

LICENSING SUB COMMITTEE

Wednesday, 15 November 2017 at 6.30 p.m.

The Council Chamber, Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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Website: <http://www.towerhamlets.gov.uk/committee>

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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST (Pages 7 - 10)

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 11 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 30)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 5th & 19th September 2017.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Application for a New Premises Licence for The Ship, 290 Westferry Road, London E14 3AG	31 - 90	Island Gardens

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

4 .2 Application for a New Premises Licence for Pho Village, 50 Fashion Street, London, E1 6PX	91 - 158	Spitalfields & Banglatown
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Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident

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

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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

Asmat Hussain, Corporate Director, Governance and Monitoring Officer, Tel 020 7364 4800

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 5 SEPTEMBER 2017

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

Members Present:

Councillor Rajib Ahmed (Chair)
Councillor Khales Uddin Ahmed
Councillor Suluk Ahmed

Officers Present:

Victoria Fowler	–	(Legal Services)
Corinne Holland	–	(Licensing Officer)
Simmi Yesmin	–	(Senior Committee Officer)

Representing applicants

	Item Number	Role
Fokru Uddin	3.1	Applicant
Umit Basin	3.1	Applicant

Representing objectors

	Item Number	Role
PC Mark Perry	3.1	Metropolitan Police
Nicola Cadzow	3.1	Environmental Health
Arthur Knight	3.1	Resident
Christopher Knight	3.1	Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Variation of a Premises Licence for Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the variation application for Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH. It was noted that objections had been received on behalf of the Metropolitan Police, Environmental Health Noise and local residents.

The Chair then invited the Applicant, Mr Fokru Uddin to make his submission, Mr Uddin explained that the premises had been trading for the past 12 months with licensable activities. He explained that at the previous hearing they were granted framework hours and advised that they could apply for a variation once they had experience of running the business. He stated that they had been running this business for 12 months it had been maintained and managed well with no direct complaints from the Police or Environmental Health.

Mr Uddin then went on to highlight the following

- That the business was a family friendly restaurant and the majority of the customers were local residents.
- That the premises was located in a very busy high road with major developments and close links to the city and therefore could not stop the flow of movement running through the area.
- That other restaurants in the area had late night licences.
- That the majority of the customers were residents of the borough and were aware of respecting the needs of local residents.
- That the business was contained indoors and had no services conducted outside the premises.
- Neighbouring businesses had longer opening hours and have had customers congregate outside their premises
- That their counter was by the door and therefore easier to advise customers to leave the premises quietly.
- They had suitable signage asking customers to respect the needs of local residents.
- The hours applied for were for late night refreshments only and not for sale of alcohol
- Other venues such as the Working Men's Club had late night events with customers spilling on to the streets and majority of the time causing noise nuisance which could often be mistaken as noise from their premises.
- The photos circulated by residents were of flattened boxes ready to be tied up and collected for recycling.
- Photos of the oil spill had been dealt with straight away.
- That the tenants living on Pollard Row were frequently changing and they were not permanent residents
- That any traffic that was on the high street were out of their control

- That when residents had complained about the smoking it was actioned straightaway and staff were now going over to the open green area for smoke breaks.
- That they had a strong management team to combat any issues that may arise.
- CCTV cameras were in operation to help deter crime and disorder
- The later opening hours would accommodate customers who work late and want to dine later on in the night.
- The hours applied for mirrored the hours of a business across the road.
- That applicant would like to work with Responsible Authorities and local residents.

Members then heard from PC Mark Perry, Metropolitan Police who stated that it was incorrect of the applicant to say that the police have not been called to the premise when in actual fact they had been called twice, one related to an assault and one relating to theft. He stated that the local pubs which had late night hours were part of the pub watch scheme and had SIA door staff.

He explained that previously when the application was granted there had been no residents objecting but from trading 12 months there were now objections from local residents which clearly demonstrated that the current operation of premises caused alarm and distress to local residents. PC Perry questioned why the applicant wanted to change the hours if customers were local residents and why they would want to come later in the night. He strongly believed that the hours applied for was to attract the night time trade from patrons leaving late night venues and pubs, these patrons would have been drinking all night and likely to be noisy, inebriated and loud and likely to cause a public nuisance.

Members then heard from Ms Nicola Cadzow, Environmental Health Officer who concurred with PC Perry and stated that the current hours were slightly over the framework hours and the hours applied for were far too excessive and that she had concerns that if the application was granted would the licensing objectives be adhered to.

Lastly Members heard from Mr Christopher Knight, who spoke on behalf of Mr Arthur Knight, Landlord and resident, who said that rubbish left outside the premises, spillage of cooking oil etc. were all issues that concerned residents on Pollard Row. He drew members' attention to page 37 of the agenda which was a map of the premises and explained that there were 5 flats above the premises and how the operation of the business and any form of nuisance can easily impact on the residents living on Pollard Row. He confirmed that there were residents who had been in the flats for several years and not just a few months which had been referred to by Mr Uddin.

Members asked questions of both the applicant and objectors and the following was noted;

- Clarification was sought on the alternative suggestion made by the police on their written submission on page 66. It was confirmed that their recommendation was not to grant the application however if

Members were minded to grant then it suggested that Members only consider an increase on Sundays to be in line with the current licensable hours.

- That there was a lot of ASB in the area but they were not always reported to the relevant authorities.
- That late hours would only attract people leaving late night venues who would be in high spirits and likely to cause nuisance.
- Why the two crime incidents mentioned were not detailed in the original representation made by the Police, PC Perry stated that they were low level crime and it was not intended not to be mentioned but he had only mentioned it as the applicant had claimed that the police had not been called to the premises and therefore mentioned it in order to correct inaccuracies claimed by the applicant.
- That the main entrance to the premises was on Bethnal Green Road a busy high street and the side entrance on Pollard Row was an emergency exit.
- That there was no reason for customers to congregate outside the premises as they will only be collecting food to take away with them.
- That the counter was by the door therefore staff could actively monitor and advise customers to leave quietly and respect the needs of local residents.
- That the applicant was happy to open shutters later on in the mornings.
- The Applicant agreed to offer further training to staff
- That the shutters could be controlled and be turned slowly, not to disrupt residents, living directly above the premises.
- That there had been no reported noise nuisance in the last year.
- That there would be a difference in clientele attracted to the premises if opened till later hours of the morning.

Finally the Chair asked both parties for concluding remarks.

Mr Uddin briefly stated that the noise was related to other late night premises in close proximity and that the hours applied for mirrored the hours of a late night premises directly across the road. That he was happy to train staff on dispersal of customers. Their counter was right near the window/door which would enable staff to actively monitor and advise customers to leave the premises quietly. The issues concerning staff smoking outside had now been dealt with and he lastly expressed his willingness to work with local residents and Responsible Authorities.

PC Perry spoke on behalf of the objectors and stated that there were clear concerns, as a family run business should not have the need to operate late night as it will only attract people leaving other late night venues who are likely to be in high spirits. That there was no SIA door staff to control and manage issues if they were to arise. He felt that the applicant did not sufficiently demonstrate how they would deal with difficult customers and therefore asked for the application to be refused.

Members retired to consider their decision at 7.45pm and reconvened at 8.40pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licencing objectives:

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

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and listened to the verbal representations made by the applicant and all objectors present at the meeting, with particular regard to the licensing objectives of crime and disorder, and the prevention of public nuisance. Members also considered the written objections detailed in the agenda.

In considering the application Members noted the location of the premises and the character of the area. With the premises situated on a busy high road, and other late night establishments in close proximity, Members felt that later hours would not have a negative impact on the area.

Members noted the steps that would be taken by the applicants to ensure that customers do not congregate outside the premises and leave the premise quietly so no further noise nuisance is caused. Members also acknowledged the applicant's willingness to work with responsible authorities and local residents.

Therefore Members made a decision and the decision was a majority decision. Members granted the application in part with additional conditions. Members believed that with the existing conditions of the licence together with additional conditions would help promote the licensing objectives.

Councillor Khales Uddin Ahmed wished his dissent to be recorded.

Decision

Accordingly, the Sub-Committee made a majority decision –

RESOLVED

That the application for a Variation of the Pেমises Licence for, Wood Mangal Restaurant, 329 Bethnal Green Road, London E2 6AH be **GRANTED in part** with additional conditions.

The provision of late night refreshment - Indoors

Monday to Thursday, from 23:00 hours to 01:00 hours (the following day)
Friday and Saturday, from 23:00 hours to 02:30 hours (the following day)
Sunday, from 23:00 hours to 00:00 hours (midnight)

The opening hours of the premises

Monday to Thursday, from 06:00 hours to 01:30 hours (the following day)
Friday and Saturday, from 06:00 hours to 03:00 hours (the following day)
Sunday, from 06:00 hours to 00:30 hours (the following day)

Conditions

1. No deliveries between the hours 20:00 hours and 08:00 hours
2. All staff to receive training commensurate to their duties. Training records to be kept and made available to the Licensing Authority on request.

Informative

Staff to be mindful when opening and closing the shutters so not to disturb residents living directly above the premises.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

None

The meeting ended at 8.45 p.m.

