

LICENSING SUB COMMITTEE

Wednesday, 4 October 2017 at 6.30 p.m.

Committee Room C1, Town Hall, Mulberry Place,
5 Clove Crescent, London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

Farhana Zia, Senior Democratic Services Officer
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 0842
E-mail: farhana.zia@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for an electronic
agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line: (http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 5 - 14)

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

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		

3.1 Application for a Premises Licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ	15 - 82	
--	----------------	--

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

3.2 Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA	83 - 168	
---	-----------------	--

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

**4. 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.

This page is intentionally left blank

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>

This page is intentionally left blank

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.

This page is intentionally left blank

Agenda Item 3.1

Committee : Licensing Sub-Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
---	------	---------------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ Ward affected: Poplar
--	---

1.0 Summary

Applicant: **Mohammed Aziz**

Name and **Tops Pizza**

Address of Premises: **3 West India Dock Road
London
E14 8EZ**

Licence sought: **Licensing Act 2003 – premises licence**
• **The provision of late night refreshment**

Representations: **Residents (petition)**

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

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 **Background**

3.1 This is an application for a premises licence for (Tops Pizza), 3 West India Dock Road, London E14 8EZ.

3.2 The applicant has described the premises as follows:
“A franchise take away (Tops Pizza), which is adjacent to parade of shops, facing a main road”.

3.3 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 provision of late night refreshment - Indoors and outdoors

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

Non-standard timings:

- Vaisaki, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Day, New Year’s Eve and New Years Day, from 23:00 hrs to 03:00 hrs the following day

The opening hours of the premises

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

Non-standard timings:

- Vaisaki, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Day, New Year’s Eve and New Years Day, from 23:00 hrs to 03:00 hrs the following day

3.5 Members may wish to note that late night refreshment are proposed to continue until the premises closes to the public. It is difficult to see how the licence holder will ensure that the licence conditions are met. The problem of course is that if sales continue until the last minute the premises cannot be emptied on time. Members may want to consider a break between the end of the licensable activities and the time the premises closes to the public.

3.6 Following consultation with the Met Police Licensing the applicant has agreed the following timings:

The provision of late night refreshment

- Monday to Thursday, from 23:00 hrs to 01:00 hrs the following day
- Friday and Saturday, from 23:00 hrs to 02:00 hrs the following day
- Sunday, from 23:00 hrs to 00:00 hrs (midnight)

- 3.7 It should be noted that for Sunday, the applicant has applied until midnight (not 01:00 hours as agreed with the).
- 3.8 The applicant may wish to clarify what time the premises will be open to the public in light of the amended 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 This hearing is required by the Licensing Act 2003, because relevant representations (petition) have been made by local residents. Please see **Appendix 6** for the petition.
- 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
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 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
- 6.11 Essentially, the relevant parties oppose the application because in their opinion, 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

- 7.1 *Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.*
- 7.2 *Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.*
- 7.3 *Drivers shall wait inside the premises between deliveries/for deliveries.*
- 7.4 *Home deliveries shall only be carried out by in-house employees of the business*
- 7.5 *The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer.*
- a) *All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.*
 - b) *The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises.*
 - c) *All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.*
 - d) *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 is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.*

- 7.6 *Notice to customers regarding consideration shall be displayed at the entrance and exit*
- 7.7 *Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.*
- 7.8 *No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00*
- 7.9 *An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police.*
- 7.10 *Order is received over the phone by a person who sounds like they may be under 16 years old, staff member will ask to speak to a parent or responsible adult.*

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 Met Police Licensing and Environmental Health Noise have agreed reduced times with the applicant (Please see **Appendix 7**).

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 8 - 13** 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	Representations (petition by residents)
Appendix 7	Conditions agreed with Police and Environmental Health Noise
Appendix 8	Licensing Officer comments on noise while the premise is in use
Appendix 9	Licensing Officer comments on access/egress Problems
Appendix 10	Licensing Officer comments on crime and disorder on the premises
Appendix 11	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 12	Planning
Appendix 13	Licensing Policy relating to hours of trading

This page is intentionally left blank

Appendix 1

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital 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 checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Aziz			First names Mohammed		
			I am 18 years old <input checked="" type="checkbox"/> Please tick yes		
Nationality British					
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 over		I am 18 years old or <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
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
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"/>

Please give a general description of the premises (please read guidance note 1)
A franchise take away (Tops Pizza), which is adjacent to parade of shops, facing a main road.

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

Provision of late night refreshment (if ticking yes, fill in box 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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed			<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)		
Thur					
Fri					
Sat					
Sun					

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 type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur					
			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					
Sat					
Sun					

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			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
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			
Sat			
Sun			

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)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<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 live music</u> (please read guidance note 5)			
Wed						
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

F

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

G

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

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	Please give further details here (please read guidance note 4) Please Note:		
Mon	23:00	02:00			
Tue	23:00	02:00			
Wed	23:00	02:00			
			State any seasonal variations for the provision of late night refreshment (please read guidance note 5) Vaisakhi, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Eve, Christmas Day, New Years Eve, New Years Day 23:00 - 03:00		
Thur	23:00	02:00			
Fri	23:00	03:00			
			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6)		
Sat	23:00	03:00			
Sun	23:00	00:00			

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 type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)					
Mon								
Tue								
Wed								
Thur						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								
Sat								
Sun								

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	
Date of birth	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	

□□□□

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
 None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) Vaisakhi, Diwali, Valentines Day, Sunday before Bank Holiday, Eid, Christmas Eve, Christmas Day, New Years Eve, New Years Day 11:00 - 03:00
Day	Start	Finish	
Mon	11:00	02:00	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)
Tue	11:00	02:00	
Wed	11:00	02:00	
Thur	11:00	02:00	
Fri	11:00	03:00	
Sat	11:00	03:00	
Sun	11:00	00:00	

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)

It will be ensured that all four licensing objectives will be promoted as detailed in each section below:

- Appropriate staff training to be completed, training records shall be made available for inspection upon request by a relevant officer of a responsible authority.
- Part A (the full Premises Licence) either the original or a certified copy should be retained at the premises for production to an authorised person.
- Part B (the summary of the Premises Licence) should be prominently displayed at the venue where it can be easily read by anyone wishing to do so. Please note that both pages of the summary should be visible
- Vehicles used for delivery must switch off their engines when waiting outside of the Premises for the collection of food for delivery.
- Drivers shall wait inside the premises between deliveries/for deliveries.
- A notice shall be displayed by the front door stating the restaurant opening hours.
- Home deliveries shall only be carried out by in-house employees of the business
- No noise generated on the premises, or by its associated plant or equipment, shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

b) The prevention of crime and disorder

- The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer throughout the preceding 31-day period.
- 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 is open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
- Joining neighbourhood schemes and liaising with the local police.
- Prominent signage indicating the permitted hours for the late night refreshment shall be displayed so as to be visible before entering the premises.
- Adequate lighting provided inside and outside the premises.
- Abide by the law

c) Public safety

- To comply with all current, fire and health and safety legislation as required by the law.
- Health and safety risk assessments to be carried out regularly
- All employees will receive training on health and safety & food safety
- Staff to be trained in fire evacuation procedures
- Installation of appropriate and adequate safety equipment

d) The prevention of public nuisance

- Notice to customers regarding consideration shall be displayed at the entrance and exit
- Deliveries of goods will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby businesses and residents. Staff who arrive in the morning or depart late at night will be asked not to cause disturbance to nearby residents.
- Depositing of waste will be at times that minimise any nuisance to nearby neighbours.
- All waste shall be properly presented and placed out for collection no earlier than 30 minutes before the scheduled collection times.
- No rubbish will be moved, removed or placed outside between the hours of 23:00 and 08:00.
- Monitor anti-social behaviour through CCTV.
- Dps contact details shall be clearly displayed for the public living with the vicinity
- An incident log shall be kept at the premises, and made available on request to an authorised officer or the Police

e) The protection of children from harm

Order is received over the phone by a person who sounds like they may be under 16 years old, staff member will ask to speak to a parent or responsible adult.

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.
- 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)


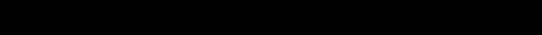
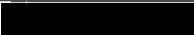

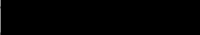
Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 12). If signing on behalf of the applicant, please state in what capacity.

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	31/07/2017
Capacity	Agent

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)			
Hilda Cameron			
			
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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

Signature	[REDACTED]
Date	31/07/2017
Capacity	Agent

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.

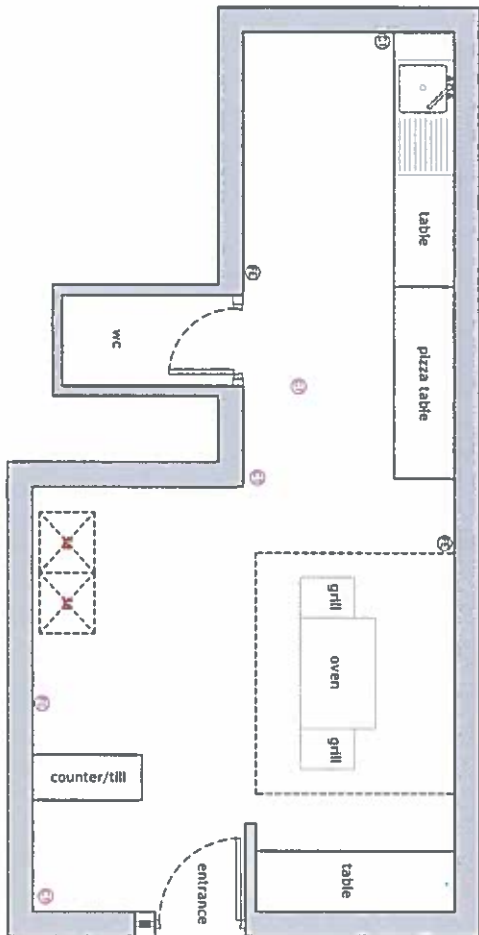
Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
Hilda Cameron	
[REDACTED]	
Post town	[REDACTED]
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

