

# LICENSING SUB COMMITTEE

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**Wednesday, 26 July 2017 at 6.30 p.m.**

**C1, 1st Floor, 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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Tel: 020 7364 4120

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

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agenda



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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 - 50)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 25.04.017, 09.05.17, 24.05.17 & 30.05.17.

|   | <b>PAGE<br/>NUMBER(S)</b> | <b>WARD(S)<br/>AFFECTED</b> |
|---|---------------------------|-----------------------------|
| <b>4. ITEMS FOR CONSIDERATION</b>   |                           |                             |
| <b>4.1 Licensing Act 2003: Application for a new Premises Licence for Redon, Railway Arch 289, Cambridge Heath Road, London, E2 9HA</b> | <b>51 - 134</b>           | <b>St Peter's</b>           |

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)
- Local Business(es)

**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.

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# 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:-  
Asmat Hussain, Corporate Director, Governance and 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**

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

## **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](http://www.towerhamlets.gov.uk/committee) - 'agenda, reports, decisions and minutes', then click on 'Licensing Sub-Committee'.

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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



## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

1. Chair will introduce him/herself and ask Members, officers, and all interested parties present at the meeting to introduce themselves.
2. Licensing Officer to present the report.
3. Committee Members to ask questions of officer (if any).
4. The Applicant to present their case in support of their application (including any witnesses they may have).
5. Committee Members to ask questions of applicants and their witnesses or ask for points of clarification.
6. The relevant Responsible Authorities in attendance will present their case and their reasons for representation (including any witnesses they may have).
7. The Objectors/Interested Parties in attendance will present their case and their reasons for objecting (including any witnesses they may have).
8. Committee Members to ask questions of Responsible Authorities, objectors and their witnesses or ask for points of clarification.
9. Applicant (with exception and with permission of the Chair) can ask questions of the other parties to the hearing and their witnesses.
10. Interested Parties to the hearing (with exception and with the permission of the Chair) can ask questions of the applicant/other parties to the hearing and their witnesses.
11. Chair's closing remarks
12. Sub-Committee retire from the meeting with the Committee Officer and Legal Officer and consider their decision.
13. The Sub-Committee will return to the meeting and Chair announces the decision together with the reasons for the decision and any right to appeal.
14. 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 6.45 P.M. ON TUESDAY, 25 APRIL 2017**  
**MP 702, TOWN HALL, MULBERRY PLACE,**  
**5 CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Dave Chesterton  
Councillor Peter Golds

**Officers Present:**

Mohshin Ali – (Senior Licensing Officer)  
Corinne Holland – (Licensing Officer)  
Gurwinder Kaur Olive – (Senior Lawyer, Legal Services)  
Antoinette Duhaney – (Interim Senior Committee Officer)

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations were made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

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

**4. ITEMS FOR CONSIDERATION**

**4.1 Licensing Act 2003 Application for a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL**

**In attendance**

Andrew Woods (applicant's legal representative)  
Patrick Harrison, Poplar HARCA (applicant)  
Babu Bahattacherjee, Poplar HARCA (applicant)

This hearing was reconvened on 25<sup>th</sup> April 2017. The previous hearing on 14<sup>th</sup> February 2017 was adjourned to allow the applicant to provide further clarification and/or propose further conditions in respect of:

- Appropriate hours for the sale of alcohol
- Operation of Challenge 21 or Challenge 25 Policies

- The segregation of licensed and unlicensed activities
- Entrance and Egress from the premises
- Staffing levels
- Measures to ensure that no alcohol is taken outside the premises
- Supervision of young children when licensed activity is taking place
- Risk assessment arrangements

### **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 representations on behalf of the applicant and written presentations from objectors with particular regard to the licensing objections of prevention of public nuisance and the protection of children from harm.

The Sub Committee noted that since the adjournment of the previous hearing, the applicants had met with residents, six Temporary Event Notices had been granted and that these events had run smoothly without any complaints or concerns being raised. It was also noted that the applicant had proposed conditions to address the concerns raised by Members and objectors at the previous hearing and that none of the objectors who had attended the previous hearing were in attendance at this reconvened hearing.

Members noted that the patio area would be used by a maximum of 15 smokers at a time and this would be offered as an additional condition to those stated in writing and the applicants further offered a condition to lock the door in the partition wall during non-compatible uses of the different parts of the premises. The applicant's offer to display a colour plan setting out the hours of use for the different areas was also noted.

There was agreement to amend condition 15, deleting all words after the word 'premises'.

## **Decision**

The Sub Committee was satisfied that the conditions proposed by the applicant had addressed the concerns raised by objectors and Members and would promote the Licensing Objectives particularly in respect of the prevention of public nuisance and protection of children from harm.

Accordingly, the Sub Committee unanimously

## **RESOLVED**

That the application for a New Premises Licence for Poplar Union, 2 Cotall Street, London, E14 6TL be **GRANTED** subject to the following conditions:

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

- Monday to Saturday from 08:00hrs to 23:00hrs
- Sunday from 09:00hrs to 21:00hrs

### **Hours for supply of alcohol (on sales only) in red hatched area on plan**

- Monday to Friday 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

### **Hours for supply of alcohol (on sales only) in blue hatched area on plan**

- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

### **Hours for provision of live/recorded music in red hatched area on plan**

- Monday to Friday 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

### **Hours for provision of live/recorded music in blue hatched area on plan**

- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

## **Conditions**

1. CCTV system to be in place with the cameras of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such ways they cover areas of the inside of the venue and the entrance. The system is to record the footage and to keep it for a minimum of thirty one days, a copy of the CCTV footage is to be made available to the Police or the Local Authority upon request and supplied within 24 hours. Whilst the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

2. The premises will operate a Challenge 25 policy and all those who look under 25 years of age will be asked for proof of age.
3. An incident book will be kept at the premises which will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises' customers or any other incident of note.
4. Loud speakers shall not be located in the entrance lobby or outside the premises' building.
5. All windows and external doors shall be kept closed after 21:00 hours OR at any time when regulated entertainment takes place except for the immediate access and egress of persons.
6. No unaccompanied persons under the age of 16 shall be permitted on the licensed premises after 21:00 hours.
7. Staff training will include training on the protection of the vulnerable which will include persons under the age of 16 at the premises.
8. Alcohol will only be consumed inside the premises and within the red line shown on the plan. Customers will not be permitted at any time to take alcoholic drinks either in a drinking vessel or unopened outside the premises (this includes the patio area and the park).
9. The premises licence holder will risk assess at all times the requirement for additional staff to be employed so as to prevent customers taking alcohol off the premises (and in particular onto the patio area and the park). Staff will at all times ensure that customers do not take alcohol outside the premises.

10. The premises licence holder will risk assess the requirement to employ SIA licensed door supervisors to be on duty at certain events and certain times so as to ensure compliance with all conditions.
11. No customer will be permitted to be outside the premises (red line area) after 21:00 hours except for those customers who wish to smoke in a managed area on the patio and the premises licence holder will ensure compliance with this condition. Customers who go outside to smoke will not be permitted to take any drinks with them. A maximum of 15 people shall be permitted to smoke on the patio at any one time.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. (a) A direct telephone number for an operations manager at the premises shall be publically available and operational (capable of being answered / any message left returned quickly) at all times the premises are open. The telephone number is to be made available to residents and businesses in the vicinity.  
  
(b) An e mail address for an operations manager at the premises shall be publically available to residents and local businesses and operational at all times.  
  
(c) Quarterly meetings with be held with local businesses and residents with details of the time and date of the meeting posted on a public notice board at the premises.
14. No super strength beer, lagers, ciders of 5.5% ABV or above shall be sold at the premises.
15. Substantial food including drinking water shall be available in all parts of the premises where alcohol is available.

16. In the area hatched red on the attached plan the hours for licensable activities will be Monday to Friday 17:00 - 22:30, Saturday 12:00 – 22:30 and Sunday 12:00 - 20:30.
17. In the area hatched blue the hours for licensable activities will be Monday to Saturday 12:00 (midday) - 22:30 and Sunday 12:00 (midday) - 20:30.
18. When the area hatched red is being used for non-licensable activities or by vulnerable persons or persons under the age of 16 it will be separated from the area hatched blue by a floor to ceiling screen with the adjoining door locked and alcohol will not be permitted in that area during those times.
19. The Premises Licence Holder will at all times Risk Assess all activities and events at the premises in particular with regard to the protection of children and the vulnerable and not permit the sale of alcohol if it does not promote the Licensing Objectives. The Premises Licence Holder will Risk Assess whether it is appropriate to allow children on the premises when alcohol is being sold to customers.
20. The floor plan showing the hours of use for the different areas of the premises shall be displayed.

#### **4.2 Licensing Act 2003: Application for a Time Limited Premises Licence for The London Shuffleboard Club, 1 Chance Street, London E1 6JT**

##### **In attendance**

Graham Hawkins (applicant)  
Robin Felgett (JAG)

##### **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 from the applicant and objectors with particular regard to the licensing objections of prevention of public nuisance and the prevention of crime and disorder.

The Sub Committee heard that this was a time limited application until 2020. The Sub Committee heard from the applicant that Shuffleboard was a passive game played on the floor or a special table using sticks to slide discs across a flat surface. The application was for the table version. There would be 4 persons to a table. The applicant stated that he had run shuffleboard events at another premise very successfully and the responsible authorities had responded positively to this application. He advised that in 2016 table shuffleboard had a time limited licence at Truman Brewery which is in the Cumulative Impact Zone and there were no complaints there. The premises were described as a 'discreet venue' with no foyer or area to congregate, which was not providing late night refreshment and could accommodate a maximum of 28 patrons at any one time with staggered arrival and departure times. The numbers involved would be negligible to the CIZ and would be tied to the activity of shuffleboard so for a limited audience.

The Sub Committee also heard oral representations from an objector regarding the impact of the premises on the Cumulative Impact Zone. The Objector stated that he had yet to be convinced that the increased footfall in the area would not impact on the potential for increased noise disturbance and anti-social behaviour outside the premises, particularly in Chance Street and Whitby Street.

### **Decision**

The Sub Committee noted the applicant's clarification that there was no need for patrons loitering/waiting outside the premises as the majority of bookings (approximately 95%) were made in advance and patrons were granted immediate access. It was also noted that at least one SIA registered member of Security Staff would be on the premises during opening hours. The Sub Committee further noted that a ticketing system would be in place and that alcohol would only be served to those who could provide proof of a valid booking/ticket. Furthermore, a maximum of 5 patrons wishing to smoke at any one time, would be directed away from the premises towards Bethnal Green Road.

The Sub Committee was satisfied that the conditions offered by the applicant largely addressed the concerns raised by objectors and Members and would promote the Licensing Objectives particularly in respect of the prevention of public nuisance and prevention of crime and disorder. However, in order to allay concerns regarding the potential for noise nuisance and anti-social behaviour from patrons, the Sub Committee amended the conditions offered by the applicant to ensure that alcohol would only be sold to patrons with a valid booking/ticket to play Shuffleboard.

