

LICENSING SUB COMMITTEE

Monday, 19 June 2017 at 5.30 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:

Farhana Zia, Democratic Services
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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 THE PREVIOUS MEETING(S) (Pages 15 - 22)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on:

- 28th March 2017

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Licensing Act 2003: New Premises Licence for Hostem, 41 - 43 Redchurch Street, E2 7DJ	23 - 94	Weavers
Licensing Objectives: Public nuisance, Crime & Disorder		
Representations: Local Residents		
4 .2 Licensing Act 2003: Time Limited Premises Licence for African Street Festival, Calvert Avenue to Arnold Circus, E2	95 - 140	Weavers
Licensing Objectives: Public nuisance, Crime & Disorder		
Representations by: Local Resident		

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

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-
Graham White, Acting Corporate Director, Governance and Interim Monitoring Officer
Telephone 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 COMMITTEE

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

Date Last Reviewed:	14th June 2016
Reviewed By:	Senior Corporate and Governance Legal Officer
Approved By:	Licensing Committee
Date Approved:	14th June 2016
Version No.	1
Document Owner:	Paul Greeno
Post Holder:	Senior Corporate and Governance Legal Officer
Date of Next Scheduled Review:	31st March 2018

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.35 P.M. ON TUESDAY, 28 MARCH 2017

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

Members Present:

Councillor Dave Chesterton
Councillor Peter Golds
Councillor Shah Alam

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF PREVIOUS MEETING(S)

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

4. ITEMS FOR CONSIDERATION

5. LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE FOR RENEGADE LONDON WINE, ARCH 12, GALES GARDENS, E2 0EJ

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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has 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 objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that “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”.

Members heard from Mr John Warwick Smith (applicant) who informed the Sub Committee that he was not aware of the issues with the previous occupants regarding loud music, drugs and bottle throwing at the premises. As soon as he was made aware he withdrew the application for the provision of regulated entertainment licence. The Renegade London Wine makes wine in the heart of London using fruits from the UK and across Europe and sold to restaurants and wine bars with some online trade. Met with the Police, Environmental Health and local residents and discussed the issues from previous occupants as well as being able to satisfy local residents with the new premises licence. It is a new concept for a small business in the London area featuring a wine-maker and it has been replicated from business models around the world including Paris, New York and Hong Kong. It is a way of doing things differently, with new wines and modern methods of wine-making with some demand locally.

On questioning from members Mr Smith informed the Sub Committee that 80% of trade is with restaurants, wine bars and online sales and a small percentage of sales will be to customers coming in for wine tasting. There has been one objection and attempts were made to speak to the objector but it proved unsuccessful, but discussions were held with other community groups which resulted in the application for an entertainment licence being withdrawn.

Members considered the “off sales” and the impact it would have on the local residents outside of the premises. Consideration was also given to the capacity of the premises which was confirmed with the applicant that the premises would have no more than 50 persons at any one time.

It was noted that there had been an intention to apply for an outside area however this did not form part of the application and was not on the submitted plan therefore consideration was not given to an outside area as it did not legally form part of the application.

Therefore considering all of the above, Members decided to **GRANT** the application.

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a New Premises Licence for Renegade London Wine, Arch 12, Gales Garden, London, E2 0EJ be **GRANTED**.

Sale of Alcohol (both on and off sales)

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

Hours premises is open to the public:

- Monday to Friday from 17:00hrs to 23:00hrs
- Saturday from 12:00hrs (midday) to 23:00hrs
- Sunday from 12:00hrs (midday) to 22:30hrs

Additional Conditions: -

1. CCTV – The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a Police Officer or other Responsible Authority (one camera to be placed outside the entrance and on entry).
2. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
3. All sales of alcohol for consumption off the premise shall be in sealed containers only, and shall not be opened on the premises.
4. The number of persons permitted on the premises at any one time (excluding staff) shall not exceed 50 persons, and such number shall be prominently displayed by the entrance to the premises. The premises licence holder shall ensure a suitable method of calculating the number of people present during licensable activity is in place.

All Conditions identified in the Operating Schedule shall be retained.

6. **LICENSING ACT 2003: APPLICATION FOR A PREMISES LICENCE FOR MILE END PARK (AT BOW COMMON LANE BUS STOP (STOP MS), BURDETT ROAD, LONDON, E3 4TN**

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 and in particular to have regard to the promotion of the four licencing objectives:

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and
4. The Protection of Children from Harm

Consideration

Each application must be considered on its own merit. The Sub Committee has 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 objections of prevention of public nuisance and the prevention of crime and disorder.

In addition Members took note of the Home Office guidance which states that “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”.

Members heard from Mr Marvin Kluge (applicant) who informed the Sub Committee that the organisation has been hosting these types of events for the last 9 years with over 500,000 visitors. The events involve beer gardens, traditional German folk music and a German Village festival which will run on the last weekend in April and the first weekend in May each year. The license is permanent and is not time limited and would allow the event to operate each year. Having consulted with the Police additional security has been hired to check individual persons and to search bags entering and exiting the site.

On questioning from members Mr Kluge informed the Sub Committee that the additional security would include 8 SIA officers at the entrance and exits (3 searching persons and bags and 5 patrolling the beer garden), 6 SIA officers will also be on the route between the site and the train station directing persons to the train station.

Members considered customers consuming alcohol outside of the fenced area and taking glassware off-site with them after the event. They were concerned that there were no toilet facilities being made available to customers who leave the event and the impact it would have on the local community and the park. The security plan agreed with police was referred to in the report but no copy was submitted as part of the application and therefore it was unclear to Members what had been agreed. The applicant gave a verbal account of the content of the security plan.

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

Decision

Accordingly, the Sub Committee unanimously –

RESOLVED

That the application for a Premises Licence for Mile End Park (at Bow Common Lane Bust Stop, Stop MS), Burdett Road, London, E3 4TN be **GRANTED** with additional conditions.

Sale of Alcohol (on sales only)

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

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

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

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

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

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

Hours premises is open to the public:

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

All Conditions identified in the Operating Schedule shall be retained in addition to the following conditions:

- This license is for "German Village Festival" only. This is a single event which will run on the last weekend in April and the first weekend in May.
- A Security Plan will be agreed with Police at least one month prior to the event taking place. The agreed Security Plan MUST be submitted one month prior to the event to the Licensing Authority. However, in respect of the last weekend in April 2017, the agreed Security Plan MUST be submitted 14 days prior to the event to the Licensing Authority.
- An Event Management Plan will be agreed at a planning meeting with Police and Tower Hamlets Council at least one month prior to the event taking place.
- All persons entering, re-entering and exiting the premises shall be searched by an SIA trained member of staff. Clearly visible notices shall

be placed at each entrance to advise those attending that it is a condition of entry that customers agree to being searched upon entrance and exit and that the police will be informed if anyone is found in possession of controlled substances or weapons. In addition all glassware found on exit shall be confiscated.

- No alcohol in any vessel or container shall be allowed outside the fenced area.
- Agreement shall be sought with Tower Hamlets Council, Parks and Open Spaces Team, to place male and female toilets outside the fenced area and along the pedestrian route between the site and Mile End Station. The infrastructure will be provided by Oktoberfest and the authorisation for the location and siting of the toilet facilities will be provided by Tower Hamlets Council. The toilets will be in place one day prior to the first day of the event and will be maintained throughout the event.
- There will be adequate signage in respect of the additional toilets outside of the event location.