- 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.
- 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

Appendix 2



- KEY**
- SD Smoke detector
 - FE Fire Extinguisher
 - FES Fire Exit
 - CCTV CCTV
 - EL Emergency Light
 - A Access
 - Heat detector
- ALARM SYSTEM TO MONITOR OR SIMILAR FITTED
 SHUTTER PROVIDED
 CCTV MONITOR FOR MIN. 31 DAYS



Drawings to be worked on site
 DO NOT SCALE FROM THIS DRAWING.
 No responsibility is taken for any errors.
 The drawing is the property of V&S DESIGN CAD SERVICES
 on the understanding that it is not to be reproduced, modified or
 distributed in any unauthorised form, either wholly or in part
 without the consent in writing of V&S DESIGN CAD SERVICES
 Ltd.
 Email: vdesign@vdesigncad.co.uk Mobile: 07711083395

Site Address:
 3, West India Dock Road,
 London,
 E14 8EZ

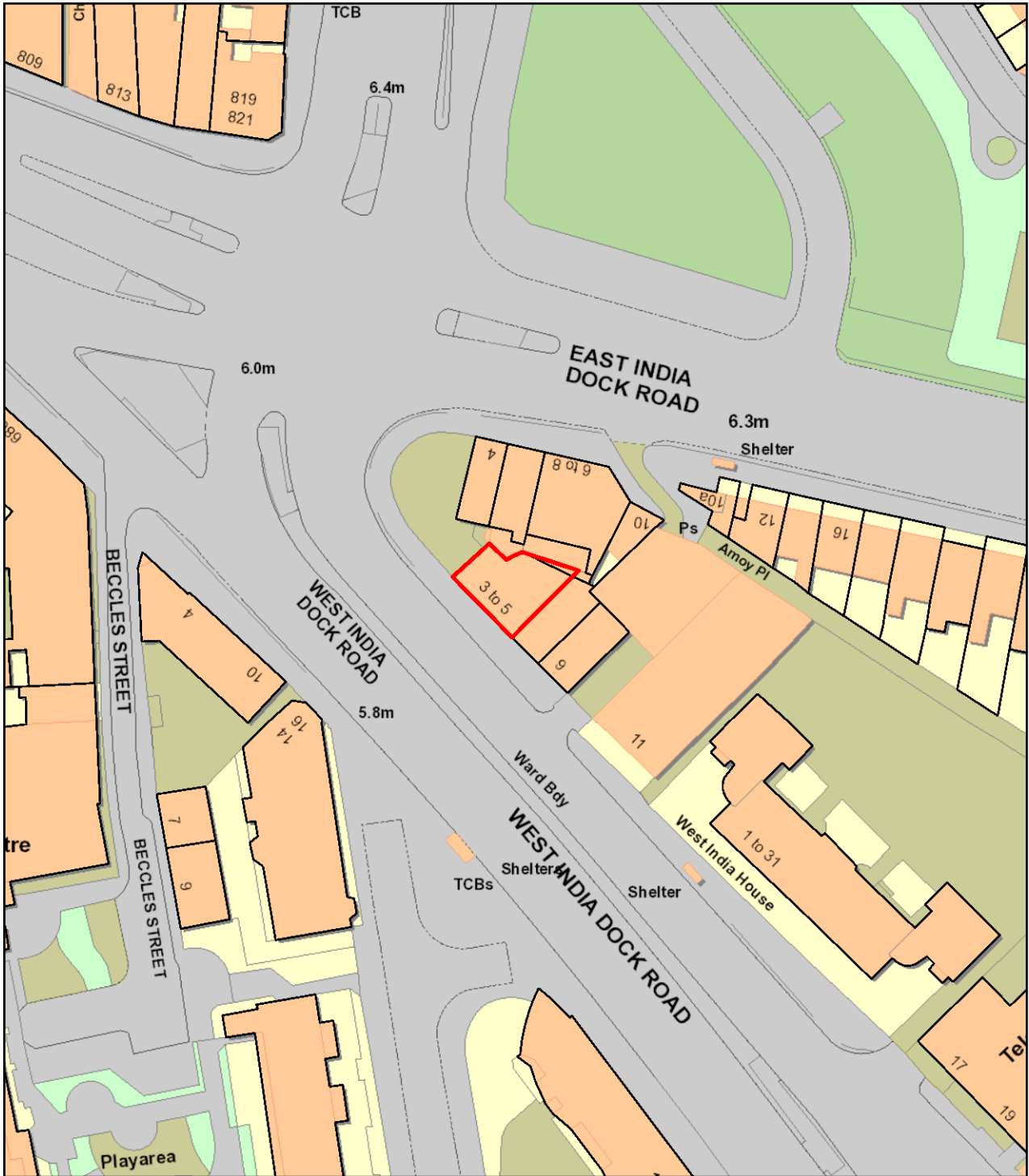
Title:
 Existing Ground Floor Plan

Scale: 1:50

Paper Size: A3

Drawn By: VP
 Job Ref: 17106
 Date: July 2017
 Drawing No. PL - 01

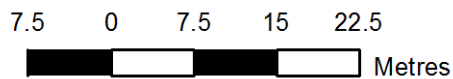
Appendix 3



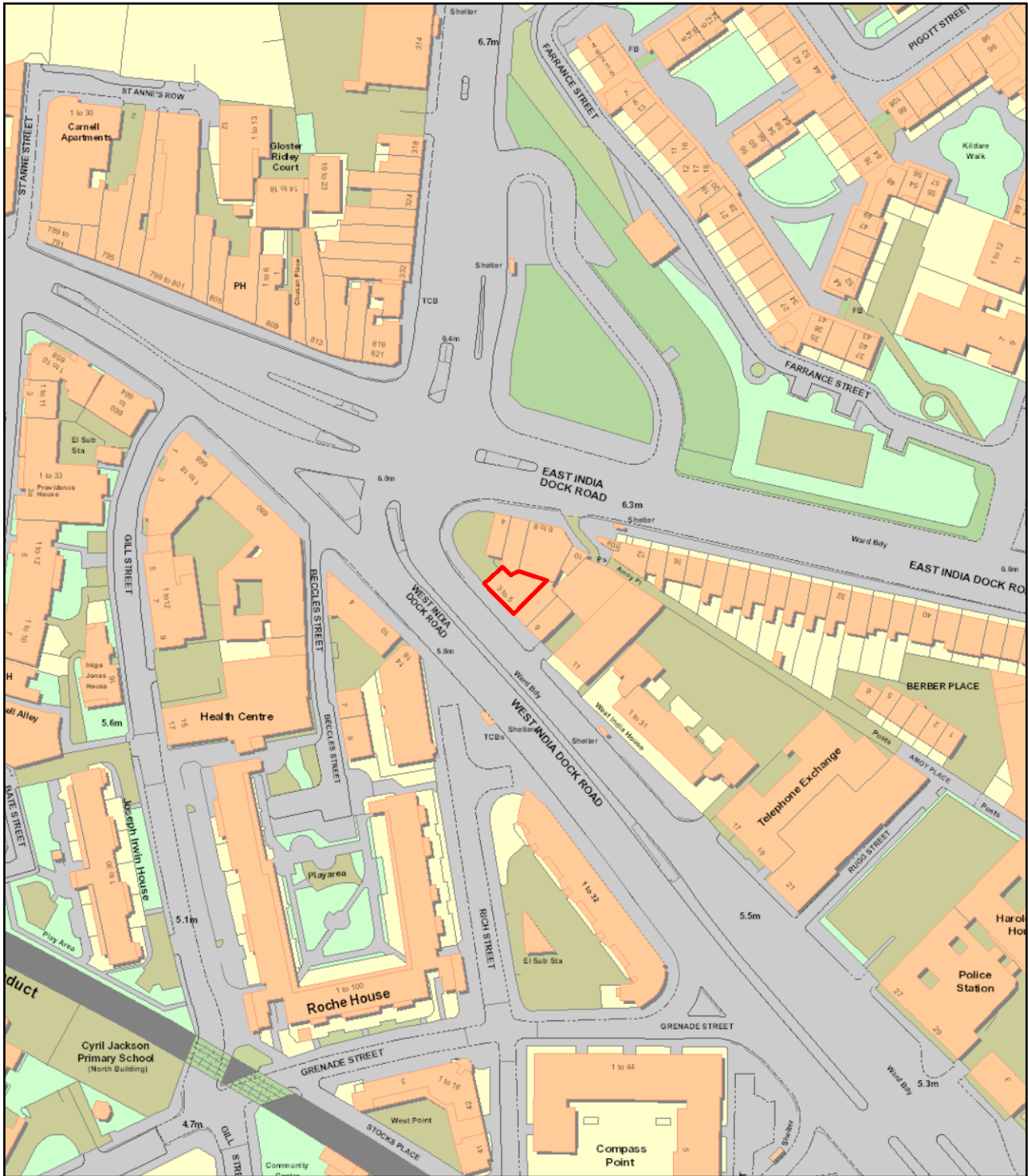
3 West India Dock Road



Scale 1:836



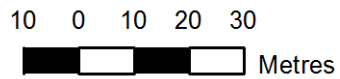
Produced by London Borough of Tower Hamlets on 20/09/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



3 West India Dock Road



Scale 1:1673



Produced by London Borough of Tower Hamlets on 20/09/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 4

Tops Pizza, 3 West India Dock Road

Name and address	Licensable activities and hours	Opening hours
(Dominos Pizza) Units 2-8 West India Dock Road London E14 8H	The provision of late night refreshment Monday to Sunday 23:00 hours – 05:00 Shop counter to close at 02:00 hours. Home deliveries only from 02:00 hrs – 05:00 hrs (Will not trade Christmas Day).	Monday to Sunday 07:00 – 02:00 (Will not trade Christmas Day).
VSE Wines 45 West India Dock Road London E14 8HW	The sale by retail of alcohol: (Off sales only) <ul style="list-style-type: none"> • Monday to Sunday from 08:30 hrs to 23:00 hrs 	Monday to Sunday from 08:30 hrs to 23:00 hrs
(Tale of India) 53 West India Dock Road London E14	Alcohol may be sold or supplied (On and off sales) (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <i>For conditions relating to times for restaurants and residential properties see Mandatory Conditions</i>	There are no restrictions on the hours during which this premises is open to the public
(Limehouse Kebab) 4 East India Dock Road London E14 6JJ	Late Night Refreshment: Sunday, Monday, Tuesday and Wednesday until 02:00 hours the following days Thursday until 03:00 hours the following day Friday and Saturday until 04:00 hours the following days	Sunday, Monday, Tuesday and Wednesday from 12:00 hours to 02:30 hours the following days Thursday from 12:00 hours to 03:30 hours the following day Friday and Saturday from 12:00 hours to 04:30 hours the following days

Tops Pizza, 3 West India Dock Road

<p>(Wings Buffet) 6-8 East India Dock Road Poplar London E14 6JJ</p>	<p>The times the licence authorises the carrying out of licensable activities (On sales only) Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises; (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals; (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;</p> <p>Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
---	---	--

Tops Pizza, 3 West India Dock Road

**(Royal Spice)
815 Commercial
Road
London
E14 7HG**

The times the licence authorises the carrying out of licensable activities (On sales only)

Alcohol may be sold or supplied:

- (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.
- (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm
- (3) On Christmas Day: 12 noon to 11:30pm;
- (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;
- (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.
- (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises;
- (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel;
- (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals;
- (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;

Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

See Mandatory Conditions for details of restrictions.