Accordingly, the Sub Committee unanimously

**RESOLVED** - That the application for a Time Limited Premises Licence for The London Shuffleboard Club, 1 Chance Street, London E1 6JT be **GRANTED** subject to the following conditions:

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

- Monday to Saturday from 12:00hrs (noon) to 23:00hrs
- Sunday from 12:00hrs (noon) to 22:00hrs

**Hours for supply of alcohol (on sales only)**

- Monday to Saturday from 12:00hrs (noon) to 22:00hrs
- Sunday from 12:00hrs (noon) to 21:00hrs

**Hours for provision of indoor sporting events**

- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 21:30hrs

**Hours for provision of recorded music**

- Monday to Saturday from 12:00hrs (noon) to 22:00hrs
- Sunday from 12:00hrs (noon) to 21:00hrs

**Conditions: -**

1. The sale of alcohol will be ancillary to those people playing or waiting to play shuffleboard. Alcohol will only be sold to those who hold a valid ticket to play shuffleboard
1. Experienced bar staff will maintain vigilance in alcohol units per customer
2. Operating hours presented/displayed in staff areas to ensure staff aware of operating hours
3. One Management Level staff member to be present at all times that the venue is open
4. SIA security present at times venue is open to public after 6pm
5. SIA security throughout the venue in pre-designated locations with industry standard equipment - protective clothing and radios

6. The level of SIA staff on site will vary according to the number of customers but will be a minimum of 1 and maximum of 4
7. Clear notices on entry and exits warning of potential criminal activity, such as theft, that may target customers shall be displayed
8. Staff will be well trained in asking customers to use premises in an orderly and respectful manner. Anyone not adhering to this will be asked to leave the premises in a controlled and orderly manner by SIA security
9. Security will involve police immediately if any illegal activity occurs
10. Security and key staff shall be on radios for communication
11. Staff will be training in and there will be implementation of underage ID checks. Staff will be well trained about requirements for persons' identification and age establishment. Training records for staff will be logged.
12. Health & Safety officer sign off on all activity
13. Risk assessments from all suppliers
14. Event management plan and event fire escape plan will be in place
15. A first aider on site at all times the premises is open to the public
16. No drinks allowed outside the venue and will be monitored by security
17. Noise reduction measures to address the public nuisance objective including decibel readings taken regularly and a limit on the sound with volume block
18. Prominent, clear and legible notices will be displayed at the exit requesting the public to leave the premises and the area quietly as well as security on exit to reiterate and manage noise proactively
19. Customers will be restricted from congregating in the street outside the premises and access of customers will be strictly maintained to opening hours
20. The movement of bins and rubbish outside the premises will be kept to a minimum after 10.00pm. This will help to reduce the levels of noise produced by the premises. Cleaning staff will operate within hours of licence
21. Attendance levels will be kept to maximum of 28 and will be proactively escorted from the venue in stages to ensure minimum noise on egress
22. A "Challenge 25" sign will be positioned at the bar. This will encourage anyone who is over 18 but looks under 25 to carry acceptable ID (a card

bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.

23. A Log Book will be kept upon the premises at all times with staff trained in its use, it will be regularly checked and staff informed of any changes to it. The book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises' customers or any other incident of note.
24. Full exclusion for anyone under 18 will be in place after 6pm and zones will be created to separate as best as possible under 18s and those consuming alcohol.
25. When possible we will host no alcohol periods for families at the start of Saturdays and Sundays for 2 hours.
26. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
27. All windows and external doors shall be kept closed after 22:00 hours, except for the immediate access & egress of persons
28. 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.

#### 4.3 **Licensing Act 2003: Variation to Premises Licence for Agah, 43 Commercial Street, E1 6BD**

**RESOLVED** – That the application for a Premises License Variation for Agah, 43 Commercial Street, E1 6BD, be **DEFERRED** to allow the applicant to provide further information on measures to rebut the presumption that the application will impact on the Cumulative Impact Zone.

#### 4.4 **Licensing Act 2003 Temporary Event Notice for Outdoor Courtyard/Car Park, 17 Towcester Road, Bow, London E3 3ND**

Application withdrawn.

The meeting ended at 8.17 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee

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

**HELD AT 6.35 P.M. ON TUESDAY, 9 MAY 2017**

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

**Members Present:**

Councillor Peter Golds (Chair)

Councillor Rajib Ahmed

Councillor Shah Alam

**Officers Present:**

|                    |   |                                    |
|--------------------|---|------------------------------------|
| Vivienne Walker    | – | (Senior Prosecution Lawyer)        |
| Kathy Driver       | – | (Principal Licensing Officer)      |
| Antoinette Duhaney | – | (Interim Senior Committee Officer) |
| Farhana Zia        | – | (Committee Services Officer)       |

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Councillor Rajib Ahmed declared an interest in item 4.3 stating the premises was in his ward.

**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 from the 26<sup>th</sup> November 2016 were agreed and approved as a correct record by the Sub-Committee.

#### **4. ITEMS FOR CONSIDERATION**

##### **4.1 Hostem, 41 - 43 Redchurch Street, E2 7DJ**

This application was deferred to 30<sup>th</sup> May 2017.

##### **4.2 Gusta Coffee, 91 Fieldgate Street, E1 1JU**

###### **In attendance**

Robert Jordan (Applicant's Agent)

Mahmudur Jany Rahman (DPS)

###### 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 Robert Jordan (applicant) who informed the Sub-Committee that the intention was to make 'off sale' sales only. There would be a training programme in place to raise awareness of staff in terms of following procedures and applying the Challenge 25 proof of age scheme. Mr Jordan referred to the concerns raised by the objectors and stated that Gusta Coffee was not related to Tayyabs restaurant and was no longer seeking to provide late night refreshment nor regulated entertainment as stated in the objection on page 120 of the agenda pack. Mr Jordan stated that no objections had been received from the responsible authorities and asked the Sub-Committee to approve his application.

Members questioned the types of alcohol that would be on sale. In particular they enquired about the strength of the beer to be sold (ABV) and the quantities (i.e. single cans or multipacks). They also questioned the timings for the sale of alcohol and felt that 7:00 a.m was too early for alcohol sales. The Sub Committee also had regard to the potential for noise disturbance during litter clearance and the potential for street drinking if disposable cups were sold.

Members decided to **GRANT** the application.

### **Decision**

Having considered the written representations from the applicant and objectors and the and oral representations from the applicant, the Sub Committee was satisfied that the conditions offered by the applicant largely addressed the concerns raised by objectors and Members and would promote the Licensing Objectives. However, in order to allay concerns of Members and objectors regarding the potential for noise nuisance and anti-social behaviour, the Sub Committee amended the conditions offered by the applicant to reduce alcohol sales hours and also agreed additional conditions in respect of litter collection times, the sale of disposable cups, the strength of beers (ABV) and restrictions on the sale of single cans.

Accordingly, the Sub-Committee unanimously

### **RESOLVED**

That the application for a Sale of Alcohol license for Gusta Coffee, 91 Fieldgate Street, London E1 1JU be **GRANTED**.

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

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

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

- Monday to Saturday 1100 – 2300 hours
- Sunday 1200 – 2200 hours

**Conditions**

1. Staff training shall be recorded and updated every 6 months.
2. Training shall cover the requirements for ID as part of age verification, how to detect proxy sales, the consequences of underage sales (fines and punishment), drunks and street drinkers, licensing objectives and other relevant matters as regards the licensing act, and the responsibilities of staff.
3. The licence holder shall ensure that a refusals register is kept on the premises and that this shall be immediately available upon request of an authorised officer.
4. The register shall record any refused sale of alcohol. The refusal register shall be inspected on a regular basis by the DPS (or nominated person) and signed by the DPS (or nominated person) that they have checked the register.
5. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. Signage of the 'challenge 25' policy shall be prominently displayed on the premises.
6. Signage shall be prominently displayed warning customers of the legal penalties for purchasing alcohol for any person under the age of 18 years.
7. Signage shall be displayed in a prominent position on the premises requesting that customers leave quietly.
8. There will be a suitable colour digital CCTV system installed at the premises
  - The system must be capable of providing 30 days recording.
  - The images recorded are to be retained for 30 days and made available to the Police or other enforcement agencies upon reasonable request.
  - Police or other agencies to ensure any request meets data protection law.
  - DVD/USB copies of relevant footage to be provided to the Police or other enforcement agencies at no cost.
  - Any failure to be rectified within a two weeks period.
9. No coffee or snack will be served after 22.00 hours on a Sunday.
10. No beers/ciders with ABV above 5.6 to be sold in single cans (minimum of 4 pack) to be sold
11. No disposable cups/glasses to be sold
12. Rubbish to be disposed of between the hours of 8am to 8pm Monday to Saturday and 9am to 8pm on Sunday

### 4.3 Kafe 1788 Ltd, 4 Vesey Path, E14 6BT

#### **In attendance**

Richard Macien (Applicant)

#### 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 licensing 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 Richard Macien (applicant) who informed the Sub-Committee that the premises is a coffee shop which intended to sell alcohol which would be consumed with the coffee shop only and no alcohol would be drunk in the street.

Member of the Sub-Committee questioned Mr Macien about the location of the premises and noted it was in a residential area, with flats directly adjacent to his shop. Members noted the representations made by the Responsible Authorities and conditions to pertaining to noise and the opening times applied for under the application. It was also noted that the applicant had agreed to the additional conditions proposed by the Metropolitan Police and Environmental Protection.

Members decided to **GRANT** the application.

#### Decision

Having considered the written representations from the applicant and the objector and the oral representations from the applicant, the Sub Committee was satisfied that the conditions offered by the applicant largely allayed the concerns raised by the objector and Members and would promote the Licensing Objectives. However, in order to address concerns regarding the potential for noise nuisance and anti-social behaviour, the Sub Committee amended the conditions offered by the applicant in respect of the alcohol sale and regulated entertainment hours and keeping external doors and windows closed (except for access and egress), not serving alcohol in disposable cups and preventing the sale of disposable cups to ensure that the premises had no detrimental impact on residents.

Accordingly, the Sub-Committee unanimously

### **RESOLVED**

That the application for a Sale by retail of alcohol and provision of regulated entertainment for Kafe 1788 Ltd, 4 Vesey Path, London E14 6BT be **GRANTED** as set out below

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

- Monday to Friday, from 07:30 hours to 23:00 hours
- Saturday, from 10:00 hours to 23:00 hours
- Sunday, from 10:00 hours to 23:00 hours

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

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

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

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

#### **Anything of a similar description to live music, recorded music and performance**

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

#### **Conditions**

1. No alcohol shall be consumed outside the premises.
2. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
3. The supply of alcohol at the premises shall be ancillary to food.
4. A first aider will be on site at all times
5. Notices shall be displayed at the entrance and exits to remind customers to leave the premises quietly.

6. A Challenge 21 or Challenge 25 proof of age scheme shall be operated at the premises
7. Poster with Age check reminder will be displayed around till area.
8. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
9. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
10. All windows and external doors shall be kept closed at all times except for the immediate access and egress of persons.
11. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the pub specified by the Police. The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request and supplied within 24 hours. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
12. An incident record book is to be kept at the premises, this book will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises customers, or any other incident of note. The incident book is to be signed off every day by the manager even if there is nothing to report."
13. No disposable cups/glasses to be sold.

The meeting ended at 8.02 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS**

**MINUTES OF THE LICENSING SUB COMMITTEE**

**HELD AT 7.15 P.M. ON WEDNESDAY, 24 MAY 2017**

**THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE,**

**5 CLOVE CRESCENT, LONDON, E14 2BG**

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Md. Maium Miah  
Councillor Shah Alam

**Officers Present:**

|                    |                                  |
|--------------------|----------------------------------|
| Corinne Holland    | Licensing Officer                |
| Vivienne Walker    | Senior Prosecution Lawyer        |
| Antoinette Duhaney | Interim Senior Committee Officer |
| Farhana Zia        | Committee Services Officer       |

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

The Chair, Councillor Rajib Ahmed commenced the meeting and apologised for the late start which was due to a Member of the Sub-Committee being struck in traffic. The meeting commenced at 7:15 p.m.