7. LICENSING ACT 2003: APPLICATION FOR A TIME LIMITED PREMISES LICENCE FOR THE LONDON SHUFFLEBOARD CLUB, 1 CHANCE STREET, LONDON E1 6JT

The Sub Committee agreed having sought Legal advice, that upon request from Mr Hawkins (applicant's representative) that the Application for a Time Limited Premises Licence for the London Shuffleboard Club, 1 Chance Street, London, E1 6JT be adjourned due to a medical emergency.

8. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed the following Extension of Decision Deadlines according to the Licensing Act 2003:

Premises	Type of Licence	Consultation deadline	Hearing date	Decision deadline	Decision deadline extended to
New Road Hotel 103/107 New Road E1 5HJ (KD)	New	02/03/17	11/04/17	30/03/17	11/04/17
Kafe 1788 Ltd 4 Vesey Path London, E14 6BT	New	06/03/17	25/04/17	28/03/17	25/04/17
Agah, 43 Commercial Street, London, E1 6BD (MA)	Variation	16/03/17	25/04/17	13/04/17	25/04/17

The London Shuffleboard Club, 1 Chance Street, London, E1 6JT	Time Limited	27/02/17	11/04/17	27/03/17	18/04/17
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The meeting ended at 8.30 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

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Agenda Item 4.1

Committee :	Date	Classification
Licensing Sub Committee	19th June 2017	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**)
- Mr Robin Fellgett (**Appendix 8**)
- Ms Dee Hill (**Appendix 9**)

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 10**.
- 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 11- 18** 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	Representation from Mr Robin Fellgett
Appendix 9	Representation from Ms Dee Hill
Appendix 10	Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations
Appendix 11	Anti –social behaviour on premises
Appendix 12	Anti-social behaviour leaving the premises
Appendix 13	Noise whilst premises is in use
Appendix 14	S182 Guidance on public nuisance
Appendix 15	Licensing Policy on prevention of nuisance
Appendix 16	Access and Egress problems
Appendix 17	CIZ Policy
Appendix 18	Planning

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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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			State any seasonal variations for performing plays (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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 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			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					
			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)		

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C

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	 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) 		Outdoors	<input type="checkbox"/>
Mon					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								
Wed						State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur								
Fri						Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat								
Sun								

F

Recorded music Standard days and timings (please read guidance note 6)			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								
Wed						State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur								
Fri						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)		
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	Please give further details here (please read guidance note 3)			
Mon						
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			
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
Mon					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)			
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) 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	[REDACTED]
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)

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

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

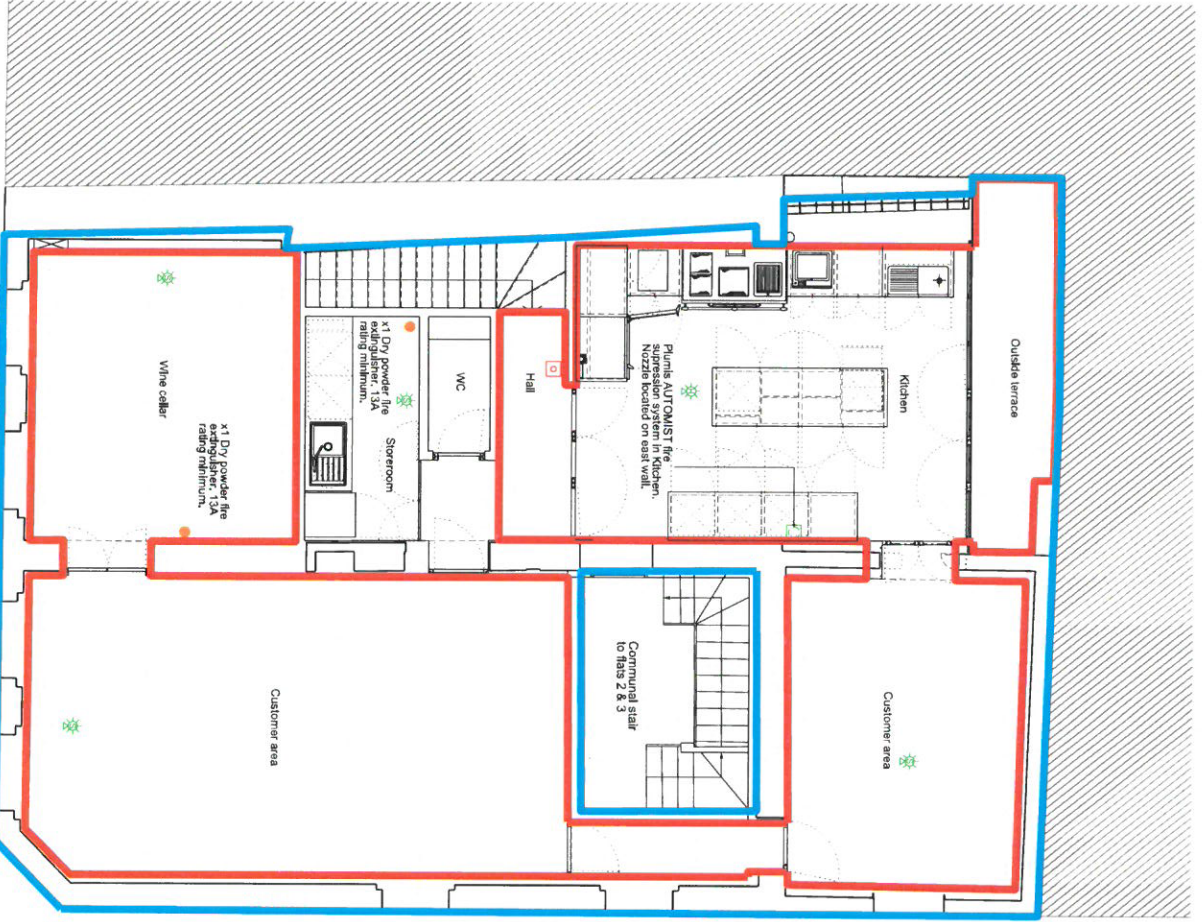
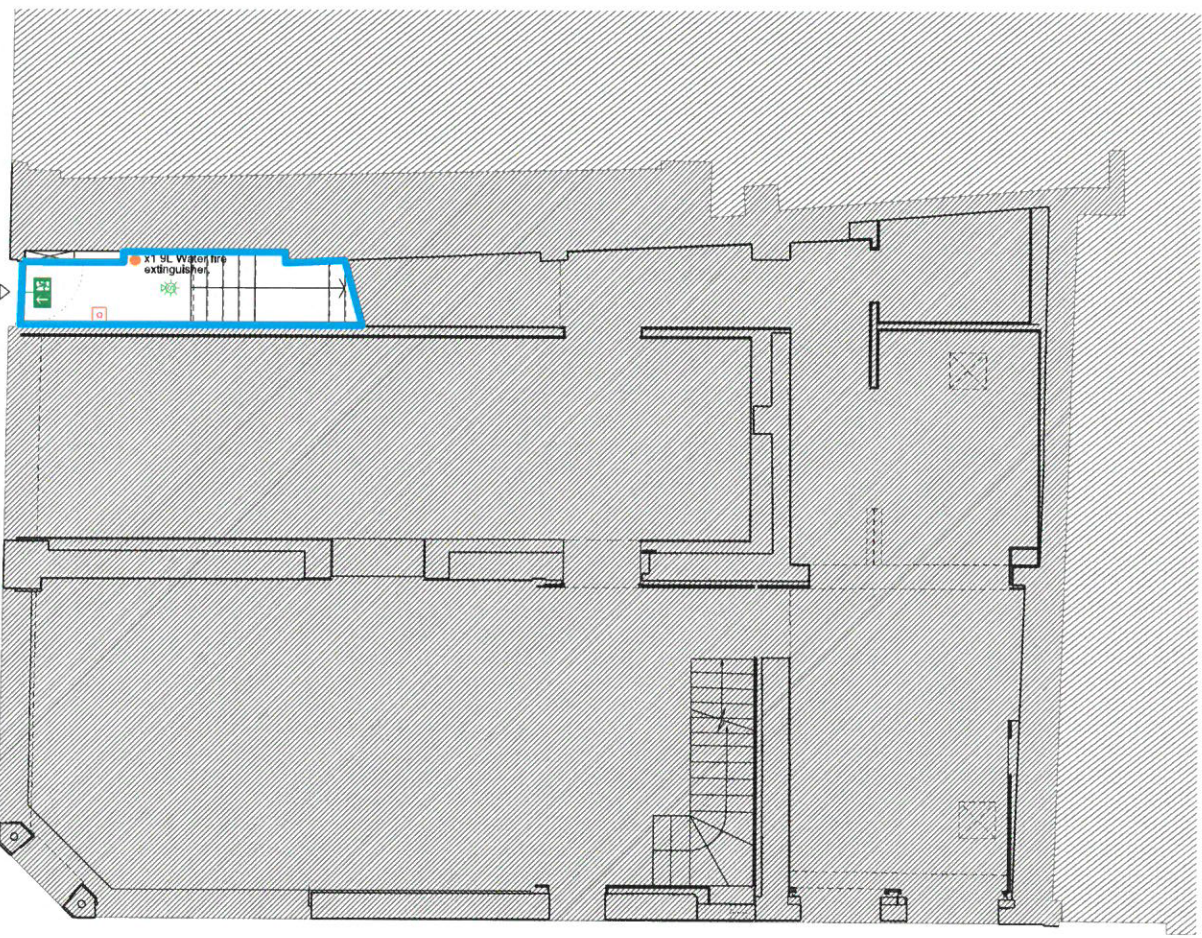
intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.

