

LICENSING SUB COMMITTEE 2

Tuesday, 8 August 2017 at 6.30 p.m.

Council Chamber, 1st Floor, Town Hall,

5 Clove Crescent, London E14 2BG.

This meeting is open to the public to attend.

Contact for further enquiries:

Antoinette Duhaney, Democratic Services

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

Tel: 020 7364 4120

E-mail: antoinette.duhaney@towerhamlets.gov.uk

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

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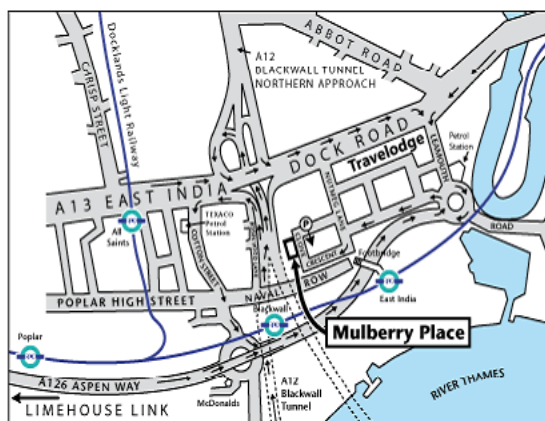
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 5 - 14)

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

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
4.1 Licensing Act 2003 Application for a Premises Licence for The Grill & Spice, 5-7 Osborn Street, E1 6TD	15 - 100	Spitalfields & Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Local Resident(s)
- Environmental Protection

4.2 Licensing Act 2003: Application for a Premises Licence for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

101 - 212

Mile End

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority
- Metropolitan Police
- Local Resident(s)
- Environmental Protection

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

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-
Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 4.1

Committee : Licensing Sub-Committee	Date 8th August 2017	Classification Unrestricted
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (The Grill & Spice), 5-7 Osborn Street, London E1 6TD Ward affected: Spitalfields & Banglatown
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1.0 Summary

Applicant:	The Spice & Grill
Name and	The Spice & Grill
Address of Premises:	5 Osborn Street London E1 6TD
Licence sought:	Licensing Act 2003 – Premises Licence <ul style="list-style-type: none">• Late Night Refreshment
Representations:	Police Environmental Protection Local Resident

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a premises licence for (The Spice & Grill), 5-7 Osborn Street, London E1 64 6TD.
- 3.2 The applicant has described the premises as follows:
“Fast food outlet serving food only on (16 seats available on the premises) and off the premises.
- 3.3 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.4 The applicant has applied for Late Night Refreshment.

Late Night Refreshment (indoors & outdoors)

- Monday to Sunday, from 23:00 hours to 05:00 hours

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

The opening hours of the premises

- Monday to Sunday 10:00 hours to 05:00hours

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2017.

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

6.0 Representations

6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing.

6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.

6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.

6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.

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

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.

6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

6.8 This hearing is required by the Licensing Act 2003, because a relevant representation has been received by the following:

- PC Alan Cruickshank - Police - **Appendix 6**
- Nicola Cadzow – Environmental Protection – **Appendix 7**
- Mohshin Ali – Licensing Authority – **Appendix 8**
- John Shapiro – local resident – **Appendix 9**

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

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning

- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health

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

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

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

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

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

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

7.1 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.

7.2 No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.

7.3 Clear signage shall be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

7.4 The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering, in any light condition. The CCTV system shall continually record whilst the premise 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. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).

- 7.5 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
- 7.6 A minimum of one SIA registered door supervisor shall be on duty from 23:00 daily until the closure of the premises to the public.
- 7.7 Reasonable steps shall be taken to ensure that any persons loitering outside the premises disperse quickly and do not congregate.

8.0 Conditions in consultation with the Responsible Authorities/other persons

- 8.1 None

9.0 Licensing Officer Comments

- 9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.2 Guidance issued under section 182 of the Licensing Act 2003
 - ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken." Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) 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.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 10 - 20** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representation of Met Police
Appendix 7	Representation of Environmental Protection
Appendix 8	Representation from Licensing Authority
Appendix 9	Resident Representation – Mr Jon Shapiro
Appendix 10	Licensing Officer comments on noise while the premise is in use

Appendix 11	Licensing Officer comments on access/egress Problems
Appendix 12	Licensing Officer comments on ASB on the premises
Appendix 13	Licensing Officer comments on ASB from patrons leaving the premises
Appendix 14	Section 182 Advice regarding crime and disorder
Appendix 15	Licensing Advice on crime and disorder
Appendix 16	Section 182 Advice on Public Nuisance
Appendix 17	Licensing Policy advice on Public Nuisance
Appendix 18	Licensing Policy advice for CIZ
Appendix 19	Planning
Appendix 20	Licensing Policy relating to hours of trading

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

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

Are you an agent acting on behalf of the applicant?

- Yes
- No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

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

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

Registration number

Business name

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

VAT number

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 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

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth
dd mm yyyy

* Nationality [Documents that demonstrate entitlement to work in the UK](#)

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.

Fast food outlet serving food only on (16 seats available on the premises) and off the premises

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

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

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

Continued from previous page...

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

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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.

The applicants wish to be able to provide facilities for late night refreshment as may be required from time to time to complement the range of activities (whether licensable or not) being provided at the premises whether as principal or in conjunction any other permitted activity

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.

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

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.

There will be no activity of this nature

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

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.

Continued from previous page...

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

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

Section 18 of 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.

Please see attached continuation sheet

b) The prevention of crime and disorder

Please see attached continuation sheet

c) Public safety

Please see attached continuation sheet

d) The prevention of public nuisance

Please see attached continuation sheet

e) The protection of children from harm

Please see attached continuation sheet

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.

Continued from previous page...

- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

In terms of specific **regulated entertainments** please note that:

- Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
- Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - o a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - o any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - o any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - o any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* 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

OFFICE USE ONLY

Applicant reference number	<input type="text" value="TAP1-1"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

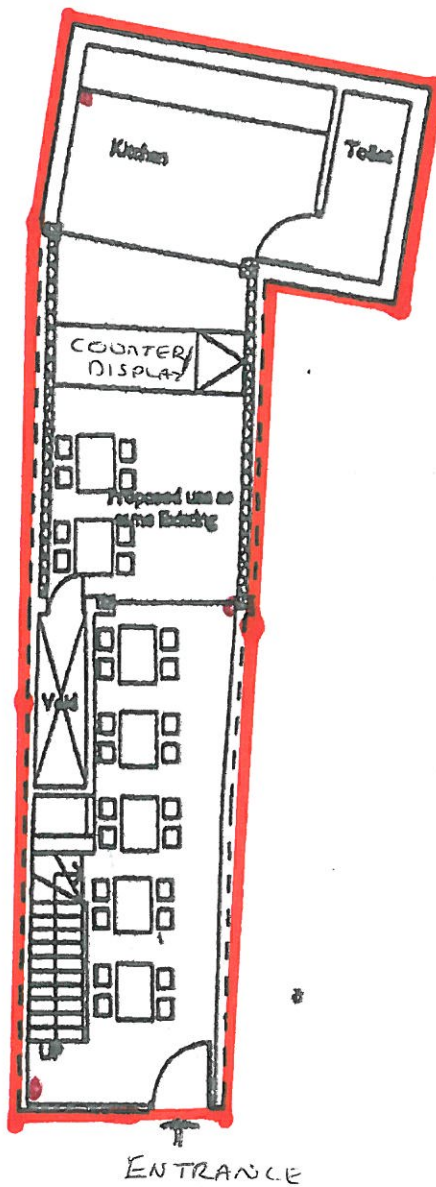
[< Previous](#) [1](#) [2](#) [3](#) [4](#) [5](#) [6](#) [7](#) [8](#) [9](#) [10](#) [11](#) [12](#) [13](#) [14](#) [15](#) [16](#) [17](#) [18](#) [19](#) [20](#) [21](#) [Next >](#)

Conditions for The Grill & Spice 5 Osborn Street, E1 6TD

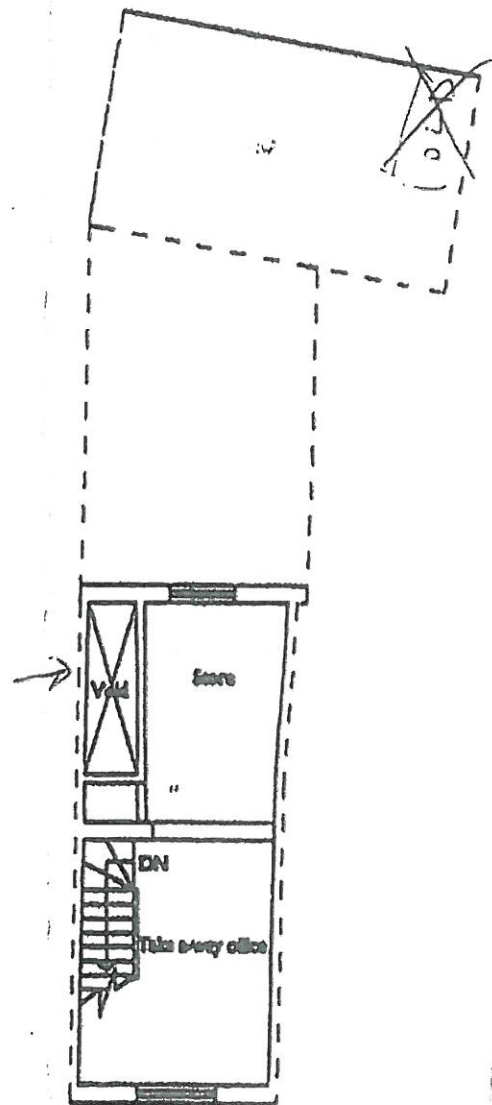
1. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
2. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.
3. Clear signage shall be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
4. The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering, in any light condition. The CCTV system shall continually record whilst the premise 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. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).
5. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.
6. A minimum of one SIA registered door supervisor shall be on duty from 23:00 daily until the closure of the premises to the public.
7. Reasonable steps shall be taken to ensure that any persons loitering outside the premises disperse quickly and do not congregate.

Appendix 2

5 OSBORN ST.



GROUND FLOOR

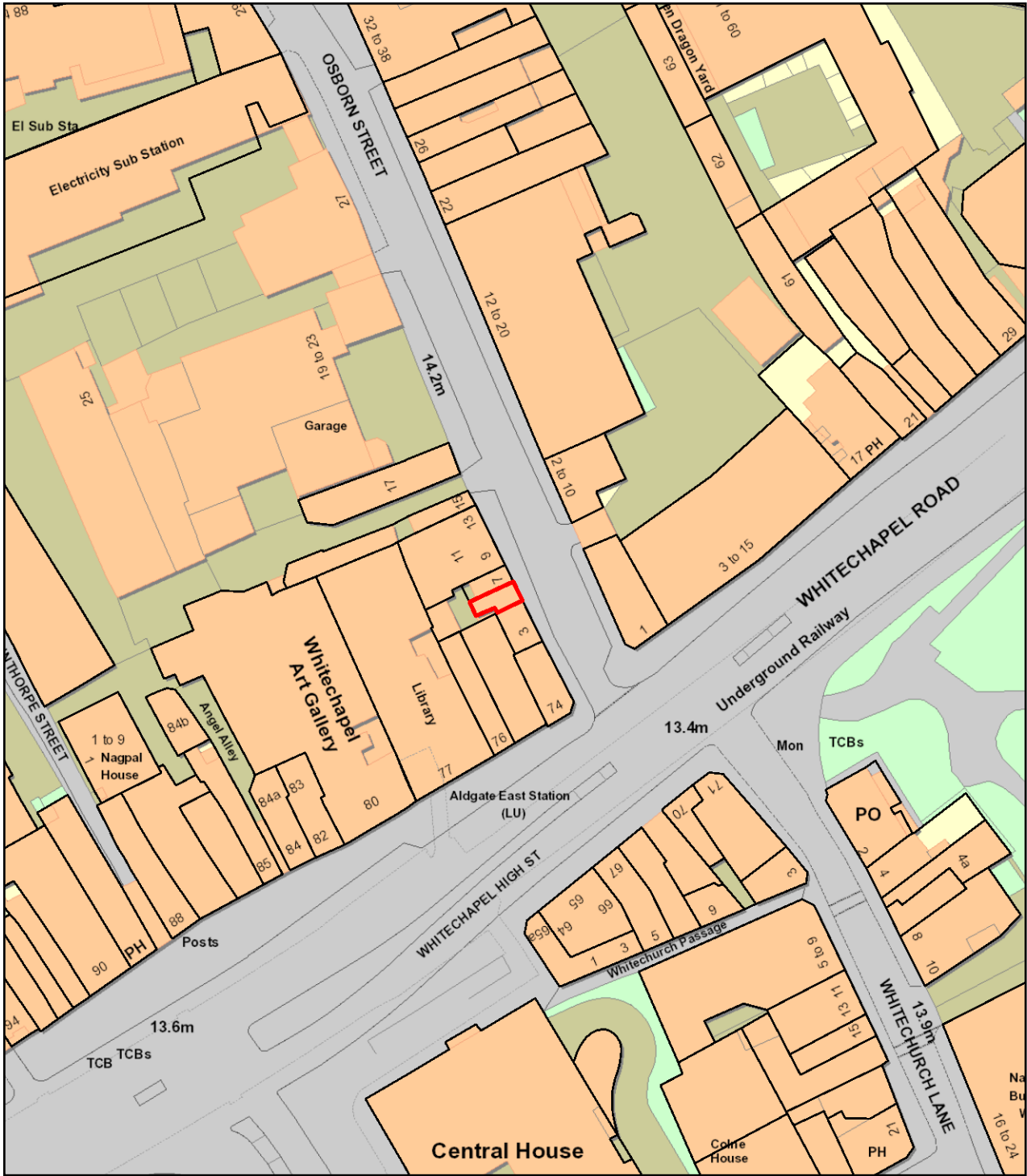


FIRST FLOOR PLAN

The red line delineates the area within which licensable activities will be undertaken

