldgate Street, at a walking distance of approximately 5-7 minutes.

Gusta Coffee's premises are located immediately adjacent to Tayyabs' restaurant at 83-89 Fieldgate Street. Tayyabs restaurant is a well-established and extremely popular restaurant which attracts a large number of customers, including large groups, seven days a week. The restaurant is open from 12:00 until 23:30 pm and while it does not serve or sell alcohol to its customers, it permits customers to bring and consume alcohol purchased elsewhere on the premises. It seems fair to assume that the purpose of the Application is to supply alcohol to Tayyabs' customers given: (i) the proximity of Gusta Coffee to Tayyabs; (ii) the fact that Tayyabs has no license; and (iii) Gusta Coffee has very small premises that have insufficient space (it has a few small tables at most on the premises) for customers to consume alcohol.

The risk that this creates is that alcohol sold and served from Gusta Coffee (should the Application be granted) will likely be consumed on Fieldgate Street, which, as mentioned above, is essentially a residential area, leading to low level crime and disorder. The grounds for considering the likelihood of this risk are that such is the popularity of Tayyabs restaurant that there is a regular queue outside the restaurant in the evenings. This leads to regular crowds outside the restaurant who congregate on the pavement and in the road to wait for a table and/or smoke cigarettes. At times, this leads to disorder and low level crime in the form of antisocial, unruly and sometimes threatening behaviour and littering (including broken glasses and bottles). The risk is that with the increased opportunity for the consumption of alcohol in Fieldgate Street this will aggravate and increase this behaviour.

The granting of the Application would likely lead to a substantial change in the character of Fieldgate Street, transforming it from a residential street where families with young children are often present, and where no alcohol is currently sold (save in the grocery store at the far end of the street), to one in which alcohol will likely be consumed on the street by/ in the vicinity of the fairly large number of clients of Tayyabs. This is not in the public interest and is not in keeping with the immediate environment.

The prevention of public nuisance

The matters mentioned under the heading "The prevention of crime and disorder" above are repeated. The current levels of noise and disturbance emanating from the clients visiting Tayyabs' restaurant are at times unsociable and interfere with residents' ability to sleeping in their homes along Fieldgate Street. As already mentioned, Fieldgate Street is essentially a residential area, and it has a large number of young families. The availability of alcohol is likely to lead to an increase of noise emanating from customers of Gusta Coffee until 23:30 at night, an increase in traffic and parking issues, which will be particularly hard on many residents, particularly those who are vulnerable and those with large families.

Yours faithfully.

Nicola Chesaites

Appendix 9

**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 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

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 12

Public nuisance - S182 Updated March 2015

- 2.14 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

Appendix 13

Prevention of Nuisance – Licensing Policy, updated March 2015

- 10.1 Licensed premises, especially those operating late at night and in the early hours of the morning, can cause a range of nuisances impacting on people living, working or sleeping in the vicinity of the premises.
- 10.2 The concerns mainly relate to noise nuisance both from the premises and customer egress, light pollution, noxious smells and disruption from parked vehicles and due regard will be taken of the impact these may have in considering a licence. The Licensing Authority will expect Operating Schedules to satisfactorily address these issues. Applicants are advised to seek advice from the Council's Environmental Health Officers before preparing their plans and Schedules.
- 10.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in 8.2, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 14

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Section 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 15

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.

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Agenda Item 4.3

| | | |
|--------------------------------|--------------------------------|---------------------|
| Committee : | Date | Classification |
| Licensing Sub Committee | 9th May 2015 | Unrestricted |

| | |
|---|---|
| Report of: David Tolley Head of Environmental Health & Trading Standards | Title: Licensing Act 2003 Application for a Premises Licence for (Kafe 1788 Ltd), 4 Vesey Path, London E14 6BT |
| Originating Officer: Mohshin Ali Senior Licensing Officer | Ward affected: Lansbury |

1.0 Summary

| | |
|----------------------|---|
| Applicant: | Kafe 1788 Ltd |
| Name and | Kafe 1788 Ltd |
| Address of Premises: | 4 Vesey Path London E14 6BT |
| Licence sought: | Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol• The provision of regulated entertainment |
| Representations: | Local business (one) |

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 premises licence for (Kafe 1788 Ltd), 4 Vesey Path, London E14 6BT.

3.2 The applicant has described the premises as follows:

“Kafe 1788 is a coffee shop. We are cooking and baked most of our food. Alcohol will be provided with food mainly. Most of the alcohol will be coming from beer supplier and majestic wines. Alcohol will be consumed within the coffee shop only, no alcohol in to the street will be allowed”.

3.3 The original application was received on the 6th February 2017. However, due to a technical error by the applicant, the consultation period was extended and then an amended application was submitted. A copy of the premises licence application form is enclosed as **Appendix 1**

3.4 The applicant has previously revised the licensable activities and timings in consultation with Environmental Protection and Met Police as follows:-

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

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

The provision of regulated entertainment – Indoors (films and live music)

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

(Anything of a similar description to live music, recorded music and performance) Further details: “Yoga Session (now is only yoga but could host more soft activities)”

- Monday to Sunday, from 07.30 hours to 20:00 hours

NOTE: Members may wish to note that holding a yoga (exercise) session is not a licensable activity. The applicant may wish to remove this from the application.