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
 - E.I. Emergency exit sign
 - ☼ Heat detector with beacon and sounder
 - ☼ Smoke detector with beacon and sounder
 - Manual call point
 - ☼ Automist fire suppression nozzle.

Plumis AUTOMIST fire suppression system in kitchen, nozzle located on east wall.



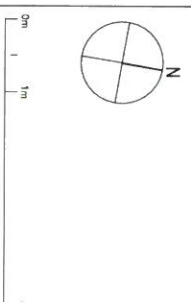
NOTES:

FIRE SAFETY EQUIPMENT IS INDICATIVE ONLY. THE APPLICANT MUST CONSULT WITH 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 TO BE CONSIDERED AS PART OF THE PREMISES LICENSE.



DESIGN INTENT DRAWING

Rev	Date	Description
-	13.01.17	Issued for Licensing

PROJECT: **Hostem**
41-43 Redchurch Street & 9 Church Street
JOB#: 327

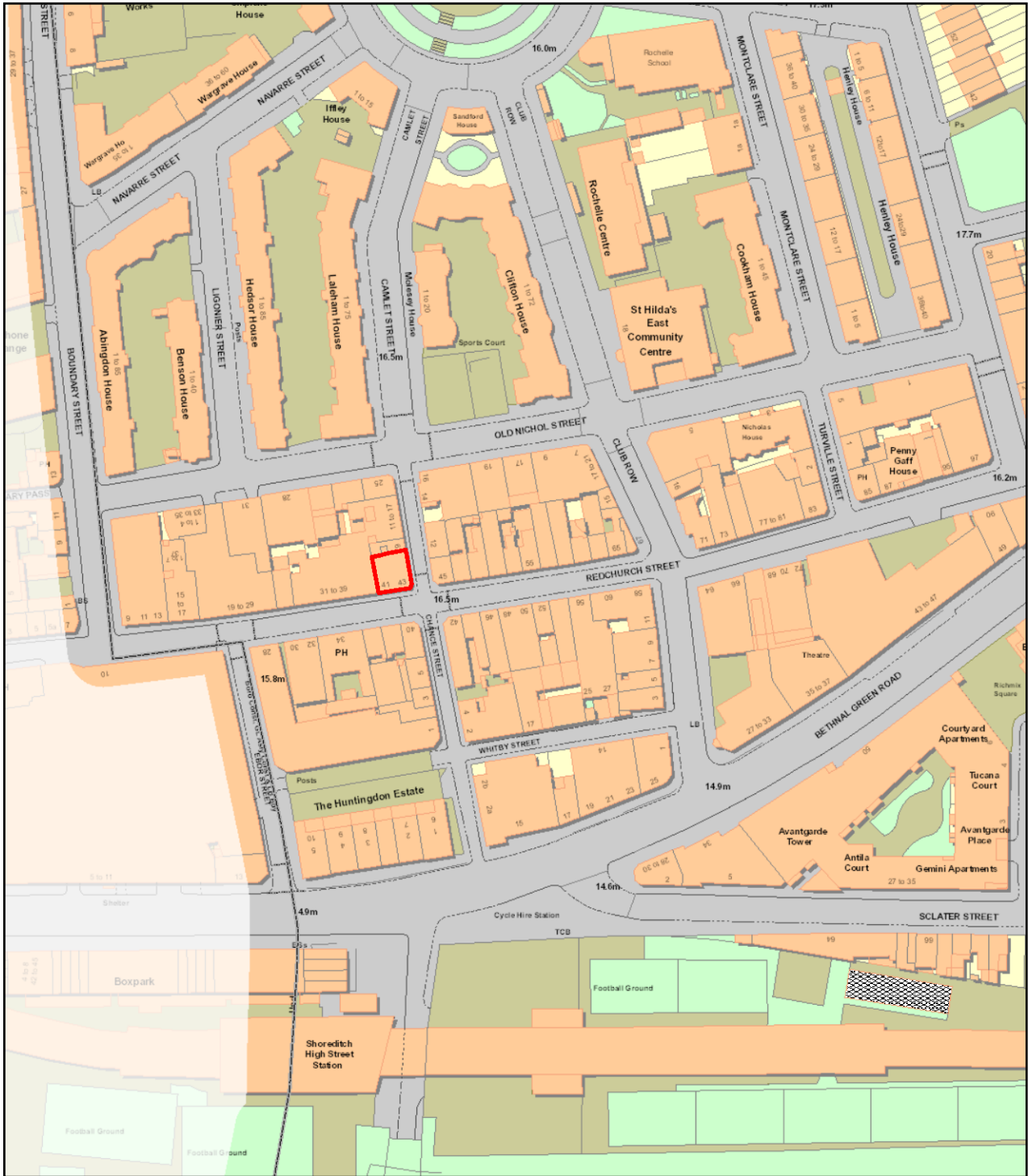
TITLE: **Proposed Ground and First Floor Plan**
STATUS: **INFORMATION**