Chair, Councillor Rajib Ahmed
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30PM ON TUESDAY, 19 SEPTEMBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Shah Alam

Councillor Dave Chesterton

Officers Present:

Mohshin Hamim	–	(Senior Licensing Officer)	
Vivienne Walker	–	(Senior Prosecution Lawyer)	
Kathy Driver	–	(Principal Licensing Officer)	
Simmi Yesmin	–	(Senior Committee Officer, Democratic Services)	

Representing applicants	Item Number	Role
Sefano Dell'utri	3.2	Applicant
Azmal Hussain	3.1	Supporting Review

Representing objectors	Item Number	Role
Veronica Paul	3.2	Local Resident
Terry Ablet	3.2	Local Resident
Abdul Munim	3.2	Local Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations were made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application to Review the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a review of the premises licence for Curry Bazaar, 77 Brick Lane, London E1 6QL. It was noted that the review had initially been triggered by the Licensing Authority but they had subsequently withdrawn their representation. It was also noted that the Police who had supported the review had also withdrawn their representation as well as a local resident. Mr Ali confirmed that there were still representations remaining from other interested parties.

Members then heard from Mr David Dadds, Legal Representative for the Premises Licence Holder who explained that there should be no regard to the review process as the Licensing Authority had withdrawn their review so there was no application to consider.

Members adjourned at 6.40pm to seek legal advice and reconvened at 6.50pm

The Chair informed all parties that the application would be considered in relation to the remaining representations. It was noted that Members would disregard all the information contained on pages 26-79 of the agenda which related to the representations from the Licensing Authority, Police and the local resident who had all withdrawn their representations.

At the request of the Chair, Mr Azmal Hussain, Local businessman, stated that the premises was opposite his restaurant and that one of his staff has been assaulted by the staff and owners of the premises, he also stated that staff at premises continuously tout and shout out at customers. Mr Hussain also mentioned that the premises had been found to employ an illegal asylum and had also sold illegal alcohol at the premises.

Members then heard from Mr Dadds, who briefly explained that the incident of the assault that had been mentioned by Mr Hussain was not connected to the premises and was proven self-defence at court, and the sale of illegal alcohol had been dealt with by a different review process.

He then went through the other remaining representations and explained that they were trade objectors and direct competition and therefore little or no weight should be given. He said the representations from local residents were of general matters in relation to the local area.

In response to questions the following was noted;

- It was accepted that the premises was a family run business.
- That the previous Premise Licence Holders did not work at the premises

- That the current Premises Licence Holder and his brother take it in turns to manage, open and close the premises.
- The change in management, successful test purchases, and transfer of the premises licence holder were factors which assisted in the decision to withdraw representations.
- It was confirmed that if the licence had not been transferred then the review representation would not have been withdrawn.

Members adjourned the meeting at 7.30pm for deliberations and reconvened at 7.45pm.

The Licensing Objectives

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of Licensing Policy and in particular to have regard to the promotion of the four licensing objectives:

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

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and listened to the verbal representations made by the Licensee's Legal Representative and other person's party to the application present at the meeting with particular regard to the licensing objectives of crime and disorder and prevention of public nuisance.

Members noted the withdrawal of the representations made by the Responsible Authorities and one of the local residents. Whilst Members noted that the change in management and the transfer of licensee was a consideration of the Licensing Authority when making their decision to withdraw their representation. Members were still concerned about the involvement of the previous premises license holders and felt that a condition to exclude them from any day to day management of the premises would help alleviate any concerns of previous mismanagement and misconduct.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Review of the Premises Licence for Curry Bazaar, 77 Brick Lane, London E1 6QL be **REFUSED** and a condition imposed.

Condition

To exclude Mrs Azirun Nessa and Mr Mohammed Juber Ahmed from any positions of management or the role of DPS or the day to day control or management of the premises.

3.2 Application for Variation of a Premises Licence for Green Truffle, 21 Roman Road, London E2 0HU

The Sub Committee briefly listened to an application made by the Applicant and also heard from resident objectors present at the meeting. Members were concerned about the difficulty the applicant experienced in presenting his submissions and lack of clarity in the answers given when questioned by Members. Therefore Members decided to adjourn the meeting in order for the Applicant to seek appropriate licensing advice and appoint an advocate or representative to help support him in making his application and demonstrate his understanding of the licensing objectives.

RESOLVED

That the application for a Variation of the Premises Licence for Green Truffle, 21 Roman Road, London E2 0HU be **Deferred** to another meeting of the Licensing Sub Committee.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The meeting ended at 9.00pm

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee : Licensing Sub-Committee	Date 15 November 2017	Classification Unclassified
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Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Catrina Marshall Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (The Ship), 290 Westferry Road, London E14 3AG Ward affected: Island Gardens
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1.0 Summary

Applicant:	S & L Pub Company Ltd
Name and	The Ship
Address of Premises:	290 Westferry Road London E14 3AG
Licence sought:	Licensing Act 2003 – Premises Licence <ul style="list-style-type: none">• The sale by retail of alcohol• The provision of regulated entertainment
Representations:	Local Resident

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Catrina Marshall
020 7364 2665

3.0 Background

3.1 This is an application for a premises licence for (The Ship), 290 Westferry Road London E14 3AG.

3.2 The applicant has described the premises as follows:
A small traditional pub with one main bar in the centre with a pizza kitchen to the left of the bar and rear of the main area. 12 tables surround the bar with 7 bar stools at the bar itself. There is a small beer garden with picnic bench seating entered to the rear of the property and another small area to the right hand side of the pub which can be entered via the pub or the street.

3.3 This premise held a premises licence since 2005, the licence lapsed due to the death of the premises licence holder and the transfer application was not submitted within the 28 days period therefore a New Premises Licence had to be applied. Please find below a copy of licensable activities and hours for trading also opening hours with no conditions on **lapsed premises licence:**

The times the licence authorises the carrying out of licensable activities

Alcohol

- Monday to Sunday, from 12:00 hours to 12midnight

Late Night Refreshment - Indoors

- Monday to Sunday, from 23:00 hours to 12midnight

Regulated Entertainment – Indoors (recorded music)

- Monday to Saturday, from 12:00 hours to 23:00 hours
- Sunday, from 12:00 hours to 22:30 hours

The opening hours of the premises

- Monday to Sunday, from 10:00 hours to 12midnight

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

On supplies

Annex 2 - Conditions consistent with the operating Schedule

None

3.4 A copy of the application is enclosed as **Appendix 1**

3.5 The applicant has applied for The sale by retail of alcohol

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

- Monday to Sunday from 12:00 hours to 00:00 hours (**Midnight**)

The provisional of regulated entertainment – recorded music only

- Monday to Saturday from 12:00 hours to 00:00 hours (**Midnight**)
- Sunday from 12:00 hours to 23:00 hours

Hours premises is open to the public:

- Monday to Sunday 12:00 hours to 00:00 hours (**Midnight**)

Applicant agreed hours with Environmental Protection before consultation expired:

- All Licensable Activities (Regulated Entertainment (recorded music), Sale of Alcohol until 23:30, closing 30 minutes later at Midnight)
- Sunday recorded music until 23:00 hours - **as applied**

4.0 Location and Nature of the premises

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

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

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

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

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2017.

5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, than in some areas Tower Hamlets, after a proper consideration of local

circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because a relevant representation has been received by the following local residents:
 - Konstantinos Prepalas - **Appendix 6**
 - Peter and Helen Harris– **Appendix 7**
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health

- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 Essentially, the relevant party opposes the application because the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

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

- 7.1 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 7.2 No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500-metre radius of the premises.
- 7.3 Clear signage shall be placed in the restaurant windows stating that the premises supports the Council's 'No Touting' policy.
- 7.4 The premises shall install and maintain a comprehensive CCTV system. All entry and exit points will be covered enabling frontal identification with a "head and shoulder" image of every person entering, in any light condition. The CCTV system shall continually record whilst the premise is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).
- 7.5 A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times

when the premises are open to the public. This staff member must be able to show a Police or authorised council officer recent data or footage with the absolute minimum of delay when requested.

- 7.6 A minimum of one SIA registered door supervisor shall be on duty from 23:00 daily until the closure of the premises to the public.
- 7.7 Reasonable steps shall be taken to ensure that any persons loitering outside the premises disperse quickly and do not congregate.
- 8.0 **Conditions in consultation with the Responsible Authorities:**
Loudspeakers shall not be located in the entrance lobby or outside the premises building.
All windows and external doors shall be kept closed after **22:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access and egress of persons. Also the premises licence holder shall ensure that noise or vibration is not audible at the nearest noise sensitive premises

8.1 None

9.0 **Licensing Officer Comments**

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

decision in the interests of the promotion of the licensing objectives.”
(1.12)

- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of

customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

9.8 In **Appendices 10 - 20** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Residents Representation - Konstantinos Prepalas
Appendix 7	Residents Representation - Peter & Helen Harris
Appendix 8	Licensing Officer comments on access/egress Problems
Appendix 9	Section 182 Advice on Public Nuisance
Appendix 10	Licensing Policy advice on Public Nuisance
Appendix 11	Planning
Appendix 12	Licensing Policy relating to hours of trading

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Appendix 1



* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Are you:

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

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

Applicant Business

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

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

Registration number

Business name If your business is registered, use its registered name.