• fire extinguisher

Appendix 3

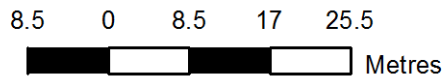


5-7 Osborn Street

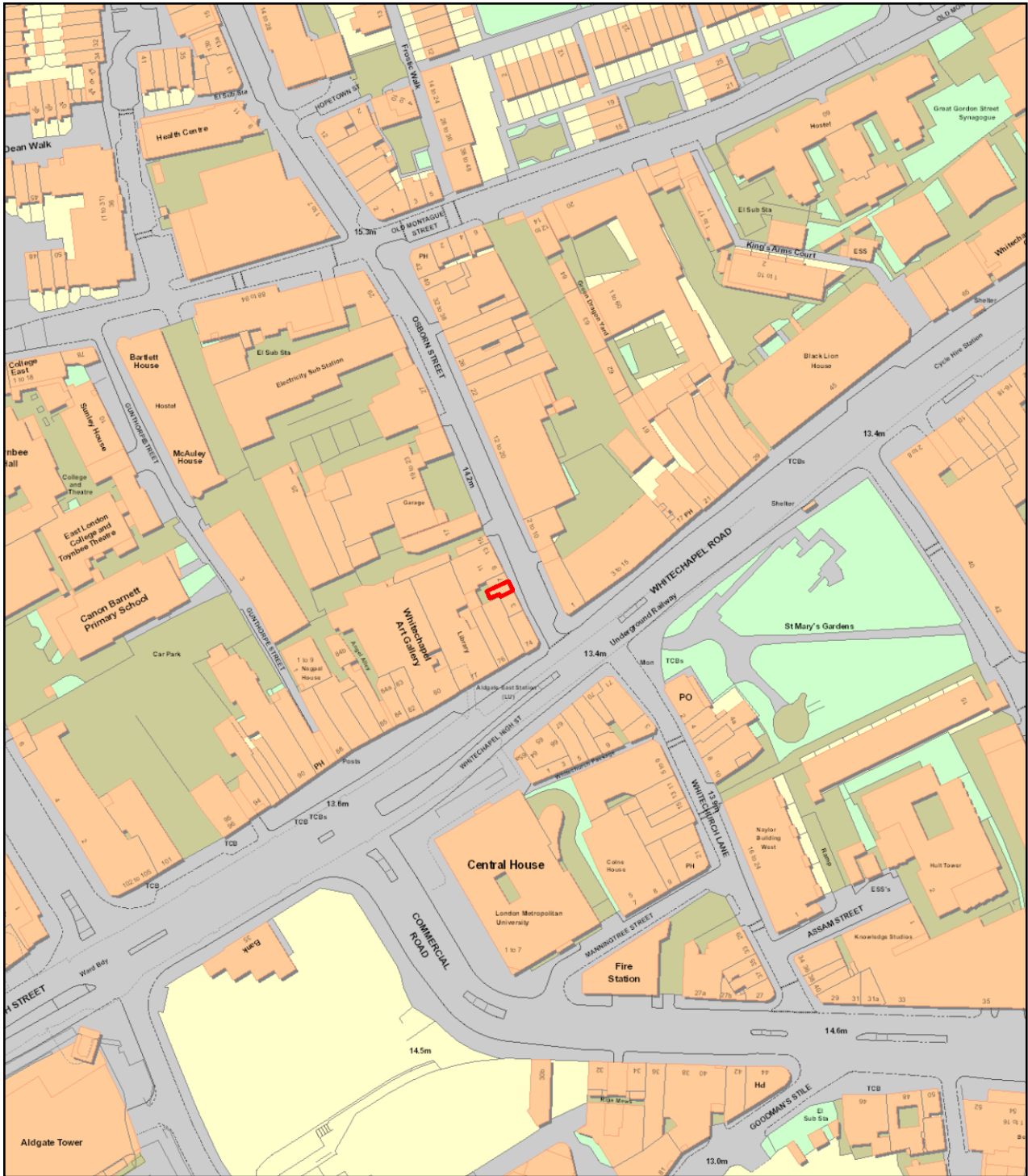
Map 1



Scale 1:971



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5-7 Osborn Street

Map 2



Scale 1:1943

10 0 10 20 30

Metres



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Appendix 4

Premises name and address	Licensable Activities and Hours	Opening Hours
<p>(City Hotel and Conference) 12-20 Osborne Street</p>	<p>The on and off sale of alcohol to residents (including a maximum of ten bona fide guests of each resident), Mon - Sun, 00.00am to midnight.</p> <p>The on and off sale of alcohol to non-residents, Mon - Sat, 10.00 to 01.00 hrs the following day, and on Sun from 10.00am to midnight.</p> <p>If the non-residents are attending a pre-booked event the hours on Thurs - Sat are extended to 10.00 - 02.00hrs the following day.</p> <p>Half an hour drinking up time is permitted after the terminal time for the sale of alcohol.</p> <p>Late night refreshment, Mon to Sat, 23.00 to 01.00hrs the following day, Sunday, 23.00pm to 00.30am the following day. For pre-booked events the hours on Monday to Wednesday are extended to 23.00pm to 01.30am the following day, and Thursday to Saturday, 23.00pm to 02.30am the following day.</p> <p>Films, Monday to Saturday, 10.00am to 01.00am the following day, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.</p> <p>Live music, recorded music, performances of dance, and anything similar to these three activities, Monday to Saturday, 10.00am to 01.00am the following morning, Sunday, 10.00am to midnight. For pre-booked events the hours on Thursday to Saturday are extended to 10.00am to 02.00am the following day.</p>	<p>Monday to Sunday, 00.00am to midnight.</p>

<p>(Shahi Karahi) Ground Floor 22 Osborn Street</p>	<p>The provision of late night refreshment Sunday to Thursday, 23.00hrs to Midnight Friday and Saturday, 23.00hrs to 01.00hrs</p>	<p>Sunday to Thursday, 11.00am to Midnight Friday and Saturday, 11.00hrs to 01.00hrs</p>
<p>Apples & Pears 26 Osborn Street</p>	<p><u>The provision of regulated entertainment</u> Films; recorded music; performance of dance; anything similar to recorded music or performance of dance; provision of facilities for making music; provision of facilities for dancing; provision of facilities for entertainment of a similar description to making music or dancing. Sunday to Thursday 11:00 hours – 23:30 hours Friday & Saturday 11:00 hours – 00:30 the following day.</p> <p>Live Music; anything similar to live music. Sunday to Thursday 11:00 hours – 23:00 hours Friday & Saturday 11:00 hours – midnight</p> <p><u>The provision of late night refreshment</u> Sunday to Thursday 11:00 hours – 23:30 hours Friday & Saturday 11:00 hours – 00:30 hours the following day</p> <p><u>The sale by retail of alcohol</u> Sunday to Thursday 11:00 hours – 23:30 hours Friday & Saturday 11:00 hours – 00:30 hours the following day</p>	<p>Sunday to Thursday 11:00 hours – midnight Friday & Saturday 11:00 hours – 01:00 hours</p>
<p>(Efes) 1 Whitechapel Road</p>	<p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 10:00hrs to 23:00hrs • Friday and Saturday from 10:00hrs to 23:30hrs • Sunday 11:00hrs to 23:00hrs 	<ul style="list-style-type: none"> • There are no restrictions on the hours during which this premises is open to the public

	<p><u>The Provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 23.00hrs to 23.30hrs • Thursday to Saturday from 23.00hrs to 00.30hrs (the following day) <p>Currently has a variation in place for:</p> <p>Sale of alcohol ON the premises:</p> <p>-Sunday to Wednesday: 10:00 to 02:00</p> <p>-Thursday to Saturday: 10:00 to 03:00</p> <p>- Late Night Refreshment:</p> <p>-Sunday to Wednesday: 23:00 to 02:00</p> <p>-Thursday to Saturday: 23:00 to 03:00</p> <p>Opening hour:</p> <p>-Sunday to Wednesday: 10:00 to 03:00</p> <p>-Thursday to Saturday: 10:00 to 04:00</p>	
(Pixxa Limited) 11 Whitechapel Road	<p><u>The Supply of Alcohol (both on and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 11:00hrs to 22:30hrs • Sunday from 11:00hrs to 21:30hrs 	Monday to Saturday from 10:30hrs to 23:00hrs Sunday from 10:30hrs to 22:00hrs
(Khushbu) 74 Whitechapel High Street	<p>The provision of late night refreshment</p> <ul style="list-style-type: none"> • Friday and Saturday from 23.00hrs to 02.00hrs (the following day) 	Sunday to Thursday, from 11.00hrs to 23.00hrs Friday and Saturday from 11.00hrs to 02.00hrs (the following day)

Appendix 5

**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 6

Tom Lewis
John Onslow House
Ewart Place
E3

HT - Tower Hamlets Borough
HH - Limehouse Police Station
Licensing Office
Toby Club Sno
Vawdrey Close
Cleveland Way Mile End
E1 4UA

Telephone: [REDACTED]
Facsimile:
Email: [REDACTED] police
.uk
www.met.police.uk

Your ref:
Our ref:
18th July 2017

Dear Mr Lewis

Application for a premises licence

Grill and Spice, 5 Osborn St, E1 6TD

I write with reference regarding the above application. Please accept this letter as notification that the police as a responsible authority wish to object to this application on the following two licensing objectives.

The prevention of crime and disorder

The prevention of public nuisance

The applicant has applied for the following hours in relation to late night refreshments: all week until 5am

LBTH adopted a Saturation Policy / Cumulative Impact Policy for the Brick Lane area which includes Osborn St, due to the concerns about the number of licensed premises in such a small area and the resulting number of ASB calls and the potential for disorder.

With regards to this policy, the licensing authority will normally refuse any new applications or any variation of these in the cumulative impact zone; *unless the applicant can demonstrate there will be no negative cumulative impact on one or more of the licensing objectives.*

Brick Lane has become a “destination venue” for the night time economy in Tower Hamlets. There has been a steady increase in bars, restaurants and fast food premises. However, there has been a multi-agency approach in considering applications and there has been a consensus that lesser hours have improved the local environment.

If this application is granted in full, it would be a set back for this policy. One more late night opening venue will only compound the problems in this part of Osborn St.

I emailed the applicant's agent on the 30th June 217.

As you are no doubt aware the venue is within our Cumulative Impact Zone. This policy has been operating now for a number of years. Whilst each application is still viewed on its own merits, I believe a 5am finish for the whole week is excessive. In recent years the granting of such a late hour in the Brick Lane area has been opposed by both the police and LBTH depts.

I would ask your client to consider a midnight finish.

Unfortunately I have had no reply.

This will only encourage people to remain for a further period of time in the Brick Lane area. At 5am in the morning, ASB can easily occur whether it's people continuing to drink in the nearby streets with their food or just raising their voices. There is also potential for violence if people who are under the influence of alcohol, encounter one another inside the venue or outside on the street.

Can the applicant provide evidence that the operation of the premises will not add to the negative cumulative impact already being experienced in this area? I am aware that TENS were granted but there is a big difference with the granting of a permanent licence and the TEN policy that grants 15 per year.

Can they reassure the committee that they will not contribute to ASB when their patrons leave the venue whether it is standing in the street drinking or shouting at the top of their voices?

Brick Lane and the surrounding streets still has a considerable residential population which would be adversely affected by the granting of a 5am licence.

Paragraph 8.34 of the Licensing Guidance states “applicants are in particular expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives”.....including “any risk posed to the local area by the applicants’ proposed licensable activities” . I don’t believe the applicant has taken into consideration the local community and the impact such late hours will have on the neighbourhood.

Since the introduction of the CIZ, I believe Brick Lane has become a better and safer environment for businesses and residents.

I ask the committee to refuse the application, especially in light of the applicant not

engaging in any consultation with the responsible authorities.

If they are to grant the application I would ask them to consider the following:

Late night refreshments

Fri - Saturday : 2300- midnight

1. 1xSIA : from midnight until closing (if further hours are granted)
2. Use of an incident book
3. CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

There must also be someone on the premises, who can download the images and present them on request by a police officer or other responsible authority,

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

Alan Cruickshank PC 189HT

Appendix 7

Corinne Holland

From: Nicola Cadzow
Sent: 18 July 2017 11:41
To: Licensing
Cc: [REDACTED]@met.police.uk; [REDACTED] 'c [REDACTED] adds.co.uk'
Subject: Premise License Application - The Grill & Spice 5-7 Osborn Street, London - Ref M/101361

Dear Licensing

I have regarded the application for Premises License and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and also considered that the premises is located within the Cumulative Impact Zone. The proposed hours are well beyond the Council's framework hours, and it must be noted that the Council's framework hours (i.e. when premises are open) are:

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

The applicant is proposing:

- **late night refreshment until 05:00 hours seven days a week.**

Noise Sensitive premises: residential and commercial premises in close proximity to 5-7 Osborn Street, London E1 6TD.

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

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

CONCLUSION

Environmental Protection **does not** support the application for 5-7 Osborn Street, London E1 6TD as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm - Environmental Health and Trading Standards
London Borough of Tower Hamlets [REDACTED]

Appendix 8

Place Directorate Public Realm

Licensing Authority
John Onslow House
1 Ewart Place
London
E3 5EQ

Email: [REDACTED]@towerhamlets.gov.uk

19th July 2017

Your reference
My reference: LIC/101361/MA

Dear Sir/Madam,

Head of Environmental Health & Trading
Standards **David Tolley**

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

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Mohshin Ali**

Email [REDACTED]@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Licensing Act 2003

New premises licence application: The Grill & Spice, 5 Osborn Street,
London E1 6TD

On 1st November 2013, Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. *The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect (8.2)*

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application. The Authority may therefore consider that the imposition of conditions is unlikely to address these problems and may consider the adoption of a special policy of refusing new licences because the area is saturated with licensed premises and the granting of any more would undermine one of the licensing objectives.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a

cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone (CIZ) (8.3).