The Chair asked everyone present to observe a minute silence in memory of the Manchester bombing victims.

No Member of the Sub-Committee declared a pecuniary interest.

**2. RULES OF PROCEDURE**

The Rules of Procedure were noted by the Sub-Committee.

**3. ITEMS FOR CONSIDERATION**

### **3.1 Licensing Act 2003: Application for New Premises Licence for New Road Hotel, 103 - 107 New Road, E1 1HJ**

#### **In attendance**

Carl Bruder (Applicants Legal Representative)  
Shezan Aslam (on behalf of Horizon Whitechapel)  
Monsur Malik (Horizon Whitechapel)  
Masrur Malik (Horizon Whitechapel)  
Corinne Holland (Licensing Authority)

#### **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 representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Mr Carl Bruder (the applicant's legal representative) who stated his clients were looking to open a boutique hotel, in a former disused textile factory. He said the hotel consisted of a basement area for storage, ground floor (with reception, foyer and restaurant) and upper floors for bedrooms. He stated the licence application was for a new premises licence and referred Members to Pages 19-20 of the agenda and the conditions outlined therein. He said his clients had agreed to these conditions and had reduced their supply of alcohol hours to commence at 10:30 a.m.

Mr Bruder referred to a letter from Mr Shapiro, page 72 and stated that the objector was appeased by knowing there would be no 'off sales'. Mr Bruder highlighted further point 9.3, page 19 that 'No drinks to be taken outside' and stated his clients were happy to comply with the conditions stated.

Members of the Sub-Committee sought clarification with regard to the restaurant and enquired if alcohol would be sold separately to food. Mr Bruder responded it was a high end restaurant, with an open plan layout for respectable customers. He confirmed incidental music would be played but noise conditions as agreed with Environmental Health would be complied



with. The hotel is a business that sells sleep and therefore would not be looking to cause public nuisance or disorder.

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 New Road Hotel, 103 – 107 New Road, London, E1 1HJ be **GRANTED**.

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

Sunday to Thursday from 08:00 hrs to midnight

Friday and Saturday from 08:00 hrs to 01:00 hrs

24 hours for residents of the hotel and their bona-fide guests

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

Sunday to Thursday from 10:30 hrs to 23:30 hrs

Friday and Saturday from 10:30 hrs to 00:30 hrs

#### **The Provision of Late Night Refreshments (Indoors):**

Sunday to Thursday from 23:00 hrs to 23:00 hrs

Friday and Saturday from 23:00 hrs to 00:30 hrs

#### **The Provision of Regulated Entertainment in the form of Films and Plays:**

Monday to Sunday 10:00 hours to midnight

#### **Live music:**

Monday to Sunday 12:00 hours to 23:30 hours

#### **There are further non-standard times:**

For all the above licensable activities:

24 hours for residents of the hotel and their bona-fide guests.

### **CONDITIONS**

1. Staff shall be subject of due diligence training on prevention of unlawful Sales
2. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
3. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
4. All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.

5. 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. front entrance shall have CCTV coverage. 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.
6. No drinks to be taken outside.
7. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) all crimes reported to the venue;
  - b) all ejections of patrons;
  - c) any complaints received concerning crime and disorder
  - d) any incidents of disorder;
  - e) all seizures of drugs or offensive weapons;
  - f) any faults in the CCTV system, searching or scanning equipment;
  - g) any refusal of the sale of alcohol;
  - h) any visit by a relevant authority or emergency service.
8. Police have also agreed that the
9. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram. Signage of the 'Challenge 21' policy shall be prominently displayed on the premises.

**4. LICENSING ACT 2003: APPLICATION FOR NEW PREMISE LICENCE FOR SHAWARMA, 84 BRICK LANE, E1 6RL**

**In attendance**

Jack Spiegler (Applicant's Legal Representative)  
Azzam Barhamji (Applicant)  
Katie Riding (accompanying Applicant)  
PC Mark Perry (Metropolitan Police)  
Mohshin Ali (Licensing Authority)  
Corrinne Holland (Licensing Authority)  
Michael Dunn (Environmental Protection)  
David Cunningham (Objector)

### **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 representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Mr Jack Spiegler (the applicant's legal representative) who stated the current business operates until 11:00 p.m. however the applicant was seeking a new premises license for Late Night Refreshment with opening hours until 2:00 a.m. He stated the hours applied for were not unusual for the area and referred Members to page 123, which showed other licenced venues in the vicinity. With respect to the objections from the responsible authorities, Mr Spiegler said his client was compliant with the licensing conditions and complaints were not specific to 84 Brick Lane. Mr Spiegler referred to the supplementary agenda and the letters of support contained therein.

With regard to the Cumulative Impact Zone (CZI), Mr Spiegler referred Members to page 186 point 8.4 making clear the premises would not be selling alcohol just late night refreshment. He stated his client consented to comply with the conditions as set out on page 92 and would like the Sub-Committee to grant him a license.

To counter the applicant's statement, the Sub-Committee heard from the objectors. The responsible authorities – Police, Environmental Health and the Licencing Authority gave evidence as to why they objected to the granting of the application. They also heard from Mr David Cunningham, a named objector. In summary reference was made to Appendices 5, 6, 7 & 8.

PC Mark Perry stated the Police had received a number of complaints and in light of the CIZ and the licensing objectives the application should be refused. He said the applicant had applied for a similar licence last July which was refused and this was just a repeat of the same process. He made reference to the objectors' letters on pages 152 and 160 and said the concerns raised by the residents association had some merit.

The shop is very small with customers spilling outside and there was no method of controlling noise or people. PC Perry stated the applicant had failed to effectively manage previous TENs (temporary event notices) and increased hours will result in anti-social behaviour.

He suggested any licence granted should be in line with the Licensing Act's framework hours, with the applicant demonstrating for a period of one year that the premises will be complaint with these, before seeking an extension to its hours. PC Perry also recommended that the applicant seek to employ Security Staff on Friday and Saturday evenings.

Members proceeded to question the applicant and asked what reassurances he could give to ensure noise was kept to a minimum and further questioned the Licencing Officer with respect to their visits to the premises. Mr Spiegler made clear his client had not breached previous TENs and had no objection to the suggested framework hours if that was what the Members agreed.

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 Shawarma, 84 Brick Lane, London, E1 6RL be **GRANTED**.

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

Monday to Thursday, 10:00 a.m. to 00:30 a.m.

Friday to Saturday, 10:00 a.m. to 01:00 a.m.

Sunday 10:00 a.m. to 00:00 a.m. (midnight)

#### **Operational Hours for Late Night Refreshments**

Monday to Thursday, 10:00 a.m. to 00:00 a.m. (midnight)

Friday to Saturday, 10:00 a.m. to 00:30 a.m.

Sunday 10:00 a.m. to 11:30 p.m.

### **CONDITIONS**

1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
2. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately

upon the request of Police or authorised officer throughout the entire 31 day period.

3. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open.
4. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.
5. Reasonable steps shall be taken to ensure that any person loitering outside the premises disperse quickly and do not congregate.
6. The toilet shall be available to all seated customers.
7. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
8. All windows and external doors shall be kept closed except for the immediate access and egress of persons.
9. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police. It must be completed within 24 hours of the incident and will record the following:
  - (a) all crimes reported to the venue
  - (b) any complaints received concerning crime and disorder
  - (c) any incidents of disorder
  - (d) any faults in the CCTV system
  - (e) any visit by a relevant authority or emergency service.
10. A 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.

11.

**5. LICENSING ACT 2003: APPLICATION FOR A NEW PREMISES LICENCE FOR ROCHELLE CANTEEN, ARNOLD CIRCUS, E2 7ES**

**In attendance**

Saba Naqshbandi (Applicant's Counsel)

Lisa Inzani (Applicant's Solicitor)

Melanie Arnold (Applicant)

Margot Henderson (Applicant)

Patrick Clarke (Objector)

Ali Hayder (Objector)

### **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 licensing 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 representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance and the prevention of crime and disorder.

Members heard from Ms Saba Naqshbandi (Counsel for the applicants) who stated her clients were established chefs, who had operated from the premises since 2005. The café had grown organically into a restaurant and was popular with local residents. She made reference to the number of people who had attended in support of the application. She referred members to page 216 which appended the plan of the location and said it was a small operation with a maximum of 36 covers inside and 20 outside. To enable a better understanding of the area she referred Members to the photographs on page 327 onwards.

Ms Naqshbandi sighted the proposed conditions on page 214 and stated none of the Responsible Authorities were objecting to the licence. She also made reference to the menu page 32, alcohol offering at page 323 and non-alcoholic drinks offering at page 325. With respect to the objections Ms Naqshbandi stated her clients had offered to talk to complainants and indeed one objector, Mr Bailey (appendix 8) had withdrawn his objection once he had spoken to the applicants.

To counter Ms Naqshbandi's statement, Mr Patrick Clarke and Mr Ali Hayder addressed the Sub-Committee. Mr Clarke stated he had witnessed early morning deliveries contravening the current licence and his letter pages 226-227 stated in detail his concerns. Mr Ali Hayder stated he was a signatory on the petition submitted by his sister (Appendix 10) and had made a personal representation page 283. He stated the premises in question was the adjoining property and his family objected strongly to the application before the Sub-Committee.

He said they had tolerated noise disturbance for over 10 years but had chosen not to complain to the authorities in order to be good neighbours. However the constant humming of customers chatting and noise of cutlery was such that his family are unable to sleep with the windows open, especially in the summer months.

After hearing from both sides, Members enquired about the sale of alcohol 'off-site'. Ms Naqshbandi clarified this was in relation to her clients catering business however accepted that under the licence one could not stop off sales. Discussion also took place with regard to how long the outside area can be utilised. Members also made clear to Mr Hayder and Mr Clarke that if they had concerns they should report these to the Responsible Authorities.

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 Rochelle Canteen, Arnold Circus, London, E2 7ES be **GRANTED**.

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

Monday to Sunday 08:00 a.m. to 10:00 p.m.

### **Sale of Alcohol (on sales – in restaurant only)**

Monday to Sunday

Outside area 10:00 a.m. to 9:00 p.m.

Inside area 10:00 a.m. to 9:45 p.m.

### **CONDITIONS**

1. The supply of alcohol, substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises and shall be by waiter or waitress service only.
2. There shall be no vertical drinking at the premises.
3. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

4. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images
5. All outside tables and chairs shall be rendered unusable by 21:00 hours each day.
6. All doors and windows to be kept closed by 22.00 hours each day.
7. A Challenge 21 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. Sale of Alcohol (off site) to be restricted to external catering events only.
9. Deliveries must be made between 8:30 a.m. and 7:30 p.m. Monday to Sunday.
10. The outside space must to rendered useable by 21:00 hours and no customers must remain outside.

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

There were no decisions to be taken to extend decision deadlines under the Licensing Act 2003.

The meeting ended at 10.20 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee



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

**HELD AT 5.30 P.M. ON TUESDAY, 30 MAY 2017**

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

**Members Present:**

Councillor Rajib Ahmed (Chair)  
Councillor Khaled Uddin Ahmed  
Councillor Shah Alam

**Officers Present:**

|                      |   |                                    |
|----------------------|---|------------------------------------|
| Mohshin Ali          | – | (Senior Licensing Officer)         |
| Gurwinder Kaur Olive | – | (Senior Lawyer, Legal Services)    |
| Antoinette Duhaney   | – | (Interim Senior Committee Officer) |

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No declarations were made.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Licensing Act 2003: Variation to Premises Licence for Agah, 43 Commercial Street, E1 6BD****In attendance**

Shahzad Yousuf (Agah Director)  
Fuat Kabalci (Agah Manager)  
Zahid Shar (Agah Associate)  
PC Mark Perry (Metropolitan Police)  
Corrinne Holland (Licensing Authority)

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
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 representations from the applicant and written representations from local residents (no objectors attended to make oral representations).