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Limited company

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

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

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The Premises is a small traditional pub with one main bar in the center with a pizza kitchen to the left of the bar and rear of the main area*. 12 tables surround the bar with 7 bar stools at the bar itself. There is a small beer garden with picnic bench seating entered to the rear of the property and another smaller area to the right hand side of the pub which can be entered via the pub or the street.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

- Yes No

Standard Days And Timings

Continued from previous page...

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

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

- Indoors Outdoors Both

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

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

Music will not be amplified and only played through a streaming device.

State any seasonal variations for playing recorded music

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

Continued from previous page...

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

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

New Years Eve only

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="00:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

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

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

New Years Eve

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

Continued from previous page...

Name

First name

Family name

Date of birth / /
dd mm yyyy

Enter the contact's address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Personal Licence number (if known)

Issuing licensing authority (if known)

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

N/A

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

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

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

New years Eve

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

Ensuring all staff are trained in licensing laws and undergo health and safety and fire safety training.
Liaising with the local council and authorities in regards to the best policies to put in place.
Providing appropriate documentation of any incidents.
Providing additional training courses for those employed in positions of responsibility.

b) The prevention of crime and disorder

24 hour CCTV is installed in the premises.
An incident book is to be kept detailing any issues that arise.
All staff are trained to not serve anyone that may seem drunk.
Taxi numbers are too hand for any drivers and staff will not knowingly allow any driver that has drank beyond the national limit to continue to drive.
Systems are in place in regards to a zero tolerance policy towards drugs and adaptations to hot spots have been made (I.E toilets)

c) Public safety

24 hour CCTV is installed in the premises.
An incident book is to be kept detailing any issues that arise.
Maintenance of the building is checked routinely including any compliance required such as PAT testing and gas safety.
Appropriate health and safety and fire safety training is provided for all staff.
Appropriate documentation in regards to safe food handling, storage and cooking is kept.
Staff in positions of responsibility are to complete relevant courses such as basic food hygiene, personal license course.
Fire exits are clearly marked.

d) The prevention of public nuisance

24 hour CCTV is installed in the premises.
An incident book is to be kept detailing any issues that arise.
Signs are publicly displayed stating to leave the premises quietly and also to keep noise to a minimum in outside areas.
All staff are trained to not serve anyone that may seem drunk.
Liaising with the local authorities in regards to any recommendations that may seem fit

e) The protection of children from harm

24 hour CCTV is installed in the premises.
We operate a challenge 25 policy.
Children under the age of 18 are not allowed in the premises unaccompanied.
Children under the age of 16 are not allowed in the premises accompanied after 10:30pm

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* I/we understand it is an offence, liable on conviction to a fine up to level 5 on the standard scale, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application.

The 28 full days consultation period on the public notice on the premises and on the newspaper must state the same
* consultation end date. The advert on the local newspaper must be published on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the Licensing Authority.

[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)

Ticking this box indicates you have read and understood the above declaration

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

* Full name

* Capacity

* Date / /
dd mm yyyy

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/tower-hamlets/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

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

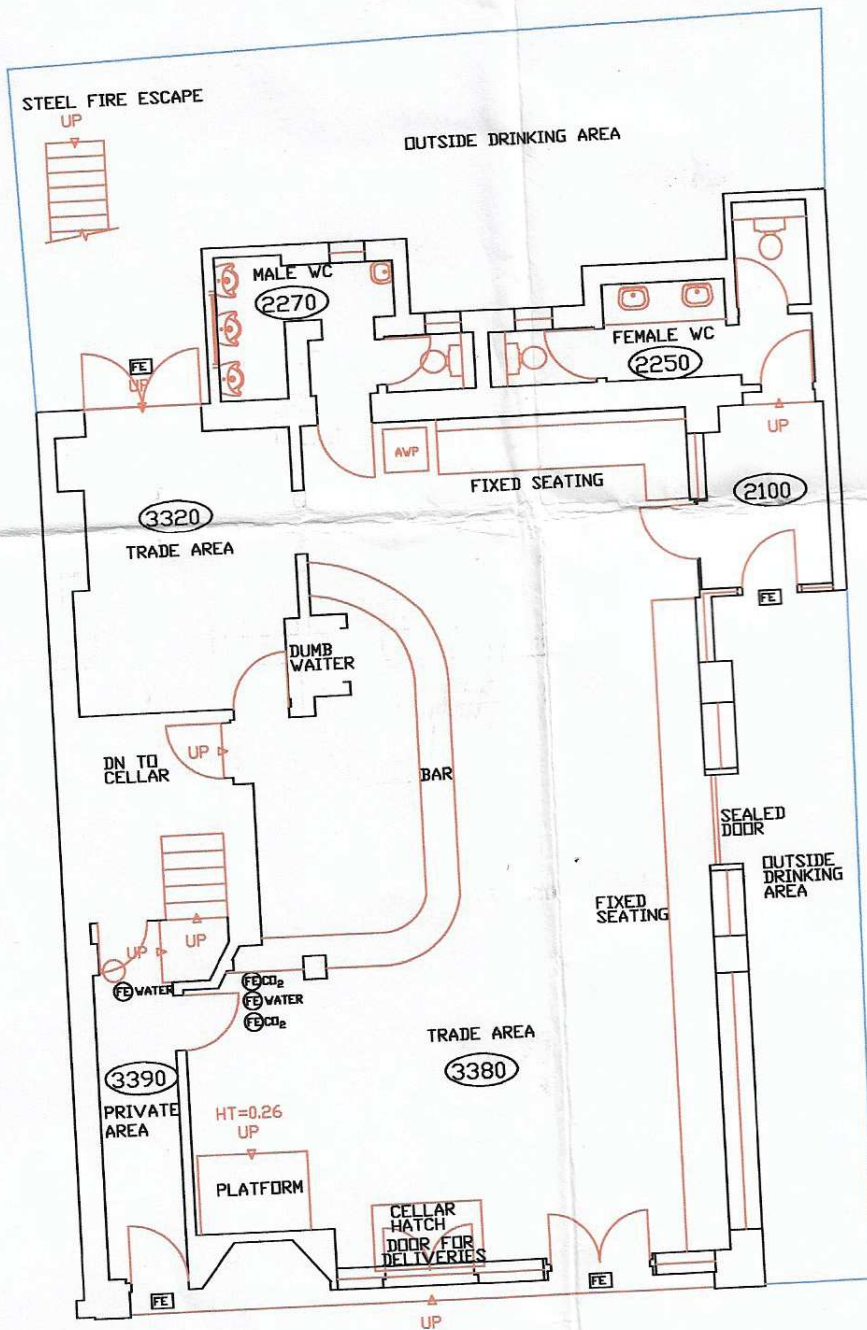
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT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