The effect of this CIZ Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ (8.4).

The Licensing Authority is therefore making a representation against the above application on the grounds of:

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

If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area; then I ask the Committee to reject the application in full.

The Tower Hamlets statement of licensing policy makes it clear (8.4) that the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This is also repeated in the Home Office guidance (8.35). *Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.*

The hours applied for are longer than the framework hours in the Tower Hamlets licensing policy (15.8). The policy states that application to operate outside of the framework hours will be considered on their merit, with regard to:

a) The location of the premises and the general character of the area in which the premises are situated. (i.e. does the area include residential or business premises likely to be adversely affected).

b) The proposed hours during which licensable activities will be take place and the proposed hours during which customers will be permitted to remain on the premises.

*c) The adequacy of the applicant's proposals to address the issues of the prevention of crime and disorder **and** the prevention of public nuisance.*

d) Where the premises have been previously licensed, the past operation of the premises.

e) Whether customers have access to public transport when arriving at or leaving the premises at night time and in the early hours of the morning.

f) The proximity of the premises to other licensed

The applicant has not satisfied these criteria. The Home Office guidance (8.33) says:

Applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives.

I have looked at the history of the premises on the Licensing Authority's system and the following are recorded:

13/7/2017 (PSE - 009208) – Prosecution file started for offence of 12th May 2017, Licensing Authority visited the premises at 23:25 hours and found the premises trading without a licence. Warning given as it was the first offence.

21/06/2017 (L1U - 101361) – Licensing Authority received the current premises licence application.

1/06/2017 (L1U - 100923) – Licensing Authority received a Temporary Event Notice (TEN) for the provision of late night refreshment.

- Saturday 01/07/2017 from 00:01hrs until 05:00hrs
- Sunday 02/07/2017 from 00:01hrs until 05:00hrs

1/06/2017 (L1U - 100920) – Licensing Authority received a Temporary Event Notice (TEN) for the provision of late night refreshment.

- Saturday 24/06/2017 from 00:01hrs until 05:00hrs
- Sunday 25/06/2017 from 00:01hrs until 05:00hrs

1/06/2017 (L1U - 100919) – Licensing Authority received a Temporary Event Notice (TEN) for the provision of late night refreshment.

- Saturday 17/06/2017 from 00:01hrs until 05:00hrs
- Sunday 18/06/2017 from 00:01hrs until 05:00hrs

24/05/2017 (L1U - 100765) – Licensing Authority received a Temporary Event Notice (TEN) for the provision of late night refreshment.

- Saturday 10/06/2017 from 00:01hrs until 05:00hrs
- Sunday 11/06/2017 from 00:01hrs until 05:00hrs

16/05/2017 (L1U - 100609) – Licensing Authority received a Temporary Event Notice (TEN) for the provision of late night refreshment.

- from 23:00hrs on Thursday 01/06/2017 until 05:00 hrs on 02/06/2017
- from 23:00hrs on Friday 02/06/2017 until 05:00 hrs on 03/06/2017
- from 23:00hrs on Saturday 03/06/2017 until 05:00 hrs on 04/06/17

12/5/2017 (EVU - 071788) – Licensing Authority visited the premises:
“23:25 - Visit to Grill and Spice 5 Osborn Street. Successful TP (unlicensed) - Owner/company director present. He wants to apply for Licence. Will deal with by way of written warning (First offence)”. Letter sent on 13th July 2017 (See attachment)

Looking at the above Temporary Event Notices for June, it is noted that the start time was from 00:01 hours. A licence is required for the provision of late night refreshment from 23:00 hours so the question is what activities was the applicant conducting between 23:00 hours to 00:01 hours the following days?

If the Licensing Sub-Committee is minded to grant a licence then I would ask that the hours are reduced closer to the framework hours.

[REDACTED]

[REDACTED]

[REDACTED] Ali
Senior Licensing Officer
(Acting as a Responsible Authority)

CC: Applicant’s solicitor, Dadds LLP [REDACTED]@dadds.co.uk

Place Directorate

Public Realm

Environmental Health and Trading Standards
Head of Service: David Tolley

Mohammad Nizam Uddin Tapader
C/O The Grill & Spice London Ltd,
5-7 Osborn street
London
E1 6TD

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

Tel [REDACTED]

Fax [REDACTED] 3

Enquiries to **Licensing**

Email licensing@towerhamlets.gov.uk

13th July 2017

Our reference CLC/LA03/009208

www.towerhamlets.gov.uk

Dear Mohammad Nizam Uddin Tapader,

Licensing Act 2003 (Section 136)

Premises: **Grill & Spice, 5-7 Osborn street, London, E1 6TD**

On Friday 12th May 2017 at around 23:25 hours, Council Officers attended the premises known as **Grill & Spice, 5-7 Osborn street, London, E1 6TD**. They ordered a chicken burger meal (no 24) and a number two meal which totalled £6.80 and staff served the officers the hot food. Staff then informed yourself of our presence and you were told that there should not be hot food sales beyond 23:00 without a licence.

According to the Council records you do not hold a licence under the Licensing Act 2003.

It is an offence for anyone who carries on, or attempts to carry on a licensable activity on or from any premises without or not in accordance with an authorisation. The ACT covers;

the provision of late night refreshment (selling meals after 23:00 hours and before 05:00 hours)

A person guilty of an offence under section 136 (1) of the ACT is liable on a summary conviction to imprisonment for a term not exceeding six months or an unlimited fine.

You are advised to cease the unauthorised licensing activity with immediate effect. This letter serves as a written warning for offence(s) observed on Friday 12th May 2017.

For further advice please contact your legal representative. Licence application forms and further details are available upon request from the Licensing Authority, please contact our hotline on [REDACTED]

Yours sincerely

**Damian Doherty
Enforcement Officer – Licensing and Safety Team
Environmental Health and Trading Standards**

Appendix 9

Corinne Holland

From: Jon Shapiro [REDACTED]
Sent: 17 July 2017 12:39
To: Licensing
Cc: Mark Perry; [REDACTED]
Subject: RE: Licensing Application by "The Grill & Spice", 5-7 Osborn Street, London E1 6TD

Dear Sir or Madam,

I would like to request that this Licence Application should be wholly refused on the grounds of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and they are asking for a Late Night Refreshment Licence to 05.00, which would effectively allow the provision of hot food 24 hours a day, seven days a week.

Whilst I accept that they have not applied for an alcohol licence, it is well known that the provision of hot food "re-fuels" those who have consumed too much alcohol (and may indeed be carrying further off-sales supplies of alcohol) and therefore encourages late night ASB in opposition to the Saturation Policy in the Brick Lane area CIZ which attempts to control such ASB.

This area has always been stated by our Borough Police Commanders to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that no such late night refreshment licence should be granted to 5-7 Osborn Street.

The Brick Lane area is plagued by ASB and hospital admissions to A&E, and I believe that the Licensing Committee should be assisting the Police and other authorities in reducing any and all encouragement to provide late night refreshments to drinkers in this area.

For all the reasons quoted above I strongly request that this Licensing Application should be wholly rejected.

Yours faithfully,
Jon Shapiro.

Resident at:

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

[REDACTED]

Appendix 10

Noise while the premise is in use

General Advice

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

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

If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately 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 11

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.15).

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 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 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

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 8 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 (2.15 – 2.21).

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 (2.18/2.21).

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 (14.13).

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

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

Updated April 2017

Crime and disorder

- 2.1 Licensing authorities should look to the police as the main source of advice on crime and disorder. They should also seek to involve the local Community Safety Partnership (CSP).
- 2.2 In the exercise of their functions, licensing authorities should seek to co-operate with the Security Industry Authority (“SIA”) as far as possible and consider adding relevant conditions to licences where appropriate. The SIA also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. Similarly, the provision of requirements for door supervision may be appropriate to ensure that people who are drunk, drug dealers or people carrying firearms do not enter the premises and ensuring that the police are kept informed.
- 2.3 Conditions should be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally. Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.
- 2.4 The inclusion of radio links and ring-round phone systems should be considered an appropriate condition for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises. These systems allow managers of licensed premises to communicate instantly with the police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises.

- 2.5 Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day to day management of the premises by the premises licence holder, including the prevention of disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.
- 2.6 The prevention of crime includes the prevention of immigration crime including the prevention of illegal working in licensed premises. Licensing authorities should work with Home Office Immigration Enforcement, as well as the police, in respect of these matters. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

Appendix 15

Crime and Disorder – Licensing Policy, updated March 2015

- 6.1 Licensed premises, especially those offering late night / early morning entertainment, alcohol and refreshment for large numbers of people, can be a source of crime and disorder problems.
- 6.2 When addressing crime and disorder the applicant should initially identify any particular issues (having regard to their particular type of premises and / or activities) which are likely to adversely affect the promotion of the crime and disorder objective. Such steps as are required to deal with these identified issues should be included within the applications operating schedule. Where a Crime Prevention Officer from the Metropolitan Police makes recommendations for premises that relate to the licensing objectives, the operating schedule should normally incorporate the suggestions.
- 6.3 Applicants are recommended to seek advice from Council Officers and the Police as well as taking into account, as appropriate, local planning and transport policies, with tourism, cultural and crime prevention strategies, when preparing their plans and Schedules.
- 6.4 In addition to the requirements for the Licensing Authority to promote the licensing objectives, it also has a duty under Section 17 of the Crime and Disorder Act 1998 to do all it reasonably can to prevent crime and disorder in the Borough.
- 6.5 The Licensing Authority, if its discretion is engaged, will consider attaching Conditions to licences and permissions to deter and prevent crime and disorder both inside and immediately outside the premises and these may include Conditions drawn from the Model Pool of Conditions relating to Crime and Disorder given in Section 182 of the Licensing Act 2000. (See **Appendix 2.**)
- 6.6 **CCTV** - The Licensing Authority, if its discretion is engaged, will attach conditions to licences, as appropriate where the conditions reflect local crime prevention strategies, for example the provision of closed circuit television cameras.
- 6.7 Touting - The Council has had a significant number of complaints relating to premises which are substantially or mainly restaurants where "touting" is a problem. Touting is soliciting for custom. Consequently, in relation to such premises the Licensing Authority, where its discretion is engaged will insert a standard condition that prohibits 'touting' as follows:-
 - 1) No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 meters radius of the premises as shown edged red on the attached plan.(marked as Appendix -)
 - 2) Clear Signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.

- 6.8 **Street Furniture** - This would include Advertising Boards, they are sometimes placed in such a way as to be a nuisance to the public on the highway, or they encourage the consumption of alcohol in areas that are not licensed. The Licensing Authority expects applicants to have ensured that they fully comply with the Councils rules relating to authorisation of obstructions on the highway and a licence permission to place advertising boards or street furniture on the highway should normally have been obtained from Tower Hamlets Markets Service before an application for a licence is made. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street seats and tables or boards, including on private land.
- 6.9 **Fly Posting** - The Council has experienced significant problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it appropriate and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.
- 6.10 **Responsible Drinking** - The Licensing Authority expects alcohol to be promoted in a responsible way in the Borough. This should incorporate relevant industry standards, such as the Portman Group. Where appropriate and proportionate, if its discretion is engaged, the Licensing Authority will apply conditions to ensure responsible drinking. The Licensing Authority also recognises the positive contribution to best practice that "Pubwatch" and other similar schemes can make to achieving the licensing objectives and is committed to working with them Model Pool Conditions from the Licensing Act 2003, Section 182 Guidance are in Appendix 2.
- 6.11 **Illicit Goods: Alcohol and Tobacco** - The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.
- 6.12 Illicit alcohol means alcohol that is, counterfeit, bears counterfeit duty stamps and or smuggled.
- 6.13 Illicit tobacco means, counterfeit, and/or non UK duty paid tobacco products.
- 6.14 Illicit goods mean articles that are counterfeit, that do not comply with the classification and labelling requirements of the Video Recordings Acts and/or that breach other Trading Standards legislation such as consumer safety and unfair commercial practices

6.15 In particular the Licensing Authority is mindful of the advice provided in the guidance issued by the Home Office under section 182 of the Act "Reviews arising in connection with crime".

6.16 The Licensing Authority will exercise its discretion to add a standard condition as follows:-

Smuggled goods

1) The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

2) The premises licence holder shall ensure that all receipts for goods bought include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. Vehicle registration detail, if applicable

3) Legible copies of the documents referred to in 2) shall be retained on the premises and made available to officers on request.

4) The trader shall obtain and use a UV detection device to verify that duty stamps are valid.

5) Where the trader becomes aware that any alcohol may be not duty paid they shall inform the Police of this immediately.

Appendix 16

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 17

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 18

Licensing Policy

8 Special Cumulative Impact Policy for the Brick Lane Area

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

Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Drawn By: WJL CLIC Strategy & Performance September 2012

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.

Appendix 20

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

Agenda Item 4.2

Committee :	Date	Classification
Licensing Sub-Committee		Unclassified

Report of: David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for a Premises Licence for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, London E3 4PX
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Mile End

1.0 Summary

Applicant:	Shuffle Festival Limited
Name and	The Lodge
Address of Premises:	Tower Hamlets Cemetery Park Southern Grove London E3 4PX
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol• The provision of regulated entertainment• The provision of late night refreshment
Representations:	Environmental Health Noise Licensing Authority (RA) Met Police Licensing Residents <u>against</u> the application Residents <u>supporting</u> the application

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, London E3 4PX.

3.2 The applicant has described the premises as follows:

“Lodge within the Tower Hamlets Cemetery Park. The Lodge will be used as a community arts centre and restaurant/café operated by the Shuffle Festival Team.”

3.3 The original application was received on 17th March 2017. However, due to a technical issue the application was withdrawn by the applicant and then resubmitted on 21st June 2017. A copy of the premises licence application form is enclosed as **Appendix 1**.