For members’ information, late night refreshment is from 23:00 hours to 05:00 hours. A premises licence is not required outside of these times.

The opening hours of the premises

- Monday to Friday, from 07:30 hours to 23:00 hours
- Saturday, from 10:00 hours to 23:00 hours
- Sunday, from 10:00 hours to 23:00 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, 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 a relevant representation has been made the following local business:
- Mr Hasanie (Prime Wholesale UK Ltd) - **Appendix 6**
- 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. The applicant failed to advertise the application on the newspaper within the required time. Therefore, the consultation period was extended to 9th April 2017 and it has now been correctly advertised
- 6.11 Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.12 Essentially, the relevant party opposes the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.14 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

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

- 7.1 No alcohol shall be consumed immediately outside the premises.
- 7.2 There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 7.3 The supply of alcohol at the premises shall be ancillary to food.
- 7.4 A First aider will be on site at all time
- 7.5 Notices shall be displayed at the entrance and exits to remind customers to leave the premises quietly.
- 7.6 A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises
- 7.7 Poster with Age check reminder will be put around till area.

8.0 Conditions in consultation with the Responsible Authorities/other persons

- 8.1 Environmental Protection has agreed (please see **Appendix 7**) the following with the applicant:

“Licensable Activities:- Films, Live Music, Sale of Alcohol until 22:30 hours, with premises closing 30 minutes later at 23:00 hours
Late Night refreshment is not required as closing at 23:00 hours
Anything of a Similar Description (Section H of the Application) – remains as original application.

The following conditions to apply:

- 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, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.”

- 8.2 Met Police has also agreed (please see **Appendix 8**) the following with the applicant:

“1) A CCTV system to be put in place, the cameras are to be of sufficient quality so that people’s faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover

areas of the pub specified by the Police. The system is to record the footage and to keep it for a minimum of 30 days and a copy of CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

2) A incident record book is to be kept at the premises, this book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises customers, or any other incident of note. The incident book is to be signed off every day by the manager even if there is nothing to report”.

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 9 - 14** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters 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 Mr Hasanie |
| Appendix 7 | Agreement with Environmental Protection |
| Appendix 8 | Agreement with Met Police |
| Appendix 9 | Licensing Officer comments on noise while the premise is in use |
| Appendix 10 | Licensing Officer comments on access/egress Problems |
| Appendix 11 | Licensing Officer comments on crime and disorder on the premises |
| Appendix 12 | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| Appendix 13 | Planning |
| Appendix 14 | Licensing Policy relating to hours of trading |

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, Mulberry Place, 5 Clove Crescent, London E14 2BG 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/We (*Insert name(s) of applicant*)

Kafe 1788 ltd/ Richard Macien

.....

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

Part 1 – Premises details

| | |
|-------------------------------|-------------------|
| Kafe 1788 ltd 4 Vesey Path | |
| Post town London | Post code E14 6BT |

Telephone number at premises (if any)

[Redacted telephone number]

Non-domestic rateable value of premises

£ 10250

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

First names

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

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 Kafe 1788 ltd |
| Address [REDACTED] [REDACTED] [REDACTED] [REDACTED] |
| Registered number (where applicable) 10070480 |
| Description of applicant (for example partnership, company, unincorporated association etc) Limited Company |
| Telephone number, if any [REDACTED] |
| E-mail (optional) [REDACTED] |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | | | Month | | | Year | | |
|-----|---|---|-------|---|---|------|---|--|
| 0 | 6 | 0 | 3 | 2 | 0 | 1 | 7 | |

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

| Day | | | Month | | | Year | | |
|-----|--|--|-------|--|--|------|--|--|
| | | | | | | | | |

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

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

Kafe 1788 is a coffee shop.

We are cooking and baked most of our food.

Alcohol will be provided with food mainly.

Most of the alcohol will be coming from beer supplier and majestic wines.

Alcohol will be consumed within the coffee shop only, no alcohol in to the street will be allowed.

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

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

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

In all cases complete boxes K, L and M

A

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

B

| Films Standard days and timings (please read guidance note 6) | | | Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2) | Indoors | x |
|--|-------|--------|--|----------|---|
| Day | Start | Finish | | Outdoors | |
| Mon | 12:00 | 23:00 | Please give further details here (please read guidance note 3) Movie night will be held once a month (for now maybe more with the popularity) from 18:00 to 22:30 follow up by a Q&A | Both | |
| | | | | | |
| Tue | 12:00 | 23:00 | | | |
| | | | | | |
| Wed | 12:00 | 23:00 | State any seasonal variations for exhibition of films (please read guidance note 4) | | |
| | | | | | |
| Thur | 12:00 | 23:00 | | | |

| | | | |
|-----|-------|-------|--|
| Fri | 12:00 | 23:00 | <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 | 12:00 | 23:00 | |
| | | | |
| Sun | 12:00 | 23:00 | |
| | | | |