OFFICE USE ONLY

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

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

Appendix 2

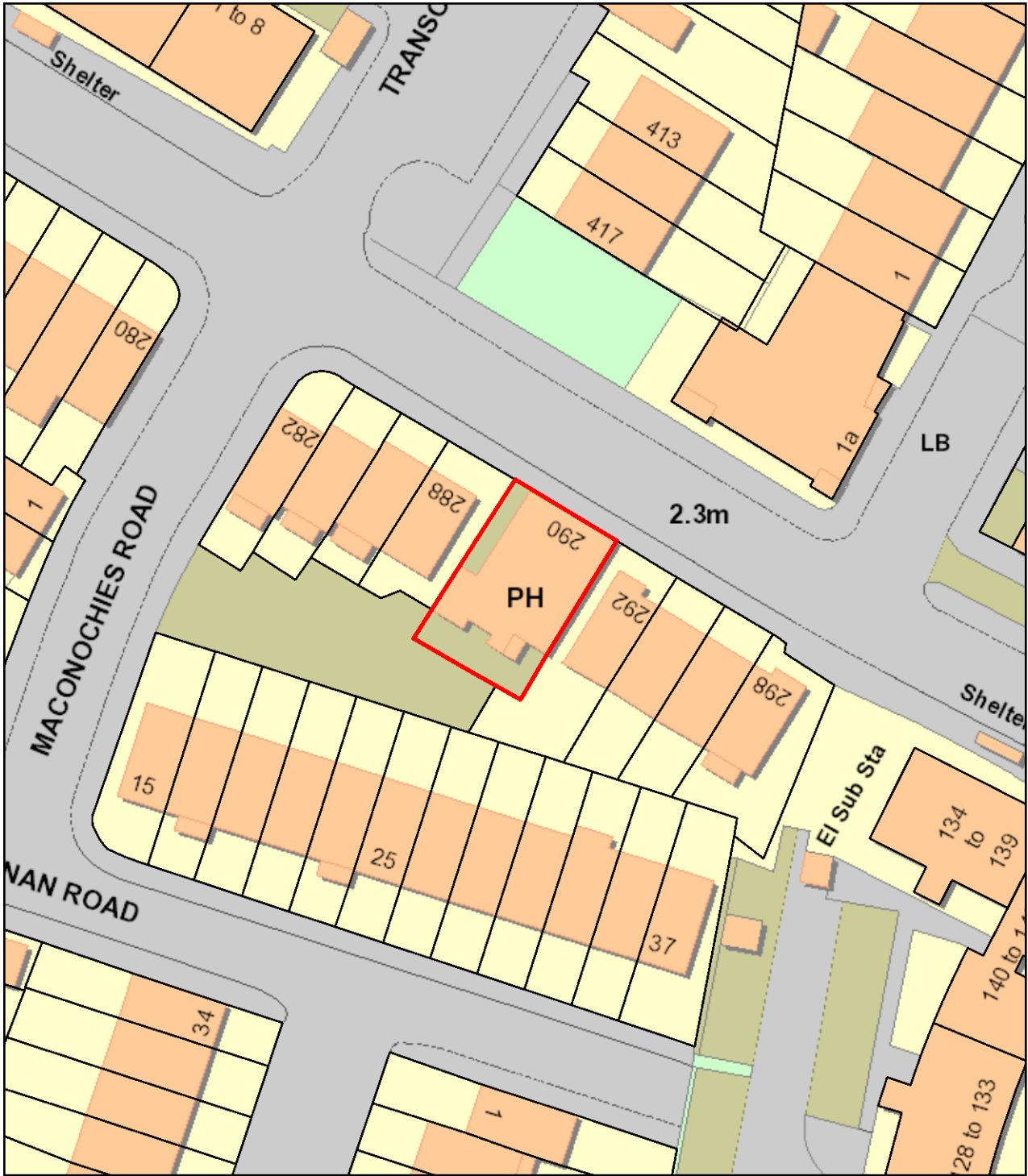


BUILDING SURVEYED AREA = 146.7 SQ. M

- ▣ LOCATED IN LOFT
- ▣ LOCATED IN CELLAR

SCALE 1:100
GROUND FLOOR

Appendix 3

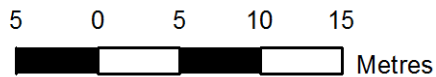


The Ship 290 Westferry Road

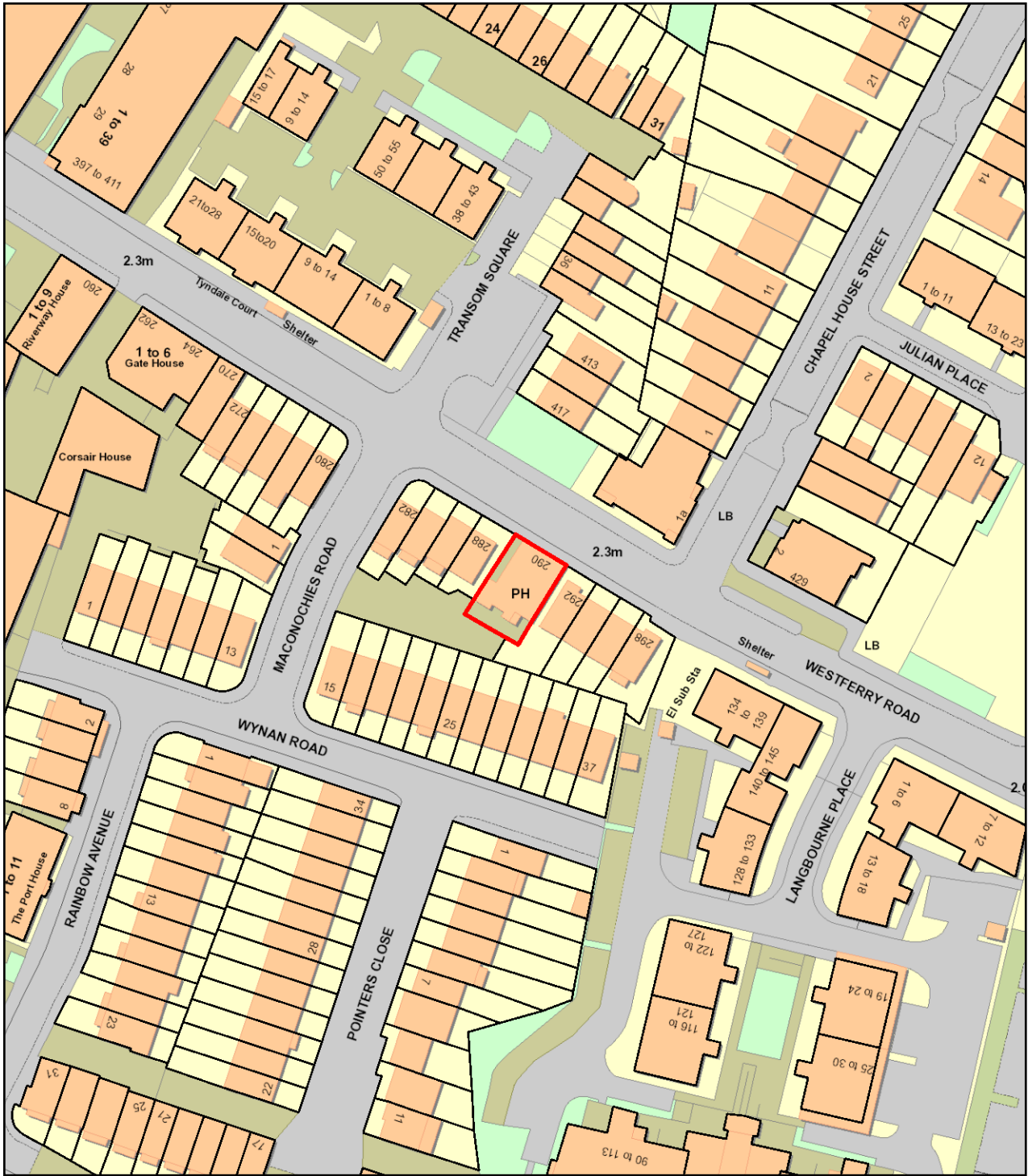
Map 1



Scale 1:567



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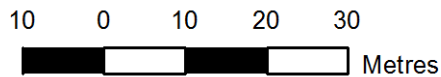


The Ship 290 Westferry Road

Map 2



Scale 1:1135



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Appendix 4

<u>Name & address</u>	<u>Times of Licensable Activities</u>	<u>Opening Hours</u>
<p>(Leafy Green Orchard Ltd) Ground/Basement 240 Westferry Road London E14 3RQ</p>	<p>Late night refreshment:</p> <p>Monday to Thursday 23:00 hours to 23:30 hours</p> <p>Fridays and Saturdays 23:00 hours to 23:30 hours</p> <p>Sales of Alcohol (on sales):</p> <p>Monday to Thursday 12:00 hours to 23:30 Hours</p> <p>Fridays and Saturdays 12:00 hours to 24:00 hours</p> <p>Sundays 12:00 to 22:30 hours.</p> <p>Recorded Music (background music only):</p> <p>Monday to Thursday 12:00 hours to 24:00 hours</p> <p>Fridays, Saturdays and Sundays 12:00 hours to 01:00 hours</p>	<p>Monday to Thursday 12:00 hours to 24:00 hours</p> <p>Fridays, Saturdays and Sundays 12:00 hours to 01:00 hours</p>
<p>(The Space) 269 Westferry Road London E14 3RS</p>	<p>Alcohol - On and off sales Alcohol shall not be sold or supplied except during permitted hours.</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>There are no restrictions on the hours during which this premises is open to the public</p>

For conditions re. “drinking up time” see Annex 1 Mandatory Conditions

Special Hours Certificate

“ Subject to the following paragraphs, the permitted hours shall extend until:

- Wednesday to Saturday until 02:00 hours the following day

except that—

(a) the permitted hours shall end at midnight . . . on any day on which music and dancing is not provided after midnight; and

(b) on any day that music and dancing end between midnight and two o’clock the permitted hours shall end when the music and dancing end.

In relation to the morning on which summer time begins, paragraph (1) of this condition shall have effect—

(a) with the substitution of references to three o’clock in the morning for references to two o’clock in the morning [or one hour following the hour actually specified in the certificate where the certificate currently requires closure between 1 a.m. and 2 a.m.]

The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.

Late Night Refreshment

Hot drinks and hot food can be served up to 30 minutes after the last permitted sale of alcohol.

- Wednesday to Saturday from 23:00 hours to 02:30 hours the following day

Regulated Entertainment - Music and Dancing (including entertainment of the like kind).

Films.

This licence is subject to the standard rules of the Council relating to the management of places of public entertainment and the also the following:

- Wednesday to Saturday from 09:00 hours to 02:00 hours the following day

Plays

- Monday to Saturday from 09:00 hours to 23:00 hours
- Sunday from 09:00 hours to 14:00 hours

	<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>	
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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

Catrina Marshall

From: [REDACTED]
Sent: 27 September 2017 11:58
To: Licensing
Subject: Licence The Ship. Ref 103025

Follow Up Flag: Follow up
Flag Status: Completed

27/09/2017
My ref: CLC/EHTS/LIC/103026
The Ship 290 Westferry Road London E14 3AG

Dear Sir/Madam

I am writing to describe my main concern about this application. According to the licence application on section 5 of 21 mentions that there is a small beer garden with picnic bench seating entered to the rear of the property. As far as I am concerned this area hasn't been mentioned as a "beer garden" in the past and the seating benches are relatively new. My main objection is that this area is opposite of where I live and the fact my house is in an elevated level, the noise created from people drinking, smoking or chatting on this new "beer garden" can be significant and not in the appropriate standard. The premises has already a small area to the right hand side which can be entered via the pub or the street and this area can be used for people who want to smoke or stay outside and I don't find any reason to use this relatively new beer garden. There is already public nuisance from this premises and a beer garden can definitely create more noise nuisance. To avoid any misunderstandings I am not against the operation of this premises as a pub but I am really concerned about the public noise that drinkers or smokers can create on the specific external area which is opposite my house especially at late hours of the day.