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

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

Tops Pizza, 3 West India Dock Road

<p>(Eastern Tandoori) 332 Burdett Road London E14 7DL</p>	<p>The times the licence authorises the carrying out of licensable activities (On sales only) Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p> <p>The above restrictions do not prohibit:</p> <p>(a) during the first twenty minutes after the above hours the consumption of the alcohol on the premises; (b) during the first twenty minutes after the above hours, the taking of the alcohol from the premises unless the alcohol is supplied or taken in an open vessel; (c) during the first thirty minutes after the above hours the consumption of the alcohol on the premises by persons taking meals there if the alcohol was supplied for consumption as ancillary to the meals; (d) consumption of the alcohol on the premises or the taking of sale or supply of alcohol to any person residing in the premises;</p> <p>Suitable non-alcoholic beverages, including drinking water, shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.</p> <p>See Mandatory Conditions for details of restrictions.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(V & G Convenience) 326 Burdett Road London E14 7DL</p>	<p>Sale by retail of alcohol (Off sales) Monday to Thursday, 07.00am to 23.30pm Friday and Saturday, 07.00am to midnight Sunday, 07.00am to 22.30pm</p>	<p>Monday to Thursday, 07.00am to 23.30pm Friday and Saturday, 07.00am to midnight Sunday, 07.00am to 22.30pm</p>
<p>(Welcome Friends) 318 Burdett Road London E14 7DL</p>	<p>The provision of late night refreshment Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday until midnight</p>	<p>Monday to Friday from 12:00 hours to midnight Saturday from 17:00 hours to midnight Sunday from 18:00 hours to midnight</p>

Appendix 5

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

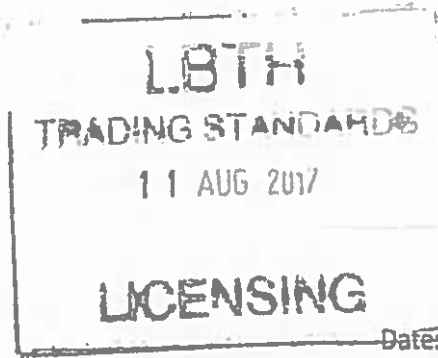
Relevant, vexatious and frivolous representations

- 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

Licensing section
 Jhon OSlow House
 1 Edward Place
 London
 E3 5EQ



Date: 08/08/2017

Ref: CLC/EHTS/LIC 102410

TO Whom it May Concern

This letter is with regards to the licensing on the premises Tops Pizza, 3 West India Dock Road. We are the tenants living above the property and we really not happy with this as already the shop causes so much disruption as people come into the shop late and shout, some drunk. We cannot go sleep at night nor do we have the guts to complain to them. There's always fighting and shouting and loud talking and this really affects us as people have work in the morning.

Please see the list of tenants below who are not happy with this at all;

Name:	Address	Sign
1) Dilwar Hussain	[Redacted] E14 [Redacted]	[Redacted]
2) Abdul Rahman	[Redacted] E14 [Redacted]	[Redacted]
3) MR. A K Mahmud	[Redacted] E14 [Redacted]	[Redacted]
4) MR. SAYAD - miha	[Redacted] " " " "	[Redacted]
5) MRS - Rumana	[Redacted] " " " "	[Redacted]
6) MR Sayid Ahmed	[Redacted] " " " "	[Redacted]
7) KOMOR. UDDIN	[Redacted] " " " "	[Redacted]
8) SHOJAD - miha	[Redacted] E14 [Redacted]	[Redacted]
9) ABDUL - malik	[Redacted] E14 [Redacted]	[Redacted]
10) MAM ALI	[Redacted] E14 [Redacted]	[Redacted]
11) LITON MIHA	[Redacted] " " " "	[Redacted]
12) GARIBI Torque	[Redacted] " " " "	[Redacted]
13) SHAJJAD ALI	[Redacted] E14 [Redacted]	[Redacted]
14) OMAR - Ali	[Redacted] " " " "	[Redacted]

- 15) ABUDUL-HAMID- [REDACTED]
- 16) HUSSAIN AHMED. [REDACTED]
- 17) MOHAMMED. AZTA [REDACTED]
- 18) M. MOSALA [REDACTED]
- 19) KAHOMOR UDDIN. [REDACTED]
- 20) AMJAD-MEE [REDACTED]
- 21) MOULANA HUSSAIN [REDACTED]
- 22) HANID-ABDULL- [REDACTED]
- 23) VAZIM-LADIV- [REDACTED]

Appendix 7

Mohshin Ali

From: MARK.J.Perry [REDACTED]
Sent: 22 August 2017 14:01
To: azizuddin [REDACTED]; Licensing
Subject: RE: Premises License Application - Tops Pizza, 3 West India Dock Road

Dear Tower hamlets Council,

Please see conditions agreed with Mr Aziz the applicant. Please can the conditions offered in the application be added to the license.

Regards

Mark

PC Mark Perry
Police Licensing Officer
Toby Club
Vawdry Close
E1 4UA

From: Mohammed Aziz [REDACTED]
Sent: 22 August 2017 12:46
To: Perry MARK J - HT
Subject: Re: Premises License Application - Tops Pizza, 3 West India Dock Road

Dear PC Mark Perry
I would like to confirm that I am happy with the following timing and I thank you once again.

Kind regards

Aziz

On 22 Aug 2017, at 11:43, "[MARK.J.Perry](#) [REDACTED]"
<[MARK.J.Perry](#) [REDACTED]> wrote:

Hi Mr Aziz,

Following our conversation earlier today I can confirm that we have agreed the following hours for Late Night Refreshment:

Sunday to Thursday inclusive: 23:00 - 01:00

Friday and Saturday: 23:00 - 02:00

The conditions you have offered in your application are acceptable.

If you could reply to me to say you agree then I can inform Tower Hamlets Council that we have agreed the license.

If you have any questions please don't hesitate to contact me.

Regards

Mark

PC Mark Perry
Police Licensing Officer
Toby Club
Vawdry Close
E1 4UA

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)

Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Appendix 8

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 9

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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 10

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 11

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 12

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 13

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 3.2

Committee : Licensing Sub-Committee	Date	Classification Unclassified	Report No.	Agenda Item No.
---	------	---------------------------------------	------------	-----------------

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA Ward affected: Spitalfields and Banglatown
--	---

1.0 Summary

Applicant:	OSM Holdings Limited
Name and	O-Food
Address of Premises:	71 Brushfield Street London E1 6AA
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none"> • The sale by retail of alcohol (on and off sales)
Representations:	Residents

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Mohshin Ali 020 7364 5498

3.0 Background

- 3.1 This is an application for a premises licence for (O-Food), 71 Brushfield Street, London E1 6AA. A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.2 The applicant has described the premises as follows:
“The application is made by the landlord to reinstate the lapsed premises licence 17309, following the insolvency of the licence holder, on terms that reproduce the effect of the expired licence”.
- 3.3 Members may wish to note that this premises did have licence which lapsed in 2015 and the applicant has applied for the same licensable activities and timings as as follows:-

The sale by retail of alcohol (On and off sales)

- Monday to Sunday, from 07:00 hours to 22:00 hours

The opening hours of the premises

- Monday to Sunday from, 07:00 hours to 22:30 hours

4.0 Location and Nature of the premises

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 2**.
- 4.3 Maps showing the vicinity are included as **Appendix 3**.
- 4.4 Details of 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 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following residents:

Other persons	Appendix
Pamela Mossman	6
Jack Shadwell and Rachel Singer	7
Sophie Stebbins	8
The Spitalfields Market Residents Association (Jonathan Stebbins)	9
Deborah Guise	10

- 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
- Home Secretary (Home Office Immigration Enforcement)

6.10 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

6.11 Essentially, the relevant parties oppose the application because in their opinion, 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

7.1 *At least one personal licence holder shall be present whilst the premises is open for business*

7.2 *CCTV with time and date recording facilities for be installed and maintained at the premises in accordance with the advice of a Metropolitan Police Crime Prevention Officer. Recording media to be retained for at least 30 days and to be readily available for inspection by Police or other statutory authority.*

7.3 *The Designated Premises Supervisor (DPS) will maintain an incident book and ensure that staff are trained in its use. The incident book will be properly maintained and it shall be produced to the Police and licensing Authority on request.*

- 7.4 *The final hours shall be a winding down period in which drinks will stop being served and sold.*
- 7.5 *The DPS will ensure that the immediate vicinity of the premises is kept free of any litter and debris associated with the premises and that the appropriated procedures for refuse are followed.*
- 7.6 *The DPS will maintain details of public and private transport links to ensure that patrons are properly directed to their forward destination.*
- 7.7 *The DPS will ensure that signage displayed in a prominent area will remind patrons to leave the premises in a good orderly manner*
- 7.8 *The premise will operate a recognised proof of age scheme as advised by the Police and the licensing Authority.*

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 The applicant has agreed the following conditions with Met Police Licensing (Please see **Appendix 11**):

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

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

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

- 8.2 The applicant has also agreed the following conditions with Trading Standards (Please see **Appendix 12**):

8.2.□.1. *the premises will operate a Challenge 25 proof of age scheme as advised by the Police and Licensing*

9.0 Licensing Officer Comments

- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
 - Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

9.2 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.