DATE: 13.01.17 SCALE: 1:100 (A1)
REV: - NUMBER: 2120

CONSTRUCTION FROM THIS PLAN: ALL WORKS MUST BE CONSTRUCTION WITH ALL CONSULTANTS INFORMATION

DRAWN: **AC** INSPECTED: **OW**

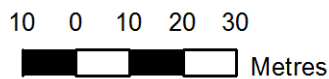
Appendix 3



Hostem



Scale 1:1725



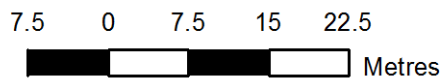
Produced by London Borough of Tower Hamlets on 06/04/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



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
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Appendix 5

Corinne Holland

From: [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: [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](#)

m: [REDACTED]

t: [REDACTED]

[REDACTED]

Appendix 8

From: Robin Fellgett <[REDACTED]>
Subject: Licensing Act 2003: 41-43 Redchurch Street
Date: 22 March 2017 at 20:16:46 GMT
To: Licensing <licensing@towerhamlets.gov.uk>

Dear Sirs,

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

JAG is the residents' and tenants' association representing residents in the neighbourhood of the application premises. This is a predominantly residential area, although at street level there are mainly commercial premises, most in the retail and hospitality trades. 41-43 Redchurch Street is surrounded by predominantly residential premises (including the one in which I personally live.).

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

41-43 Redchurch Street is within the CIZ. As you well know, under section 8 of the policy adopted by the Borough the license application must be refused unless the applicants 'show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced' (8.4).

We have examined carefully the application submitted and there appears to be little or no attempt to demonstrate that the operation of the premises, were a licence to be granted, would not add to the cumulative impact being experienced in the neighbourhood. We note that the applicants propose to offer food from a well known chef and that diners will be met at the door by a maitre d'. This will presumably be an expensive restaurant (or 'super club' as they describe it.) But that is no guarantee the customers will not add to the already serious cumulative impact, summarised above, arising from the operation of so many bars and restaurants already in the area.

Furthermore, reference to the Tower Hamlets planning website shows that the first floor of these premises have planning permission as a flat, not as a restaurant (A3). It seems very unlikely they have been soundproofed to the degree necessary to accommodate parties of up to 16 people dining and drinking; equally unlikely that the kitchens - and especially the ventilation and filtration systems - will deal with restaurant cooking smells; and there is external amenity space of over 7 square metres which if used by so many people will create a serious noise problem. Recorded music, which is of course permitted under an alcohol licence, is also likely to cause a noise problem. The proposed change of use to a 'supper club' is therefore very likely to cause a serious public nuisance.

We therefore submit that the application must be refused, under section 8 of the licensing policy and by reference especially to the statutory objectives regarding public nuisance and crime.

Please get in touch if we can clarify anything further.

yours faithfully.

Robin Fellgett
for JAG

[Redacted signature block]

Appendix 9

Corinne Holland

From: Mail Admin
Sent: 04 May 2017 11:26
To: Licensing
Subject: RE: Licensing Act 2003 - Application from Hostem Ltd, 41-43 Redchurch Street

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

From: Dee Hill [REDACTED]
Sent: 28 March 2017 16:57
To: Licensing
Subject: Licensing Act 2003 - Application from Hostem Ltd, 41-43 Redchurch Street

Dear Sirs

I am the Building Manager of the adjoining building, [REDACTED], London E2 7DJ. I have been asked to write to you on behalf of the residential occupants to oppose the licence application made by Hostem Ltd for 41-43 Redchurch Street. The occupants have asked me to object to the licence application and point out the following to you:-

[REDACTED] is a residential block containing 8 flats, all of which will be affected, due to the fact that 41-43 Redchurch Street overlooks the terraces of the [REDACTED] flats and any noise created by the lunch/supper club and 16 occupants, either through open doors and windows, or when they venture out onto the outside patio space to smoke or to seek some fresh air. The noise will carry across the development and reverberate around the terraces, disturbing the normal quiet and calm surroundings of the courtyard and indeed will contravene the terms of the leases by causing Nuisance, Annoyance, Disturbance or Inconvenience to the lessees or occupiers of other parts of the Development. The occupants of adjoining premises are particularly perturbed that the noise and smells emanating from the lunch/supper clubs will cause nuisance and ruin their own enjoyment of their private and outside amenity space. Furthermore, the residents have expressed concern that if an alcohol licence is granted, there will also be permission for 41-43 Redchurch Street to play recorded music, which will cause even more noise pollution on a daily and nightly basis and a bad precedent to set for what is primarily residential in Chance Street and Old Nicholl Street.

41-43 Redchurch Street is within the Brick Lane Cumulative Impact Zone and the applicants have not demonstrated that their operation will not add to the negative cumulative impact being experienced in this neighbourhood. There are already so many problems in our neighbourhood (which was the subject of a meeting with the police and Cllr John Pierce on Tuesday 28 February) with crime, anti-social behaviour, public nuisance (including noise pollution emanating from premises and from drunken groups out on the street), with the knock on effect of more litter, aggressive behaviour, public defecation/urination/vomit and attracting drug dealers and drug takers into the area.

My residents have also raised concern that their (in some flats who share adjoining walls i.e. Flats [REDACTED] premises were purchased or rented on the quiet side of Chance Street and took occupation of their flats because it was tranquil on the north and east side of the development. Likewise, 41-43 Redchurch Street was surely designed as a residential flat and not sound proofed or ventilated for commercial purposes. My residents have asked me to object to the operation of a restaurant attracting up to 16 people during the hours of midday until 11.30pm each day and night as it is likely to spoil the quiet and peaceful enjoyment of their domestic space, causing noise, light pollution and smells, as well as people looking into their private spaces which they are most perturbed about. There is the added problem of crowds of up to sixteen people gathering outside the Chance Street exit on leaving the building, causing more noise out on the street, underneath the bedrooms of the Chance Street houses that form part of the development as the supper club disperses after 11.30pm.

Please don't hesitate to contact me if you require any additional information.