Regards,

Konstantinos Prepalas
[REDACTED]

Appendix 7

Catrina Marshall

From: Harris, Helen [REDACTED] >
Sent: 28 September 2017 16:30
To: Katrina Marshall
Subject: RE: Application for premises licence

Hello Katrina,

We are unaware that no one has complained re the noise but with the new licence we want to re iterate our concerns that there is noise on many occasions and with the 'beer garden issue' it is a worry!

With all that has been said in the email chain please put this forward as an objection .

From
Peter Harris
[REDACTED]
[REDACTED]

From: Katrina Marshall [mailto:Catrina.Marshall@towerhamlets.gov.uk]
Sent: 28 September 2017 10:55
To: Harris, Helen
Subject: RE: Application for premises licence

Good morning Helen,

Unfortunately the applicant is given your details as it's part of the hearing process so it gives them an opportunity to try and address your concerns and therefore It becomes a public document. I've also spoken to our Environmental Protection team who deal with noise nuisance complaints and they've not received any since 2013 please advise me what you want to do.

Regards

Catrina Marshall
Licensing Officer

2nd Floor, John Onslow House
1 Ewart Place,
London, E3 5EQ

Email: [REDACTED]k
[REDACTED]
[REDACTED]

Please note: Meetings with Licensing Officers are by prearranged appointment only.

[REDACTED]
[REDACTED]

See our regular licensing news pages at: [REDACTED]



From: Harris, Helen [REDACTED]
Sent: 27 September 2017 17:39
To: Catrina Marshall
Subject: FW: Application for premises licence

Catrina, please see comments below from my husband.

Helen

From: [REDACTED]
Sent: 27 September 2017 17:30
To: Harris, Helen
Subject: Re: Application for premises licence

Pls forward:

What prevents the publican from distributing our details - as this is then an infringement of Data protection act?

Sent from my iPhone

On 27 Sep 2017, at 17:24, Harris, Helen [REDACTED] wrote:

Please see below

From: Catrina Marshall [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: 27 September 2017 17:23
To: Harris, Helen
Subject: RE: Application for premises licence

Good afternoon Helen,

Thank you for your comments but unfortunately unless you and your neighbours submit an objection or speak to the applicant regarding your concerns I have to advise the last day for consultation is 28/09/2017 tomorrow midnight. If you do proceed to object or if you want me to accept this as an objection we will need your names, addresses including post code for this to follow procedure:

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. You will be notified by the Democratic Services of the date, time and venue of the public hearing and invited to attend. Please note that your representation will become a public document (contact details will be redacted from website) and the applicant is entitled to a full, un-redacted copy of your representation.

The Licensing Sub Committee hearing will be held at Mulberry Place, 5 Clove Crescent, London E14 2BG, you will be notified two weeks prior of the hearing.

The applicants may contact you directly to negotiate any changes to the application.

Regards

Catrina Marshall
Licensing Team

John Onslow House
1 Ewart Place
London
E3 5EQ

Please note:
Meetings with Licensing Officers are by prearranged appointment only.

[REDACTED]
[REDACTED]
[REDACTED]

General email [REDACTED]

See our regular licensing news pages at [REDACTED]
<image001.png><image002.png>

From: Harris, Helen [REDACTED]
Sent: 27 September 2017 16:49
To: Catrina Marshall
Subject: FW: Application for premises licence

Your ref: CLC/EHTS/LIC/103025
The Ship 290 Westferry Road London E14 3AG

Dear Ms Marshall

Tower Hamlets wrote to us regarding the application above, although we have no objection to the property being a public house we and our neighbours have a few concerns re this application

There is often noise late at night when people are stood in the side alley and when the backdoor is open (full conversations and music can be heard)

In all the years we have lived at the property it is always been understood that the back of the building was never to be used as a beer garden, using the area would obviously increase the noise problem and infringe on our privacy as our property can be seen from the premises.

Please note the back of the premises as no adequate fire escape.

Please also note the noise from the air conditioning compressors emanates all through the night and is very disturbing

I look forward to hearing from you

Regards

Helen Harris

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

Working Together for a Better Tower Hamlets

Web site : [Redacted]

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If your request relates to a Freedom of Information enquiry, please resend this to

[Redacted]

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

Working Together for a Better Tower Hamlets

Web site : [Redacted]

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If your request relates to a Freedom of Information enquiry, please resend this to [Redacted]

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

Appendix 8

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 9

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

Updated April 2017

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Appendix 10

Prevention of Nuisance – Licensing Policy, updated March 2015

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

Appendix 11

Planning

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

Appendix 12

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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Agenda Item 4.2

Committee : Licensing Sub Committee	Date 15 November 2017	Classification Unclassified
---	--------------------------	---------------------------------------

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a new Premises Licence for Pho Village, 50 Fashion Street, London, E1 6PX Ward affected: Spitalfields and Banglatown
---	--

1.0 **Summary**

Applicant: **PHO Village Limited**
Name and
Address of Premises: **PHO Village**
50 Fashion Street,
London
E1 6PX

Licence sought: **Licensing Act 2003**
The Sale of Alcohol

Objectors: **Local Resident**

2.1 **Recommendations**

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Corinne Holland
020 7364 3986

3.1 **Background**

3.2 This is an application for a new premises licence for **PHO Village, 50 Fashion Street, London, E1 6PX.**

3.3 The applicant has described the premises as follows:

3.4 *“A small Vietnamese restaurant with seating for 16 diners”*

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

3.6 The applicant has applied for the following hours:

Sale of alcohol – (on and off sales)

- Monday – Saturday 12:00 – 23:00 hours
- Sunday 12:00 – 22:00 hours

Hours premises are open to the public:

- Monday – Sunday 11:00 – 23:00 hours

4.1 **Location and Nature of the premises**

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

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

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

4.5 Details of other licensed venues in the immediate vicinity are included as **Appendix 4.**

5.1 **Licensing Policy and Government Advice**

5.2 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.

5.3 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.4 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.

5.5 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.

6.1 Representations

6.2 This hearing is required by the Licensing Act 2003, because relevant representations have been made by a local resident.

- Mr Tom Dean (**Appendix 5**)

6.3 The applicant sent an email to Mr Tom Dean to hopefully address his concerns. This email is included in **Appendix 6**. There has been no response to this email.

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

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

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

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

6.6 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

6.7 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.

6.8 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.

6.9 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.

- 6.10 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.11 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 7**.
- 6.12 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.
- 6.13 The objections cover allegations of:
- Anti-social behaviour from patrons leaving the premises
 - Disturbance from patrons leaving the premises
 - Noise when the premises is in use
- 6.14 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.15 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.1 **Conditions consistent with Operating Schedule**

- The premises licence holder shall ensure that reasonable and adequate staff training shall be carried out and properly documented and made available to Police and Responsible Authority officers upon request.
- The premises licence holder shall operate a 'Challenge 25' scheme at the premises whereby anyone who appears to be under the age of 25 shall be asked to provide proof of age that he or she is over 18. Proof of age shall only comprise of a passport, a photo-card driving licence or an industry approved proof of age identity card bearing the PASS hologram.
- Clear signage stating the premises operating hours to be displayed
- Delivery of goods, necessary for the business, to be delivered in a manner so not to cause a nuisance to residents.