9.3 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)
- 9.4 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.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 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.
- 9.7 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)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 13 - 19** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 Appendices

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 P Mossman
Appendix 7	Representation of J Shandwell and R Singer
Appendix 8	Representation of S Stebbings
Appendix 9	Representation of The Spital markets Residents Association
Appendix 10	Representation of D Guise
Appendix 11	Conditions agreed with Police Licensing
Appendix 12	Conditions agreed with Trading Standards
Appendix 13	Licensing Officer comments on noise while the premise is in use
Appendix 14	Licensing Officer comments on access/egress Problems
Appendix 15	Licensing Officer comments on crime and disorder on the premises
Appendix 16	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 17	Planning
Appendix 18	Licensing Policy relating to hours of trading
Appendix 19	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

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 OSM Holdings 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 71 Brushfield Street			
Post town	London	Postcode	E1 6AA
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£77,500	

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 OSM Holdings Limited
Address SOVEREIGN HOUSE, 14-16 NELSON STREET, DOUGLAS, IM1 2AL, Isle of Man
Registered number (where applicable) 008905V
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited by shares
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) The application is made by the landlord to reinstate the lapsed premises licence 17309, following the insolvency of the licence holder, on terms that reproduce the effect of the expired licence.</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)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
			State any seasonal variations for performing plays (please read guidance note 5)		
Tue					
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Wed					
Thur					
Fri					
Sat					
Sun					

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 type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue			State any seasonal variations for the exhibition of films (please read guidance note 5)		
Wed					
Thur			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					
Sat					
Sun					

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				
Wed				
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				
Sat				
Sun				

D

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

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music 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					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

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 type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed					
Thur					
			State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Fri					
Sat					
Sun					
			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)		

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

<p>Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p>Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p>Please give further details here (please read guidance note 4)</p>		
Wed					
Thur			<p>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)</p>		
Fri					
Sat			<p>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)</p>		
Sun					

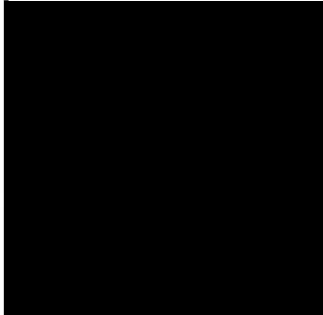

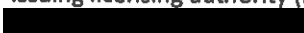
I

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 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 provision of late night refreshment</u> (please read guidance note 5)		
Wed					
Thur			<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					
Sat					
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	0700	2200			
Tue	0700	2200			
Wed	0700	2200			
Thur	0700	2200			
			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	0700	2200			
Sat	0700	2200			
Sun	0700	2200			

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 Paul Toby Brown

Personal licence number (if known) 
Issuing licensing authority (if known) 

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).
None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	0700	2230	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)
Tue	0700	2230	
Wed	0700	2230	
Thur	0700	2230	
Fri	0700	2230	
Sat	0700	2230	
Sun	0700	2230	

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 which replicate those attached to lapsed premises licence 17309 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

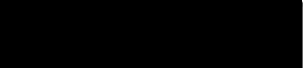
- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable. **Electronic Submission - LA to serve RA's**
- I have enclosed the consent form completed by the individual 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	10/08/2017
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: TOM/AC/OLD.2.2 Thomas & Thomas Partners LLP 38a Monmouth Street			
Post town	London	Postcode	WC2H 9EP
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. 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:

New Premises Licence

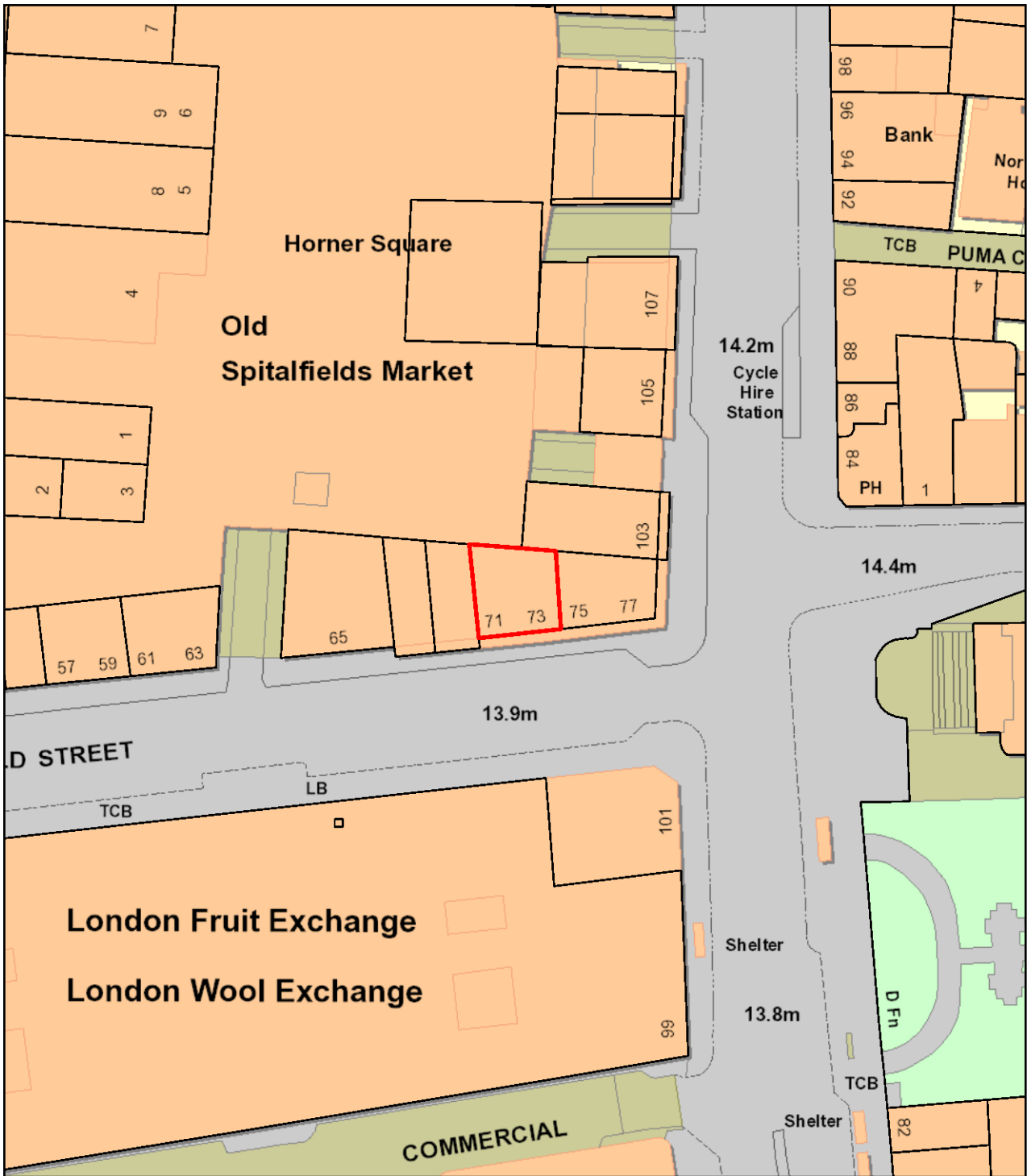
71 Brushfield Street

Conditions (as per lapsed licence 17309)

1. At least one personal licence holder shall be present whilst the premises is open for business.
2. CCTV with date and time recording facilities shall be installed and maintained at the premises in accordance with the advice of a Metropolitan Police Crime Prevention Officer. Recording media to be retained for at least 30 days and to be readily available for inspection by Police or other statutory authority.
3. The Designated Premises Supervisor (DPS) will maintain an incident book and ensure that staff are trained in its use. The incident book will be properly maintained and it shall be produced to the Police and Licensing Authority on request.
4. The final hours shall be a winding down period in which drinks will stop being served and sold.
5. The DPS will ensure that the immediate vicinity of the premises is kept free of any litter and debris associated with the premises and that the appropriate procedures for refuse are followed.
6. The DPS will maintain details of public and private transport links to ensure that patrons are properly directed to their forward destination.
7. The DPS will ensure that signage displayed in a prominent area will remind patrons to leave the premises in a good orderly manner.
8. The premises will operate a recognised proof of age scheme as advised by the Police and Licensing Authority.