Yours faithfully

Dee Hill
Building Manager

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

Appendix 10

**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 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

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 14

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 15

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 16

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 17

Licensing Policy

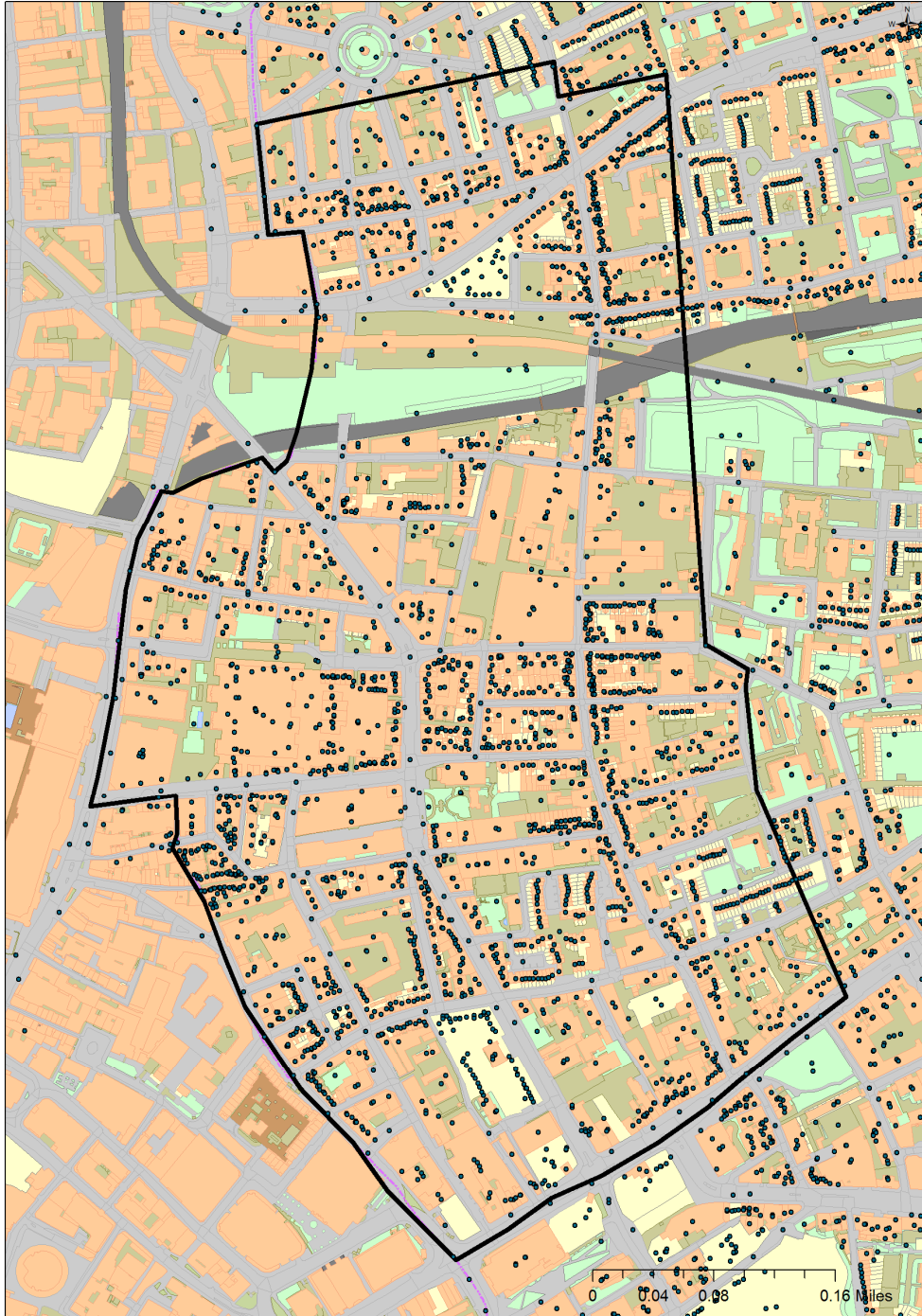
8 Special Cumulative Impact Policy for the Brick Lane Area

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Drawn By: WJ CIC Strategy & Performance September 2012

Appendix 18

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	19th June 2017	Unrestricted

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a new Premises Licence for Calvert Avenue/Arnold Circus (Time Limited 30th July 2017)
Originating Officer: Corinne Holland Licensing Officer	Ward affected: Weavers

1.0 Summary

Applicant: Name and **Simplicious Community Interest Company (African Street Style Festival)**
Address of Premises: **Calvert Avenue (from j/w Boundary Road to Arnold Circus)**

Licence sought: **Licensing Act 2003 Provision of Regulated Entertainment (live music, recorded music, dance and film)**

Objectors: **Local Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 This is an application for a time limited premises licence for an African Street Style Festival (applied for by Simplicious) being held at Calvert Avenue and Arnold Circus, E2 on the afternoon of Sunday 30th July 2017.

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

3.3 The hours applied for are as follows.

The Provision of Regulated Entertainment in the form of films, live music, recorded music, performances of dance and anything of a similar description (outdoors):

- Sunday 30th July 2017 from 12:00hrs (midday) to 19:00hrs

The event will be open to the public:

- Sunday 26th July 2015 from 12:00hrs (midday) to 19:00hrs

4.0 **Location and Nature of the premises**

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

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

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 resident.

- Ms Emma Love (**Appendix 4**)

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 5**.

- 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:
- Noise while the premise is in use
 - Disturbance from patrons leaving the premises
 - Close proximity to residential properties
 - Noise leakage from the premises
- 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 Show and Events (part of the SES group) security to patrol the event. Specific focus will be given to the Children's Area situated on the Arnold Circus with additional (DBS checked) stewarding and security located on the Arnold Circus;
- 7.2 No alcohol to be sold on site with the event being promoted as a non-alcohol, family event;
- 7.3 The festival area is pedestrianised, with cars prohibited from entering the site from 08:00hrs to 20:00hrs to administrate the site set-up / set-down.
- 7.4 A noise consultant will monitor sound levels and advise the PA / AV supplier on any adjustments that have to be made throughout the duration of the event.
- 7.5 Fifteen portaloos will be delivered on-site and situated at the Rochelle School/ Rochelle Street. Three of these will have facilities for Baby Changing and for those with disabilities;
- 7.6 Additional Waste Bins and refuse sacks will be provided on site, in liaison with TH Council;
- 7.7 A traffic plan is signed off by TH Highways officials, and appropriate signage is located across the local area advising of the temporary traffic changes and restrictions;

7.8 All practitioners are DBS checked;

7.9 The Arnold Circus is the area where the Lost Children's point will be clearly Highlighted

7.10 St Johns Ambulance services to be commissioned to ensure on-site provision;

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 6 - 11** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Representation from Emma Love
Appendix 5	Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations
Appendix 6	Licensing Officer comments on Noise while the Premise is in Use
Appendix 7	Licensing Officer comments on Access and Egress Problems
Appendix 8	S182 guidance on public nuisance
Appendix 9	Licensing Policy advice on public nuisance
Appendix 10	Framework Hours
Appendix 11	Planning

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Appendix 1



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

This form should be completed and forwarded to: Licensing Section, Mulberry Place, 5 Clove Crescent, London E14 1BY 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) SIMPLICIOUS Community Interest Company (CIC)

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	
<p><i>The premises licence will cover the use of Calvert Avenue (from the junction with Boundary Road) up to and inclusive of the Arnold Circus / and Arnold Circus Roundabout) on Sunday 30th July 2017. Premise license from 08:00 to 20:00. Licence activity (ie performances etc) from midday to 7pm</i></p> <p><i>The licence will enable the use of the site for a public event (African Street-Style Festival). The area will be designated, car- free. The premise will enforce a strict non-alcohol rule, with no alcohol sold or permitted on site</i></p>	
Post town Shoreditch, London	Post code E2

Telephone number at premises (if any)

Non-domestic rateable value of premises £

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate
- a) an individual or individuals* Please complete section (A)

 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
 - c) a recognised club please complete section (B)
 - d) a charity / **community interest company (CIC)** 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

Surname

Lennon

First names

Jeffrey

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Please tick yes

I am 18 years old or over

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

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

Part 3 Operating Schedule

When do you want the premises licence to start?