8.0 **Conditions Agreed/Requested by Responsible Authority**

None

9.1 Licensing Officer Comments

9.2 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

9.3 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 (10.27) and censorship avoided (10.17).
- The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)

9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

9.5 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 8- 15** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.1 **Legal Comments**

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

11.1 **Finance Comments**

11.2 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the vicinity
Appendix 5	Representations from Mr Dean (objector)
Appendix 6	Applicants email to objector
Appendix 7	Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations
Appendix 8	Anti- social behaviour on premises
Appendix 9	Anti-social behaviour leaving the premises
Appendix 10	Noise whilst the premises is in use
Appendix 11	S182 Guidance on public nuisance
Appendix 12	Licensing Policy on prevention of nuisance
Appendix 13	Access and Egress problems
Appendix 14	Framework Hours
Appendix 15	Planning

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Appendix 1



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

This form should be completed and forwarded to: Licensing Section, John Onslow House, 1 Ewart Place, London E3 5EQ with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. You can also pay by phoning 020 7364 5008 or on-line: <http://www.towerhamlets.gov.uk/pay>

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) PHO VILLAGE LTD

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 <u>50 FASHION STREET</u>	
Post town <u>LONDON</u>	Post code <u>E1 6PX</u>

Telephone number at premises (if any)

Non-domestic rateable value of premises £ 17,500

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick as appropriate
- a) an individual or individuals* Please complete section (A)
- b) a person other than an individual *
- i. as a limited company please complete section (B)
- ii. as a partnership please complete section (B)
- iii. as an unincorporated association or please complete section (B)
- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

Date of Birth	<input type="text"/>	I am 18 years old or over	<input type="checkbox"/>
Nationality	<input type="text"/>		

Current residential address if different from premises address	<input type="text"/>
---	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

E-mail address (optional)	<input type="text"/>
----------------------------------	----------------------

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname	First names
<input type="text"/>	<input type="text"/>

Date of Birth	<input type="text"/>	I am 18 years old or over	<input type="checkbox"/>
Nationality	<input type="text"/>		

Current residential address if different from premises address	<input type="text"/>
---	----------------------

Post Town	<input type="text"/>	Postcode	<input type="text"/>
------------------	----------------------	-----------------	----------------------

Daytime contact telephone number	<input type="text"/>
---	----------------------

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	PHO VILLAGE LTD
Address	50 FASHION STREET LONDON E1 6PX
Registered number (where applicable)	[REDACTED]
Description of applicant (for example partnership, company, unincorporated association etc)	LIMITED COMPANY
Telephone number, if any	
E-mail (optional)	[REDACTED]

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
04	10	2017

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

Day	Month	Year

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

--

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

A small Vietnamese cafe with seating for 16 diners.
 Mainly takeaway customer.
 Basement measured 320sqft is the main kitchen area.
 Ground floor measured 400sqft. - split into front of shop with 16 seatings. A cold food display unit divide the back of the shop which have toilet facility and a cooker.

Page 5 of 23

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 (see 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		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 4)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 5)		
Thur						
Fri						
Sat				Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun						

B

Films Standard days and timings (please read guidance note 7)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 4)	Both		
Tue						
Wed				State any seasonal variations for exhibition of films (please read guidance note 5)		
Thur						
Fri						
Sat				Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sun						

C

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

D

Boxing or wrestling entertainment 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	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue			<p>Please give further details here (please read guidance note 4)</p> <p>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)</p> <p>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)</p>		
Wed					
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
				Both		
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed				State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 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 [Y] (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
				Both		
Mon			Please give further details here (please read guidance note 4)			
Tue						
Wed				State any seasonal variations for playing 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 entertainment 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 [Y] (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 4)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
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			
Mon			Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	
				Outdoors	
				Both	
Tue			Please give further details here (please read guidance note 4)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
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 [Y] (please read guidance note 3)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 4)	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 5)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times to those listed in the column on the left, please list (please read guidance note 6)		
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 [Y] (please read guidance note 8)	On the premises		
Day	Start	Finish		Off the premises		
Mon	12.00	11.00PM	State any seasonal variations for the supply of alcohol (please read guidance note 5)	Both	<input checked="" type="checkbox"/>	
Tue	12.00	11.00PM				
Wed	12.00	11.00PM				
Thur	12.00	11.00PM		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	12.00	11.00PM				
Sat	12.00	11.00PM				
Sun	12.00	10.00PM				

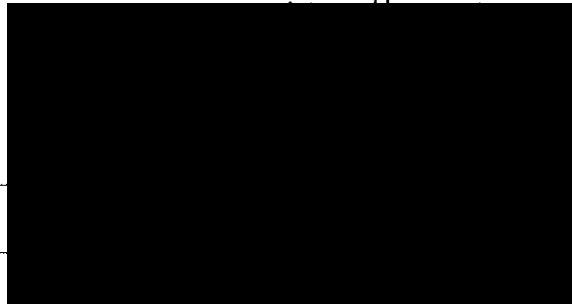
State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

QUAN HUYNH

Date of Birth

Address



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)

[Empty box for highlighting concerns regarding children]

L

Hours premises are open to the public Standard timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	11.00	11.00PM	<u>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Tue	11.00	11.00PM	
Wed	11.00	11.00PM	
Thur	11.00	11.00PM	
Fri	11.00	11.00PM	
Sat	11.00	11.00PM	
Sun	11.00	11.00PM	

M

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

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

<ul style="list-style-type: none"> - STRONG MANAGEMENT TEAM - DESIGNATED PREMISES SUPERVISOR - CLEAR CHALLENGE TO ANYONE UNDER "25" - NO SELLING OF ALCOHOL TO INTOXICATED CUSTOMER

b) The prevention of crime and disorder

- Clear sign on shop showing operating hours
- no selling of alcohol to intoxicated customers
- Prevention + vigilance in illegal drug use
- staff well trained

c) Public safety

- Internal and external lighting
- Trained staff
- log book of repair
- Underage checking

d) The prevention of public nuisance

- Delivery of goods necessary for the business done in a manner to prevent nuisance
- No customers outside of operating hours
- Waste area for customers

e) The protection of children from harm

<p>- Challegne 25 sign - Staff training to asked for ID - log book</p>
--

You have completed part 3 of this form. Below is a checklist for your assistance.

CHECKLIST:

Please tick to indicate agreement

- I have made or enclosed payment of the fee
Insert On-Line Payment reference here if applicable :
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be 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	12-09-2017
Capacity	DIRECTOR

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	

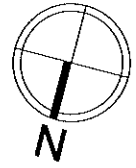
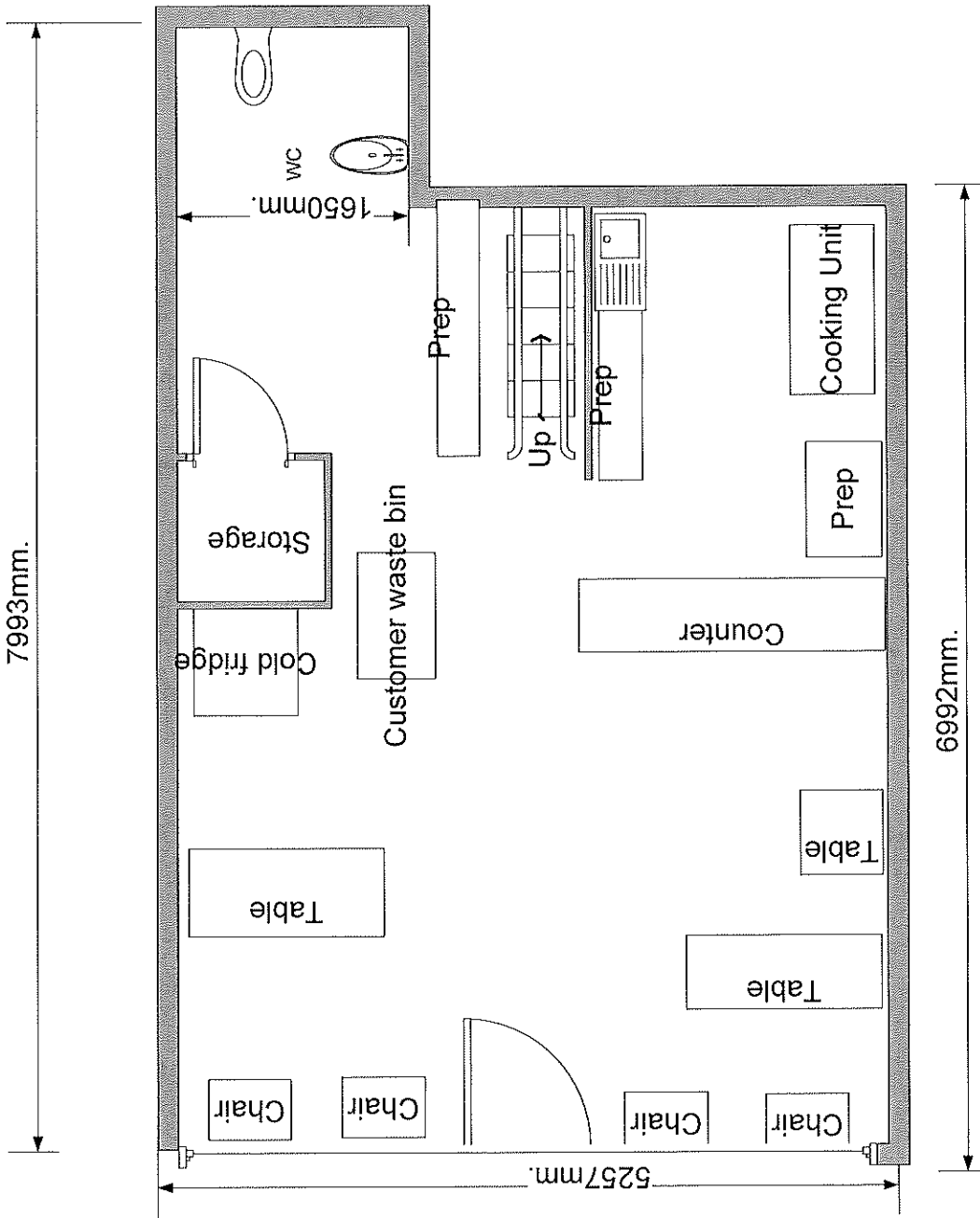
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