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

| | | | | | |
|---|-------|--------|---|----------|--|
| <u>Boxing or wrestling entertainment</u> 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 | |
| | | | | Outdoors | |
| | | | | Both | |
| | | | | | |
| Day | Start | Finish | <p><u>Please give further details here</u> (please read guidance note 3)</p> <p><u>State any seasonal variations for boxing or wrestling entertainment</u></p> | | |
| Mon | | | | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |
| | | | | | |

| | | | |
|------|--|--|--|
| | | | (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) | | | <u>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2) | Indoors | x | |
| Day | Start | Finish | | Outdoors | | |
| | | | | Both | | |
| Mon | 12:00 | 23:00 | <u>Please give further details here</u> (please read guidance) Every First Wednesday of the Month will be hosting an Open Mic session (More if really popular). Acts will be registered before so we have a night of live music. The event will start at 18:30 to 22:30 and everyone will be leaving the premises in quiet manner by 23:00. | | | |
| | | | | | | |
| Tue | 12:00 | 23:00 | | | | |
| | | | | | | |
| Wed | 12:00 | 23:00 | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) | | | |
| | | | | | | |
| Thur | 12:00 | 23:00 | | | | |
| | | | | | | |
| Fri | 12:00 | 23:00 | <u>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</u> (please read guidance note 5) | | | |
| | | | | | | |
| Sat | 12:00 | 23:00 | | | | |
| | | | | | | |
| Sun | 12:00 | 23:00 | | | | |
| | | | | | | |

F

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

G

| Performances of dance Standard days and timings (please read guidance note 6) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2) | Indoors | X |
|--|-------|--------|--|----------|---|
| | | | | Outdoors | |
| | | | | Both | |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 3) | | |
| | | | | | |
| 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> Yoga and other soft course |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 3) We will be hosting Yoga Session (now is only yoga but could host more soft activities) |
| Mon | 7:30 | 20:00 | |
| Tue | 7:30 | 20:00 | <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) During the summer will host other soft exercise class |
| Wed | 7:30 | 20:00 | |
| Thur | 7:30 | 20:00 | <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) |
| Fri | 7:30 | 20:00 | |
| Sat | 7:30 | 20:00 | |
| Sun | 7:30 | 20:00 | |

I

| <u>Late night refreshment</u> Standard days and timings (please read guidance note 6) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2) | Indoors | |
|---|-------|--------|--|----------|---|
| | | | | Outdoors | |
| | | | | Both | X |
| Day | Start | Finish | | | |
| Mon | 12:00 | 23:00 | <u>Please give further details here</u> (please read guidance) Food Pop up or any food serving activity will be held from on Thursday to Saturday | | |
| | | | | | |
| Tue | 12:00 | 23:00 | | | |
| | | | | | |
| Wed | 12:00 | 23:00 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) Food Pop up will be host within the premises during winter time and will extended to the exterior during warmer weather. | | |
| | | | | | |
| Thur | 12:00 | 23:00 | | | |
| | | | | | |
| Fri | 12:00 | 23:00 | <u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list</u> (please read guidance note 5) Only for private rental will be providing late night refreshments on other days. | | |
| Sat | 12:00 | 23:00 | | | |
| Sun | | | | | |

J

| <u>Supply of alcohol</u> Standard days and timings (please read guidance note 6) | | | <u>Will the supply of alcohol be for consumption – please tick [Y]</u> (please read guidance note 7) | On the premises | |
|--|-------|--------|--|------------------|---|
| | | | | Off the premises | |
| | | | | Both | X |
| Day | Start | Finish | | | |
| Mon | 12:00 | 23:00 | <u>Please give further details here</u> (please read guidance) Alcohol will be served on site with our lunch time. We will be serving wine and beer mostly. Rum and whiskeys will be served for only events (pop up or tasting. No Alcohol consumption will be allowed outside the premise at any time of the day. Staff will reinforce the following before payment happen and signage will reinforce the following | | |
| | | | | | |
| Tue | 12:00 | 23:00 | | | |
| | | | | | |
| Wed | 12:00 | 23:00 | <u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 4) The site will be used for Beer, Wine, Whiskeys and Rum tasting with various partner Where people will be able to purchase from suppliers to consume in their home. | | |
| | | | | | |
| Thur | 12:00 | 23:00 | | | |

| | | | |
|-----|-------|-------|--|
| | | | |
| Fri | 12:00 | 23:00 | <p><u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>When alcohols tasting will occurred customers will be able to purchase alcohol to consume at their house. No alcohol will be consumed outside the shop.</p> |
| Sat | 12:00 | 23:00 | |
| 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

Address

Personal Licence number(if known)

Issuing licensing authority (if known)