08:00 Sunday 30th July 2017

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

20:00 Sunday 30th July 2017

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

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

The 'premises' will simply consist of the outdoor public (street) space. The area is curated to facilitate a programme of activity as part of the African Street-Style Festival 2017, representing the fourth instalment of this emerging event. The day combines performance of dance, acoustic music, fashion, film/visuals and photography. These activities are supplemented by the provision of street-food, and a Children's Area.

As with previous years, no alcohol will be sold or served as part of the festival programme.

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

The following items are the list of licensable activities that will be delivered from the premises. All activities will take place outdoors, between the hours of midday and 7pm.

1. **Film** – a series of short films, forming an arts installation that shall be displayed on screen.
2. **Recorded music** – a DJ will provide music as a backdrop to the day's activities
3. **Live Dance** - established dance teachers and choreography will combine to deliver presentation of African infused movement and dance
4. **Live music** – Artists will combine tradition and the contemporary to share their music and energy at the event

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

Name

Jeffrey Lennon, Director SIMPLICIOUS CIC

Address

c/o Impact Hub Kings Cross
[REDACTED]
[REDACTED]
[REDACTED]

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)

The African Street-Style Festival is a family event. It has been successfully planned, and delivered in the same location since 2013. We have established good links with officers within the Council, and the emergency services.

There are no activities, or content that would be deemed prohibitive to children. A Children's area will be facilitated, providing activities for children, under the supervision of a commissioned organisation with the experience and expertise of providing such provision. This area is usually located on the Arnold Circus.

The Premises will benefit from a team of commissioned stewards; WC facilities and St John Ambulance Services.

**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)**

Of the four licensing objectives, the event is proposing commissioning the following licensing objectives: films; performance of dance; live music; and recorded music. Click here for the official film [of African Street Style Festival 2016](#)

Promotion for the event will be led via our extensive networks, and mailing list, accumulated over the previous four years of hosting this event.

The event will also be promoted via the main cultural networks, social media and press.

b) The prevention of crime and disorder and c) Public safety

Planning an event that reduces the opportunity for any crime and disorder, alongside ensuring the safety of individuals is always our priority as festival organisers. We work closely with the local police and TH officers in the planning of the event. Over the previous four years, our event has benefitted from meetings, liaison and ongoing correspondence with PC Alan Cruickshank and PC Kelly Barnes, where clear outlines of the area plan, programme, and supporting provisions are discussed. Community Police attend the festival. We shall take advice from the Met Police for the planning of this year's event

We commission [leading festival security company, Show and Events](#) (part of the SES group) to patrol our event. We work closely with them to ensure that stewards are appropriately situated across the site, monitoring activity across both the site area and surrounding areas. **25 Stewards are commissioned for this event**, supported by a team of supervisors, based at a Security and Steward point designated at the Arnold Circus.

This year, as in previous years, Show and Events will provide a full security briefing for the management of the event that is signed off by Tower Hamlets officers within the Festivals and Events team. The day represents fun, enjoyment, and relaxation. Although the site area is busy people can move around the site, as the African Street Style Festival aims to bring communities together, by avoiding a hedonistic, experience for attendees, Our festival experience is not to be seen as such, and this is not the expectation from those who attend.

The event is promoted as a family event, and we enforce a strict non-alcohol policy on the day with **no alcohol sold on the festival site**, and the site area remains the same as in previous years.

Local residents and business are advised of our plans, months before the event, with letters delivered to the businesses during April, and residents advised in May, with follow up correspondence delivered in June, and early July. The previous four years have resulted in the sole complaint from a local resident and no record of criminal activity or disorder. The festival area is pedestrianised, with cars prohibited from entering the site from 8am to 8pm to administrate the site set-up.

d) The prevention of public nuisance

Delivering any event in a local space, regardless of the scale, requires the organiser to ensure that any inconveniences amongst stakeholders (residents, traders, and attendees, those passing through the area) 'are kept to minimum.

In addition to the stewarding provision, we are obliged to follow strict guidelines in terms of Noise levels, set by TH Environmental officers and, as with previous years, we commission a noise consultant to monitor these levels, and to advise the PA / AV supplier on any adjustments that have to be made throughout the duration of the event. The Noise consultant works with the TH Environmental prior to the event, and maintains contact throughout the duration of the event. A full report regarding noise monitoring is made available to the council post event.

As per previous years portaloos (15) will be delivered on-site and situated at the Rochelle School/ Rochelle Street. Two of these will have facilities for Baby Changing and will be fully accessible.

Additional Waste Bins and refuse sacks will be provided on site with volunteers assisting in the

Correspondence is delivered (by hand) to every household within the immediate area of the Calvert Avenue and Arnold Circus, at least two months prior to the event, advising them of the date of the event. The details provided to residents include contact details for the festival organisers.

A traffic plan is signed off by TH Highways officials, and appropriate signage is located across the local area advising of the temporary traffic changes and restrictions.

The area across which the event takes place (the site area) remains exactly the same since the inception of the festival.

e) The protection of children from harm

Each year, we provide children & family activities, facepainting, etc .

We commission suppliers and performers who are trained and experienced in working with children in the scope of their activity. This year, once again, we propose to work with Open the Gate, an established provider of culturally specific They are provided with guidance on procedures they should adopt in the event that they suspect a child or young person may be experiencing, or be at risk of, harm. All practitioners are all DBS checked. They will seek to safeguard the participating children valuing them, listening to and respecting them, providing effective management for volunteers through supervision and support.

Please note that the Children area is not a kindergarten/nursery/creche and parents are required to stay with their children during the workshops (they can participate together) and to always keep an eye on their children.

The Arnold Circus is the area where the Lost Children's point will be clearly highlighted. We will follow the H&S guidance on lost children at outdoor events. We also commission St Johns Ambulance services to ensure an on-site provision, as well ensure that an additional number of DBS checked stewards are permanently stationed at the Children's Area throughout the day.

Adopting this approach has resulted in a safe and well-administered event for families.

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 

PRINT NAME: Jeffrey Lennon

Date **10th April 2017**

Capacity **Founder, African Street-Style Festival, Director, SIMPLICIOUS CIC**



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

African Style Street Festival

Event Footprint Area and Capacity



Area of event footprint.






- Calvert Avenues estimated available area from the front of stage to Arnold Circus is: 1,440 m².
- Arnold Circus estimated available area including roadways, Boundary Gardens and the Bandstand is: 3,361m².
- The event footprint area is estimated at 4,801m².

Capacity of event footprint.