Appendix 2

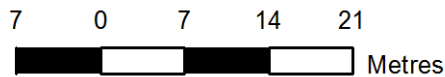
Appendix 3



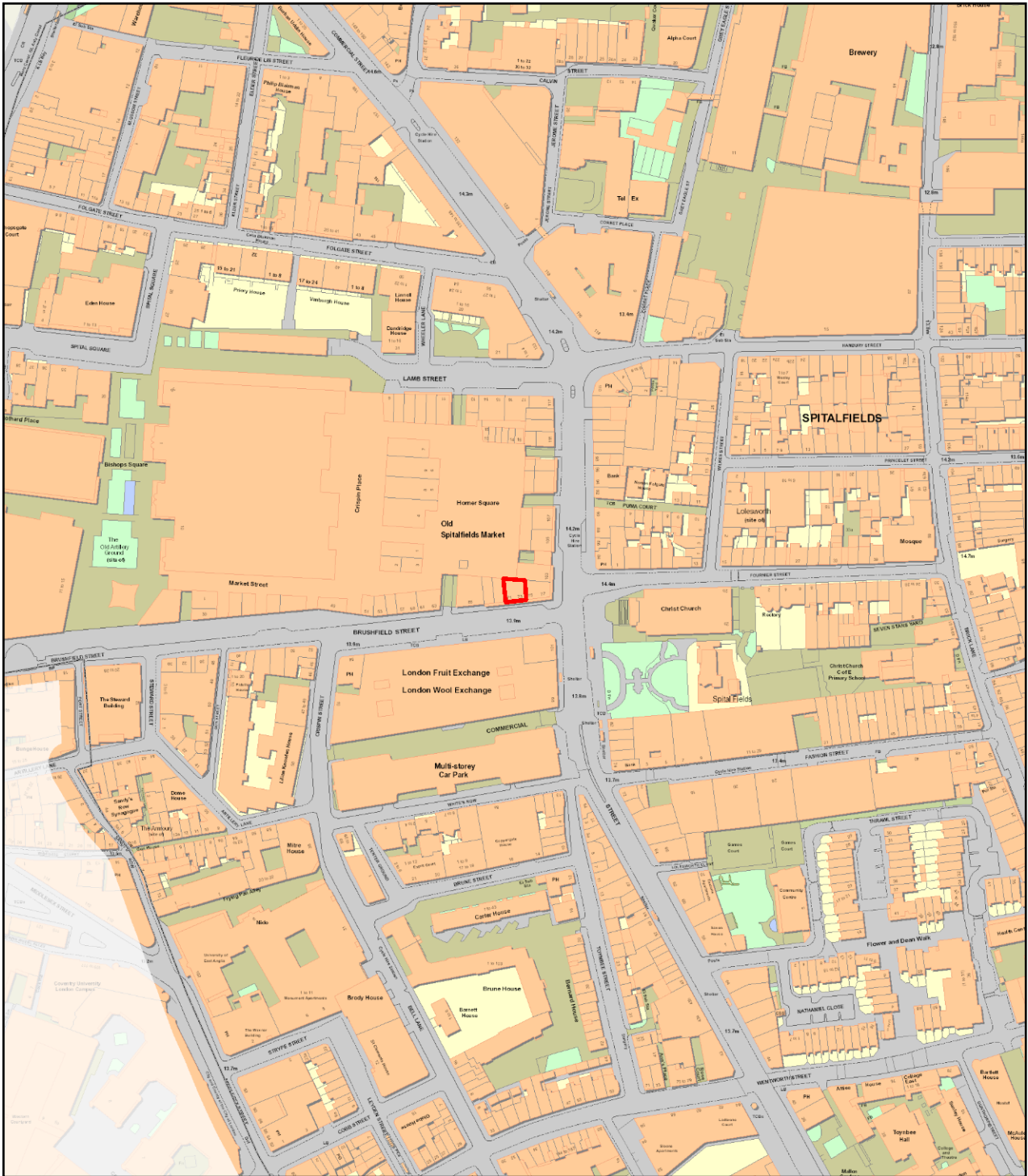
71 Brushfield Street



Scale 1:769



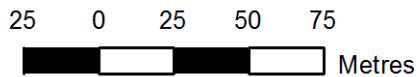
Produced by London Borough of Tower Hamlets on 25/09/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.



71 Brushfield Street



Scale 1:3074



Produced by London Borough of Tower Hamlets on 25/09/2017. © Crown copyright and database rights 2012 Ordnance Survey, London Borough of Tower Hamlets 100019288.

Appendix 4

Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA

Name and address	Licensable activities and hours	Opening hours
<p>(Vagabond Wines) 67 Brushfield Street London E1 6AA</p>	<p>The sale by retail of alcohol (both on and off premises)</p> <ul style="list-style-type: none"> • Monday to Saturday from 10:00hrs to 23:00hrs • Sunday from 10:00hrs to 22:00hrs <p>The provision of late night refreshment (both indoors and outdoors)</p> <ul style="list-style-type: none"> • Monday to Saturday from 23:00hrs to 23:30hrs 	<ul style="list-style-type: none"> • Monday to Saturday from 08:00hrs to 23:30hrs • Sunday from 08:00hrs to 22:30hrs
<p>(Rapha Racing Cycle Club, Cafe & Store) Spitalfields Market 61-63 Brushfield Street London E1 6AA</p>	<p>Sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 21:00 hours <p>The provision of regulated entertainment – Indoors <u>Films</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 08:00 hours to 21:00 hours 	<ul style="list-style-type: none"> • Monday to Sunday, from 08:00 hours to 21:30 hours
<p>(The Gun) 54 Brushfield Street London E1 6AG</p>	<p>The on and off sale of alcohol, Monday to Thursday, 11.00am to 23.00pm.</p> <p>Friday and Saturday, 11.00am to 23.30pm. Sunday, 12noon to 22.30pm.</p>	<p>Monday to Thursday, 11.00am to 23.30pm. Friday and Saturday, 11.00am to midnight. Sunday, 12noon to 23.00pm.</p>
<p>(Market Coffee House) 50-52 Brushfield Street London E1 6AG</p>	<p><u>Sale of alcohol (On sales only)</u> Monday to Saturday 08:00 hours – 22:30 hours Sunday 10:00 hours – 18:30 hours</p> <p><u>Regulated entertainment</u> Live music: Monday to Sunday 15:00 hours – 22:00 hours</p> <p>Recorded music: Monday to Sunday 08:00 hours – 22:30 hours</p>	<p>Monday to Saturday 08:00 hours – 23:00 hours Sunday 09:00 hours – 19:00 hours</p>
<p>(Barber Barber) 51 Brushfield Street Spitalfields London E1 6AA</p>	<p>Sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Saturday, from 09:00 hours to 21:00 hours • Sunday, from 09:00 hours to 19:00 hours 	<p>Monday to Saturday, from 09:00 hours to 21:30 hours Sunday, from 09:00 hours to 19:30 hours</p>
<p>(Blixen) 65a Brushfield Street London E1 6AA</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10:00hrs to 23:00hrs b. On Sundays, other than Christmas Day or New Year's Eve, 12:00hrs to 22:30hrs c. On Good Friday, 12:00hrs to 22:30hrs. d. On Christmas Day, 12:00hrs to 15:00hrs and 19:00hrs to 22:30hrs e. On New Year's Eve, except on a Sunday, 	<p>There are no restrictions on the hours during which this premises is open to the public</p>

	<p>11:00hrs to 23:00hrs f. On New Year's Eve on a Sunday, 12:00hrs to 22:30hrs g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, 00:00hrs (midnight) on 31st December).</p> <p>Supper Hours Certificate Alcohol may be sold or supplied (for one hour following the hours set out above and) to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply. In addition on Christmas Day for the purposes set out under Supper Hours Certificate the permitted hours shall extend between the first and second parts of the general licensing hours</p> <p>Late Night Refreshment Hot drinks and hot food can be served up to 30minutes after the last permitted sale of alcohol. Thus Monday to Saturday until 00:30hrs (the following day) Sunday 00:00hrs (midnight)</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 23:00hrs on New Years Eve and 11:00hrs on New Years Day.</p>	
<p>(A.Gold) 42 Brushfield Street London E1 6AG</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. (Off sales only) In this condition, permitted hours means: 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>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(Pho) 48 Brushfield Street London E1 6AG</p>	<p>The sale by retail of alcohol Monday to Saturday – 10:00 to 00:00 (midnight) Sunday 12:00 – 23:30</p> <p>The provision of late night refreshment Monday to Saturday – 23:00 – 00:30 the following day Sunday 23:00 – 00:00 (midnight)</p>	<p>Monday to Saturday – 23:00 – 01:00 the following day Sunday 23:00 – 00:30 the following day</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion</p>

Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA

	<p>The provision of regulated entertainment (in the form of recorded music) Monday to Saturday – 10:00 to 00:00 (midnight) Sunday 12:00 – 23:30</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.</p> <ul style="list-style-type: none"> • 	Licensing) Order 2002. Which means that while that order is in effect the premises may remain open from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.
<p>98 Commercial Street London E1 6LZ</p>	<p>Sale of Alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00hrs to 23:00hrs <p>The Provision of Late Night Refreshment</p> <ul style="list-style-type: none"> • Monday to Sunday from 23:00hrs to 23:30hrs <p>The Provision of Regulated Entertainment (in the form of Films and Recorded Music)</p> <ul style="list-style-type: none"> • Monday to Sunday from 11:00hrs to 23:30hrs 	Monday to Sunday from 08:00hrs to 23:30hrs
<p>(Blessings) 76 Commercial Street London E1 6LY</p>	<p><u>Regulated entertainment.</u> (Live music and recorded music only). Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p> <p><u>Sale of alcohol by retail. (On and off sales)</u> Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p>	Sunday to Thursday 11:00 hours - midnight Friday & Saturday 11:00 hours – 01:00 hours
<p>(Ten Bells) 84 Commercial St London E1 6LY</p>	<p><u>Sale of Alcohol by retail. (On and off sales)</u> Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day.</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p> <p><u>Late Night Refreshment</u> Sunday to Wednesday 23.00 hours until midnight. Thursday to Saturday 23.00 until 01.00 hours the next day.</p> <p><u>Regulated Entertainment</u> Sunday to Wednesday 06.00 hours - midnight next day. Thursday to Saturday 06:00 hours – 01:00 hours the</p>	Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day.

Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA

	following day.	
<p>(PizzaExpress) 88-90 Commercial Street London E1 6LY</p>	<p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> ▪ Monday to Saturday 10 00 hrs to midnight ▪ Sunday 10 00 hrs to 23 30 hrs <p>The provision of regulated entertainment</p> <ul style="list-style-type: none"> ▪ Monday to Saturday 10 00 hrs to midnight ▪ Sunday 10 00 hrs to 23 30 hrs <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> ▪ Monday to Saturday until midnight ▪ Sunday 10 00 hrs until 23 30 hrs <p>Non-standard times</p> <ul style="list-style-type: none"> ▪ New Years Eve/Day open from normal closure on New Years Eve to normal opening on New Years Day 	<ul style="list-style-type: none"> ▪ Monday to Saturday 10 00 hrs to 00 30 hrs ▪ Sunday 10 00 hrs to 00. 00 hrs <p>Non-standard times</p> <ul style="list-style-type: none"> • New Years Eve/Day open from normal closure on New Years Eve to normal opening on New Years Day
<p>80 Commercial Street London E1 6LY</p>	<p>Monday to Saturday from 10:00 hours to 23:00 hours Sunday from 12:00 (noon) to 23:00 hours</p>	<p>Monday to Sunday from 07:00 hours to 23:00 hours</p>
<p>(St John Bread & Wine) 94-96 Commercial Street London E1 6LZ</p>	<p>Alcohol shall not be sold or supplied except during permitted hours. (On and off sales) In this condition, permitted hours means:</p> <ol style="list-style-type: none"> a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December). <p>For conditions re. "drinking up time" see Annex 1 Mandatory Conditions</p> <p>Alcohol may be sold or supplied for one hour following the hours set out above to persons taking table meals in the premises in a part of the premises usually set apart for the service of such persons and for consumption by such a person in that part of the premises as an ancillary to his meal. For other purposes or in other parts of the premises the hours set out above shall continue to apply.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>

Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA

	Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.	
(Square Pie) 105c Commercial Street London E1 6BG	<p><u>The sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 11:00hrs to 21:00hrs 	<ul style="list-style-type: none"> Monday to Sunday from 10:00hrs to 22:00hrs
100 Commercial Street London E1 6LZ	<p>Sale of Alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Sunday from 11:00 hours to 23:00 hours <p>The Provision of Late Night Refreshment:</p> <ul style="list-style-type: none"> Monday to Sunday from 23:00 hours to 23:30 hours <p>The Provision of Regulated Entertainment in the form of Films and Recorded Music:</p> <ul style="list-style-type: none"> Monday to Sunday from 11:00 hours to 23:30 hours 	<ul style="list-style-type: none"> Monday to Sunday from 08:00hrs to 23:30hrs
(The Stables Gallery) Lower Ground Floor 106 Commercial Street London E1 6LZ	<p><u>Sale of Alcohol (On sales)</u> Monday to Sunday from 11:00hrs to 22:00hrs</p> <p><u>Regulated entertainment (Films):</u> Monday to Sunday from 11:00hrs to 23:00hrs</p> <p><u>Regulated entertainment (Plays):</u> Monday to Sunday from 11:00hrs to 22:30hrs</p> <p><u>Regulated entertainment (Indoor Sport):</u> Monday to Sunday from 11:00hrs to 22:00hrs</p> <p><u>Regulated entertainment (Recorded Music):</u> Monday to Sunday from 11:00hrs to 23:00hrs</p> <p><u>Regulated entertainment (Dance):</u> Monday to Sunday from 11:00hrs to 22:30hrs</p>	Monday to Sunday 10:00hrs to 23:30hrs
(Ely & Sidney) Part Ground and Part First Floor 106 Commercial Street London E1 6LZ	<p>Sale of Alcohol (On sales only)</p> <ul style="list-style-type: none"> Monday to Sunday from 11:00 hours to 21:30 hours <p>The Provision of Regulated Entertainment (Films)</p> <ul style="list-style-type: none"> Monday to Sunday from 11:00 hours to 22:00 hours 	<ul style="list-style-type: none"> Monday to Sunday from 08:00 hours to 22:30 hours

<p>(Taberna do Mercado) 107b Commercial Street London E1 6BG</p>	<p>On and off sales (On and off sales) Monday to Saturday 10:00 hours – 23:00 hours Sunday 10:00 hours – 21:00 hours</p>	<p>Monday to Saturday 08:00 hours – 23:00 hours Sunday 08:00 hours – 21:00 hours</p>
<p>(Smiths of Smithfield) 109 Commercial Street Old Spitalfields Market London E1 6BG</p>	<p><u>BASEMENT FLOOR ONLY</u></p> <p><u>Sale of alcohol (On and off sales)</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to 01:00 hours the following day • Sunday, from 09:00 hours to 23:00 hours <p><u>Provision of regulated entertainment – live music, recorded music, performances of dance (and anything of a similar description), provision of facilities for making music and provision of facilities for dancing (and anything of a similar description)</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to 01:00 hours the following day • Sunday, from 09:00 hours to 23:00 hours <p><u>Provision of late night refreshment</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 23:00 hours to 01:00 hours the following day <p><u>GROUND, FIRST AND MEZZANINE FLOORS</u></p> <p><u>Sale of alcohol</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to midnight • Sunday, from 09:00 hours to 23:00 hours <p><u>Provision of regulated entertainment - recorded music, performances of dance (and anything of a similar description), provision of facilities for making music and provision of facilities for dancing (and anything of a similar description)</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 07:00 hours to midnight • Sunday, from 09:00 hours to 23:00 hours <p><u>Provision of late night refreshment</u></p> <ul style="list-style-type: none"> • Monday to Saturday, from 23:00 hours to midnight <p><u>Non-standard timings</u> Occasional permission for sale of alcohol, provision of live music, recorded music, performances of</p>	<ul style="list-style-type: none"> • Monday to Sunday, from 00:00 hours to 00:00 hours (24 hours)

Application for a Premises Licence for (O-Food), 71 Brushfield Street, London E1 6AA

	<p>dance (and anything of a similar description), provision of facilities for making music and provision of facilities for dancing (and anything of a similar description) and late night refreshment outside regular hours up to a maximum of 16 additional times per annum, providing the Police and Local Authority are given at least 48 hours notice.</p> <p><u>Seasonal variations</u> New Year's Eve – licensable activities from the start of permitted hours on New Year's Eve to the end of permitted hours on New Year's Day and late night refreshment from 23:00 hours to 05:00 hours the following day</p>	
<p>(The Golden Heart) 110 Commercial Street London E1 6LZ</p>	<p>Sale by retail of alcohol (On and off sales):</p> <ul style="list-style-type: none"> • Sunday to Thursday, from 06:00 hrs to 08:40 hrs and 11:00 hrs to 00:00 hrs • Friday and Saturday, from 06:00 hrs to 08:40 hrs and 11:00 hrs to 00:30 hrs <p>Provision of regulated entertainment: <u>Recorded Music</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 00:00 hours <p><u>Anything of a similar description to recorded music</u></p> <ul style="list-style-type: none"> • Monday to Sunday, from 06:00 hrs to 08:40 hrs & 11:00 hrs to 00:30 hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • New Years Eve until 02:00 hrs the following day 	<ul style="list-style-type: none"> • Sunday to Thursday, from 06:00 hrs to 09:00 hrs & 11:00 hrs to 00:30 hrs • Friday and Saturday, from 06:00 hrs to 09:00 hrs & 11:00 hrs to 01:00 hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • New Years Eve until 02:00 hrs the following day
<p>(Christchurch Community Vision) Christchurch Spitalfields Commercial Street London E1 6LY</p>	<p>The sale of alcohol (On and off sales) Monday to Sunday from 16:00 hours to midnight</p>	<p>Monday to Sunday from 10:00 hours to 00:30 hours.</p>

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

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

6 September 2017

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

Dear Mr Tolley

**Re your ref CLC/EHTS/LIC/102591. Licensing Act 2003
Premises: OSM Holdings Ltd, 71 Brushfield Street, Old Spitalfields Market, London E1**

I write in opposition to the above application for a premises license, "which can include the sale of alcohol; regulated entertainment or late night refreshment (this means the supply of hot food after 11.00pm)".

I do not appear to have received a copy of your notification dated 11th August and have only just today been shown a copy by a neighbour. Presumably neither of the other 2 flats at [REDACTED] received one either.

I strongly object to the application for a premises license at 71 Brushfield Street, as we already have a saturation of eateries and drinking venues in very close proximity. The other venues nearby tend to extend their premises from inside the shops themselves into the open market space and the accumulative noise from these venues, along with cooking smells are an aggravating nuisance to the residents.

The noise of people talking, eating and drinking, disturbs our peace and quiet of an evening and can disrupt our sleep. This is a particular issue for children sleeping where the windows face into the market.

An accumulation of venues with premises licences means that more people will be standing outside in the street smoking and with noisy talking and laughter as the evening progresses and blocking the pavements.

One of the previous retailers at 71 Brushfield street was a Scandinavian fish food outlet and the smell emanating from those premises was extremely unpleasant for neighbours, and the extract fans of this and other nearby restaurants causes discomfort to people living above or nearby.

It is highly likely that if a premises license was granted at no 71, that this corner of the market would become a hive of social activity of an evening with the noise of people's voices reaching a crescendo as the evening wears on, coupled with the noise that we currently have from Vagabond wine bar two doors down.

We really do not need to have another premises license granted in this listed building.

Yours sincerely,
Pamela Mossman

Appendix 7

Mohshin Ali

From: Damian Doherty
Sent: 07 September 2017 09:53
To: Mohshin Ali
Subject: FW: Premises License Application CLC/EHTS/LIC/102591

Another rep for 71 Brushfield st (OSM)

From: Jack Shadwell [REDACTED]
Sent: 06 September 2017 18:24
To: Licensing
Subject: Premises License Application CLC/EHTS/LIC/102591

Jack Shadwell and Rachel Singer

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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

[REDACTED]

6th September, 2017

Dear Sir,

Your Ref: CLC/EHTS/LIC/102591

Licensing Act 2003

PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

Re: opposition to the application for a premises licence at No 71 Brushfield Street (reference stated above).

We are writing to object to the above application for premises license at no. 71 Brushfield street. The reasons for our objection are outlined below:

1. There are already a high number of licensed food and drink premises in Spitalfields market, which contribute to noise disturbance for the residents from increased numbers and late night drinkers.
2. Residents have been further disturbed by food smells in their properties due to insufficient extraction.
3. Due to the, already high number, of licensed premises there is concern that this area will become more attractive to rowdy groups of drinkers which may then increase crime and disorder in this residential area.

I trust that you will consider the concern of the residents of Spitalfields when making your decision on this matter.