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
No Adults entertainment

L

| | | | |
|--|-------|--------|---|
| Hours premises are open to the public Standard timings (please read guidance note 6) | | | <u>State any seasonal variation</u> (please read guidance note 4) Closing hours may varies between Monday to Sunday to adjust to trading needs but all events will be finished by 23:00 |
| Day | Start | Finish | |
| Mon | 7:30 | 23:00 | |
| | | | |
| Tue | 7:30 | 23:00 | |
| | | | |
| Wed | 7:30 | 23:00 | |
| | | | |
| Thur | 7:30 | 23:00 | |
| | | | |
| Fri | 7:30 | 23:00 | <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) The site will open later to accommodate Open Mic, Movie Night, Food Pop Up, Alcohol Tasting and Exhibitions. |
| | | | |
| Sat | 10:00 | 23:00 | |
| | | | |
| Sun | 11:00 | 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)

- Poster with age restriction will be advertised around the bar area
- No smoking allowed (including electric cigarettes) inside the premises
- Fire exits will be kept clear at all time
- A license holder will be on site at all time
- No drinks allowed outside the premises
- On busy night only plastic cups will be given to customers
- Food will be supplied with alcohol
- No Children will be allowed on busy night (E.g. open Mic) except for special children event.

b) The prevention of crime and disorder

- Door will be kept closed during Open Mic to maintain the noise level low.
- Alcohol will be served and need to be consumed within the premises, no one will consume alcohol outside the premises at any time.
- Food will be served with alcohol so no one does drink with an empty stomach
- Alcohol will be served until 22:30 and the shop will have cleared off customers by 23:00
- 24 hrs CCTV is now installed within the premise and a specific accident report has been allocated for the events and alcohol sales

c) Public safety

- Capacity will be kept to under 70 guests while we are hosting our busiest events (Open Mic).
- All the staffs are food safety trained
- All the staffs are health and safety trained
- First aider will be on site at all time
- Fire officer will be on site at all time
- 24hrs CCTV will be installed on site

d) The prevention of public nuisance

Notices at the entrance and exits to remind customers to leave quietly.

No Alcohols will be allowed outside the premises

e) The protection of children from harm

Acts and Musicians will be selected to avoid strong language during the open Mic

Alcohol will be served to adults only

Poster with Age check will be put around till area.

ID will be requested if customers looks under 25 years' old

Children will need to be accompanied by an adult after when we are hosting any events

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 x
Insert On-Line Payment reference here if applicable : X87Q-9E78-9D22
- I have enclosed the plan of the premises x
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable x
- I have enclosed the consent form completed by the individual I wish to be Premises Supervisor, if applicable x
- I understand that I must now advertise my application x
- I understand that if I do not comply with the above requirements my application will be rejected

Part 4 – Signatures (please read guidance note 10)

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

Signature

.....

Date

Friday 10th March

.....

Capacity

Director of Kafe 1788

.....

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

Signature

.....

Date

.....

Capacity

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Post town

Post code

Telephone number (if any)

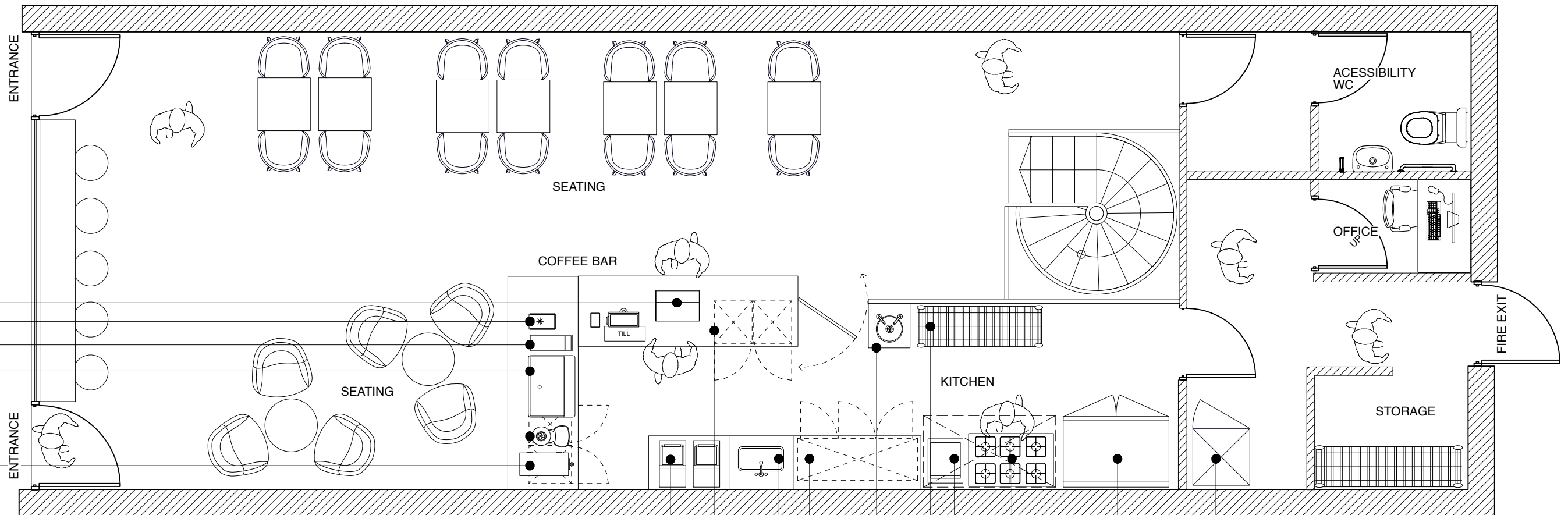
If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or un-amplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day, e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Appendix 2