3.4 The licensable activities and timings applied for are as follows:-

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

- Monday to Saturday, from 10.00 hours to 23:30 hours
- Sunday, from 10:00 hours to 22:30 hours

The provision of regulated entertainment - Indoors and outdoors
(Plays, Films, Live music, recorded music and anything of a similar description)

- Monday to Saturday, from 10.00 hours to 23:30 hours
- Sunday, from 10:00 hours to 22:30 hours

The provision of late night refreshment - Indoors and outdoors

- Monday to Saturday, from 23.00 hours to 23:30 hours
- Sunday (none)

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

The opening hours of the premises

- Monday to Saturday, from 08.00 hours to 00:00 hours (midnight)
- Sunday, from 08:00 hours to 23:00 hours

4.0 **Location and Nature of the premises**

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

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

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

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

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in 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 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

6.8 We have received representations both **AGAINST** the premises and also in **SUPPORT** of the premises.

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

- RESIDENTS AND RESPONSIBLE AUTHORITIES REPRESENTATIONS **AGAINST** THE APPLICATION

Other persons / Responsible Authority	Appendix
Nicola Cadzow – Environmental Health Noise	6
Kathy Driver – Licensing Authority (R.A.)	7
Alan Cruickshank – Police Licensing	8
Richard and Georgina Andrews – Resident (E3)	9
Andy Roberts – Resident (E3)	10
Roman Werpachowski – Resident (E1W)	11
Perry Valton – Resident (E3)	12

- RESIDENTS REPRESENTATIONS **IN SUPPORT** OF THE APPLICATION

Other persons	Appendix
Alistair Brown - Resident (E1)	13
Barry Reid - Resident (E3)	14
Duncan Drury - Resident (E3)	15
Debbie So & Lynton Pepper - Residents (E5)	16
Dan Stowell - Resident (E3)	17
Justin Willson - Resident (E2)	18
Leandra O'Sullivan - Resident (E3)	19
Matthew Brown - Resident (E3)	20
Sjors Timmer - Resident (E3)	21
Nathalie Fonnesu - Resident (E3)	22

6.10 In addition, numerous representations were received in support of the application. However, they were deemed invalid as they did not meet the relevant criteria under the Licensing Act 2003. They were all written to and advised accordingly.

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

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

- Public Health
- Home Secretary (Home Office Immigration Enforcement)

6.12 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations 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

6.13 Essentially, the relevant parties have made representations both against and in support of the application, in relation to the licensing objective of the prevention of public nuisance and the prevention of crime and disorder.

6.14 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.

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

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

7.1 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;

7.2 CCTV camera system covering both internal and external to the premises is to be installed;

7.3 The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority;

7.4 At all times when the premises is open, a person who can operate the CCTV system must be present on the premises;

7.5 An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
- 7.6 Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents;
- 7.7 Refuse, including bottles are to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises;
- 7.8 No drinks to be taken outside after 23:00hrs (including external area);
- 7.9 No more than 10 smokers allowed to smoke in the external areas after 23:00hrs;
- 7.10 No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
- 7.11 All windows and external doors shall be kept closed after 22:00hrs, except for the immediate access & egress of persons.
- 7.12 No licensable activities in the external area after 23:00.
- 7.13 Alcohol consumed in the yard shall be in polycarbonate, plastic or other non-glass drinks containers only.
- 7.14 There shall be no off-sales from the premises, except to persons using the premises designated external seating areas.
- 8.0 Conditions in consultation with the Responsible Authorities/other persons**
- 8.1 Some conditions have been agreed with Environmental Health Noise and others are in dispute (please see **Appendix 6**). This will need to be clarified at the hearing.
- 8.2 Met Police Licensing have issues regarding the 22:00 hours finish for the outside yard and the amount of smokers outside (please see **Appendix 8**)

9.0 Licensing Officer Comments

9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. 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 (10.25) 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.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 23 - 28** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6 -12	Representations against the application
Appendix 13-22	Representations in support of the application
Appendix 23	Licensing Officer comments on noise while the premise is in use
Appendix 24	Licensing Officer comments on access/egress Problems
Appendix 25	Licensing Officer comments on crime and disorder on the premises
Appendix 26	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 27	Planning
Appendix 28	Licensing Policy relating to hours of trading

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Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I/We Shuffle Festival Limited

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description The Lodge Tower Hamlets Cemetery Park Southern Grove			
Post town	London	Postcode	E3 4PX

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£UNRATED

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

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

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/>	Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth			I am 18 years old or over <input type="checkbox"/>	Please tick yes	
Nationality					
Current postal address if different from premises address					
Post town				Postcode	

Daytime contact telephone number	
E-mail address (optional)	

(B) OTHER APPLICANTS

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

Name Shuffle Festival Limited
Address [REDACTED]
Registered number (where applicable) 08862358
Description of applicant (for example, partnership, company, unincorporated association etc.) Private Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

<p>Please give a general description of the premises (please read guidance note 1) Lodge within the Tower Hamlets Cemetery Park. The Lodge will be used as a community arts centre and restaurant/café operated by the Shuffle Festival Team.</p>

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) Occasional performances of plays both inside and in the yard.		
Mon	1000	2330			
Tue	1000	2330	<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed	1000	2330			
Thur	1000	2330	<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	1000	2330			
Sat	1000	2330			
Sun	1000	2230			

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Occasional showing of films both inside and in the yard.		
Mon	1000	2330			
Tue	1000	2330	State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed	1000	2330			
Thur	1000	2330	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	2330			
Sat	1000	2330			
Sun	1000	2230			

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sun			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Occasional live music performances both inside and in the yard.		
Mon	1000	2330			
Tue	1000	2330	State any seasonal variations for the performance of live music (please read guidance note 5)		
Wed	1000	2330			
Thur	1000	2330	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	2330			
Sat	1000	2330			
Sun	1000	2230			

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) Recorded music will generally be at background levels but may also occasionally be a primary entertainment.		
Mon	1000	2330			
Tue	1000	2330	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	1000	2330			
Thur	1000	2330	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	2330			
Sat	1000	2330			
Sun	1000	2330			

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon	1000	2330		Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Tue	1000	2330	Please give further details here (please read guidance note 4)		
Wed	1000	2330			
Thur	1000	2330	State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Fri	1000	2330			
Sat	1000	2330	Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun	1000	2230			

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	2300	2330			
Tue	2300	2330	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	2300	2330			
Thur	2300	2330	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	2300	2330			
Sat	2300	2330			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input checked="" type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon	1000	2330						
Tue	1000	2330						
Wed	1000	2330						
Thur	1000	2330				Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	1000	2330						
Sat	1000	2330						
Sun	1000	2230						

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Elizabeth Daish	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) [REDACTED]	

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).

None

L

<p>Hours premises are open to the public Standard days and timings (please read guidance note 7)</p>			<p>State any seasonal variations (please read guidance note 5)</p>
Day	Start	Finish	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)</p>
Mon	0800	0000	
Tue	0800	0000	
Wed	0800	0000	
Thur	0800	0000	
Fri	0800	0000	
Sat	0800	0000	
Sun	0800	2300	

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

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)

Please refer to the attached schedule of conditions for the promotion of all four licensing objectives.

b) The prevention of crime and disorder

Please refer to box a) above

c) Public safety

Please refer to box a) above

d) The prevention of public nuisance

Please refer to box a) above

e) The protection of children from harm

Please refer to box a) above

Checklist:

Please tick to indicate agreement


- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Submission - LA to serve RA's**
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15).

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

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.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	21/06/2017
Capacity	Thomas & Thomas Partners LLP as solicitors on behalf of the applicant

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) ref: JS/AC/EAS.3.1 Thomas & Thomas Partners LLP [REDACTED]			
Post town	London	Postcode	[REDACTED]
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) [REDACTED]			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for ‘not-for-profit’ film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:

The Lodge
Tower Cemetery Park
Southern Grove, E3 4PX

New Premises Licence – Proposed Conditions

- 1 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;
- 2 CCTV camera system covering both internal and external to the premises is to be installed;
- 3 The CCTV recordings are to be maintained for 30 days and to be provided upon request to either a police officer or any officer of any other Responsible Authority;
- 4 At all times when the premises is open, a person who can operate the CCTV system must be present on the premises;
- 5 An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - a) All crimes reported to the venue;
 - b) All ejections of patrons;
 - c) Any complaints received;
 - d) Any incidents of disorder;
 - e) All seizures of drugs or offensive weapons;
 - f) Any faults in the CCTV system;
 - g) Any refusal of the sale of alcohol;
 - h) Any visit by a relevant authority or emergency service.
- 7 Clear signage is to be displayed prominently and maintained at all exits of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents;
- 8 Refuse, including bottles are to be taken and placed into receptacles outside the premises at times which will minimise the disturbance to nearby premises;
- 9 No drinks to be taken outside after 23:00hrs (including external area);
- 10 No more than 10 smokers allowed to smoke in the external areas after 23:00hrs;
- 11 No music or amplified sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
- 12 All windows and external doors shall be kept closed after 22:00hrs, except for the immediate access & egress of persons.

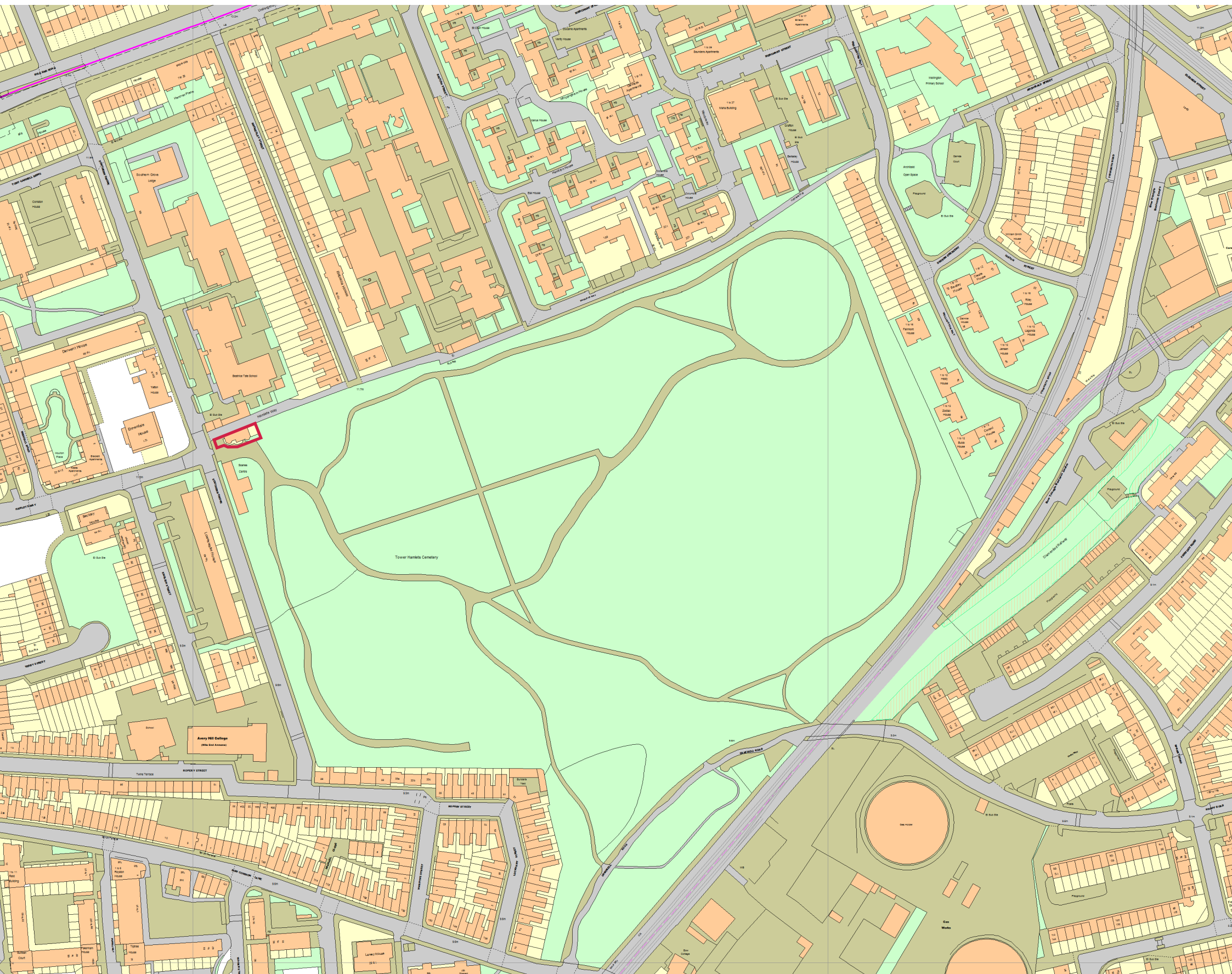
- 13 No licensable activities in the external area after 23:00.
- 14 Alcohol consumed in the yard shall be in polycarbonate, plastic or other non-glass drinks containers only.
- 15 There shall be no off-sales from the premises, except to persons using the premises designated external seating areas.