The Sub Committee noted that it was requested to consider an application for a Premises License variation for Agah, 43 Commercial Street, E1 6BD. Members considered written representations from the applicant and objectors and also heard oral representations from Shahzad Yousuf (on behalf of the applicant) and Mark Perry (Metropolitan Police) and Corinne Holland (Licensing Authority)

The officer report was presented to the Sub Committee by Mohshin Ali, Senior Licensing Officer. He drew the Sub Committee's attention to an omission in the blue notice advertising the application which meant that the variation being sought in respect of the hours for regulated entertainment were not included in the advert. Consequently, in the event of the variation being granted, the existing hours for regulated entertainment would be carried forward to the new licence.

Mr Shehzad addressed the meeting and confirmed that the premises would be trading under the name of Agah Anatolian Turkish Restaurant. He stated that the variation was being sought in order to grow the business and meet the demand in the area which had several hotels in the locality. The applicant wished to open the premises earlier to provide a breakfast service and the later closing time would meet customer demand by providing late night refreshment and alcohol ancillary to a meal.

The premises was a family focused restaurant and music would only be played occasionally for party bookings with no DJ or live music. The premises complemented the area and the applicant wished to provide increased options for late night refreshment. Contrary to the supplementary information on pages 93 – 99 provided by Trevor Joseph on behalf of the applicant, the premises would be providing a full dinner service until 1.30pm and alcohol would be ancillary to a meal.

PC Mark Perry addressed the Sub Committee expressing his concerns that the premises was in the heart of the Cumulative Impact Zone (CIZ) and therefore the proposed variation would will increase the potential for crime and disorder and anti-social behaviour. Most other premises in the vicinity did not go beyond framework hours and PC Perry was concerned that the applicant intended to convert the basement area of the premises to a late night bar. The operating schedule suggested that after 11pm the premises

would be a bar lead operation which would encourage patrons from venues closing earlier to visit the premises to continue drinking.

Referring to page 97 of the agenda pack, PC Perry stated that this indicated that the dinner service would cease at 11pm and the website for the premises also stated that last orders were taken at 10.30pm. This raised the question of whether patrons would be consuming alcohol only after 11pm when the dinner service had ceased. PC Perry suggested that in the event of the variation being granted, the premises should operate within framework hours to give the applicant time to demonstrate that the extended hours did not impact on the CIZ. He also suggested revised conditions in respect of CCTV and SIA staffing levels.

Corinne Holland made oral representations to the meeting and stated that the applicant had not fully addressed the presumption that the premises would have a negative impact on the CIZ. Ms Holland stated that she had sought clarification from the applicant on how the premises would be used after 11pm but no information had been forthcoming. She reiterated the concerns raised by PC Perry that the premises would become a late night bar after 11pm which would be detrimental to the CIZ.

In response to questions and observations from the Sub Committee, Mr Shehzad stated that

1. There were errors in the supplementary information on pages 93 – 99 and he confirmed that the premises would be offering a full dinner service until 1.30am.
2. The applicant was happy to continue with the current arrangement for providing SIA staff after 8pm on Fridays and Saturdays. However given the size of premises, 1 member of SIA staff was felt to be adequate as an increase in SIA staffing could be off putting for patrons visiting the premises when it was less busy
3. The applicant was happy to accept any revised conditions in respect of CCTV, SIA staffing levels, addressing potential noise nuisance and alcohol only being provided ancillary to a meal
4. The premises was in a quiet area within the CIZ and since the applicants took over the premises in 2015, there had been no issues or concerns raised, and this was confirmed by Mr Ali.
5. Mr Shehzad reiterated that music would be mostly background music provided by smart devices and that regulated entertainment would not be provided by DJs.

Having considered all the written and oral representations from the applicant and objectors, the Sub Committee had genuine concerns about the potential for anti-social behaviour given that the premises was located within the Cumulative Impact Zone. However on balance, Members were satisfied that the conditions listed in the Operating Schedule attached to the application

were adequate and proportionate subject to alterations/additions in respect of CCTV, SIA staffing levels, addressing potential noise nuisance, alcohol only being provided ancillary to a meal and egress

**RESOLVED** – That the application for a Premises License variation for Agah, 43 Commercial Street, E1 6BD **GRANTED** (IN PART) subject to the conditions set out below.

### **Opening Hours**

Monday to Wednesday from 07.00 to 23.00  
Thursday from 07.00 to 23:30  
Friday to Saturday from 07.00 to 01.00  
Sunday from 07.00 to 23.30

### **Sale of alcohol** (on sales only and ancillary to sit down meal)

Monday to Wednesday from 12.00 to 22.30  
Thursday from 12:00 to 23.00  
Friday to Saturday from 23.00 to 12.30am  
Sunday from 12.00 to 23.00

### **Late night refreshment** (indoors)

Monday to Thursday - n/a  
Friday to Saturday from 23.00 to 12.30am  
Sunday – n/a

### **The Provision of Regulated Entertainment in the form of Recorded Music** (Indoors)

Monday to Thursday from 12.00 to 23.00  
Friday and Saturday from 12.00 to 23.30  
Sunday from 12.00 to 22.00

**The Provision of Regulated Entertainment in the form of Anything of a Similar Description to Live Music, Record Music or Performances of Dance (Indoors)**

Friday to Sunday from 12.00 noon to 22.00

**NOTE: As the applicant did not advertise the hours for the provision of regulated entertainment (or anything of a similar description) on the public notices, these hours have not been varied and the above hours have been carried forward from the previous licence.**

**CONDITIONS**

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. No drinks must be allowed to be taken outside the premises under any circumstances.
3. Two SIA staff to be employed from 8pm until closing Friday and Saturday.
4. 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. (a camera to be placed outside the entrance and on entry)
5. An incident book will be kept at the premises which will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises' customers or any other incident of note. The book shall be available for inspection at the premises by the police or an authorised officer of the licensing authority at all times whilst the premises are open.
6. The premises will operate a Challenge 21 policy and all those who look under 21 years of age will be asked for proof of age. There will be Challenge 21 signs at the bar.
7. The premises will clearly display operational hours.
8. Staff will be trained on Licensing and Health and Safety legislation. Training will be an ongoing part of staff development and will be fully documented.

9. The premises will have a clear evacuation procedure in case of a fire.
10. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly. Patrons will be moved on from outside of the premises.
11. The premises will clear bins only during permitted hours and no waste or recyclable materials, including bottles, shall be moved, removed from, or placed in outside areas between 23.00 hours and 08.00 hours the following day, so as not to disturb the neighbourhood.
12. The premises shall not cause any noise pollution so as not to disturb the neighbourhood.
13. Adult supervision at all times for young children.

#### Informative

At the Licensing Sub-Committee meeting on 30 May 2017, the licensee confirmed that music at the venue would be by way of smart devices only and that there would be no live musicians or DJs at the venue.

### **3.2 Licensing Act 2003: Variation to Premises Licence for The Bothy, 16 Hertsmere Road, E14 4AX**

Application withdrawn.

#### **4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003**

None.

The meeting ended at 6.57 p.m.

Chair, Councillor Rajib Ahmed  
Licensing Sub Committee

# Agenda Item 4.1

|                                |                                  |                     |
|--------------------------------|----------------------------------|---------------------|
| Committee :                    | Date                             | Classification      |
| <b>Licensing Sub Committee</b> | <b>26<sup>th</sup> July 2017</b> | <b>Unrestricted</b> |

|   |  |
|---|--|
| Report of :<br><b>David Tolley</b><br><b>Head of Environmental Health &amp; Trading Standards</b> | Title:<br><b>Licensing Act 2003 Application for a new Premises Licence for REDON 'Railway Arch 289' Cambridge Heath Road, London, E2 9HA</b> |
| Originating Officer:<br><b>Corinne Holland</b><br><b>Licensing Officer</b>                        | Ward affected: <b>St Peters</b>  |

## 1.0 Summary

Applicant: **Patrick Walsh**

Name and

Address of Premises: **Redon**  
**289 Railway Arches,**  
**Cambridge Heath Road**  
**London**  
**E2 9HA**

Licence sought: **Licensing Act 2003**  
**The Sale of Alcohol**  
**Late Night Refreshments**  
**Regulated Entertainment**

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 **(REDON), 289 Railway Arch, Cambridge Heath Road, London, E2 7DJ.**

3.2 This premises previously had a Premises Licence and was known as Arch Gallery. The premises licence was surrendered by the previous owner on 2<sup>nd</sup> February 2017. The hours which were on this premises licence were:

#### **Supply of Alcohol (both on and off sales only)**

- Sunday to Wednesday from 11:00hrs to 23:30hrs
- Thursday to Saturday from 11:00hrs to 01:30hrs (the following day)

#### **Late Night Refreshment (indoors)**

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

#### **Regulated Entertainment (in the form of Plays, Films, Recorded Music, Performances of Dance (and anything of a similar description) (indoors)**

- Sunday to Wednesday from 09:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 09:00hrs to 01:30hrs (the following day)

#### **Regulated Entertainment in the form of Live Music (indoors)**

- Sunday to Wednesday from 11:00hrs to 00:00hrs (midnight)
- Thursday to Saturday from 11:00hrs to 01:30hrs (the following day)

#### **Regulated Entertainment in the form Indoor Sporting Events**

- Monday to Wednesday from 08:00hrs to 23:30hrs
- Thursday to Saturday from 23:00hrs to 01:30hrs (the following day)
- Sunday from 09:00hrs to 23:30hrs

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

- Monday to Wednesday from 08:00hrs until 00:00hrs (midnight)
- Thursday to Saturday from 08:00hrs to 02:00hrs (the following day)
- Sunday from 09:00hrs to 00:00hrs (midnight)

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

3.4 The applicant has applied for the sale of alcohol, late night refreshments and regulated entertainment.

#### **Sale of alcohol – (on sales only)**

- Sunday to Thursday 11:00 – 00:00 hours
- Friday to Saturday 11:00 -01:00 hours

#### **Regulated Entertainment (provision of plays, films, live and recorded music, performance of dance) – (indoors only)**

- Sunday to Thursday 11:00 – 00:00 hours
- Friday to Saturday 11:00 -01:00 hours

#### **Late Night Refreshments (indoors and outdoors)**

- Sunday to Thursday 11:00 – 00:00 hours
- Friday to Saturday 11:00 -01:00 hours



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

- Sunday – Thursday 08:00 – 00:30 hours
- Friday – Saturday 08:00 – 01:30 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 1<sup>st</sup> November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk). It was last revised in April 2017.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

**6.0 Representations**

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents
- Mr Colin Phillips (**Appendix 5**)
  - Ms Jo Denham (**Appendix 6**)
  - Ms Laura Clarke (**Appendix 7**)
  - Mr Jon Marston (**Appendix 8**)
  - Ms Laura Wadsworth (**Appendix 9**)

- 6.2 Following the resident representations the applicant wrote to the residents on 12<sup>th</sup> July to try to come to an agreement offering to hold a meeting with the residents on 18<sup>th</sup> July 2017. (**Appendix 10**)
- 6.3 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
- 6.4 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
- 6.5 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
- 6.6 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.
- 6.7 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.
- 6.8 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.
- 6.9 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.10 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 11**.
- 6.11 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.