- Arabic Display
- Rinser
- Knock Out Tray
- 2grp Coffee Machine
- Grinder
- On Counter Hot Water Boiler



1 GA
Scale: 1.50 @ A3

NOTE:
FOR COSTING PURPOSES ONLY.
DRAWING NOT FOR CONSTRUCTION
ALL DIMENSIONS TBC BY CLIENT AND SITE SURVEY

| DESCRIPTION | | |
|---------------------------------|-----------------|------|
| Equipment | | |
| CLIENT Macien Clarke | | |
| PROJECT KAFF 1788 | | |
| ADDRESS 4 Vesey Path, London | | |
| JOB No. | DWG No. | REV. |
| | 016 01.2 | - |
| DATE | STATUS | |
| MAY 16 | COSTING | |
| DWN BY TV | | |
| SCALE 1:150 @A3 | | |

THIS DRAWING IS FOR DESIGN INTENT PURPOSES ONLY. DO NOT SCALE THIS DRAWING
• Contractors should provide their own setting out drawings for comment by KAO CREATIVE.
 • This drawing is the property of KAO CREATIVE and copyright is reserved by them.
 • All structural works are to be detailed / confirmed and approved by structural engineer.
 • All dimensions to be verified on site prior to work commencing.
 • This drawing is issued on condition that it is not copied or disclosed to any other unauthorised person without the prior consent of KAO CREATIVE.