Appendix 2

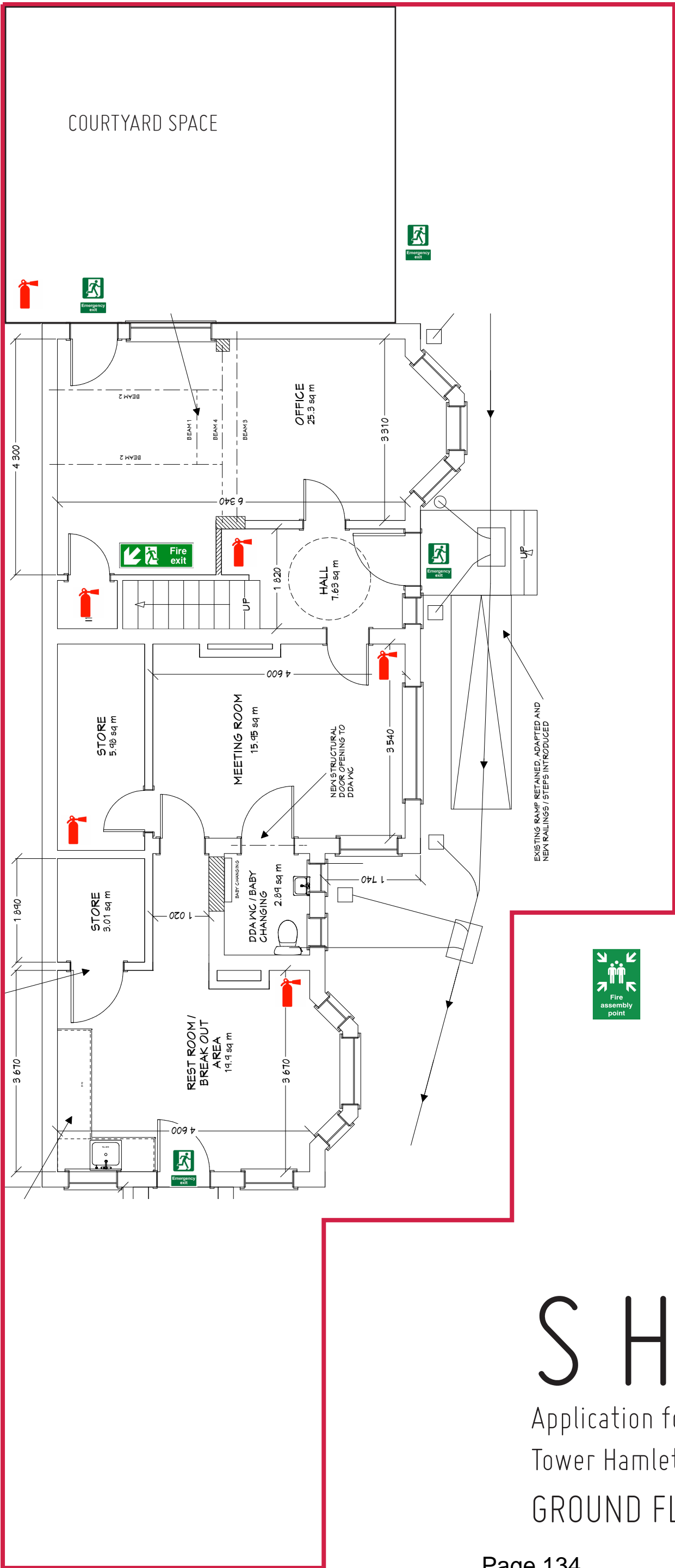
SHUFFLE

HEAD OFFICE
68 HANBURY STREET, E1 5JL
shufflefestival.com

Application for premises license at The Lodge,
Tower Hamlets Cemetery Park, E3 4PX



SCALE
1:2500 @ A3



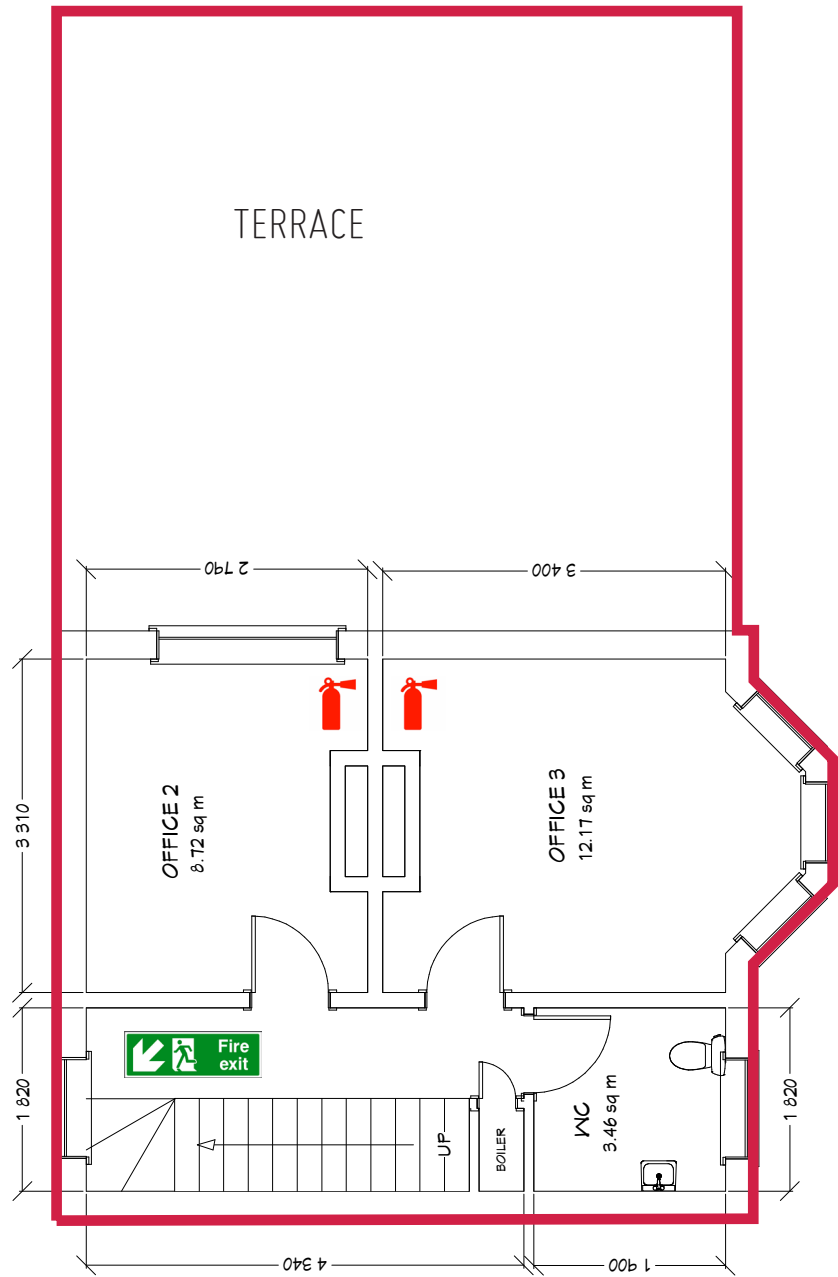
SCALE
1:75 @ A3

-  Fire assembly point
-  Fire extinguisher
-  Emergency exit
-  Stair to fire exit

SHUFFLE

Application for premises license at The Lodge,
Tower Hamlets Cemetery Park, E3 4PX

GROUND FLOOR PLAN



SCALE
1:75 @ A3



Fire assembly point



Fire extinguisher



Emergency exit



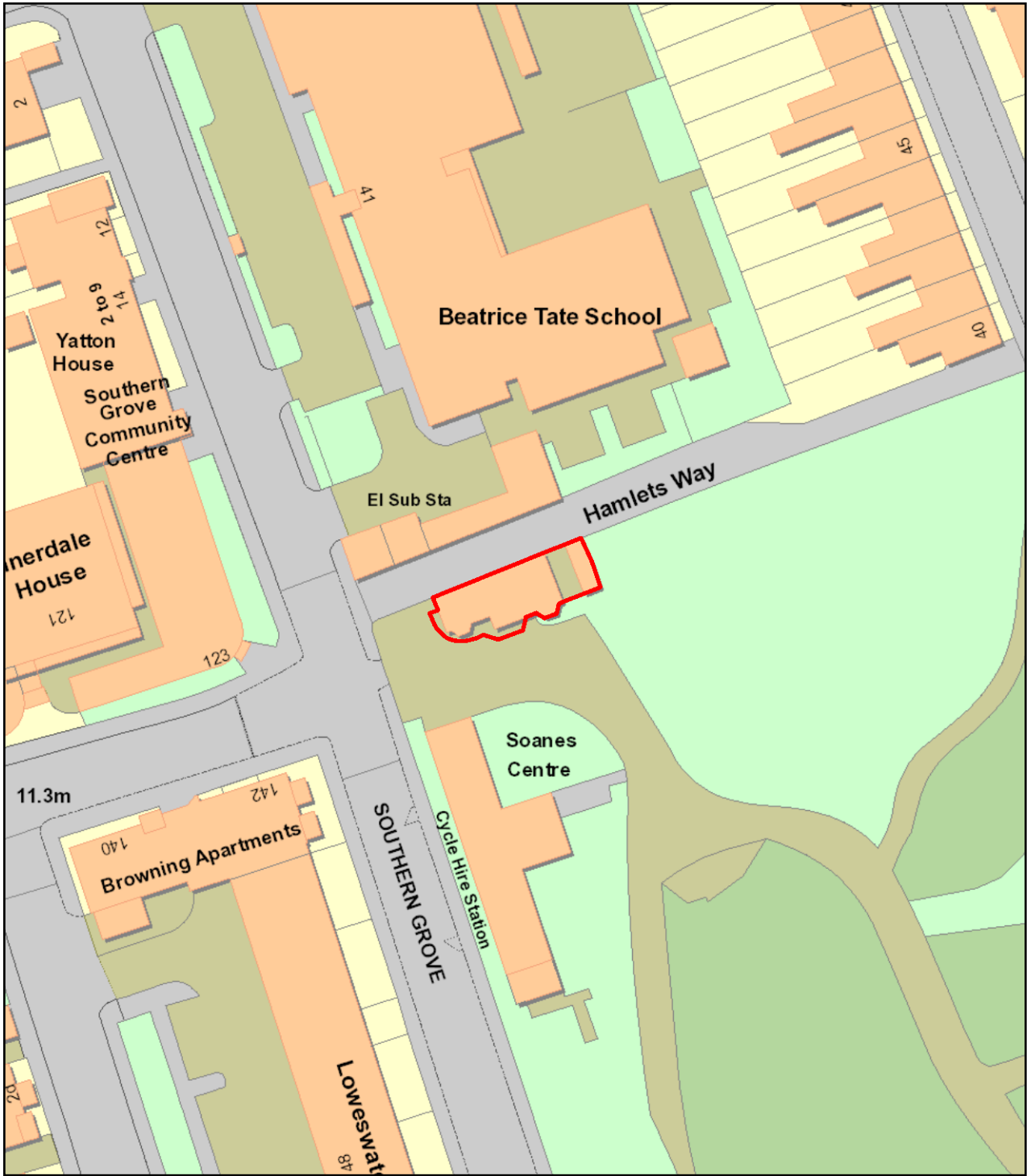
Stair to fire exit

SHUFFLE

Application for premises license at The Lodge,
Tower Hamlets Cemetery Park, E3 4PX

FIRST FLOOR PLAN

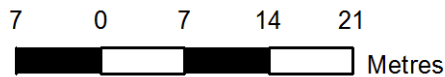
Appendix 3



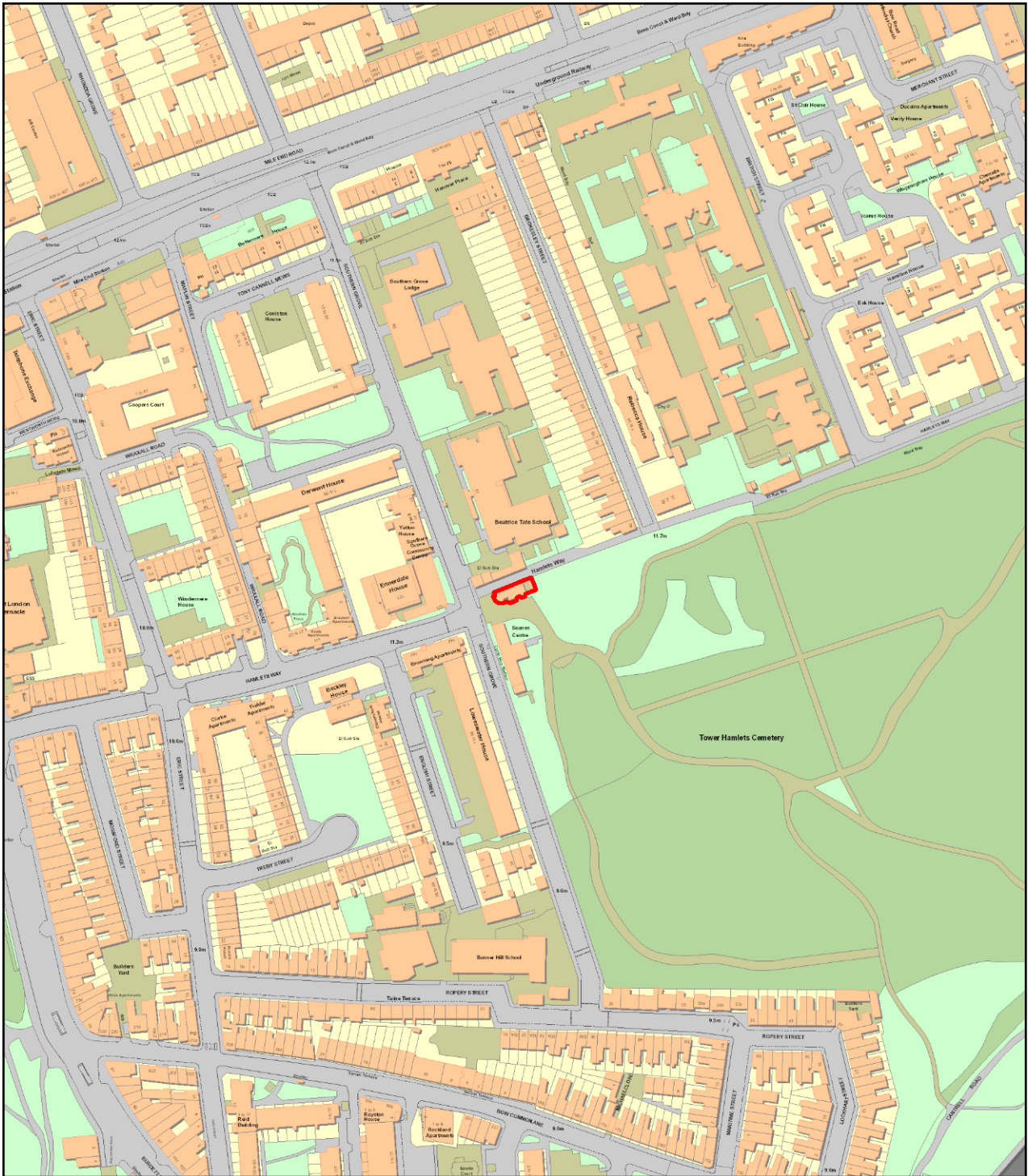
The Lodge



Scale 1:769



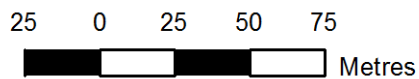
Produced by London Borough of Tower Hamlets on 26/07/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