6.12 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

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

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

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

7.1 All incidences of crime and disorder shall be reported to police.

7.2 An incident book shall be used to record all instances of public disorder and incidents at the premises.

7.3 In the event of complaints of noise being received and substantiated by the council's noise officers, the licensee shall cease the activity of live music and appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of further sound insulation and noise control measures, which may include the recalibration of the noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music, including live music, and amplified or raised voices coming from the premises.

7.4 The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, before live music and dancing can resume at the premises.

7.5 Where a noise limiting device is installed, the system must be set by the appointed noise consultant to maximum music noise levels approved by, and in conjunction with, the Council's Pollution Team.

7.6 No drinking shall be permitted outside.

- 7.7 Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.
- 7.8 A dedicated licensed taxi/minicab service shall be available with the premises for customers.
- 7.9 Bottling out from the premises is prohibited between 23:00 hours and 08:00 hours.
- 7.10 Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- 7.11 The contact telephone number for the premises duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.
- 7.12 The licensee shall ensure that all staff, including Door Supervisors if required, shall be trained to carry out these tasks and to facilitate effective crowd dispersal at the end of any given evening, and ensure that they have signed a staff record form to verify that they have been trained in these process.
- 7.13 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.
- 7.14 The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
- 7.15 The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.
- 7.16 All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons.
- 7.17 Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.
- 7.18 The DPS should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
- 8.0 **Conditions Agreed/Requested by Responsible Authority** (Conditions agreed with the Police and Environmental Protection Team)
- 8.1 No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.

- 8.2 Loudspeakers shall not be located in the entrance lobby or outside the premise building.
- 8.3 All windows and external doors shall be kept closed after 22:00 hours, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons.
- 8.4 Two door supervisors on Friday and Saturday. (no times have been specified so members may wish to address this)
- 8.5 Limit the amount of smokers outside after 21:00 hours to 10 people.
- 8.6 The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority. One camera be placed outside the entrance and on entry.

## 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 12- 19** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

#### 10.0 **Legal Comments**

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

#### 11.0 **Finance Comments**

11.1 There are no financial implications in this report.

## 12.0 Appendices

|                    |   |
|--------------------|---|
| <b>Appendix 1</b>  | A copy the application  |
| <b>Appendix 2</b>  | Site Plan   |
| <b>Appendix 3</b>  | Maps of the surrounding area  |
| <b>Appendix 4</b>  | Other licensed venues in the vicinity   |
| <b>Appendix 5</b>  | Representations from Mr Colin Phillips  |
| <b>Appendix 6</b>  | Representations from Ms Jo Denham   |
| <b>Appendix 7</b>  | Representation from Ms Laura Clarke   |
| <b>Appendix 8</b>  | Representation from Mr Jon Marston  |
| <b>Appendix 9</b>  | Representation from Ms Laura Wadsworth  |
| <b>Appendix 10</b> | Applicants letter to residents  |
| <b>Appendix 11</b> | Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations |
| <b>Appendix 12</b> | Anti- social behaviour on premises  |
| <b>Appendix 13</b> | Anti-social behaviour leaving the premises  |
| <b>Appendix 14</b> | Noise whilst premises is in use   |
| <b>Appendix 15</b> | S182 Guidance on public nuisance  |
| <b>Appendix 16</b> | Licensing Policy on prevention of nuisance  |
| <b>Appendix 17</b> | Access and Egress problems  |
| <b>Appendix 18</b> | Framework Hours   |
| <b>Appendix 19</b> | Planning  |



# Appendix 1



\* required information

Section 1 of 21

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

System reference

Not Currently In Use

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

Your reference

Arches

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

Are you an agent acting on behalf of the applicant?

Yes  No

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

Applicant Details

\* First name

Patrick

\* Family name

Walsh

\* E-mail

[Redacted]

Main telephone number

[Redacted]

Include country code.

Other telephone number

[Redacted]

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

Is the applicant:

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

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

Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number  Include country code.

Other telephone number

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

Are you:

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

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

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

Section 2 of 21

PREMISES DETAILS

*Continued from previous page...*

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

**Premises Address**

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

- Address     OS map reference     Description

**Postal Address Of Premises**

|                               |                      |
|-------------------------------|----------------------|
| Building number or name       | 289 Railway Arches   |
| Street                        | Cambridge Heath Road |
| District                      |                      |
| City or town                  | London               |
| County or administrative area |                      |
| Postcode                      | E2 9HA               |
| Country                       | United Kingdom       |

**Further Details**

|   |        |
|---|--------|
| Telephone number                            |        |
| Non-domestic rateable value of premises (£) | 25,000 |

**Section 3 of 21**

**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

**Confirm The Following**

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

**Section 4 of 21**

**INDIVIDUAL APPLICANT DETAILS**

**Applicant Name**

Is the name the same as (or similar to) the details given in section one?

- Yes                       No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes                       No

Continued from previous page...

**Current Residential Address**

Is the address the same as (or similar to) the address given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Applicant Contact Details**

Are the contact details the same as (or similar to) those given in section one?

Yes  No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

\* Date of birth   
dd mm yyyy

\* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

**Section 5 of 21**

**OPERATING SCHEDULE**

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

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

Provide a general description of the premises

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

Music venue and cultural space

Continued from previous page...

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

0

**Section 6 of 21**

**PROVISION OF PLAYS**

See guidance on regulated entertainment

Will you be providing plays?

Yes  No

**Standard Days And Timings**

MONDAY

Start 11:00

End 00:00

Start

End

TUESDAY

Start 11:00

End 00:00

Start

End

WEDNESDAY

Start 11:00

End 00:00

Start

End

THURSDAY

Start 11:00

End 00:00

Start

End

FRIDAY

Start 11:00

End 01:00

Start

End

SATURDAY

Start 11:00

End 01:00

Start

End

SUNDAY

Start 11:00

End 00:00

Start

End

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

Continued from previous page...

Will the performance of a play take place indoors or outdoors or both?

Indoors       Outdoors       Both

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

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

State any seasonal variations for performing plays

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

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

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

New Years Eve until 06:00

**Section 7 of 21**

**PROVISION OF FILMS**

See guidance on regulated entertainment

Will you be providing films?

Yes       No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End



Continued from previous page...

THURSDAY

|       |                                    |     |                                    |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:00"/> |
| Start | <input type="text"/>               | End | <input type="text"/>               |

FRIDAY

|       |                                    |     |                                    |
|-------|------------------------------------|-----|------------------------------------|
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| Start | <input type="text"/>               | End | <input type="text"/>               |

SATURDAY

|       |                                    |     |                                    |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/>               | End | <input type="text"/>               |

SUNDAY

|       |                                    |     |                                    |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:00"/> |
| Start | <input type="text"/>               | End | <input type="text"/>               |

Will the exhibition of films take place indoors or outdoors or both?

- Indoors       Outdoors       Both

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

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

State any seasonal variations for the exhibition of film

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

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

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

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Continued from previous page...

Will you be providing indoor sporting events?

Yes  No

**Section 9 of 21**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

Yes  No

**Section 10 of 21**

**PROVISION OF LIVE MUSIC**

See guidance on regulated entertainment

Will you be providing live music?

Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

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

Continued from previous page...

SUNDAY

Start

End

Start

End

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

Indoors       Outdoors       Both

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

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

Live music

State any seasonal variations for the performance of live music

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

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

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

New Years Eve until 06:00

### Section 11 of 21

#### PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Yes       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

Continued from previous page...

WEDNESDAY

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THURSDAY

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FRIDAY

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SATURDAY

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| Start | <input type="text"/>               | End | <input type="text"/>               |

SUNDAY

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|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="11:00"/> | End | <input type="text" value="00:00"/> |
| Start | <input type="text"/>               | End | <input type="text"/>               |

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

- Indoors       Outdoors       Both

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

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

State any seasonal variations for playing recorded music

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

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

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

On New Years Eve until 06:00

Continued from previous page...

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Yes  No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the performance of dance take place indoors or outdoors or both?

Indoors  Outdoors  Both

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

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

Continued from previous page...

State any seasonal variations for the performance of dance

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

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

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

New Years Eve until 06:00

### Section 13 of 21

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

See guidance on regulated entertainment

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

Yes  No

### Section 14 of 21

#### LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

Yes  No

#### Standard Days And Timings

##### MONDAY

Start

End

Start

End

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

##### TUESDAY

Start

End

Start

End

##### WEDNESDAY

Start

End

Start

End

Continued from previous page...

THURSDAY

|       |                                    |     |                                    |
|-------|------------------------------------|-----|------------------------------------|
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| Start | <input type="text"/>               | End | <input type="text"/>               |

FRIDAY

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| Start | <input type="text"/>               | End | <input type="text"/>               |

SATURDAY

|       |                                    |     |                                    |
|-------|------------------------------------|-----|------------------------------------|
| Start | <input type="text" value="23:00"/> | End | <input type="text" value="01:00"/> |
| Start | <input type="text"/>               | End | <input type="text"/>               |

SUNDAY

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

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors       Outdoors       Both

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

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

State any seasonal variations

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

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

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

Continued from previous page...

### SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes                       No

#### Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

- On the premises       Off the premises       Both

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

State any seasonal variations

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



Continued from previous page...

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

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

New Years Eve until 06:00

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

**Name**

First name

Family name

Date of birth

**Enter the contact's address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

**PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT**

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

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

Reference number for consent form (if known)

Continued from previous page...

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

**Section 16 of 21**

**ADULT ENTERTAINMENT**

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

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

None

**Section 17 of 21**

**HOURS PREMISES ARE OPEN TO THE PUBLIC**

**Standard Days And Timings**

**MONDAY**

Start

End

Start

End

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

**TUESDAY**

Start

End

Start

End

**WEDNESDAY**

Start

End

Start

End

**THURSDAY**

Start

End

Start

End

**FRIDAY**

Start

End

Start

End

**SATURDAY**

Start

End

Start

End

Continued from previous page...

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

New Years until 06:30

**Section 18 of 21**

**LICENSING OBJECTIVES**

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

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

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

The application is to re-instate the licence number LN18057 unfortunately the previous licence holders dissolved the company. We have therefore significantly updated the operating schedule to modernise it, but have left all activities and timings the same. The layout is almost identical, but we have done extensive refurbishment works to the site.

b) The prevention of crime and disorder

All instances of crime and disorder shall be reported to the police.  
  
An incident book shall be used to record all instances of public disorder and incidents at the premises.  
  
The holder of the premises licence shall subscribe to and participate fully in the local pub watch scheme.  
  
When deemed necessary by way of event based risk assessment that SIA registered door supervisors will be employed until 30 past closing time at the rate of one door supervisor for every one hundred customers.  
  
CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.  
Clear and prominent notices shall be displayed on the premises warning customers of the need to guard their property and to be aware of the operation of pickpockets, bag snatchers, etc. The notices shall advise customers to report concerns to the designated premises supervisor or the person in charge of the licensed premises.

*Continued from previous page...*

c) Public safety

Safety checks shall be carried out before the admission of the public. Details of safety checks shall be kept in a Log-book on the premises. The Log-book shall be made available for inspection by authorised officers.

All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.

All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.

Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept.

Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.

d) The prevention of public nuisance

In the event of complaints of noise being received and substantiated by the council's noise officers, the licensee shall cease the activity of live music and appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of further sound insulation and noise control measures, which may include the recalibration of the noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music, including live music, and amplified or raised voices coming from the premises.

The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, before live music and dancing can resume at the premises.

Where a noise limiting device is installed, the system must be set by the appointed noise consultant to maximum music noise levels approved by, and in conjunction with, the Council's Pollution Team.