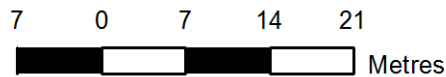
Appendix 3



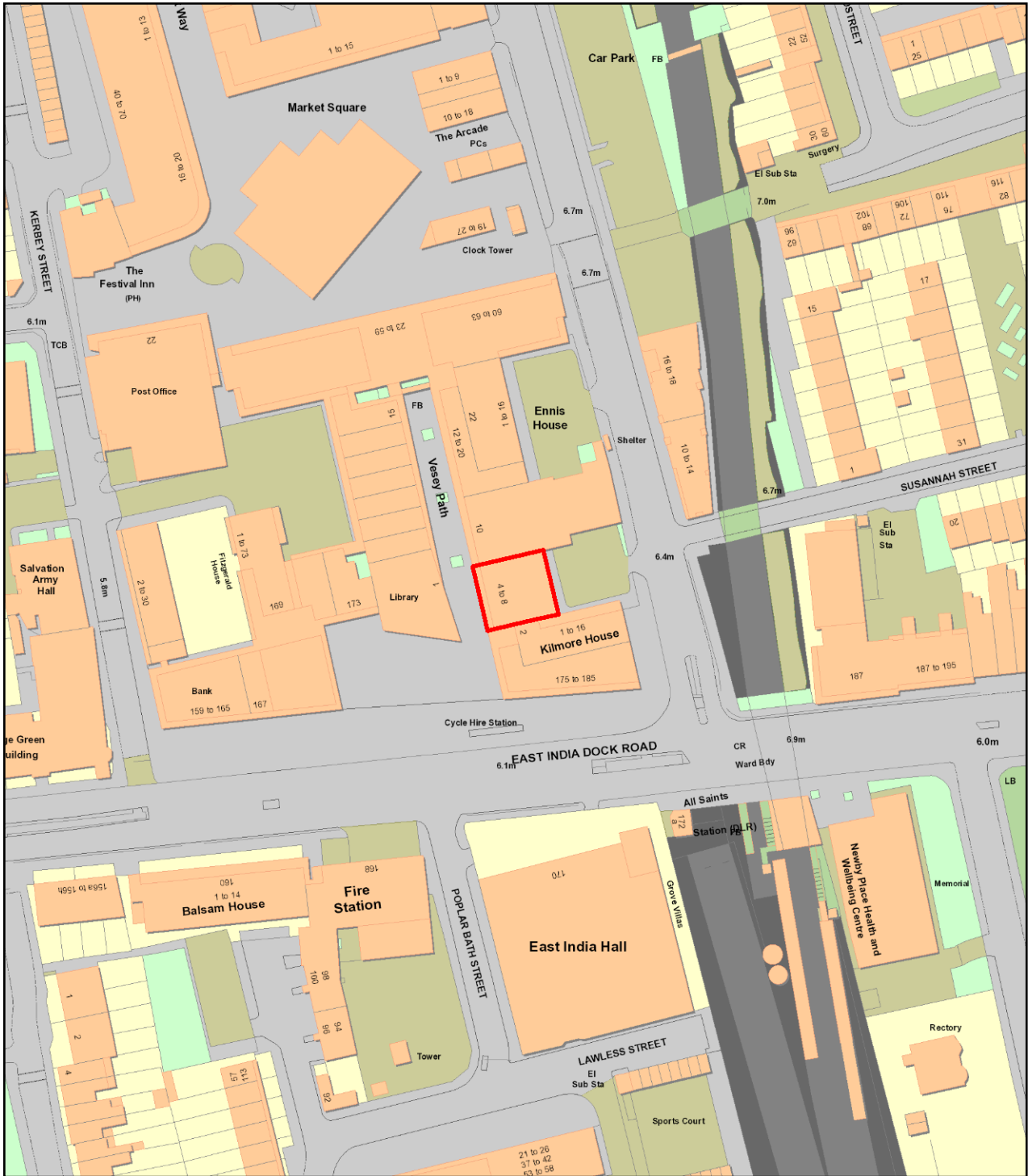
4 Vesey Path



Scale 1:769



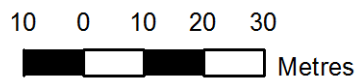
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4 Vesey Path



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Appendix 4

Application for (Kafe 1788 Ltd), 4 Vesey Path, London E14 6BT

| Name and address | Licensable activities and hours | Opening hours |
|---|--|--|
| <p>(Iceland Foods Ltd) 10 Vesey Path London E14 6BT</p> | <p><u>The Supply of Alcohol (off sales only)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 07:00hrs to 23:00hrs | <ul style="list-style-type: none"> • Monday to Sunday from 07:00hrs to 23:00hrs |
| <p>(Perfect Fried Chicken) 197 East India Dock Road London E14 0ED</p> | <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday 23:00 hours – 02:00 hours (the following day) | <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year's Eve, from 11:00 hours to 02:00 hours the following day |
| <p>(Manor Arms) 150 East India Dock Road Poplar London E14 0BP</p> | <p>Sale of Alcohol (On and off sales) Sunday to Thursday from 09:00 hours to 23:00 hours Friday and Saturday from 09:00 hours to 23:30 hours</p> <p>The Provision for Regulated Entertainment – Indoors <u>Films and Indoor Sporting Events.</u> <u>Performance of dance and anything of a similar description.</u></p> <p>Monday to Sunday from 09:00 hours to 23:00 hours</p> <p><u>Live Music and Recorded Music</u> Friday to Sunday and Public Holidays from 09:00 hours to 23:00 hours</p> <p>The Provision for Late Night Refreshments</p> <ul style="list-style-type: none"> • Friday and Saturday from 23:00 hours to 23:30 hours <p><u>Non-standard timings</u> From the end of permitted hours on New Years Eve to the beginning of permitted hours on New Years Day.</p> | <ul style="list-style-type: none"> • Sunday to Thursday from 09:00 hours to 23:30 hours • Friday and Saturday from 09:00 hours to 00:00 hours (midnight) |

Application for (Kafe 1788 Ltd), 4 Vesey Path, London E14 6BT

| | | |
|--|--|---|
| <p>(Nisa) 175-179 East India Dock Road London E14 0EA</p> | <p>The sale by retail of alcohol (Off sales only)</p> <ul style="list-style-type: none"> Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00 hours to 23:00 hours | <p>Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday from 07:00 hours to 23:00 hours</p> |
| <p>(Real Taste) 185 East India Dock Road London E14 0EA</p> | <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> Monday to Wednesday from 23:00hrs to 00:30hrs (the following day) Thursday to Saturday from 23:00hrs to 02:00hrs (the following day) | <ul style="list-style-type: none"> Monday to Wednesday from 08:00hrs to 00:30hrs (the following day) Thursday to Saturday from 08:00hrs to 02:00hrs (the following day) Sunday from 08:00hrs to 23:00hrs |

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: Mohshin Ali on behalf of Licensing
Sent: 03 April 2017 10:57
To: Mohshin Ali
Subject: FW: Licensing for 4 Vessey Path London E14 6BT
Attachments: Objection Letter 4 vesey path.docx

From: Prime Wholesale UK [REDACTED]
Sent: 01 April 2017 14:38
To: Licensing
Subject: Re: Licensing for 4 Vessey Path London E14 6BT

pls see attached, they have reapplied but we have not been given new reference number so pls could you apply this to this property.

--
Many Thanks

Mr Hasanie

Prime Wholesale UK Ltd

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Kathy Driver
Licensing Section
John Onslow House
1 Ewart Place
London E3 5EQ

Re: Kafe 1788 Ltd, 4 Vesey Path, London E14 6BT.

Your Ref: CLC/EHTS/LIC/098417

Dear Kathy,

I am writing to register **my objection** to the application for a premises licence by **Kafe 1788 Ltd, 4 Vesey Path, London E14 6BT**. The basis for this opposition is that granting a licence for these premises will not promote the licensing objectives, particularly the prevention of crime, disorder and antisocial behaviour.