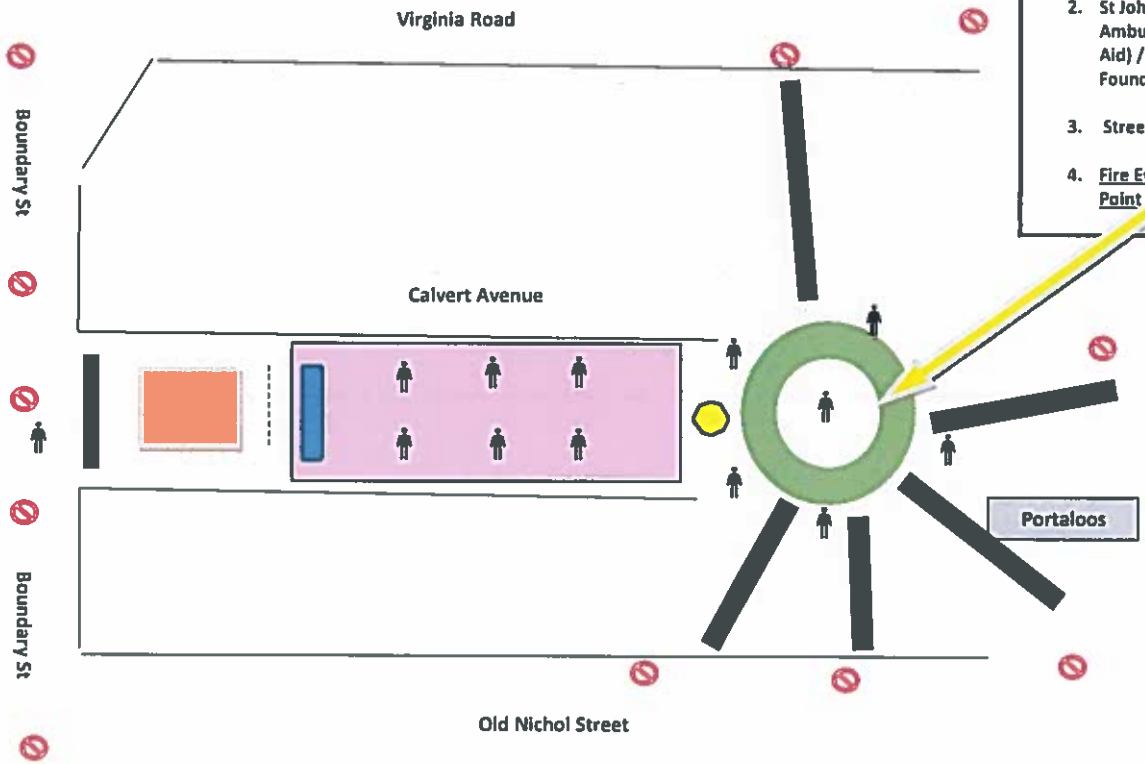
Taking an average of 25% unusable space due to infrastructure and plantings on Arnold Circus and stalls on the footprint; the area is calculated at: 3,600.75m². The capacity ratio is:

- At 0.5 persons per m² capacity is:- 1,800
- At 1.0 persons per m² capacity is:- 3,600
- At 2.0 persons per m² capacity is:- 7,200
- At 3.0 persons per m² capacity is:- 10,800

African Street Style Festival 2017
 Sunday 30th July
 MIDDAY to 7pm SITE PLAN

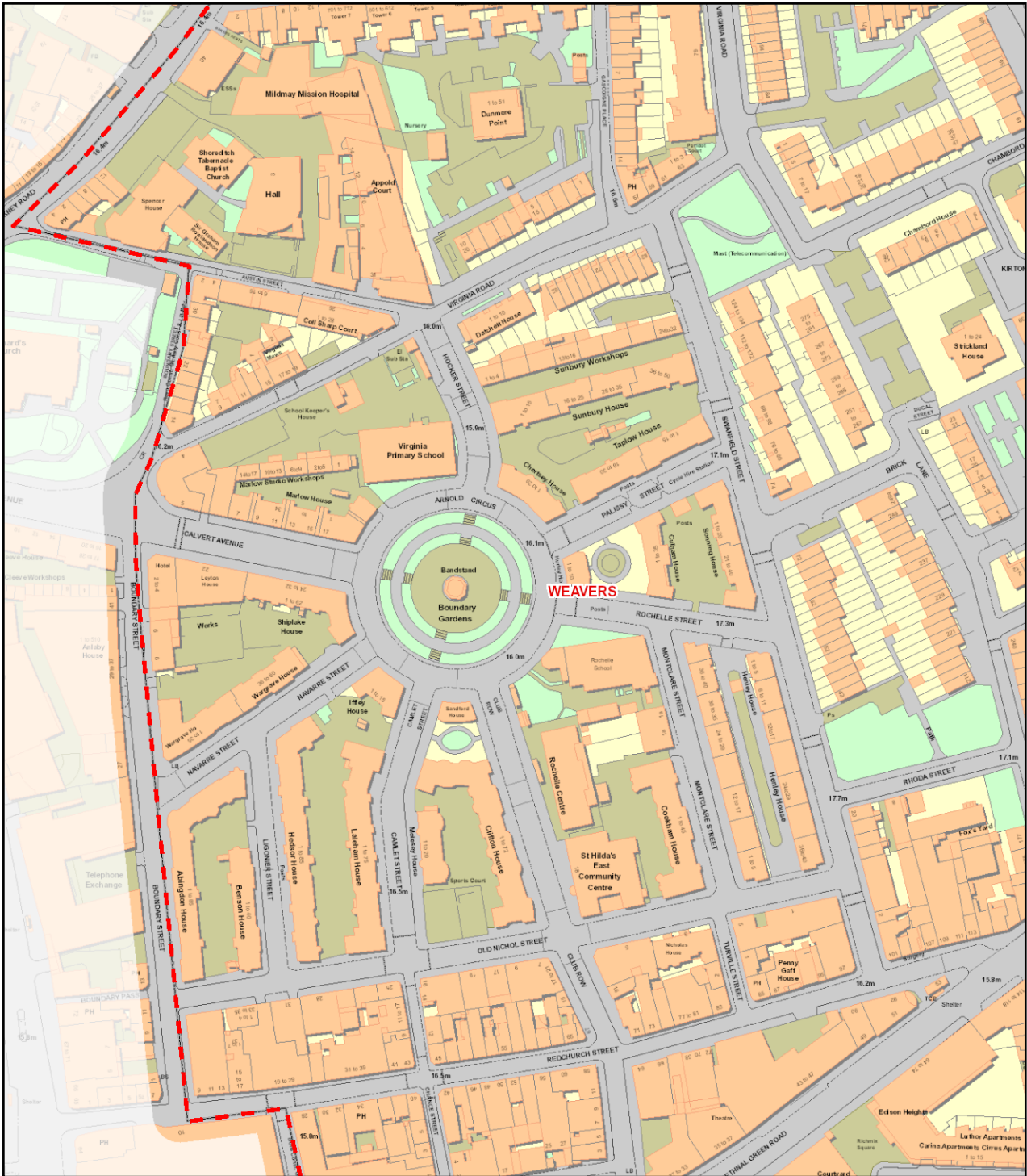
 Stewards (25 stewards will be stationed throughout site)
 Traffic Signs (ROAD AHEAD CLOSED, DIVERSION, DRIVE SLOWLY etc)
 Noise Monitoring
 Main event area
 Stage