The Lodge



Scale 1:3074



Produced by London Borough of Tower Hamlets on 26/07/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 4

The Lodge, Cemetery Park

Name and address	Licensable activities and hours	Opening hours
(Pizza Go Go) 86 Hamlets Way London E3 4SY	Late Night Refreshment <ul style="list-style-type: none"> • Sunday to Thursday, 23:00 hours to 12midnight Friday and Saturday, 23:00 hours to 12:30 hours 	<ul style="list-style-type: none"> • Sunday to Thursday, 11:00 hours to 12midnight • Friday and Saturday, 11:00 hours to 12:30 hours
(Bottle and Basket) 90 Hamlets Way London E3 4SY	Alcohol shall not be sold or supplied except during permitted hours (off sales). In this condition, permitted hours means: <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m. c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. d. On Good Friday, 8 a.m. to 10.30 p.m. <p>For conditions relating to times re off sales see Mandatory Conditions</p>	<ul style="list-style-type: none"> • There are no restrictions on the hours during which this premises is open to the public
(Nisa Local) 9 Burdett Road Mile End London E3 4TU	The sale by retail of alcohol (Off sales only) <ul style="list-style-type: none"> • Monday to Sunday from 09:00 hours to 23:00 hours 	Monday to Sunday from 07:00 hours to 23:00 hours
(Caroline's Pizza) 31 Burdett Road London E3 4TN	Late Night Refreshment <ul style="list-style-type: none"> • Monday to Thursday from 23:00hrs to 01:00hrs (the following day) • Friday to Sunday from 23:00hrs to 01:30hrs (the following day) 	<ul style="list-style-type: none"> • Monday to Thursday from 11:00hrs to 01:00hrs (the following day) • Friday to Sunday from 11:00hrs to 01:30hrs (the following day)
(Mile End Post Office) Unit 2 Bleadon House 13 Burdett Road London E3 4TU	The sale by retail of alcohol (Off Sales) <ul style="list-style-type: none"> • Monday to Sunday from 08:00 hours to 19:00 hours 	<ul style="list-style-type: none"> • Monday to Sunday from 07:00 hours to 19:00 hours

The Lodge, Cemetery Park

<p>(Perfect Fried Chicken) 43 Burdett Road Mile End London E3 4TN</p>	<p>Late Night Refreshment - Indoors and Outdoors</p> <ul style="list-style-type: none"> • Monday to Sunday, 23:00 hours to 02:00 hours the following day 	<ul style="list-style-type: none"> • Monday to Sunday, 10:00 hours to 02:00 hours the following day
<p>Spice Hut 51 Burdett Road London E3 4TN</p>	<p>Late Night Refreshment</p> <ul style="list-style-type: none"> • Monday to Saturday from 23 00 hrs to 0030 hrs • Sunday, from 23 00 hrs to midnight 	<ul style="list-style-type: none"> • Monday to Saturday from 23 00 hrs to 0030 hrs • Sunday from 23 00 hrs to midnight
<p>(Oho Shop) 61 Burdett Road London E3 4TN</p>	<p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> • Monday to Sunday, from 10:00 hours to 22:00 hours 	<ul style="list-style-type: none"> • Monday to Sunday, from 10:00 hours to 22:00 hours

Appendix 5

**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 6

Mohshin Ali

From: Nicola Cadzow
Sent: 19 July 2017 12:15
To: Licensing; Mohshin Ali
Cc: 'Alan.D.Cruickshank [REDACTED]'; Mohshin Ali; 'Jack Spiegler'; 'Amy Catlin'
Subject: RE: Premise License Application for Tower Hamlets Cemetery, Cemetery Lodge", Southern Grove, London ref M/101359

Dear Licensing,

Whilst agreement has been made with the Solicitor for the Applicant regarding most aspects of the Premise License Application for Tower Hamlets Cemetery, Cemetery Lodge, Southern Grove, London ref M/101359, I do not believe that the licensing objective for the Prevention of Public Nuisance will be met by allowing the use of the outdoor area after 2200 hours, considering such proximity to residential premises.

As we have not reached an agreement with the applicant on hours for the outdoor use of Tower Hamlets Cemetery, Cemetery Lodge, please take this as my objection to the License Application.

I am willing to withdraw my objection If the applicant agrees to outdoor use until 2200 hours only, and not 2300 hours as per original application.

Kind regards

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

From: Nicola Cadzow
Sent: 18 July 2017 15:36
To: 'Jack Spiegler'; Amy Catlin
Cc: Alan.D.Cruickshank [REDACTED]; Mohshin Ali
Subject: RE: Premise License Application for Tower Hamlets Cemetery Cemetery Lodge", Southern Grove, London ref M/101359

Dear Jack,

I think you will need to talk to Arts and Events, if they received any complaints, as I didn't raise any complaints at the recent meeting. My concern was regarding your clients wanting to have regulated entertainment until 0100 hours in an outdoors area for one of the TENs for Shuffle, particularly when the event will be in close proximity to noise sensitive residential premises. We have big events, including the recent Lovebox event in Tower Hamlets, where thousands of people attend, and they operate until 2300 hours Friday and Saturday, and Sunday till 2230 hours.

I think you have to appreciate that a Temporary Event Notice, being one off events are a different matter to an application for a Premise License. The Police and Environmental Protection have to consider that a License Premise is for the life of the business. Use of the premises would include regular use of the outdoor area, with residents in such close proximity, taking in to account the fact that the outdoor area is not an enclosed space and difficult to

control persons wandering into Tower Hamlets Cemetery. We have to give thought to the probability of complaints, with serious consideration of the licensing objectives for the Prevention of Crime and Disorder and Public Nuisance.

For your information, Licensing has received several objections from Residents to your Client's license application.

Kind regards

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

From: Jack Spiegler [REDACTED]
Sent: 18 July 2017 13:03
To: Nicola Cadzow; Amy Catlin
Cc: [Alan.D.Cruickshank](#) [REDACTED]; Mohshin Ali
Subject: Re: Premise License Application for Tower Hamlets Cemetery Cemetery Lodge", Southern Grove, London ref M/101359

Dear Nicola

Thanks for your email.

Please see comments below in red.

Please can you also get back to me in respect of my email attached. Please consider this as a Freedom of Information Act request if necessary.

Thanks and kind regards

Jack

From: Nicola Cadzow <[REDACTED]>
Date: Tuesday, 18 July 2017 at 10:23
To: Jack Spiegler [REDACTED] >, Amy Catlin [REDACTED] >
Cc: [REDACTED]
Subject: Premise License Application for Tower Hamlets Cemetery Cemetery Lodge", Southern Grove, London ref M/101359

Dear Jack, Amy

Both Alan and I, have no objections to Premise License Application for Tower Hamlets Cemetery Cemetery Lodge, Southern Grove, London ref M/101359, on the agreement to the following:

All Licensable Activities (Alcohol, Plays, Films, Live Music, Recorded Music, Anything Similar, Late Night refreshment):-

Sun: As per application – with amended to the application for Sunday as appears *recorded music till 2330 hours on Sunday to be amended to read 2230 hours (in line with hours and other licensable activities AGREED*

Mon-Sat : to finish at 2330. closing midnight. **AGREED**

To remove off sales **Off sales are subject to the following condition: *There shall be no off-sales from the premises, except to persons using the premises designated external seating areas.***

Conditions

1. The use of the yard to end at 2200 (agreed with noise and LBTH Licensing) **23.00 is consistent with the complaint free use of the Lodge under TENs and is maintained.**
2. All drinks in the yard to be in plastic containers **The following condition was already proposed with the application: “Alcohol consumed in the yard shall be in polycarbonate, plastic or other non-glass drinks containers only”**
3. 10 smokers outside at one time **So far as I can see, this was not requested in your rep in respect of the last application so I need to take instructions.**

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. **CCTV conditions were proposed with the application.**

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, **Already proposed with the application.**

(Can cameras cover both The Lodge and external yard)

Noise conditions to apply:

1. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents **Already proposed with the application.**
2. Loudspeakers shall not be located in the entrance lobby or outside the premise building. **Already proposed with the application.**
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 **Already proposed with the application.**

I await your confirmation to the above.

Kind regards

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

Appendix 7

Place Directorate
Public Realm

Environmental Health and Trading Standards
David Tolley

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

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

Tel [REDACTED]
Fax [REDACTED]
Enquiries to **Kathy Driver**
Email [REDACTED]

19th July 2017

www.towerhamlets.gov.uk

My reference: P/PR/EHTS/L/101359

Dear Sir/Madam,

Licensing Act 2003
Re: Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

I am writing in my capacity of Licensing Authority in relation to the premises licence application for the above address.

I wish to make representation under the Prevention of Public Nuisance objective. I am concerned that the application requests licensable activities particularly regulated entertainment outdoors when the premises are so close to residential properties and the impact of ASB on the surrounding area.

The premise is a lodge within Tower Hamlets Cemetery Park of which there is a vast area of cemetery land/park which I believe is open 24 hours. The Cemetery, from their website, is deemed as "one of London's Magnificent Victorian cemeteries" of which remains a site of interest for local historians. With this in mind I have concerns that the customers under the influence of alcohol will be able to wander within the cemetery grounds and cause ASB and potentially harm the historic site. I have been advised the park is maintained by volunteers, by having a licensed site where customers can have access could cause rubbish, glass and debris to be left around the site to the detriment of those volunteers and the enjoyment of those visiting. The applicant has addressed some element of the concern of off sales by offering conditions such as;

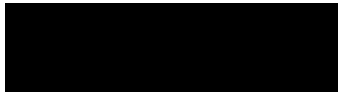
"15. There shall be no off-sales from the premises, except to persons using the premises designated external seating areas"; and

“14. Alcohol consumed in the yard shall be in polycarbonate, plastic or other non-glass drinks containers only”
however the applicant fails to address the issue of customers leaving with their drinks and causing ASB within the Cemetery Park as there are no boundaries between the areas.


I would ask that the applicant to consider a condition, “No drinks shall be taken off the licensed area” in addition to the above conditions. It should be noted that any consumption within the area marked red in the plan would be deemed as an on sale and therefore question why the applicant has applied for off sales.

In addition I ask the applicant to clarify conditions relating to the external area whether they mean both outside areas, the Courtyard area and the external yard area.

Yours sincerely,



Kathy Driver
Principal Licensing Officer

c.c. Amy Catlin, Email: 

Appendix 8

Mohshin Ali

From: Alan.D.Cruickshank [REDACTED]
Sent: 19 July 2017 13:07
To: JSpiegler [REDACTED]; Nicola Cadzow; ACatlin [REDACTED]
Cc: Mohshin Ali
Subject: Premise License Application for Tower Hamlets Cemetery Cemetery Lodge", Southern Grove, London ref M/101359

Hi Jack

It looks likely we will end up at a licensing committee regarding the 2200 finish for the yard and the amount of smokers outside.

Best wishes

Alan

From: Jack Spiegler [REDACTED]
Sent: 18 July 2017 13:03
To: Nicola Cadzow; Amy Catlin
Cc: Cruickshank Alan D - HT; Mohshin Ali
Subject: Re: Premise License Application for Tower Hamlets Cemetery Cemetery Lodge", Southern Grove, London ref M/101359

Dear Nicola

Thanks for your email.

Please see comments below in red.

Please can you also get back to me in respect of my email attached. Please consider this as a Freedom of Information Act request if necessary.

Thanks and kind regards

Jack

From: Nicola Cadzow [REDACTED]
Date: Tuesday, 18 July 2017 at 10:23
To: Jack Spiegler [REDACTED] >, Amy Catlin <[REDACTED]>
Cc: "Alan.D.Cruickshank [REDACTED]"
"mohshin.ali [REDACTED]"
Subject: Premise License Application for Tower Hamlets Cemetery Cemetery Lodge", Southern Grove, London ref M/101359

Dear Jack, Amy

Both Alan and I, have no objections to Premise License Application for Tower Hamlets Cemetery Cemetery Lodge, Southern Grove, London ref M/101359, on the agreement to the following:

All Licensable Activities (Alcohol, Plays, Films, Live Music, Recorded Music, Anything Similar, Late Night refreshment):-

Sun: As per application – with amended to the application for Sunday as appears *recorded music till 2330 hours on Sunday to be amended to read 2230 hours (in line with hours and other licensable activities*

AGREED

Mon-Sat : to finish at 2330. closing midnight. **AGREED**

To remove off sales **Off sales are subject to the following condition: *There shall be no off-sales from the premises, except to persons using the premises designated external seating areas.***

Conditions

1. The use of the yard to end at 2200 (agreed with noise and LBTH Licensing) **23.00 is consistent with the complaint free use of the Lodge under TENS and is maintained.**
2. All drinks in the yard to be in plastic containers **The following condition was already proposed with the application: “Alcohol consumed in the yard shall be in polycarbonate, plastic or other non-glass drinks containers only”**
3. 10 smokers outside at one time **So far as I can see, this was not requested in your rep in respect of the last application so I need to take instructions.**

CCTV

The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. **CCTV conditions were proposed with the application.**

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, **Already proposed with the application.**

(Can cameras cover both The Lodge and external yard)

Noise conditions to apply:

1. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents **Already proposed with the application.**
2. Loudspeakers shall not be located in the entrance lobby or outside the premise building. **Already proposed with the application.**
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 **Already proposed with the application.**

I await your confirmation to the above.