4 Vesey Path, lies within the Council's Cumulative Impact Area, and enabling another premises to sell alcohol late into the night would be totally detrimental to its aims and objectives. The application proposes that alcohol and food will be served / sold for consumption on & off the premises. Granting a licence would provide a further source of alcohol within an area already so heavily populated with licensed premises that crime, disorder and public nuisance have already reached problem levels for the local police.

Residents in this area already suffer noise nuisance and antisocial behaviour at all hours of the day and night. They have endured this inconvenience since 2003 when the licensing legislation was first amended, and it is totally unacceptable to expect them to continue to do so.

I would also urge the Committee to consider the findings of the Health Impact Assessment, in which evidence of the negative effects of the flexible licensing hours was put forward by local residents back in the 2004 approx.

In light of this it will also increase the load on the local Police to control and safe guard the local residence and prevent vandalism in late hours of the night. Entertainment to be played late into the night would not be acceptable as it is below and surrounded by residential area. We already suffer from anti-social behaviour and vandalism and this would only fuel it more.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours faithfully,

Mr M Hasanie

██████████

██████████

Appendix 7

Mohshin Ali

From: Andrew Heron on behalf of Licensing
Sent: 10 February 2017 16:37
To: Mohshin Ali
Subject: FW: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

From: Nicola Cadzow
Sent: 10 February 2017 15:53
To: Licensing
Cc: Alan.D.Cruickshank [REDACTED]; MARK.J.Perry [REDACTED]; richard [REDACTED]
Subject: FW: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

Dear Licensing,

I have no objections to this Premise License Application for Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417 , further to confirmation by the Applicant to the amendments and the conditions as below:-

Licensable Activities:- Films, Live Music, Sale of Alcohol until 22:30 hours, with premises closing 30 minutes later at 23:00 hours

Late Night refreshment is not required as closing at 23:00 hours

Anything of a Similar Description (Section H of the Application) - remains as original application.

The following conditions to apply:

- 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**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

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

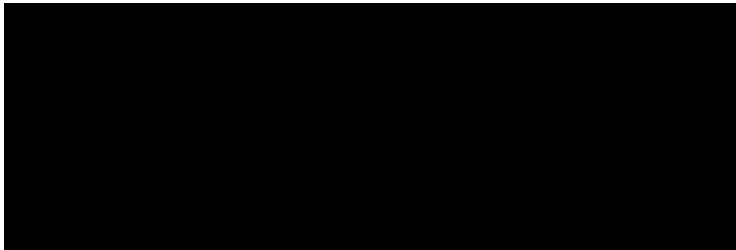
From: richard [redacted] [mailto:richard [redacted]]
Sent: 10 February 2017 15:39
To: Nicola Cadzow
Cc: Alan.D.Cruickshank [redacted]; MARK.J.Perry [redacted]
Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

Hi Nicola,

Many thanks for your email.
I can confirm my agreement and the following points you have raised.
I will incorporate those on any of the events.
Many thanks for your help.

Kind Regards

Richard



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

Subject: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417
From: "Nicola Cadzow" <Nicola.Cadzow [redacted]>
Date: 2/10/17 1:14 pm
To: "richard [redacted]" <richard [redacted]>
Cc: "Alan.D.Cruickshank [redacted]" <Alan.D.Cruickshank [redacted]>
"MARK.J.Perry [redacted]" <MARK.J.Perry [redacted]>

Dear Richard,

Further to our discussion today, please confirm you agreement to the following amendments:

Licensable Activities:- Films, Live Music, Sale of Alcohol until 22:30 hours, with premises closing 30 minutes later at 23:00 hours

Late Night refreshment is not required as closing at 23:00 hours

Anything of a Similar Description (Section H of the Application) -
remains as original application.

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- 3) All windows and external doors shall be kept closed after **22:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

I await your reply in due course.

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm - Environmental Health and Trading Standards

London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

*

Working Together for a Better Tower Hamlets

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

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Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 14 February 2017 14:06
To: Mohshin Ali
Subject: FW: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

Follow Up Flag: Follow up
Flag Status: Flagged

From: MARK.J.Perry [redacted] [mailto:MARK.J.Perry [redacted]]
Sent: 14 February 2017 09:17
To: richard [redacted]
Cc: Licensing
Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

Hi Richard,

Thanks for agreeing the conditions, I have copied in Tower Hamlets Licensing so they are aware and can update the license.

If you need any assistance in the future please don't hesitate to contact me.

Regards

Mark

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

From: richard [redacted] [mailto:richard [redacted]]
Sent: 14 February 2017 09:09
To: Perry MARK J - HT
Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

Hi Mark,

Those two conditions are feasible within the business.
As we have an incident book already and we use it for incident in the shop.
I will have one for alcohol or event related.
It was ordered yesterday so should be with me by the end of the week.

Kind Regards

Richard

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

Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

From: [MARK.J.Perry](#) [REDACTED]

Date: 2/14/17 8:02 am

To: [richard](#) [REDACTED]

Hi,

Thanks for the reply. I appreciate that it will take time for the CCTV to be installed.