No drinking shall be permitted outside.

After 9pm the numbers of persons permitted to smoke outside shall be limited to 20 persons.

A policy shall be devised in respect of loading and unloading on equipment in and out of the premises to minimise disturbance to local residents.

Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.

A dedicated licensed taxi/mini cab service shall be available with the premises for customers.

Bottling out from the premises is prohibited between 23:00 hours and 08:00 hours.

Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

The contact telephone number for the premises duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

The licensee shall devise a dispersal plan for evening events to be made available on request to reasonable authorities.

The licensee shall ensure that all staff, including Door Supervisors if required, shall be trained to carry out these tasks and to facilitate effective crowd dispersal at the end of any given evening, and ensure that they have signed a staff record form to verify that they have been trained in these process.

e) The protection of children from harm

*Continued from previous page...*

The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. Citizencard, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.

The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons.

Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.

The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.

**Section 19 of 21**

**NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK**

Continued from previous page...

**Address**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**DECLARATION**

- \* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.
  - The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same
  - \* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.
- Ticking this box indicates you have read and understood the above declaration

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

\* Full name

\* Capacity

Date (dd/mm/yyyy)

- Once you're finished you need to do the following:
1. Save this form to your computer by clicking file/save as...
  2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.
- Don't forget to make sure you have all your supporting documentation to hand.

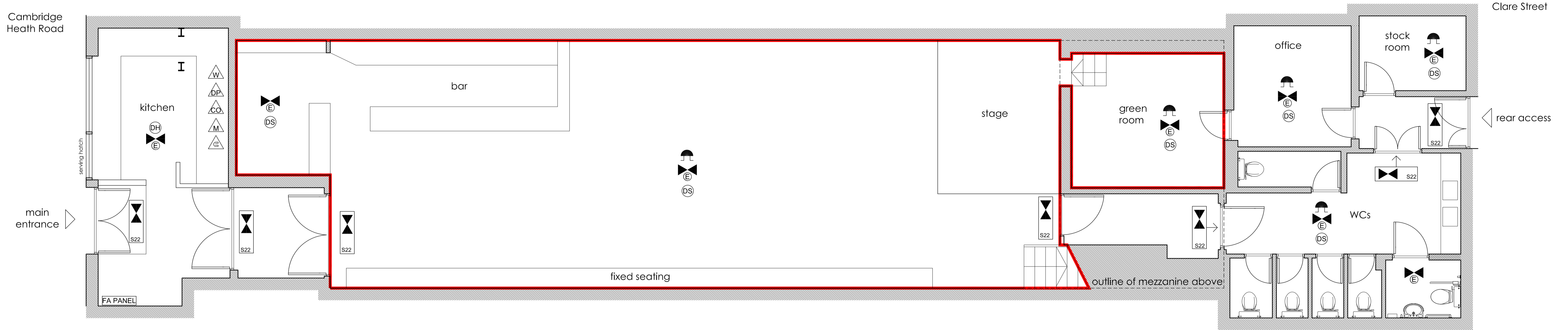
**IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED**

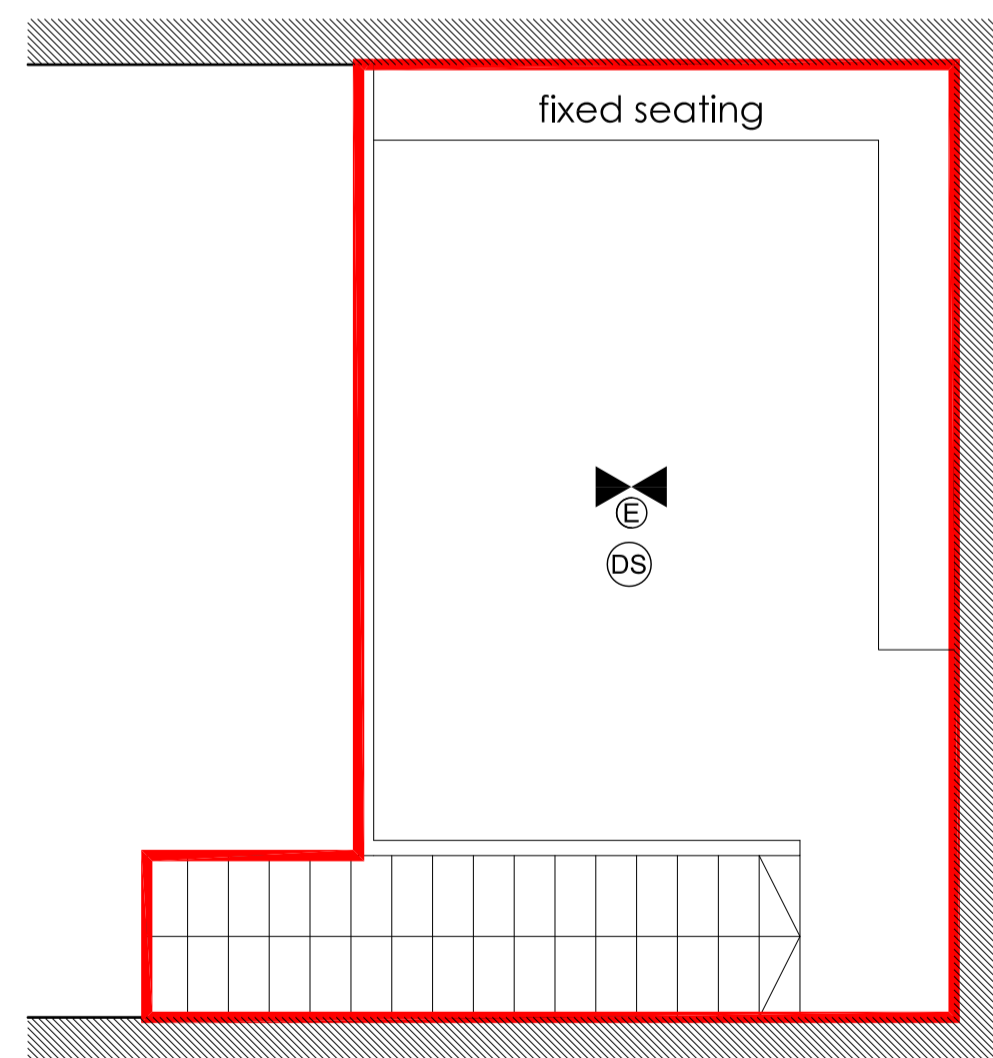
# Appendix 2



GENERAL ARRANGMENT PROPOSED  
GROUND FLOOR



GENERAL ARRANGMENT PROPOSED  
MEZZANINE



Legend

Denotes area to be used for licensable activities

Emergency Lighting and Signage

Maintained illuminated fire exit sign

Maintained illuminated fire exit directional sign

Note: Emergency Lighting to be in accordance with BS 5266-1: 2016  
Area covered with a system of escape lighting that will illuminate the area upon failure of the normal lighting power supply, to a sufficient standard, to enable persons to leave the area safely. A commissioning certificate will be supplied and kept at site.

Fire Signage

Notes: 1. Fire signage to be in accordance with BS 5499

Fire Door Keep Locked

Fire Door Keep Shut

Fire Door Keep Locked. Fail Safe open/digital control

Fire Escape Keep Clear

Fire Safety Equipment

Notes: 1. Fire alarm system to be in accordance with BS5839-1: 2013. A Commissioning certificate is to be issued on completion.  
2. Fire Fighting Equipment to be installed in accordance with BS EN3: 1996 (or equivalent)

Fire extinguisher dry powder

Fire extinguisher carbon dioxide

Fire extinguisher water

Fire extinguisher multi purpose

Fire blanket

Automatic smoke detector

Automatic heat detector 65° (kitchen 75°)

Combined automatic heat & smoke detector

Fire alarm call point

Audible warning device

Fire alarm panel location

mackenzie wheeler  
ARCHITECTS & DESIGNERS

11-13 Bateman's Row, Shoreditch, London EC2A 3HH  
T +44 (0)20 7739 8279 www.mackenziewheeler.co.uk

Client  
MR P WALSH

Project  
289 CAMBRIDGE HEATH ROAD

Drawing  
Licensing  
Ground & Mezzanine Plans

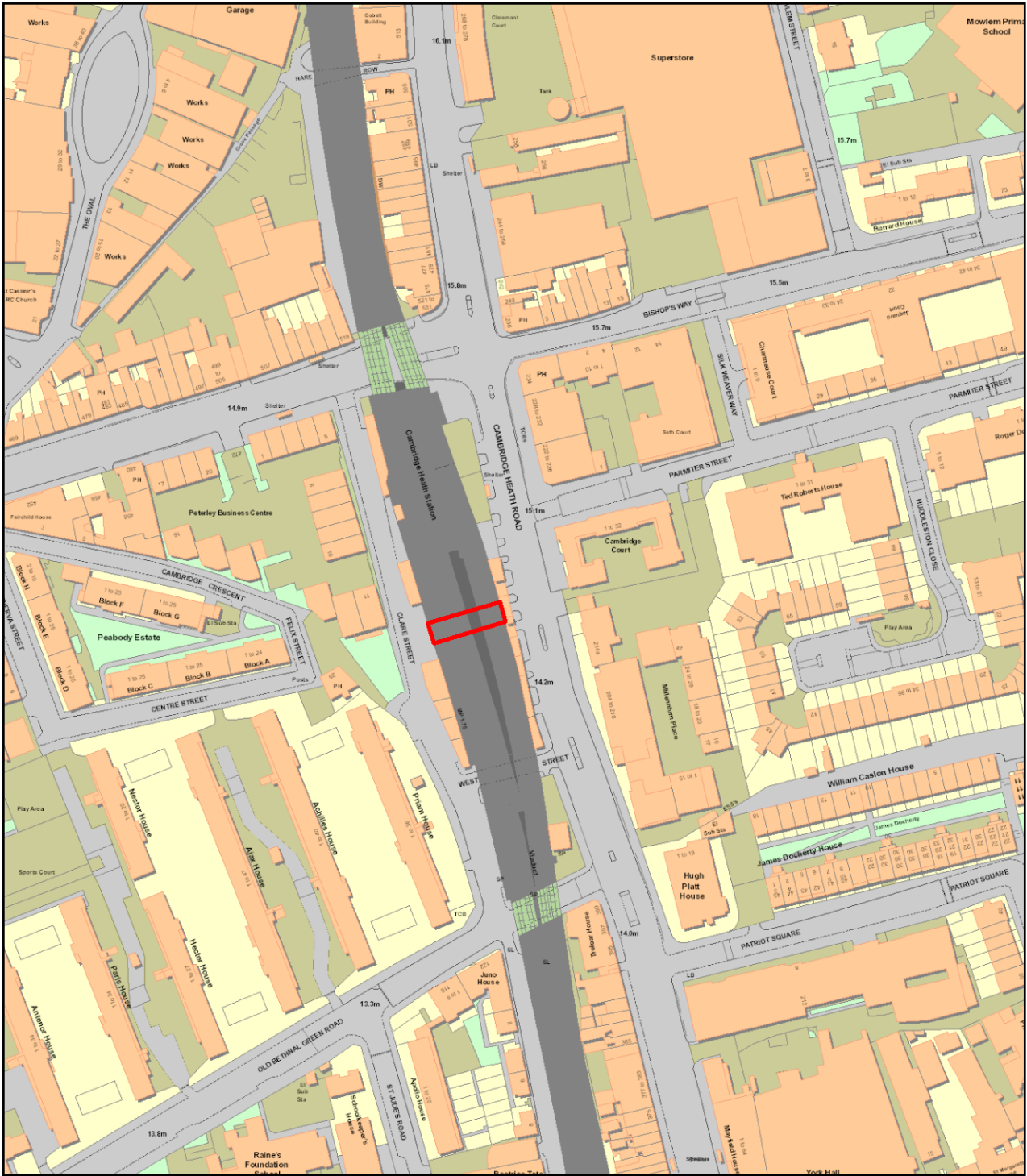
| Drawing No. | Rev |
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| 1319-200    | /   |

| Scale | Size | Drawn | Date   |
|-------|------|-------|--------|
| 1:50  | A1   | CH    | MAY 17 |