QUAN HUYNH
50 FASHION STREET

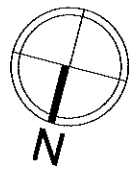
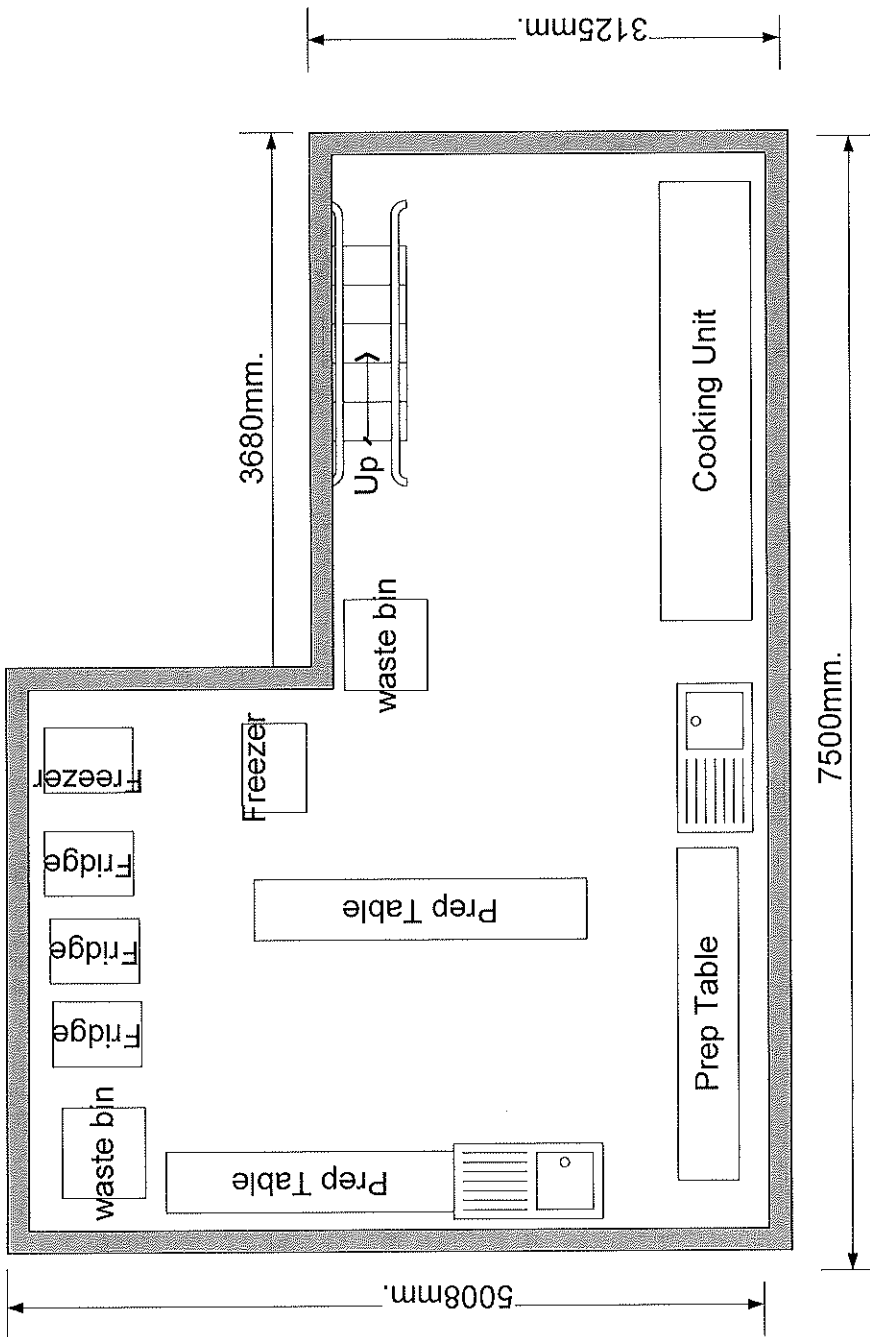
Post town	LONDON	Post code	E1 6PX
Telephone number (if any)			