With the incident book as long as it records all the incidents at the premises like any crime such as stolen property / disorder or refusals of sale of alcohol then that should be fine.

Can you just confirm that the 2 conditions I propose are acceptable to you please.

If you have any questions or need any assistance then please don't hesitate to contact me regards

Mark

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

From: [richard](#) [REDACTED] [<mailto:richard> [REDACTED]]

Sent: 13 February 2017 20:53

To: Perry MARK J - HT

Cc: [Nicola.Cadzow](#) [REDACTED]

Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rtef M/098417

Hi Mark,

Many thanks for your email.

I will have the following organised.

A CCTV will be delivered in the shop soon and set up as requested.

I will train my team so any one can manipulate CCTV footage if needed.

A accident will be put in the shop to record any issues in the store.

Many thanks for the support on that matter.

Kind Regards

Richard



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

Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path,
London rtef M/098417

From: [MARK.J.Perry](#) [redacted] <[k](#)>

Date: 2/13/17 2:20 pm

To: [richard](#) [redacted]

Cc: [Nicola.Cadzow](#) [redacted]

Hi Richard,

I am PC Mark Perry 748HT from Tower Hamlets Police Licensing. I am happy with the hours Nicola has agreed with you.

I would also like the following conditions added to the license:

1) A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the pub specified by the Police.

The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours.

While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

2) A incident record book is to be kept at the premises, this book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises customers, or any other incident of note. The incident book is to be signed off every day by the manager even if there is nothing to report.

Please have a look at the conditions and let me know if they are acceptable.

If you would like to discuss this then please feel free to contact me.

Regards

Mark

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

From: Nicola Cadzow [<mailto:Nicola.Cadzow>]
Sent: 10 February 2017 15:53
To: Licensing
Cc: Cruickshank Alan D - HT; Perry MARK J - HT;
[richard](#)
Subject: FW: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London rref M/098417

Dear Licensing,

I have no objections to this Premise License Application for Kafe 1788 Ltd 4 Vesey Path, London rref M/098417 , further to confirmation by the Applicant to the amendments and the conditions as below:-

Licensable Activities:- Films, Live Music, Sale of Alcohol until 22:30 hours, with premises closing 30 minutes later at 23:00 hours

Late Night refreshment is not required as closing at 23:00 hours

Anything of a Similar Description (Section H of the Application) - remains as original application.

The following conditions to apply:

- 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**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

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: [richard\[REDACTED\]](mailto:richard[REDACTED]) [[mailto:richard\[REDACTED\]](mailto:richard[REDACTED])]
Sent: 10 February 2017 15:39
To: Nicola Cadzow
Cc: [Alan.D.Cruickshank\[REDACTED\]](mailto:Alan.D.Cruickshank[REDACTED]); [MARK.J.Perry\[REDACTED\]](mailto:MARK.J.Perry[REDACTED])
Subject: RE: Premise License Application - Kafe 1788 Ltd 4 Vesey Path, London ref M/098417

Hi Nicola,

Many thanks for your email.

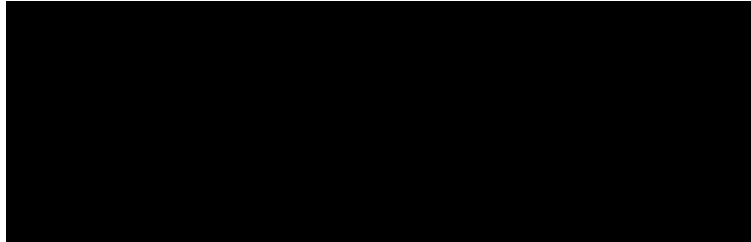
I can confirm my agreement and the following points you have raised.

I will incorporate those on any of the events.

Many thanks for your help.

Kind Regards

Richard



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

Subject: Premise License Application - Kafe 1788 Ltd 4
Vesey Path, London rref M/098417

From: "Nicola Cadzow"

<Nicola.Cadzow>

Date: 2/10/17 1:14 pm

To: "richard" <richard>

Cc: "Alan.D.Cruickshank" <Alan.D.Cruickshank>

<Alan.D.Cruickshank>

"MARK.J.Perry" <MARK.J.Perry>

<MARK.J.Perry>

Dear Richard,

Further to our discussion today, please confirm you
agreement to the following amendments:

Licensable Activities:- Films, Live Music, Sale of Alcohol
until 22:30 hours, with premises closing 30 minutes later at
23:00 hours

Late Night refreshment is not
required as closing at 23:00 hours

Anything of a Similar Description
(Section H of the Application) - remains as original
application.

The following conditions to apply:

- 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**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

I await your reply in due course.

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm - Environmental Health and Trading Standards

London Borough of Tower Hamlets 5 Clove Crescent London, E14 2BG

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Appendix 9

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy)**.

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.11)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 8.2 of the Licensing Policy)**.

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

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

- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

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

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

Appendix 10

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 11

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 12

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 13

Planning

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

Appendix 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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