ALL DIMENSIONS, SETTING OUT AND LEVELS MUST BE CHECKED ON SITE AND NOT SCALED OFF THIS DRAWING BEFORE ORDERING AND STARTING WORK ON SITE  
© MACKENZIE WHEELER



# Appendix 3

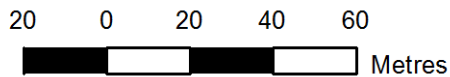


# Map 1

## 289 Railway Arch



Scale 1:2219



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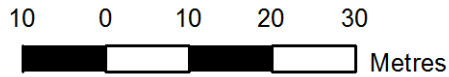


# Map 2

289 Railway Arch



Scale 1:1110



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# Appendix 4

| <b>Premises name and address</b>  | <b>Licensable Activities and Hours</b>  | <b>Opening Hours</b>   |
|---|---|--|
| <p><b>(The Café Chantant)</b><br/>Arch 300<br/>Cambridge Heath Road</p>       | <p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> <li>Monday to Saturday from 12:00hrs (midday) to 22:30hrs</li> <li>Sunday from 12:00hrs (midday) to 21:30hrs</li> </ul> <p><u>The Provision of Regulated Entertainment in the form of Live Music (indoors)</u></p> <ul style="list-style-type: none"> <li>Sunday to Thursday from 19:00hrs to 21:00hrs</li> <li>Friday and Saturday from 19:00hrs to 22:00hrs</li> </ul>   | <ul style="list-style-type: none"> <li>Monday to Saturday from 07:00hrs to 23:00hrs</li> <li>Sunday from 08:00hrs to 22:00hrs</li> </ul> |
| <p><b>(Metropolis)</b><br/>234 Cambridge Heath Road<br/>London<br/>E2 9NN</p> | <p><b>The sale by retail of alcohol (on sales only)</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><b>The provision of regulated entertainment</b><br/><u>(Films and Live Music – Indoors)</u></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><u>(Recorded Music and Performance of Dance – Indoors and Outdoors)</u></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 09:00 hours to 05:00 hours the following day</li> </ul> <p><b>The provision of late night refreshment – Indoors</b></p> <ul style="list-style-type: none"> <li>Monday to Sunday, from 23:00 hours to 05:00 hours the following day</li> </ul> | <ul style="list-style-type: none"> <li>Monday to Sunday, from 00:00 hours to 00:00 hours the following day (24 hours)</li> </ul>         |

|  |  |  |
|--|--|--|
| <p><b>Venue 299</b><br/> Railway Arch 289-299 Cambridge Heath Road</p> | <ul style="list-style-type: none"> <li>• <b>Sale by retail of alcohol:</b><br/> Sunday to Wednesday, from 10:00 hours to 23:00 hours<br/> Thursday, from 10:00 hours to 23:30 hours<br/> Friday and Saturday, from 10:00 hours to 00:30 hours</li> <br/> <li>• <b>The provision of regulated entertainment – Indoors</b><br/> <u>Plays, Films, live music, recorded music</u><br/> Sunday to Wednesday, from 10:00 hours to 23:00 hours<br/> Thursday, from 10:00 hours to 23:30 hours<br/> Friday and Saturday, from 10:00 hours to 00:30 hours</li> <br/> <li>• <b>The provision of late night refreshment – Indoors</b><br/> Thursday, from 23:00 hours to 23:30 hours<br/> Friday and Saturday, from 23:00 hours to 00:30 hours the following day</li> </ul> | <p>Sunday to Wednesday, from 10:00 hours to 23:30 hours<br/> Thursday, from 10:00 to 00:00 (midnight)<br/> Friday to Saturday, from 10:00 hours to 01:00 hours the following day</p> |
|--|--|--|

# Appendix 5

## Corinne Holland

---

**From:** Corinne Holland on behalf of Licensing  
**Sent:** 05 July 2017 14:05  
**To:** Corinne Holland  
**Subject:** FW: Objection to Arch 289 license application - Cambridge Heath Road

**From:** Colin [REDACTED]  
**Sent:** 05 July 2017 13:53  
**To:** Licensing  
**Subject:** Objection to Arch 289 license application - Cambridge Heath Road

Dear Licensing Dept of Tower Hamlets,

I understand that Arch 289 of Railway Arches, Cambridge Heath Rd, London E2 9HA have applied for a license to serve alcohol. I have been informed of this licensing application by a neighbour. I would like to lodge an objection to this application on the following grounds:

- There has not been adequate consultation taken place over the licensing application meaning that residents have not been informed and cannot therefore lodge any objections should they wish.
- There will be substantial noise generated late into the night and early morning. There will be large volumes of people congregating late at night creating large volumes of noise.
- The value of my property will be affected negatively,
- There is likely to be an increase in anti-social behaviour in the area

I would look forward to the opportunity to discuss the matter further to put across my points in person to ensure that the licensing application is not passed in it's current proposal.

Yours sincerely

Colin Phillips  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]



# Appendix 6

## Corinne Holland

---

**From:** Mohshin Ali on behalf of Licensing  
**Sent:** 06 July 2017 17:21  
**To:** Corinne Holland  
**Subject:** FW: Application for a Premises License: Patrick Walsh REDON, 289 Railway Arches, Cambridge Heath Road, E2 9HA

**From:** J DENHAM [REDACTED]  
**Sent:** 05 July 2017 21:05  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** Application for a Premises License: Patrick Walsh REDON, 289 Railway Arches, Cambridge Heath Road, E2 9HA

Dear Sirs,

Ref: Notice of Application for a Premises License published in the Docklands and East London Advertiser (June 22 issue)  
Patrick Walsh, Redon 289 Railway Arches, Cambridge Heath Road, London E2 9HA

We live in [REDACTED], opposite Railway Arch 289 and wish to object strongly to this application on the following grounds:

**Prevention of Public Nuisance:**

There will be noise disruption to all residents in the vicinity of this venue, not just those living in Cambridge Court and not just those whose property looks out on to Cambridge Heath Road.

There is already major noise disruption from a number of other venues on Cambridge Heath Road which have been subject to numerous complaints to the Noise Team/Police, most recently about the Cafe Chantant at Arch 300. A number of residents of Cambridge Court are currently maintaining noise nuisance diaries as advised by officers from the Environmental Protection team at London Borough of Tower Hamlets as part of their investigation of these complaints.

This proposed venue (Arch 289) is closer to Cambridge Court so the noise disruption on a daily basis will only increase for us.

Residents of Cambridge Court had cause to complain on a number of occasions about the disruption from this venue under its previous guise as The Arch Gallery in relation to:

- extremely loud music (both live & recorded) which could be heard (and felt) even when residents and the venue had their doors and windows closed;
- 'customers' congregating outside the premises not only at closing time but also while the venue was open;

In addition the Arch Gallery was open late only on Friday & Saturday, the proposed application is for the venue to be open 'late' every day of the week.

The application indicates that plays, films, dance, live and recorded music will be provided indoors only, with windows and doors shut at all times. We note that it doesn't say amplified music but there are concerns as there is nothing to say how the premises will be sound proofed to ensure that there will be no noise disruption or vibration felt by residents from any music/sound. This venue was found wanting in its sound-proofing when it was the Arch Gallery and provided non amplified live and recorded music.

The application says no drinking is to be allowed outside the venue but how will this work when the same application also requests for late night refreshment to be available both indoors and outdoors from 11pm – midnight on Mon, Tues, Wed, Thurs, Sun and 11pm – 1am on Friday & Saturday. This will lead to public nuisance in noise (as above) and further littering. We already have to clear litter, including empty alcohol bottles, food remnants and other unsavoury things that have been left both in the car park and at the front entrance to Cambridge Court on a regular basis. This is not pleasant.

Residents currently suffer from unacceptable noise problems and vibration from other venues (as already mentioned above) and previously had to endure similar unacceptable disruption when the venue that is the subject of this application was open. Our windows and doors have to be shut (even in warm weather); television and radios have to be turned to full volume to drown out the noise; ear plugs have to be used in order to go to sleep (or at least try to). We have been unable to read, study or work in the evenings which can impact on our day jobs. The lack of peace and quiet disturbs everyone.

**Public Safety:**

'Customers' will congregate and loiter on the pavement outside the premises as they wait to go in to the venue, to have a smoke or a drink break, or when leaving at closing time (as occurred regularly when this venue was The Arch Gallery). This particular stretch of Cambridge Heath Road is already busy with foot traffic and passengers exiting from the nearby railway station, bus stops, and from Bethnal Green underground station a short walk away. A crowd of people outside a venue can be intimidating and will force pedestrians to walk in the road to avoid them.

**Prevention of Crime and Disorder:**

There is potential for an increase in anti social behaviour in the vicinity of Cambridge Heath Road and Cambridge Court. We have already had some unsavoury incidents inside Cambridge Court with non-residents gaining entry to take drugs (as already reported to the police).

The car park of Cambridge Court is already subject to anti social behaviour from non-residents. It is used as a urinal, particularly the entrance to the car park and the area by the residents' waste bins (and was regularly used for such purposes by customers of this venue when it was The Arch Gallery); it is also used as a place to undertake other dodgy actions at all hours such as drug dealing; drinking; car number plate changing, fly tipping, plus loading and unloading.

Cambridge Court residents have had their cars, parked in their own car park, damaged: paintwork scratched, tyres slashed and tyres let down, the latter example was a very serious risk to individuals' safety.

Cambridge Court residents are often unable to park in their own car park due to non-residents using it to load and unload goods, undertake repairs etc. Such non-residential use will increase if this application is approved: taxis will use it to wait for customers at closing time and as there are no parking facilities immediately outside the venue, the potential for further loading/unloading of goods and equipment increases.

Residents have also been verbally abused when challenging people to stop such actions.

This proposal will lead to an increase in such antisocial behaviour (these activities happened when the Arch Gallery was open too) and residents will feel even more vulnerable and unsafe.

In view of the above, we strongly urge that this application is refused.

Residents of Cambridge Court  
[REDACTED]

[REDACTED]

Jo Denham [REDACTED]

Nicola Denham [REDACTED]

Maggie Li [REDACTED]

Lindsay Mead [REDACTED]

# Appendix 7

Tuesday 4<sup>th</sup> July 2017

[REDACTED]  
[REDACTED]  
London  
[REDACTED]

**RE: Notice of Application for a Premises Licence – Redon, 289 Railway Arches, London, E2 9NA**

Dear Sir/Madam,

I am writing to formally object to the application for a premises licence by Patrick Walsh of Redon, 289 Railway Arches, E2 9HA.

Given the highly residential nature of the area, the addition of another late night venue would not be appropriate and would have a detrimental impact. Cambridge Heath Road has a large number of residents in the direct vicinity of the 289 Railway Arches, with the Cambridge Court block alone containing 30 flats in private ownership.

We have owned and lived in our property for over 5 years now. While previously fairly peaceful, since July 2016 the granting of late night premises licences to local businesses has caused a lot of disruption to our lives. It is extremely stressful dealing with the current situation. It is unthinkable that the council would exacerbate the existing problem by granting yet another premises licence.