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

Appendix 2



Ground Floor
Plan
50 fashion Street
Scale : 1 : 50
12-Sep-17



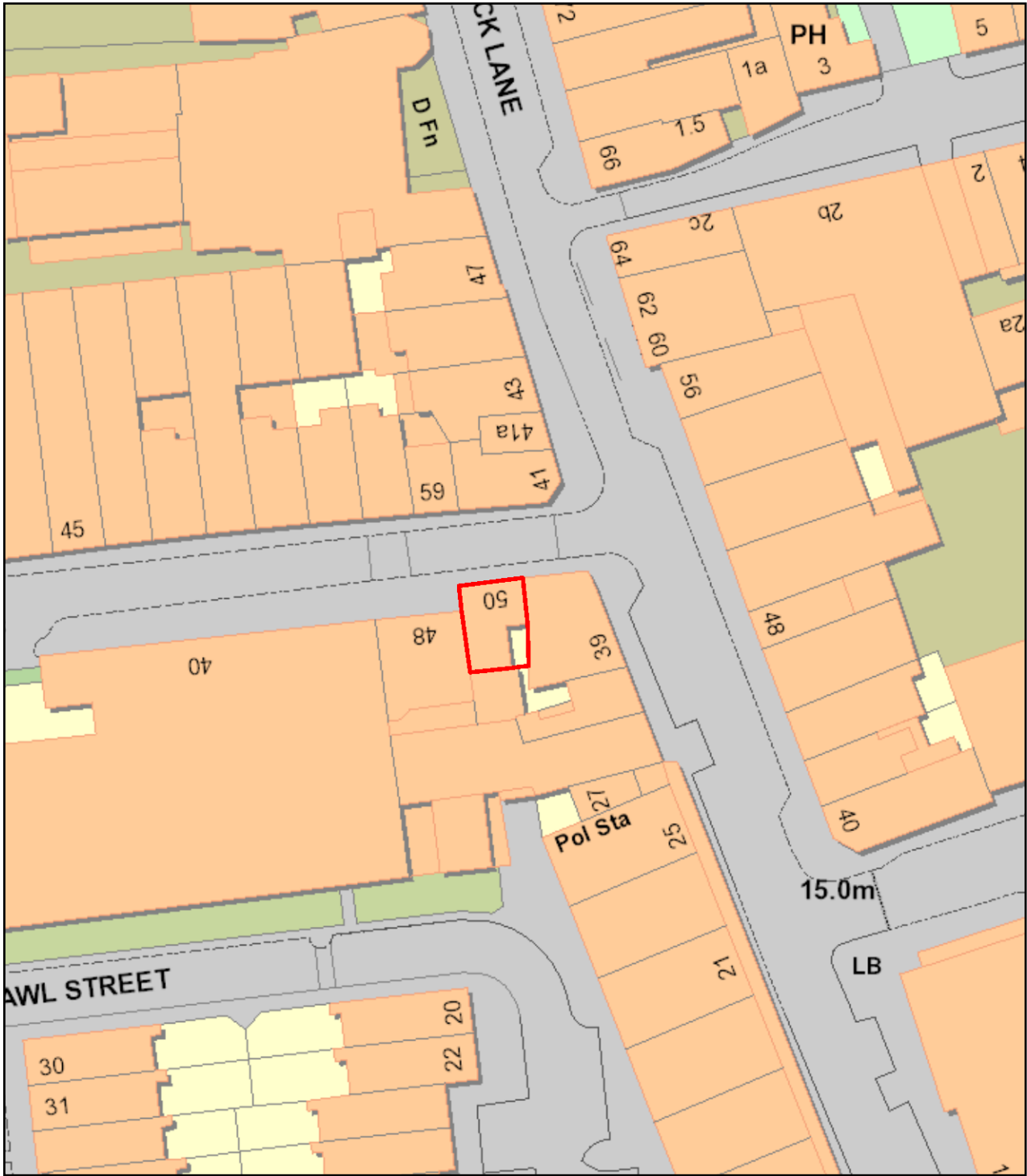
Basement Plan

50 fashion Street

Scale : 1 : 50

12-Sep-17

Appendix 3

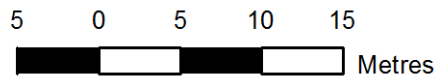


50 Fashion Street

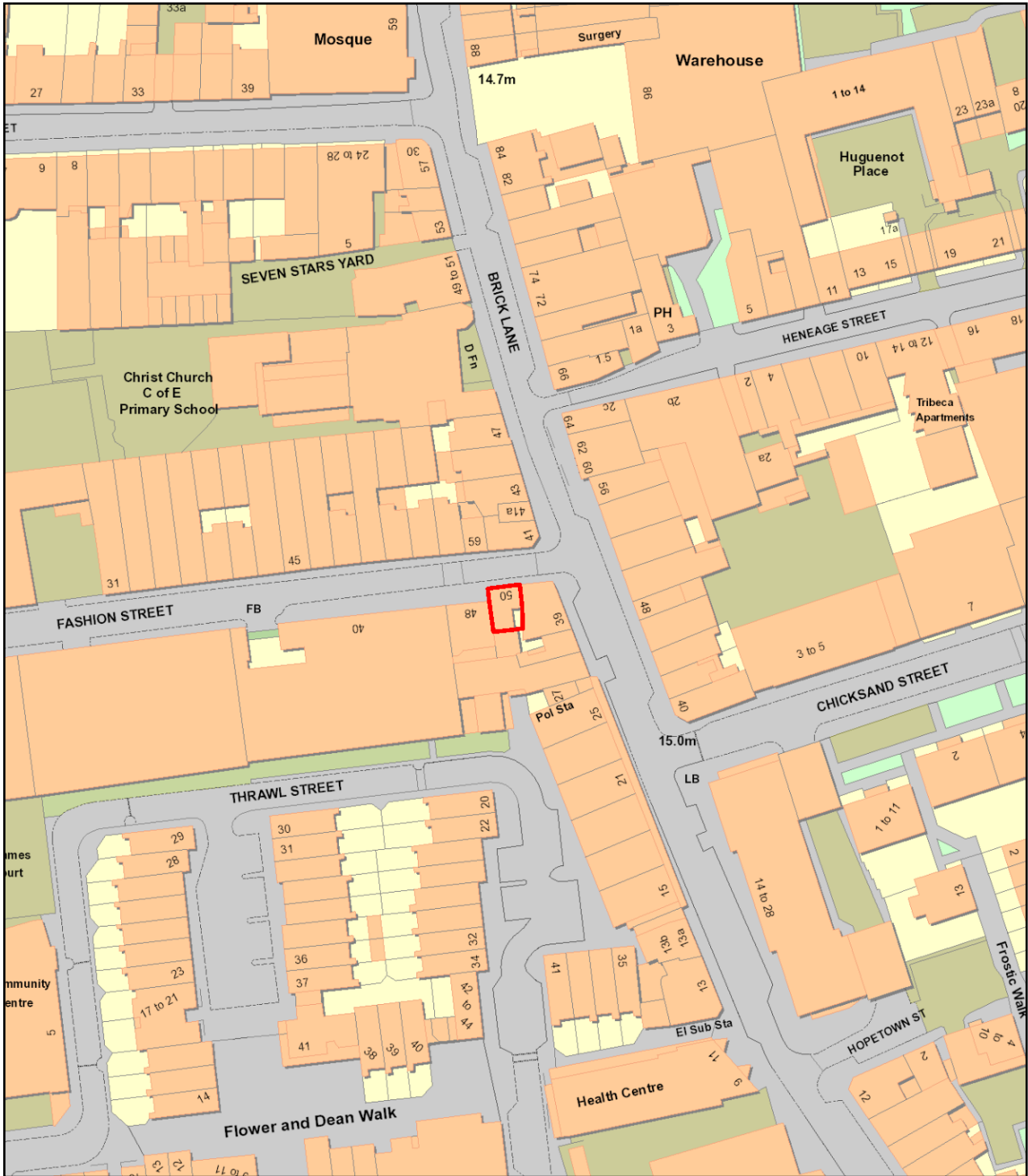
Map 1



Scale 1:567



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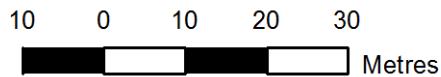


50 Fashion Street

Map 2



Scale 1:1135



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Appendix 4

Premises name and address	Licensable Activities and Hours	Opening Hours
(Chez Elles) 45 Brick Lane London E1 6PU	(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).	There are no restrictions on the hours during which this premises is open to the public
(Kill the Cat) 43 Brick Lane London E1 6PU	<u>Supply of alcohol – on and off sales</u> <ul style="list-style-type: none"> • Monday to Wednesday from 12:00hrs (midday) to 22:00hrs • Thursday to Saturday from 11:00hrs to 23:00hrs • Sunday from 11:00hrs to 21:00hrs 	Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23.00hrs Sunday from 11:00hrs to 21:00hrs
(Cost Price) 41 Brick Lane London E1 6PU	<u>The sale by retail of alcohol (off sales only)</u> <ul style="list-style-type: none"> • Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) • Friday and Saturday, from 11:00hrs to 01:00hrs (the following day) 	Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
(Moo Grill Ltd) 60 – 62 Brick Lane London E1 6RF	The sale by retail of alcohol <ul style="list-style-type: none"> • Monday to Saturday, from 11:00n hours to 23.00 hours • Sunday, from 11:00 hours to 22:30 hours The provision of late night refreshment – Indoors <ul style="list-style-type: none"> • Mondays to Saturdays, from 23:00 hours to 23:30 hours 	Monday to Saturday, from 11:00 hours to midnight Sunday, from 11:00 hours to 23:00 hours

<u>Referred to in representation</u>		
Gourmet Sushi 59 Fashion Street	No licence held	Premises Licence is only required for the: Sale/Supply of alcohol Provision of Regulated Entertainment Provision of Late Night Refreshment between 2300-0500hours
Amar Gaon 50 Brick Lane	No licence held	

Appendix 5

Corinne Holland

From: Tom Dean [REDACTED]
Sent: 13 October 2017 22:00
To: Corinne Holland
Subject: Re: FAO Kathy Driver RE: CLC/EHTS/LIC/103304

Dear Corinne

Full address: [REDACTED]

Another late license will mean more people out late and drinking on a corner where there already lots of taxis and mini cabs stopping and turning, and many delivery scooters driving (I nearly got hit by one tonight). This will be a noise nuisance and a danger to residents and visitors.

There is already a problem with public drunkenness, especially public urination and noise, further licenses in the area will only add to the problem. These are dangers to children who are frequently walking in the area late at night and adults alike.

The current license is not so much of a nuisance but a late and alcohol license will cause problems outlined above

Thanks

Tom Dean

Sent from my iPhone

On 12 Oct 2017, at 12:41, Corinne Holland <[REDACTED]> wrote:

Dear Tom

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

For your representation to be valid I require your full address please.

Would you also be able to expand on your objection further please making it clear how granting this application will have an impact to one or more of the following licensing objectives:

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

You need to expand on how you are currently detrimentally affected by this premises and how the granting of the license variation will exacerbate that.

I look forward to hearing from you. The last date for consultation was yesterday so if you could respond to me by the 13/10/17 I would appreciate this.

Please note that the applicant is entitled to a full, un-redacted copy of your representation. They may wish to contact you to mediate an amendment of their application, in order to address your

concerns; with a view to you potentially withdrawing your objection. Should you wish to withdraw, please advise in writing to this email address.

Regards,

Corinne Holland - Licensing Officer

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

☎ [REDACTED] | ☎:020 7364 5008 | 💻 [REDACTED]
✉: Licensing@towerhamlets.gov.uk

From: Tom Dean [REDACTED]
Sent: 11 October 2017 12:08
To: Licensing
Cc: [REDACTED]
Subject: FAO Kathy Driver RE: CLC/EHTS/LIC/103304

Dear Ms Driver

I have been unable to get on to the Tower Hamlets website, but I wish to register my firm opposition to the granting of a license for the premises of PHO VILLAGE at 50 Fashion Street E1 6PX.

The junction of Brick Lane and Fashion Street is already noisy and disturbed by the licensed premises of Moo Cantina at 62 Brick Lane and Kill the Cat at 43 Brick Lane (Moo Cantina is a particular nuisance). There is the late-opening of Amar Gaon at 50 Brick Lane, and the very frequent delivery scooter traffic from both Gourmet Sushi at 59 Fashion Street and Pho Village itself. The immediate and surrounding areas are very well served with alcoholic and late night refreshment, and any new licenses will only further increase the noise and anti-social behaviours in the area.

If you are able to send an electronic copy of the application I would like to read it. But at this point I would like to strongly object to an alcohol or late license for the above premises.

Sincerely,

Tom Dean

--

[REDACTED]

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

London Borough of Tower Hamlets E-Mail Disclaimer.

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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.

<L11_FashionSt50.APP_Redacted.pdf>

Appendix 6

Corinne Holland

From: Pho Village <[REDACTED]>
Sent: 17 October 2017 13:45
To: Corinne Holland
Subject: Fwd: Premise License

----- Forwarded message -----

From: **Pho Village** <[REDACTED]>
Date: Mon, Oct 16, 2017 at 2:14 PM
Subject: Premise License
To: [REDACTED]

Hi Tom

I have received your representation to the council regarding our application for a premise license.

I understand your concerns and would like to reassure you our effort to minimise the issues raised.

We are a small cafe with a few seats, we are struggling to survive on our current sales stream.

We are only open on Mon-Wed 11-4.00

Thur-Fri 11-9pm

We have never open open outside of these hours. Alcohol we sale will be more as a complementary to the food. We have some takeaway from delivery but not many.

Perhap you can come to the cafe to discuss way we can can to a compromise?

Thanks
Jacky

Appendix 7

**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 8

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 9

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 10

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. (**See Sections 10.1 of the Licensing Policy**). While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. (**See Section 15.10**).

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

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

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

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs where public nuisance is being caused by noise coming from the premises and the closure of the premises is necessary to prevent that nuisance.

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.19) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Other Legislation

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

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

Appendix 11

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

Updated April 2017

Public nuisance

- 2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.17 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 16). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.18 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.

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

Appendix 12

Prevention of Nuisance – Licensing Policy, updated March 2015

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

Appendix 13

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 14

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 15

Planning

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

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