- Arnold Circus**
1. Children's Play Area'
 - Face-Painting
 - Massage and relaxation
 2. St John's Ambulance (First Aid) / Lost and Found Point
 3. Street Food Stalls
 4. Fire Evacuation Point



12

Appendix 3



Arnold Circus

Arnold Circus



Scale 1:2270

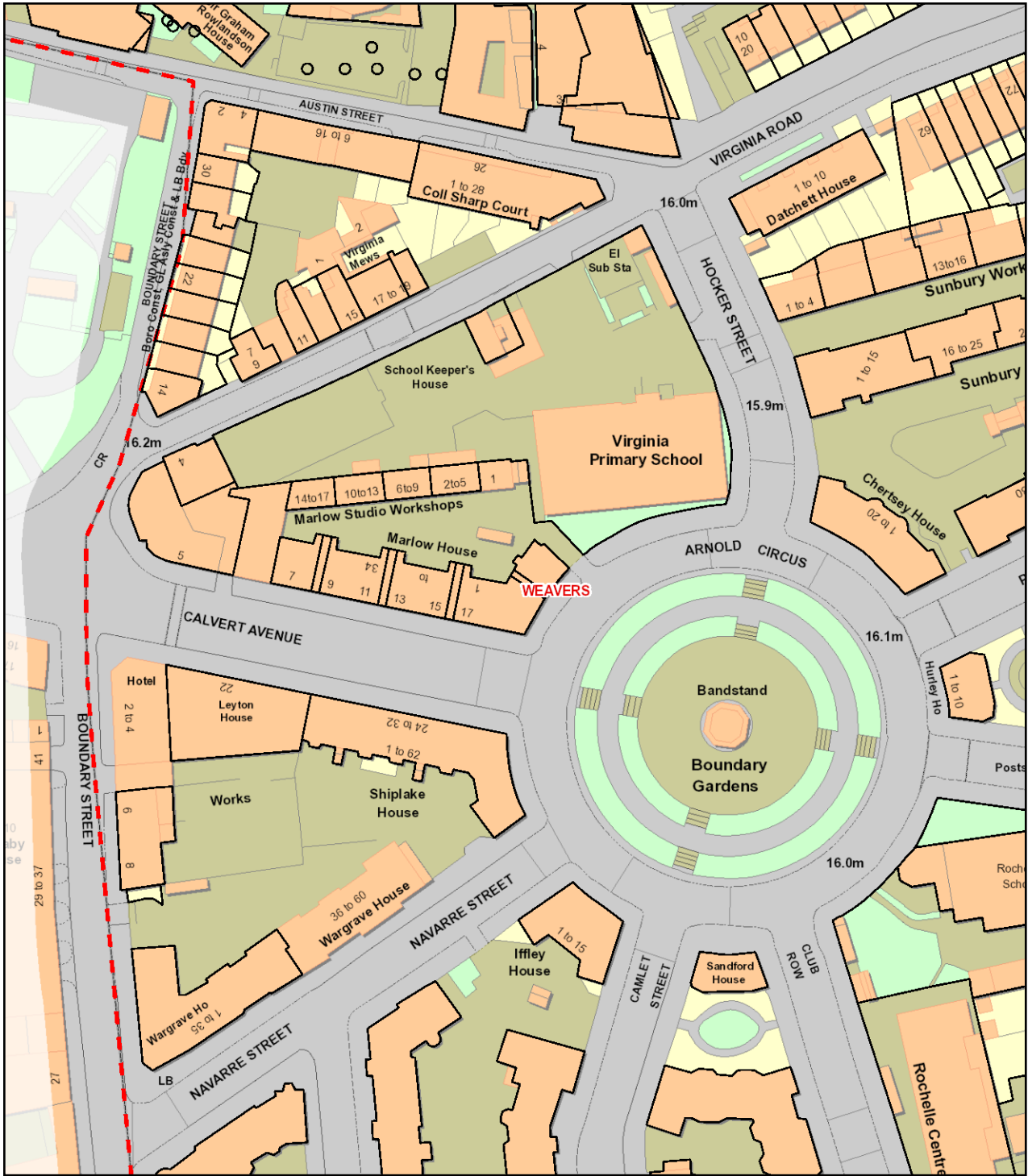
20 0 20 40 60



Metres



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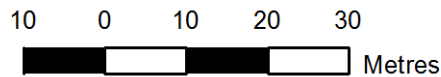


Arnold Circus

Arnold Circus



Scale 1:1135



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Appendix 4

Kathy Driver

From: Corinne Holland on behalf of Licensing
Sent: 08 May 2017 11:05
To: Kathy Driver
Subject: FW: Premise License Application - Representation

From: Emma Love [REDACTED]
Sent: 08 May 2017 08:25
To: Licensing
Subject: Premise License Application - Representation

By Email

The Licensing Section
London Borough of Tower Hamlets
Mulberry Place
5 Clove Crescent
London
E14 1BY

8th May 2017

Dear Sir / Madam,

RE: Notice of application for a Premises license - African Street Style Festival, Sunday 30th July 2017, Calvert Avenue and Arnold Circus.

I would like to object to the above Premises license applied for on 11-April on the basis of public nuisance.

Please note that I have only just become aware of the application having seen the public notice attached to a streetlight at the corner of Calvert Avenue and Arnold Circus on Saturday 6-May. I do not recall seeing the notices before this date (which I find odd because I park my Motorbidity car daily in the residents' bays on [REDACTED]).

I am a tenant of [REDACTED], Arnold Circus. My flat is located on the ground floor. The walls and windows of the living room and bedroom face directly onto Calvert Avenue and the kitchen directly onto Arnold Circus. I am disabled with multiple sclerosis (MS) and an important part of managing my MS symptoms is to get proper rest and avoid stressful situations.

Having experienced the festival in 2014, I found it impossible to be in my home. During the event, the volume of the music and crowds denied me the right to peace and quiet. The window sills outside my bedroom and living room were used by attendees to rest bottles, cans and food containers. After the event had 'officially' ended, crowds of people remained outside my windows chatting loudly and playing musical instruments. The overall impact of this event was to render my home uninhabitable for the day causing me unnecessary upset and stress. I know of other local residents who were also affected.

In 2015 I reached an agreement with the event organisers whereby I would relocate for the weekend (at my own expense) in return for them making a donation to the MS Trust. In 2016 I was contacted by the organisers but unfortunately the discussions never concluded and I once again had to relocate for the weekend (again at my own expense).

I would like the Licensing Committee to consider the impact of granting this Premises license on myself and others in what is a predominantly residential area, and would like to question why this event cannot be held in a more appropriate location within the borough.

Yours sincerely,

Emma Love (Ms)

Attached - 2 x Photo of License Application Notice.

- ASF-2017_Notice_1: photo showing notice attached to lamp post at junction of Calvert Avenue and Arnold Circus

- ASF-2017_Notice_2: photo of notice attached to lamp post near the Boundary Community Launderette on Calvert Avenue



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

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 7

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 8

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 9

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 10

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 11

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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