Sincerely,

Jack Shadwell and Rachel Singer

████████████████████

Appendix 8

Mohshin Ali

From: Damian Doherty
Sent: 07 September 2017 09:55
To: Mohshin Ali
Subject: FW: Your Ref: CLC/EHTS/LIC/102591- PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

Rep for 71 Brushfield st (OSM)

From: Sophie Stebbins [REDACTED]
Sent: 06 September 2017 20:17
To: Licensing
Subject: Your Ref: CLC/EHTS/LIC/102591- PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

Sophie Stebbins

[REDACTED]
[REDACTED]
[REDACTED]

Email: [REDACTED]
Tel: [REDACTED]

TOWER HAMLETS
Mr David Tolley
Head of Environmental Health & Trading Standards

Ms Kathy Driver
Principal Licensing Officer

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

[REDACTED]

London, Wenesday 6th September 2017

Your Ref: CLC/EHTS/LIC/102591
Licensing Act 2003
PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

Dear Sir/Madam,

Re: opposition to the application for a premises licence at No 71 Brushfield Street (reference stated above).

OSM wish to reclaim a licence they lost and this should not be allowed as we have already within 20 meters of No. 71 three restaurants serving food and alcohol. OSM also find it difficult to enforce the leases once their tenants are in place and this has given way to abusive behaviour.

Why should they be granted something that they cannot manage and to which sole purpose for having is to increase of the rents they charge, as opposed to more constructively adding to the ambiance of the market building specifically and the Spitalfields area in general.

Upon my return abroad few days ago I found a notice for a premises licence requested by OSM Holdings. I contacted the residents in the Old Spitalfields Market who live nearby No. 71 Brushfield St. (within the 40 meters distance from the premises as the rule stands) and of the 13 flats (located at No. 105, 103 Commercial St and Nos. 75, 73, 71, 69 and 67 Brushfield St.) only 2 persons including myself out of 13 received the letter from Tower Hamlets.

The notice placed in the window of the Chanel shop located at No 71 doesn't even mention that the application is for a premises licence.

Spitalfields' geographical location is a blessing and a curse. Over the years, our neighbourhood has become the target of uncaring developers. Too fast and without consideration for the local residents and our "listed" heritage.

OSM who runs the Old Spitalfields Market has unfortunately rarely taken into account that dozens of persons, families with children live above the shop premises.

They have had a habit for many years to rent the shops to food outlets turning the market into a drinking/eating destination. OSM has increased the turning of totally inappropriate spaces into restaurants where alcohol is served.

As many residents in Spitalfields Market, we have been able to witness lease holders of OSM premises go beyond what their lease obliges them to observe and totally bypass their rights.

We have notified OSM on many occasions that cooking is done when no proper kitchen has been fitted out resulting in awful cooking smells of all sort starting as early at 10 am all through the day.

These food outlets do not have adequate fume extractors and smoke is seen floating inside the market with nowhere to escape. We can't open our windows and rest on our balconies without the smell of cooking invading our private spaces.

The previous shop at No. 71 was a food outlet selling fish. The smell went directly above as no extractors were in place and this affected the residents of 8 flats situated directly above and on either side of the premises.

My bedroom window is facing the market and I have to bare the noises even when my window is shut of customers intoxicated eating downstairs. In order to double the capacity of people, OSM allow the lease holders to have terraces inside the market literally below all the residents' windows which makes our evenings anything but quite.

The prospect of having more disruption to our lives caused by another food/drink outlet is simply not acceptable.

Yours sincerely.

Sophie Stebbins

Appendix 9

Mohshin Ali

From: Damian Doherty
Sent: 07 September 2017 09:55
To: Mohshin Ali
Subject: FW: Your Ref: CLC/EHTS/LIC/102591-PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

Rep for 71 Brushfield st (OSM)

From: JoSteb [REDACTED]
Sent: 06 September 2017 20:51
To: Licensing
Subject: Your Ref: CLC/EHTS/LIC/102591-PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

**The Spitalfields Market
Residents Association**

[REDACTED]

TOWER HAMLETS
Mr David Tolley
Head of Environmental Health & Trading Standards

Ms Kathy Driver
Principal Licencing Officer

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

[REDACTED]

London, Wednesday

6th September 2017

Your Ref: CLC/EHTS/LIC/**102591**
Licensing Act 2003
PREMISES: OSM Holdings Ltd, 71 Brushfield Street, London

Dear Sir/Madam,

Re: opposition to the application for a premises licence at No 71 Brushfield Street (reference stated above).

On behalf of the Spitalfields Markets Residents Association (SMRA) we wish to object to the above referenced Licencing application.

Firstly, when we contacted the residents in the Old Spitalfields Market who live nearby No. 71 Brushfield St. (*within the 40 meters distance from the premises as the rule stands*). Of the 13 flats (*located at No. 105, 103 Commercial St and Nos. 75, 73, 71, 69 and 67 Brushfield St.*) only 2 persons out of 13 received the letter from Tower Hamlets. Therefore, we would like to request a time extension to give all the neighbours concerned by this premises licences a chance to express their views.

Our objections cover concerns around the Prevention of crime and disorder, Public Safety, Prevention of public nuisance the Protection of children from harm, and are based on the following:

Already within the Old Spitalfields Market there is a saturation of licence premises which operate in very close proximity. In this particular instance there are already 3 large establishments serving food and alcohol, both inside and outside within meters from each other:

- Vagabond at No. 67 Brushfield St,
- Blixen 65 Brushfield St,
- Taberna Do Mercado 107 Commercial St (*OSM has yet to enforce after a year of complaints adequate extractor fumes from their BBQ outside which directly all neighbouring flats*)

In any one evening there several hundred customers at these establishments.

Also directly across the street at the old Fruit & Wool Exchange building there will be more bars and restaurants opening in 2018. Which will further saturate the area.

OSM provides licenced premises use of the space inside the market adjacent to their premises. This is directly below the residential flats, the noise from the drinkers and smells of food and alcohol flows directly into the flats.

Already in the neighbourhood there is an excess of premises serving alcohol. Consequently, and well documented from other licencing applications including TimeOut at 106 Commercial St., on Thursday to Saturday nights there numerous instances of urinating on doorways and vomiting in the streets.

Increase in people in around the residential accommodation until late in the night. Any other shop without a licence closes earlier. There are five families with children who live within 40 meters of No.71. Invariably at some stage clients will be leaving the premises intoxicated. Many of the rooms that overlook the inside of the market where the restaurants terraces are located are bedrooms of children as this is often the quietest room in the flat.

For years our main disagreements with the development of the market has been the impact of alcohol, food and noise. Allowing OSM to obtain another licence premises will further contribute to the detriment of the residents' livelihood.

Thank you for your consideration.

Michael Myer, President
Rose Sheldon, Secretary
Jonathan Stebbins, Treasurer

Appendix 10

Mr David Tolley
Head of Environment Health and Trading Standards
Licensing Section
John Onslow House
1 Ewart Place
London
E3 5EQ

[REDACTED]

Thursday 7th September 2017

Your Ref: CLC/EHTS/LIC/102591
Licensing Act 200
Premises: OSM Holdings Ltd, 71 Brushfield Street, London

Dear Sir/Madam,

Re: Opposition for the application for a premises licence at 71 Brushfield Street

I wish to object to the above licensing application at 71 Brushfield Street for the following reasons:

- The noise created by establishments in the market already cause great concern and another licenced premises, underneath my kitchen window, shall just exasperate this. This noise starts as chitter chatter although as the evening progresses this often turns into drunken behaviour and the noise flows directly into the flats that surround the market.
- Following on from the point above, drunken people cause a public nuisance in the area due to antisocial behaviour which lasts well into the night. With premises licences already been submitted for 106 Commercial Street as well as the opening of the old Fruit and Wool Exchange in 2018 this will lead to an saturation of the area.
- With an accumulation of venues with premises licences in the area means an influx of noisy chatter and laughter as people smoke on the outskirts of the market, often leaving their cigarette buds on the ground and blocking the pavement and doorways for pedestrians and residents alike.
- The potential food smell from these premises shall come straight into my property. A previous tenant to 71 Brushfield Street was a Scandinavian fish outlet in which the smell was horrendous and extremely unpleasant for all in the vicinity.

Further to the points raised above, I strongly object to yet another licenced premises in this listed building.

Thank you for your consideration.

Yours sincerely,

Deborah Guise
[REDACTED]
[REDACTED]

Appendix 11

Mohshin Ali

From: MARK.J.Perry [REDACTED]
Sent: 23 August 2017 14:12
To: Licensing
Subject: Premises License App 71 Brushfield St

Follow Up Flag: Follow up
Flag Status: Completed

Deal all,

Please condition agreed with applicant.

Regards

Mark

PC Mark Perry
Police Licensing Officer
Toby Club
Vawdry Close
E1 4UA

From: Amy Catlin [REDACTED]
Sent: 18 August 2017 15:57
To: Perry MARK J - HT
Cc: Thomas O'Maoileoin; Licensing
Subject: RE: 71 Brushfield St

Hi Mark,

I can confirm this is agreed and your contact details have been passed on.

Kind regards,

Amy

From: [MARK.J.Perry](#) [REDACTED]
Sent: 18 August 2017 14:35
To: Amy Catlin <[REDACTED]>
Subject: 71 Brushfield St

Hi,

Good to speak to you today. Following our conversation please can you ask your client to accept the following CCTV condition:

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

pub specified by the Police.

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

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

Please let me know if the following condition is acceptable, and if you could pass on my contact details to the new tenant and ask them to contact me once they have secured the premises that would be much appreciated.

Regards

Mark

PC Mark Perry
Police Licensing Officer
Toby Club
Vawdry Close
E1 4UA

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

Find us at:

Facebook: [Facebook.com/metpoliceuk](https://www.facebook.com/metpoliceuk)

Twitter: [@metpoliceuk](https://twitter.com/metpoliceuk)

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

Appendix 12

Mohshin Ali

From: Amy Catlin <[REDACTED]>
Sent: 11 September 2017 17:25
To: Kevin Maple
Cc: Licensing
Subject: RE: Premises Licence Application - 71 Brushfield Street

Dear Kevin,

I can confirm that we are able to agree that a Challenge 25 Policy will be adopted and that the proposed condition 8 can be amended to read:

the premises will operate a Challenge 25 proof of age scheme as advised by the Police and Licensing Authority

Kind regards,

Amy

From: Kevin Maple [REDACTED]
Sent: 07 September 2017 17:29
To: Amy Catlin [REDACTED]>
Cc: Licensing [REDACTED]>
Subject: Premises Licence Application - 71 Brushfield Street
Importance: High

Dear Ms Catlin,

As part of the consultation process, I have received a copy of your Client's application for a premises licence under the Licensing Act 2003.