Kind regards

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

*

Appendix 9

Mohshin Ali

From: Richard and Georgina Andrews [REDACTED]
Sent: 16 July 2017 22:24
To: Licensing
Subject: Ref CLC/EHTS/LIC/100359 Tower Hamlets Cemetery, Cemetery Lodge Licensing Representation
Attachments: Tower Hamlets Cemetery representation 100359.docx

Dear Ms Driver

Please find attached our representation concerning noise nuisance in regard to the licensing application from Tower Hamlets Cemetery, Cemetery Lodge, Southern Grove, London, E3 4PX.

We would be grateful if you could acknowledge receipt.

Yours sincerely

Richard and Georgina Andrews
[REDACTED]

Ref CLC/EHTS/LIC/100359

Licensing Act 2003

Tower Hamlets Cemetery, Cemetery Lodge, Southern Grove, London, E3 4PX

Representation on basis of prevention of public nuisance

Richard Andrews and Georgina Andrews

The premises are situated on a quiet backstreet in the middle of a densely populated, residential area with a substantial number of families. There are no other licensed premises in the immediate streets. Traffic and footfall in the area is normally very light. We live approximately 100m as the crow flies from the premises.

When the cemetery has hosted previous short term outdoor events, the noise nuisance to local residents on Southern Grove, Hamlets Way and Brokesley Street, including us, has been substantial. Primarily the noise nuisance has been from amplified sounds and music but there has been a secondary nuisance from people leaving the venue and speaking and shouting outside buildings on normally very quiet streets.

We personally had our primary age children's sleep disturbed repeatedly by these events, causing substantial sleep deprivation. We had to close windows in the summer months to reduce noise levels, creating discomfort. We also had to delay our own bedtime until the events have completed. In the short term this was a nuisance, but potentially seven days a week when we have to be up for work and our children for school, this would have a substantial impact on our well being.

The applicant has requested a license for occasional performances of indoor and outdoor plays, film, live music and unspecified other entertainment until 2330 Mon-Sat and 2230 Sun and recorded music until 2330 7 days a week, generally as background levels sometimes as a primary entertainment, either indoor or outdoor. The frequency of these occasional events and the ratio of outdoor versus indoor has not been estimated.

The applicant states in their proposed conditions attached to their application "11 No music or amplified sound shall be generated on the premises to give rise to nuisance to neighbouring residents" but any amplified sound outside after 8pm will generate nuisance for us, especially our children. They only give assurance any noise will be controlled from 10pm which is very late for children. There will still be noise after 10pm too, as people come and go and drink and smoke outside: "12 All windows and external doors shall be kept closed after 22:00, except for immediate access & egress of persons" and "9 No drinks to be taken outside after 23:00" and "10 No more than 10 smokers allowed to smoke in the external areas after 2300". Altogether the outdoor noise pollution from the venue could be substantial late into the evening.

The licensee proposes (point 7 on application) to put up signage reminding patrons to leave quietly to respect local residents but we believe these have limited effect in an area like ours, where most buildings are directly adjacent to footpaths and even an increase in quieter talking carries into nearby buildings. Experience also shows us that patrons of previous events at the venue have not been very good at heeding this advice.

The current lodge, built in the 1950s, was not designed as a music venue and may fall short in terms of containing noise and vibration from amplified sound inside even with doors and windows closed.

Due to the potential public nuisance as a result of a substantial increase in night time noise this licence would cause to local residents, we ask the licensing officer to turn down the application.

Appendix 10

Mohshin Ali

From: ANDREW T ROBERTS [REDACTED]
Sent: 13 July 2017 16:58
To: Licensing
Subject: Re: The Lodge, Tower Hamlets Cemetery Park, Southern Gove, E3 4PX

Follow Up Flag: Follow up
Flag Status: Completed

Mohshin,

Thank you for your email. My full complete address is:

[REDACTED]
[REDACTED]
London
E3 [REDACTED]

Cheers,

Andy Roberts

On Jul 13, 2017, at 4:54 PM, Licensing [REDACTED] wrote:

Dear Mr Roberts,

Licensing Act 2003

Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX
App ref - L1U: 101359

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

Please note that we require your full address in order to deem your representation to be valid and it will become a public document (address redacted) in due course. Also, the applicant is entitled to a full, un-redacted copy of your representation. They may wish to contact you to mediate an amendment of their application, in order to address your concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to this email address.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be written to by the Democratic Services at Mulberry Place, 5 Clove Crescent, London E14 2BG of the date, time and venue of the public hearing and invited to attend. Please ensure you have given us your correct address. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Sib-Committee in your absence, please advise Democratic Services and copy us in.

Please note that the last date for the Licensing Authority to receive representations is **19th July 2017**. I am the case officer for this application so you may find it easier to email me directly on [REDACTED]. In the meantime, you can

find further information on our website:
<http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

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

[REDACTED]
[REDACTED]
[REDACTED]

From: ANDREW T ROBERTS [REDACTED]
Sent: 13 July 2017 15:19
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Gove, E3 4PX

To Whom It May Concern,

I'm writing to state that I do **NOT** support the license application for the Lodge in Tower Hamlets Cemetery Park with the information that has been supplied to date.

I live in [REDACTED]. My apartment directly overlooks the entrance into the Cemetery Park. Noise from the area around the Entrance (and along Hamlets Way) is clearly audible within my apartment at all times (even with all windows/patio doors closed). If operations of The Lodge is anywhere near it was when they had it open as a Cafe/Bar for over a week before and after last year's Shuffle Festival, this is something I do not want on a full time basis. I called noise control on a couple nights when the music and people coming in and out of the park was just too much to bear.

Currently The East End Homes Community Centre on Southern Grove Road is hosting lots of events. The noise from the Centre is highly audible throughout the neighbourhood and the spill out of drunken participants during and especially after is a nuisance and is becoming more and more problem some. I can only imagine how much worse things will get with The Lodge having an alcohol license, and hosting several events a year. Aside from Shuffle Festival there have been increasing events being hosted in the park, and the noise and disturbance that occur especially when the events end late make it very difficult to live and sleep at this times.

Rare and infrequent occurrences of these events are tolerable to a degree. But for something to be full time and cause much more frequent events is unacceptable. I support revitalizations of unused urban spaces and support the creativity that they are trying to achieve. But this is a fully residential area and the ongoing activity of outdoor music, alcohol, and events will make living where I do intolerable.

If it was a simple cafe operating from 10am to 6pm with majority of gatherings occurring indoors, no outdoor music, no alcohol, no large events going on into the evening then it likely would work within the neighbourhood.

Please ensure the application is not approved under any circumstances with the given level of information that's been suggested for its operation and use.

Cheers,

Andy Roberts

[Redacted]

London

[Redacted]

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

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[Redacted]

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Appendix 11

Mohshin Ali

From: Roman Werpachowski [REDACTED]
Sent: 14 July 2017 18:12
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Hi,

As a resident of Tower Hamlets who frequently visits the parks in the area, I would like to object to the plans of opening a cafe there in a building located in THCP ("The Lodge"). There are already numerous parks with cafes serving food and alcohol in the area. Tower Hamlets Cemetery Park is a more quiet area and a haven for wildlife. I think that a cafe serving food and drink (esp. alcohol) would not fit the quiet and serene atmosphere of the park (former cemetery), and disturb wildlife. As you can read on this website <http://www.fothcp.org/> THCP is a unique park in London, and we should strive to preserve it that way.

Best regards,
Roman Werpachowski
[REDACTED]
London E1W [REDACTED]

--

<http://www.league.org.uk/our-campaigns/badger-cull>

Appendix 12

Mohshin Ali

From: perry valton [REDACTED]
Sent: 13 July 2017 09:32
To: Licensing
Cc: Shah Alam; Shah Alam
Subject: CLC/EHTS/LIC/100359

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/Madam

CLC/EHTS/LIC/099271

Licensing Act 2003

Tower Hamlets Cemetery, Cemetery Lodge Southern Grove, London, E3 4PX

As a concern resident I am very much against the proposed premise licence for the above mentioned property to sell alcohol of any kind or use to operate as a premise to conduct any business or such of the same nature.

Every summer there is happenings going on in the Tower Hamlets Cemetery on Southern Grove Road and I have to put up with loads of noises from the customers and the squeaking of the gates that needs greasing, each time it opens and shuts. This goes into early hours of the mornings when there is a gathering which goes on throughout the summer months

There must be some consideration for residence who would love to get peaceful nights of sleep. This license to sell alcohol will only bring drunkenness, strange people and loitering in this quite neighbourhood.

There is a Special Need School right beside the Cemetery, this need to be the biggest concern. Think of the effect this will have on the children.

At the moment there are way too many vehicles that is using Southern Grove and Hamlets Way as a drive through to cut out main traffic from Mile End Road. Residents of this once peaceful area has to be very extra careful when crossing these two roads due heavy overflow of traffic

I am strongly against and totally outrage at this license being issued as requested to sell alcohol. This license to sell alcohol will only attracts too many strangers to this once quite neighbourhood.

The Cemetery will have customers all hours of the night, this should be a peaceful and quite place. The dead needs to rest in peace, that's why they were buried there in the first place

I do hope that my concerns are taken into consideration the premise can put to much better use which will benefit the local community more profoundly.

Respectfully yours

Perry Valton

Concerned resident of [REDACTED] E3 [REDACTED]

Appendix 13

Mohshin Ali

From: Alistair Brown [REDACTED] >
Sent: 13 July 2017 16:27
To: Licensing
Subject: Re: The Lodge, Tower Hamlets Cemetery Park, E3 4PX

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir, Madam,

Please see my updated representation below.

I am writing to express my support for the Premises Licence Application for the Lodge in Tower Hamlets Cemetery Park, which has been a key part of Shuffle Festival and other community events in the park, and which deserves a Licence in order to continue to develop the area in a friendly and inclusive way. I do not believe that the granting of a licence will result in an increase in public nuisance, local crime and disorder, a danger to public safety or increased harm to children, given that the lodge is situated within the bounds of the cemetery park and is already used chiefly for community events, festivals and similar gatherings, and the development plans do not radically change this state of affairs.

Best regards,

Alistair Brown

[REDACTED]
[REDACTED]
London,
E1 [REDACTED]

On 13 July 2017 at 16:11, Licensing [REDACTED] > wrote:

Dear Sir/Madam,

Licensing Act 2003

Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

App ref - L1U: 101359

Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid and it does not contain enough information.

Under the Licensing Act 2003, your representation must be about the likely effect of the grant of the premises licence on the promotion of one or more of the following licensing objectives:

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

- *public safety*
- *the protection of children from harm*

Another requirement for your representation to be valid is that we require your full address.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. If you do make a valid representation, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (address redacted) and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is **19th July 2017**. I am the case officer for this application so you may find it easier to email me directly on

[REDACTED]. In the meantime, you can find further information on our website:

<http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

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

[REDACTED]



From: Alistair Brown [REDACTED]
Sent: 13 July 2017 15:15
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, E3 4PX

Dear Sir, Madam,

I am writing to express my support for the Premises Licence Application for the Lodge in Tower Hamlets Cemetery Park, which has been a key part of Shuffle Festival and other community events in the park, and which deserves a Licence in order to continue to develop the area in a friendly and inclusive way.

Best regards,

Alistair Brown

E1 [REDACTED]

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

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Appendix 14

Mohshin Ali

From: Reid, Barry <[REDACTED]>
Sent: 17 July 2017 16:34
To: Licensing
Subject: RE: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

As per your request below.

My full name and address: Barry Reid, [REDACTED] E3 [REDACTED]

- Shuffle have not only benefited the local community over the last few years, but their management team have proven they can professionally manage events without causing public nuisance, crime or disorder. I am confident the Shuffle team can transfer this valuable experience to the Lodge to ensure the promotion of the licensing objectives.
- Shuffle are sympathetic to the local community and will ensure the operation of the Lodge does not contribute to public nuisance in the area. Regulated entertainment provided at Shuffle festivals has always been considerate and sympathetic to local residents. This will be the same at the Lodge.
- Increased use of the Lodge by an organisation like Shuffle will help introduce a new safe presence to the park. This will provide natural surveillance and help reduce crime and disorder occurring in the park.
- The proposed hours for licensable activities and premises licence conditions offered by Shuffle are appropriate and will ensure the promotion of all four licensing objectives.
- Shuffle's activities are always inclusive and family friendly. Notwithstanding, the supply of alcohol at events and the Lodge will be subject to Shuffle's responsible sale of alcohol procedures and age verification policies.
- Shuffle take great care in designing and risk assessing the use of spaces in the park meaning any activity at the Lodge will be safe for members of the public.

Any questions please let me know.

Kind regards
Barry

From: Mohshin Ali [REDACTED] **On Behalf Of** Licensing
Sent: 13 July 2017 14:28
To: Reid, Barry [REDACTED]
Subject: RE: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Sir/Madam,

Licensing Act 2003
Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX
App ref - L1U: 101359

Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid and it does not contain enough information.

Under the Licensing Act 2003, your representation must be about the likely effect of the grant of the premises licence on the promotion of one of more the following licensing objectives:

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

Another requirement for your representation to be valid is that we require your full address.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. If you do make a valid representation by providing your full address, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (address redacted) and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is **19th July 2017**. I am the case officer for this application so you may find it easier to email me directly on [REDACTED].

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

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

[REDACTED]



From: Reid, Barry [REDACTED]
Sent: 13 July 2017 14:02
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

To whom it may concern,

I wish to voice my support for the licence application for the lodge in Tower Hamlets Cemetery Park.

I am a resident of [REDACTED] and I would welcome such a development.