The council will have record of the numerous existing complaints to both Licencing and Environmental Health in relation to the two existing bars from a number of local residents. Both properties repeatedly breached the hours and/or restrictions on their premises licence and on many occasions the council have done very little to address these breaches.

Problems have included: excessive music noise, loud shouting and swearing in the early hours of the morning, antisocial behaviour in the car park of our property (which is publicly accessible) by bar patrons, gatherings on the streets after the premises have closed and patrons urinating in the alleyway of our property after leaving the existing venues.

I am very concerned that granting this premises licence to Redon, 289 Railway Arches, including the late night hours requested, would compound the existing issue. I would strongly recommend that the council either reject the application or at the very least restrict the hours to not past 10pm on week days, 11pm on Friday/Saturdays. Appropriate noise and antisocial behaviour conditions should also be put in place on the premises licence and must be enforced.

Please do feel free to contact me if you have any questions or require further information. I truly hope you understand the negative impact premises of this type are having on local residents and I would kindly urge you to consider my points above during the application review.

Kind regards,

[REDACTED]  
Laura Clarke  
[REDACTED]



# Appendix 8

[REDACTED]  
London  
[REDACTED]

Dear Sir / Madam

I am writing to strongly object to the licence application for Redon 289 railway arches, london, E29HA.

My wife and I have been living in the flats [REDACTED] this arch for 8 years and over this time have had to contend with many different evolutions of this premises that all have been very disruptive to the local community.

There are currently two other late night bars along the arches and all are very disruptive,

We have spent the last 2 months setting up official noise complaints to your council as not many of the terms set out in the licence were adhered to such as-

- late night music being played outside
- peoples standing outside smoking and shouting until 2-3am
- drug use taking place in our car park before people go back into the bars
- People urinating in our car park after closing.

This is a residential area and always has been, it is a total disgrace to even consider offering a bar late licence when they are directly opposite hundreds of people's homes.

I know everyone in our block feels the same about this and I will be speaking to them all tonight,

In my opinion there should be nothing allowed in these premises late than normal pub hours of 11pm, and certainly no music or gathering of people on the pavement smoking outside.

I would be happy to contest this in every way possible,

Please contact me on

[REDACTED]

Jon marson





# Appendix 9

## Corinne Holland

---

**From:** Corinne Holland on behalf of Licensing  
**Sent:** 05 July 2017 13:28  
**To:** Corinne Holland  
**Subject:** FW: Redon 289 railway arches E2 9HA

From: Lorna May Wadsworth [REDACTED]  
Sent: 05 July 2017 12:53  
To: Licensing  
Cc: [REDACTED]  
Subject: Redon 289 railway arches E2 9HA

Dear Sirs,

I am a resident of [REDACTED], and my bedroom looks on to the premises applying for a license.

I am writing to state in the strongest possible terms my objection to your granting the above license. This is a residential area. The neighbouring establishments to whom you have already granted a license have made my summer a misery and are greatly impacting on my peace of mind and ability to live comfortably in my home. I urge you, in fact I implore you not to grant this, or any other further late night drinking/entertainment licenses in this area, which is and has been residential for many years.

I have had to make numerous complaints about the neighbouring license at 299 railway arches. All the terms of the licence were flouted on many occasions. Likewise the establishment Cafe Chantant at no. 294 makes my life a misery every Thursday evening with completely unacceptable levels of music. I have tried to contact noise control at the council several times but can never get through, and have had to call them repeatedly and go round myself to beg them to keep the noise at a level where I am not terrorised.

Please. No more. I simply cannot take it. Previously I have been told my objections were too late and the license had already been granted. Not this time. Please. Do not grant this license and please do not take the existing licenses granted as a set precedent and reason to green light this one. Those you have already granted are causing great consternation and misery amongst local residents. Many in my block are very, very unhappy with the current state of things. I am CCing in several of them into this email.

Yours sincerely,

Lorna May Wadsworth

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

# Appendix 10



12<sup>th</sup> July 2017

**289 Railway Arches  
Cambridge Heath Road  
London E2 9HA**

Dear local resident,

I am writing to introduce myself, and hopefully you to my new business. I have recently taken on the lease for Arch 289 Cambridge Heath Road, and I'm wanting to reopen it as a music and arts venue called Redon, with a food and alcohol provision.

I wanted to reach out to local residents who have raised concerns in respect of this application to address any issues or concerns you may have regarding this project.

I have no connection to the previous tenant, back when the space was called The Arch Gallery.

To be very clear, as opposed to the previous tenants, we are not in the business of putting on late night DJ lead club nights. Our programming objective for the venue is this: we are passionate about providing a high calibre platform for live music, theatre and comedy performance and events.

We are excited and confident that we will be able to offer a valuable cultural addition to the local area, accessible to a diverse audience.

However, I am aware that in the past The Arch Gallery had issues with anti-social behaviour from patrons arriving and leaving the premises. I can assure you we will be taking immediate steps to prevent this happening when we open.

For background information the premises location which I have taken over previously until as recently as April 2017 had a licence for the same hours and activities for which we have applied. The owners through an administrative mistake allowed this licence to lapse.

We have re-applied for a new licence for the same hours as this licence but have also offered up a set of robust operating plans and procedures as part of the application, to enable us to run a successful business and not impact the amenity of local residents.

I have copied the 26 legally enforceable licence conditions offered a part of the application for your information at the end of this letter.

Our experienced security team will be instructed to monitor the local streets and alleyways, to make sure patrons arrive and leave in an orderly fashion.

We adopt a zero tolerance policy to all anti-social behaviour, and when necessary we will refuse entry, issue lifetime bans or notify the police.

Our CCTV system covers not only the premises, but also the surrounding streets and alleyways, and we will work closely with the police and local authorities to identify and prosecute trouble makers.

In addition to implementing an effective new security plan, we have taken further steps to make sure we don't cause any disturbance to local residents.

During the renovation process we have extensively soundproofed the premises, so that with the music turned up to our operating level, you can't hear it on the street. This will eliminate noise pollution at the front and back of the venue.

We are putting a small smoking area on Cambridge Heath Road, but we have limited the number of smokers outside after 9pm to 10 people.

In addition, smokers will not be able to take any drinks outside and will be instructed to keep noise to a minimum.

Upon leaving the venue at the end of the evening, patrons will be ushered away from the immediate vicinity by our experienced security team.

We will ensure that our patrons behaviour in a respectful manner so that any previous issues you made experienced are not repeated.

I'd like to invite you and the other concerned residents to Redon to see the changes we've made and discuss any issues or concerns you have in person. I'll be hosting a residents meeting at 7pm on Tuesday 18th July and I would like the opportunity to show you the venue I'll be here with the management team, and we look forward to meeting you then.

If you can't make it on the 18th July, I'd be happy to meet you individually on another occasion. Please email me at [REDACTED] to arrange this.

Finally I have read all the residential concerns especially those in respect of the previous owners and existing premises in the location.

I would therefore also be more than happy to set up a regular resident's licensee forum with the other business to ensure that any issues you have been experiencing are addressed permanently going forward.

Thank you for giving me this opportunity to contact you, I have asked the licence officer to forward you this letter I will didn't want to be intrusive and e-mail you directly until you had contacted me personally.

Regards

Paddy.

The suggested conditions offered as part of our application are copied below.

1 All instances of crime and disorder shall be reported to the police. An incident book shall be used to record all instances of public disorder and incidents at the premises.

2 The holder of the premises licence shall subscribe to and participate fully in the

local pub watch scheme. When deemed necessary by way of event based risk assessment that SIA registered door supervisors will be employed until 30 past closing time at the rate of one door supervisor for every one hundred customers. CCTV shall be installed, operated and maintained in agreement with the Police.

3 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 shall be placed o/s the entrance and on entry.

4 The Log-book shall be made available for inspection by authorised officers.

5 All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified. All exits doors shall be maintained easily operable without the use of a key, card, code or similar means.

6 Exit doors shall be regularly checked to ensure that they function satisfactorily and a record of the check shall be kept. Adequate and appropriate supply of first aid equipment and materials must be available on the premises at all times.

7 In the event of complaints of noise being received and substantiated by the council's noise officers, the licensee shall cease the activity of live music and appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of further sound insulation and noise control measures, which may include the recalibration of the noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music, including live music, and amplified or raised voices coming from the from the premises.

8 The scheme shall be submitted for approval by the Council, and the approved scheme fully implemented to the satisfaction of the Council and the licensee notified in writing accordingly, before live music and dancing can resume at the premises.

9 Where a noise limiting device is installed, the system must be set by the appointed noise consultant to maximum music noise levels approved by, and in conjunction with, the Council's Pollution Team. No drinking shall be permitted outside.

10 After 9pm the numbers of persons permitted to smoke outside shall be limited to 10 persons.

11 A policy shall be devised in respect of loading and unloading on equipment in and out of the premises to minimise disturbance to local residents.

12 Doors and windows to the premises will be kept closed, so far as practicable, at all times when noise generating regulated entertainment is taking place i.e. live and recorded music.

13 No Music or Amplified Sound shall be generated on the premises to give rise to a

nuisance to neighbouring residents.

14 Loudspeakers shall not be located in the entrance lobby or outside the premise building.

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

16 A dedicated licensed taxi/mini cab service shall be available with the premises for customers, where customers are using as mobile operator, sign shall excited and door staff will be pro active to encourage customers to remain in the premises until the taxi has arrived.

17 Bottling out from the premises is prohibited between 23:00 hours and 08:00 hours.

18 Refuse such as bottles must be placed into receptacles outside the premises at times that will minimise the disturbance to nearby properties.

19 The contact telephone number for the premises duty manager shall be displayed inside the premises or immediately outside the premises such that it is clearly visible from outside without the need to enter the premises.

20 The licensee shall devise a dispersal plan for evening events to be made available on request to reasonable authorities.

21 The licensee shall ensure that all staff, including Door Supervisors if required, shall be trained to carry out these tasks and to facilitate effective crowd dispersal at the end of any given evening, and ensure that they have signed a staff record form to verify that they have been trained in these process.

22 The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. Citizencard, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

23 Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.

24 The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff. The premises will display and maintain appropriate signage advising customers of the contact details of the Designated Premises Supervisor.

25 All staff will be given refresher training every twelve months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training shall be kept on the premises and produced to police or other authorised officer upon request.

26 The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.

27. On Friday and Saturday evenings there shall a minimum of two SIA registered door supervisors from 9pm until 30 minutes after closing, or all customers have dispersed the location.

# Appendix 11



**Section 182 Advice by the Home Office  
Updated on April 2017**

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 12

## Anti-Social Behaviour on the Premises

### Licensing Policy

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

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

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

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

### Police Powers

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

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

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

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

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

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

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

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

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

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

This relates to attempts to control minimum prices.

#### Other Legislation

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

# Appendix 13

## Anti-Social Behaviour from Patrons Leaving the Premises

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

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

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

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

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

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

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

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

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

## Other Legislation



### Crime and Disorder Act 1998

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

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

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

# Appendix 14

## 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 10.1 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 15.10**).

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 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 3 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 where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

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

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (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 (2.15).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) 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.

### 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 15

# Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003

Updated April 2017

## Public nuisance

- 2.15 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.
- 2.16 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.
- 2.17 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 16). 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.
- 2.18 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.

- 2.19 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.
- 2.20 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.
- 2.21 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 16



## **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 17

## 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. (2.15).

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. (2.19)

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 (2.19) 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 18

### **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 19

## **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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