Trading Standards is one of the "responsible authorities" and as such we can make representations to the licensing authority in relation to your Client's application.

Should we make representations it must be about the likely effect of granting the application on the promotion of the licensing objectives. One of the licensing objectives concerns the '*the protection of children from harm*' including preventing the sale and supply of alcohol to children. Trading Standards has responsibility for enforcing legislation in relation to this.

I have therefore considered section M of your Client's application in which you describe the additional steps you will take to take promote the Licensing objectives. Your comments in relation to the 'protection of children from harm' which direct me to the licensing conditions for the lapsed premises conditions for premises license 17309. I note that condition no.8 states that **'the premises will operate a recognised proof of age scheme as advised by the Police and Licensing Authority'**.

In relation to this I **would like request that your Client adopts a 'Challenge 25' policy** so that they have a robust procedure in place to prevent underage sales. Please find further details of 'Challenge 25' attached.

I would be grateful if you could confirm that your client is willing to adopt this policy.

We are able to supply support materials to assist your client in adopting 'Challenge 25' – please refer to the attached leaflet for further details.

I look forward to hearing from you.

Yours sincerely,

Kevin Maple
Consumer Services Officer
Tower Hamlets Trading Standards



POSTAL ADDRESS | Environmental Health & Trading Standards | John Onslow House | 1 Ewart Place | London | E3 5EQ
ACTUAL LOCATION (Delivery, collection & visiting address) | Toby Club | Vawdrey Close (off Cleveland Way) | London | E1 4UA

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

London Borough of Tower Hamlets E-Mail Disclaimer.

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

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

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

Appendix 13

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 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 14

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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 15

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 16

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 17

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 18

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 19

Licensing Policy

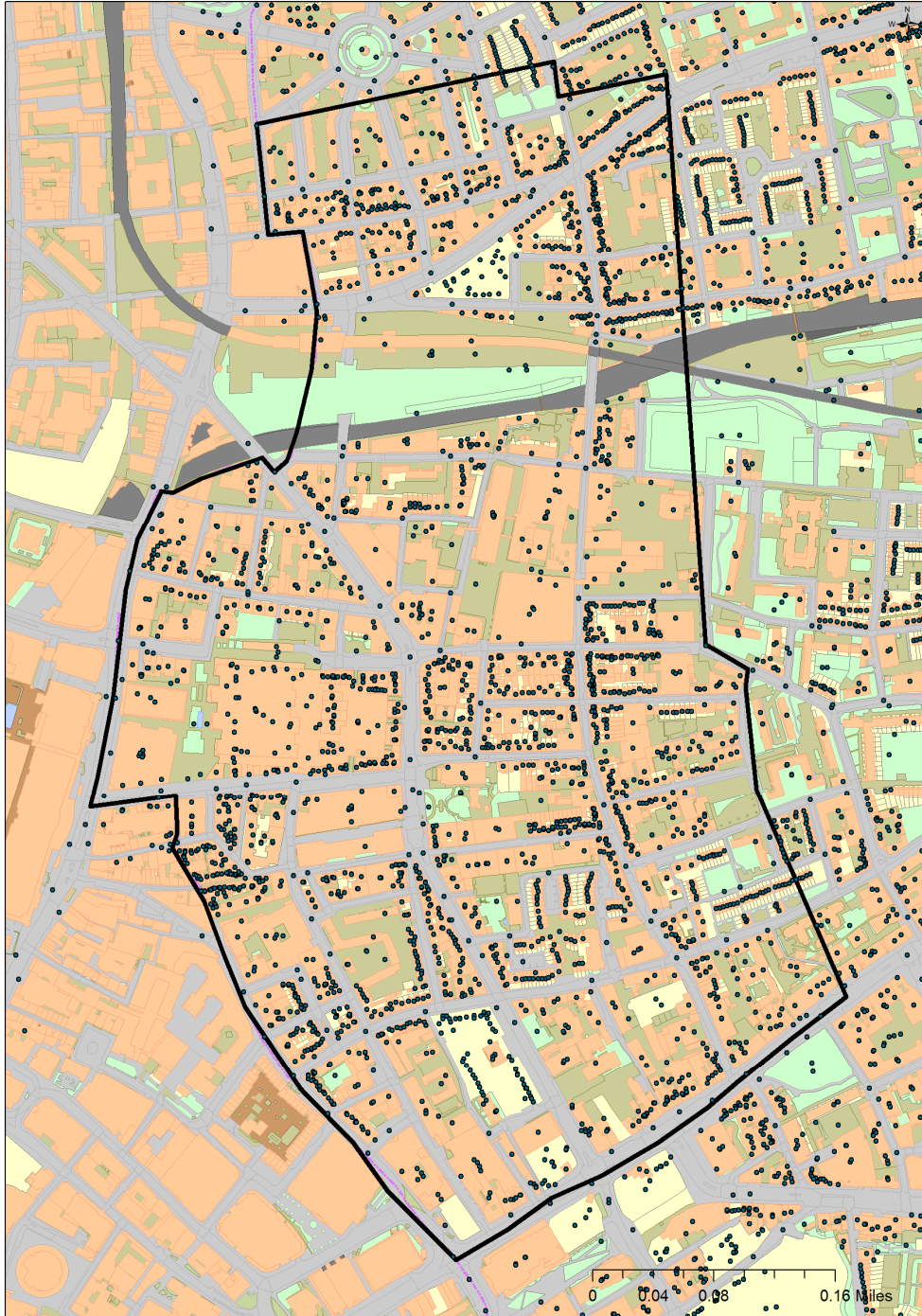
8 Special Cumulative Impact Policy for the Brick Lane Area

- 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.

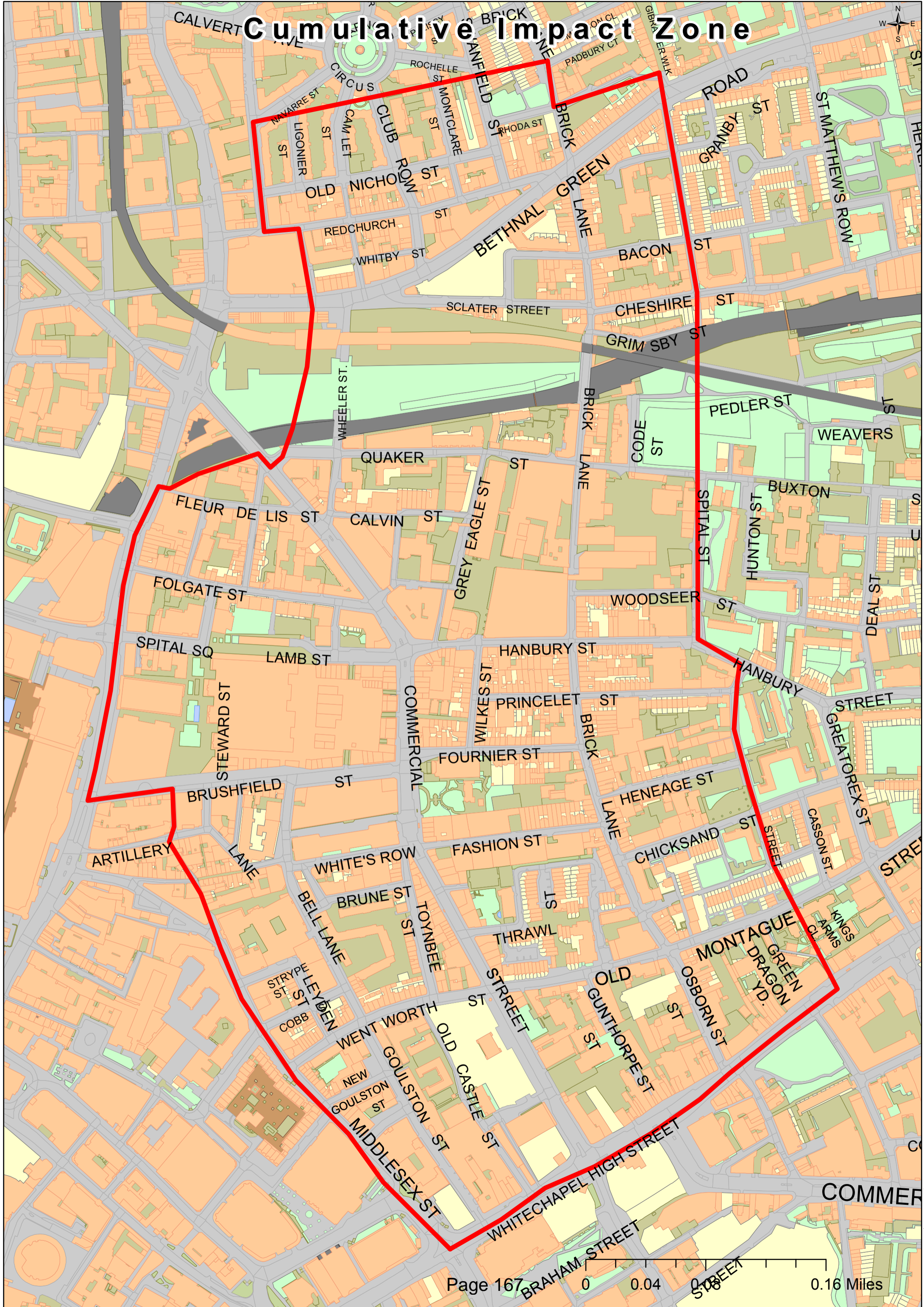
Figure One

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.



Cumulative Impact Zone



This page is intentionally left blank