Kind regards
Barry Reid

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

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Appendix 15

Mohshin Ali

From: Duncan Drury [REDACTED]
Sent: 17 July 2017 07:37
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

I would like to give my support for the premissis license for the lodge in tower Hamlets cemetery park. This currently unused building in the park would make a great addition to the community, and change in a positive way the use of the park, extending its appeal. I live near the park and walk through it daily taking my kids to Bonner Mile End school, as well as to and from work. The park feels an underused resource in the community. Talking to other parents at the school, many are nervous of the park for a variety of reasons. It's an old cemetery. There is an unfounded perception it may be dangerous. It remains unknown to many.

Opening the lodge would help dispel this hesitance to explore the park by introducing life at its entrance, and a cafe at this location would be a welcome addition.

I do hope the application is successful.

Duncan Drury

[REDACTED]
London E3 [REDACTED]

Appendix 16

Mohshin Ali

From: Debbie So <[REDACTED]>
Sent: 19 July 2017 09:21
To: Licensing; Mohshin Ali
Subject: Re: SUPPORT: The Lodge, Tower Hamlets Cemetery Park, Southern Gove, E3 4PX

Hi Mohshin,

Debbie So & Lynton Pepper both reside at [REDACTED] London E5 [REDACTED]

All the best,

On 18 July 2017 at 11:46, Licensing <[REDACTED]> wrote:

Dear Debbie So,

Licensing Act 2003

Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

App ref - L1U: 101359

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

Please note that we require your full address in order to deem your representation to be valid and it will become a public document (address redacted) in due course. Also, the applicant is entitled to a full, un-redacted copy of your representation.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be written to by the Democratic Services at Mulberry Place, 5 Clove Crescent, London E14 2BG of the date, time and venue of the public hearing and invited to attend. Please ensure you have given us your correct address. If you do not attend the Hearing, the decision may still be made in your absence. Should you wish to make additional comments to the Sib-Committee in your absence, please advise Democratic Services and copy us in.

Please note that the last date for the Licensing Authority to receive representations is **19th July 2017**. I am the case officer for this application so you may find it easier to email me directly on

[REDACTED]. In the meantime, you can find further information on our website:

<http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

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



From: Debbie So [REDACTED]
Sent: 16 July 2017 17:34
To: Licensing
Subject: SUPPORT: The Lodge, Tower Hamlets Cemetery Park, Southern Gove, E3 4PX

Dear Tower Hamlets licensing team,

I am an avid supporter of the Shuffle Festival, and I would like to submit my comments in support of The Lodge licence application.

My partner and I are both working professionals (an architect and strategic consultant at Deloitte, respectively) and residents of Tower Hamlets. We've both thoroughly enjoyed experiencing the growth and development of brilliantly co-created, ambitious community initiatives like the Shuffle Festival.

I've attended Shuffle events since 2013, and I sincerely believe:

- Shuffle have not only benefited the local community over the last few years, but their management team have proven they can professionally manage events without causing public nuisance, crime or disorder. I am confident the Shuffle team can transfer this valuable experience to the Lodge to ensure the promotion of the licensing objectives.
- Shuffle are sympathetic to the local community and will ensure the operation of the Lodge does not contribute to public nuisance in the area. Regulated entertainment provided at Shuffle festivals has always been considerate and sympathetic to local residents. I expect this will be the same at the Lodge.
- Increased use of the Lodge by an organisation like Shuffle will help introduce a new safe presence to the park. This will provide natural surveillance and help reduce crime and disorder occurring in the park.
- Shuffle's activities are always inclusive and family friendly. Notwithstanding, the supply of alcohol at events and the Lodge will be subject to Shuffle's responsible sale of alcohol procedures and age verification policies.

- Shuffle take great care in designing and risk assessing the use of spaces in the park meaning any activity at the Lodge will be safe for members of the public.

Please feel free to contact me if you have any follow up or queries.

Cheers,

--

Debbie So

Working Together for a Better Tower Hamlets

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

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--

debbie so

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 17

Mohshin Ali

From: Dan Stowell [REDACTED]
Sent: 18 July 2017 11:51
To: Mohshin Ali
Subject: Re: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Hi

My address: [REDACTED], E3 [REDACTED]

As a local resident, I'm confident that the visibility of the site (i.e. on the boundary of the park, near the main gate), combined with the proposed cctv monitoring and the clear limits on the times and nature of the outdoor activities, and the demonstrated competence of the applicants in managing previous festivals, will ensure public safety and the prevention of nuisance/crime/disorder. I feel that the presence of an interesting venue in the area will lead to a diverse footfall which will also make the area feel safe.

Thanks

Dan

2017-07-18 11:38 GMT+01:00 Licensing [REDACTED]:

> Dear Sir/Madam,

>
> Licensing Act 2003
> Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3
> 4PX App ref - L1U: 101359

>
> Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid and it does not contain enough information.

>
> Under the Licensing Act 2003, all representations must be about the likely effect of the grant of the premises licence on the promotion of one or more the following licensing objectives:

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

>
> Another requirement for your representation to be valid is that we require your full address.

>
> If the representations are not resolved then the matter will be dealt
> with by way of a public hearing by the Tower Hamlets Licensing
> Sub-Committee. If you do make a valid representation, the council's
> Democratic Services will write to you and invite you to the hearing.
> Also, please note that your representation will become a public
> document (address redacted) and the applicant is entitled to a full,
> un-redacted copy of your representation

>
> Please note that the last date for the Licensing Authority to receive
> representations is 19th July 2017. I am the case officer for this
> application so please email me directly on
> [REDACTED]. In the meantime, you can find further
> information on our website:

> <http://www.towerhamlets.gov.uk/representation>
>
> If I can be of any further help, do not hesitate to contact me.
>
> Regards
>
> Mohshin Ali - Senior Licensing Officer Licensing, Environmental Health
> & Trading Standards, John Onslow House, 1 Ewart Place, London E3 5EQ

[REDACTED]
[REDACTED]

>
>
>
> -----Original Message-----
> From: Dan Stowell [REDACTED]
> Sent: 16 July 2017 11:55
> To: Licensing
> Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3
> 4PX

>
> Hi
>
> I live in [REDACTED] [REDACTED]) and I've attended the "Shuffle" festival for the past
two years. I have been impressed by the organisation they show, and the fun they bring to our
local cemetery park, and so I'm writing to express my support for the Premises Licence application
for The Lodge. I think it will be good for the area.

>
> Best wishes
> Dan Stowell
>
> --
> <http://www.mclid.co.uk>

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

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2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail
and your reply cannot be guaranteed.

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

Appendix 18

Mohshin Ali

From: justin willson [REDACTED] >
Sent: 15 July 2017 08:13
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

To whom it may concern,

I am writing to show my support for this licensing application. As a long-time resident of LBTH, I have often seen corner shops and other retail premises licensed - only to observe in due course selling of alcohol (and other substances) to underage and vulnerable people.

Unlike such premises, the application for The Lodge at Cemetery Park is a good one. The Shuffle festival has always provided responsible and positive entertainment. It appears respectful and aware of the need to consult with and respect the local community and comply with legal responsibilities.

I hope that you will see fit to agree with it.

Justin Willson

[REDACTED],

[REDACTED]

E2 [REDACTED]

Sent from my iPhone

Appendix 19

Mohshin Ali

From: Leandra O'Sullivan [REDACTED]
Sent: 17 July 2017 17:22
To: Licensing
Cc: AISLING McKEEFY
Subject: Re: The Lodge, Tower Hamlets Cemetery Park, E3 4PX

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I support The Shuffle Festival Hi there,

I am emailing to support The Shuffle Film Festival's premises license application to allow them to put on films, show plays and serve alcohol at the above location. The best part of this small festival is, it welcomes residents unlike the ghastly festivals approved for licences such as Lovebox which left our streets & park spaces filthy with alcohol litter etc... so let's support local community projects such as The Shuffle,

Regards, Leandra O'Sullivan

[REDACTED]
London E3 [REDACTED]

Appendix 20

Mohshin Ali

From: Matthew [REDACTED]
Sent: 19 July 2017 13:06
To: Licensing
Subject: RE: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Mohshin Ali,

Thanks for your email.

I don't see any negative effects of the application related to the four criteria below.

Indeed, I see a positive effect on the prevention of public nuisance, crime and disorder and public safety as a result of the greater community cohesion it would foster. I am very happy to give it my full support.

Regards,

Matthew Brown
[REDACTED]
[REDACTED]
London,
E3 [REDACTED]

From: [Licensing](#)
Sent: 19 July 2017 10:46
To: '[Matthew](#)'
Subject: RE: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Sir/Madam,

Licensing Act 2003

Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX
App ref - L1U: 101359

Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid and it does not contain enough information.

Under the Licensing Act 2003, all representations must be about the likely effect of the grant of the premises licence on the promotion of one or more the following licensing objectives:

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

Another requirement for your representation to be valid is that we require your full address.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. If you do make a valid representation, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (address redacted) and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is today **19th July 2017 (before midnight)**. I am the case officer for this application so please email me directly on [REDACTED]. In the meantime, you can find further information on our website: <http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

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

[REDACTED]



From: Matthew [REDACTED]
Sent: 18 July 2017 22:17
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Sir/Madam,

I'm very happy to support the application for a Premises Licence in order for The Lodge to thrive as a successful cafe and community events space.

I'm a local resident and this would be a very positive addition to Mile End.

Regards,

Matthew Brown

[REDACTED]

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

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Appendix 21

Mohshin Ali

From: Sjors [REDACTED]
Sent: 19 July 2017 20:26
To: Mohshin Ali
Cc: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Mohshin Ali,

I hereby write my updated support for The Lodge.

My address is

[REDACTED]
[REDACTED]
E3 [REDACTED]

The main reason I support the application for the lodge is for the prevention of crime and disorder and the prevention of public nuisance. Currently there are no places accessible to the general public near the Hamlets Way side of Tower Hamlets Cemetery Park and the presence of staff and visitors to the lodge would bring a great contribution to the area.

Thank you,

Sjors Timmer

On Tue, Jul 18, 2017 at 11:50 AM, Licensing [REDACTED] wrote:

Dear Sir/Madam,

Licensing Act 2003

Premises: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

App ref - L1U: 101359

Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid and it does not contain enough information.

Under the Licensing Act 2003, all representations must be about the likely effect of the grant of the premises licence on the promotion of one or more the following licensing objectives:

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

Another requirement for your representation to be valid is that we require your full address.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. If you do make a valid representation, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (address redacted) and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is **19th July 2017**. I am the case officer for this application so please email me directly on [REDACTED]. In the meantime, you can find further information on our website: <http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards

Mohshin Ali - Senior Licensing Officer

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

[REDACTED]



From: Sjors [REDACTED]
Sent: 16 July 2017 21:26
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Hello,

I live in the nearby [REDACTED] (E3 [REDACTED]) and I walk along this location every day. I think a cafe and community event space will be a great addition to the area.

Via this email I want to communicate my support for their Premises Licence application.

Kind regards,

Sjors Timmer

--

<http://notura.com>

Working Together for a Better Tower Hamlets

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

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<http://notura.com>

Appendix 22

Mohshin Ali

From: Nat Fonnesu <[REDACTED]>
Sent: 18 July 2017 23:00
To: Licensing; Mohshin Ali
Subject: Re: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Sir, Madam,

I am a Tower Hamlets resident and this writing is in regards and support to the Premises Licence application for the Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Tower Hamlets Cemetery Park is a wonderful space, still unknown to many local residents and Londoners alike.

Shuffle have not only benefited the local community over the last few years, but their management team have proven they can professionally manage events without causing public nuisance, crime or disorder. You are confident the Shuffle team can transfer this valuable experience to the Lodge to ensure the promotion of the licensing objectives.

Shuffle are sympathetic to the local community and will ensure the operation of the Lodge does not contribute to public nuisance in the area. Regulated entertainment provided at Shuffle festivals has always been considerate and sympathetic to local residents. This will be the same at the Lodge.

Increased use of the Lodge by an organisation like Shuffle will help introduce a new safe presence to the park. This will provide natural surveillance and help reduce crime and disorder occurring in the park.

The proposed hours for licensable activities and premises licence conditions offered by Shuffle are appropriate and will ensure the promotion of all four licensing objectives.

Shuffle's activities are always inclusive and family friendly. Notwithstanding, the supply of alcohol at events and the Lodge will be subject to Shuffle's responsible sale of alcohol procedures and age verification policies.

Shuffle take great care in designing and risk assessing the use of spaces in the park meaning any activity at the Lodge will be safe for members of the public.

Best wishes,

Nathalie Fonnesu

[REDACTED]
[REDACTED]
London E2 [REDACTED]

Mohshin Ali

From: Nat Fonnesu [REDACTED]
Sent: 15 July 2017 07:21
To: Licensing
Subject: The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Dear Sir, Madam,

I am a Tower Hamlets resident and this writing is in regards and support to the Premises Licence application for the Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX

Tower Hamlets Cemetery Park is a wonderful space, still unknown to many local residents and Londoners alike.

Every time I visit the area I struggle in finding places where to eat or have a drink at, as it does not seem to have enough cafes and eateries. I believe the planned redevelopment of The Lodge will certainly add value and bring more visitors to either the Tower Hamlets Cemetery Park and the borough and the licence is very apt.

You sincerely,

Nathalie Fonnesu

[REDACTED]
[REDACTED]
London E2 [REDACTED]

Appendix 23

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 24

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 25

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 - 2.6).

The Guidance recognises working with Home Office Immigration Enforcement in the prevention of immigration crime. Licence conditions that are considered appropriate for the prevention of illegal working in licensed premises might include requiring a premises licence holder to undertake right to work checks on all staff employed at the licensed premises or requiring that a copy of any document checked as part of a right to work check are retained at the licensed premises.

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 26

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 8 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 (2.15 – 2.21).

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 (2.18/2.21).

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 (14.13).

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 27

Planning

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

Appendix 28

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