

# LICENSING SUB COMMITTEE

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Wednesday, 20 December 2017 at 2.00 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:**

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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 - 54)**

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 8<sup>th</sup> August, 18<sup>th</sup> October, 1<sup>st</sup> November and 15<sup>th</sup> November 2017.

	<b>PAGE NUMBER(S)</b>	<b>WARD(S) AFFECTED</b>
<b>4. ITEMS FOR CONSIDERATION</b>		
<b>4.1 Application for a Temporary Event Notice for Resident, Arch 252 Paradise Row, London E2 9LE</b>	<b>55 - 84</b>	<b>St Peter's</b>

Licensing Objectives:

- Public Nuisance

Representations by:

- Environmental Health

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

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

# Agenda Item 1

## **DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER**

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

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

### **Interests and Disclosable Pecuniary Interests (DPIs)**

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

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

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

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

### **Effect of a Disclosable Pecuniary Interest on participation at meetings**

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

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

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

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

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

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

### **Further advice**

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

## APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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## TOWER HAMLETS



### LICENSING COMMITTEE

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

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

## **1. Interpretation**

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

## **2. Composition of Sub-Committee**

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

## **3. Procedure**

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

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

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

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

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

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

#### **4. Exclusions**

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

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

## Guidance for Licensing Sub-Committee Meetings.

### (1) Attendance at Meetings.

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

### (2) Licensing Sub-Committee Role and Membership.

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

#### Licensing Sub-Committee Webpages

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

The pages include:

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

### (3) Access to Committee Papers.

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

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

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

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

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

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

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

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

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

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

**(8) Queries on reports.**

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

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

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



## LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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## LONDON BOROUGH OF TOWER HAMLETS

### MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 8 AUGUST 2017

COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, 5 CLOVE CRESCENT,  
LONDON E14 2BG.

#### Members Present:

Councillor Rajib Ahmed  
Councillor Peter Golds  
Councillor Joshua Peck

#### Officers Present:

Kathy Driver	–	(Principal Licensing Officer)
Mohshin Ali	–	(Senior Licensing Officer)
Victoria Fowler	–	(Legal Services)
Antoinette Duhaney	–	(Interim Senior Committee Officer)

#### 1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

None.

#### 2. RULES OF PROCEDURE

Noted.

#### 3. ITEMS FOR CONSIDERATION

##### 3.1 Licensing Act 2003 Application for a Premises Licence for The Grill & Spice, 5-7 Osborn Street, E1 6TD

#### In attendance

Anthony Edwards, TV Edwards (Applicant's Legal Representative)  
Mr Mohammad (Applicant)  
Mark Perry (Metropolitan Police Licensing Team)  
Nicola Cadzow (Public Protection, Environmental Health)  
Mohshin Ali (Licensing Authority)  
Roger Evans (Resident, on behalf of Jon Shapiro)

In considering the application, Members were required to consider the same in accordance with the Licensing Act 2003 (as amended), the Licensing Objectives, the Home Office Guidance and the Council's Statement of

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

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

### **Consideration**

Each application must be considered on its own merits and the Sub-Committee carefully considered the written and verbal representations made by the applicant and his representative; and for the objectors, a local resident and the three responsible authorities, namely the Licensing Authority, the Metropolitan Police and Environmental Protection. The objections related to the prevention of crime and disorder and prevention of public nuisance;

The Sub-Committee noted that they were asked to consider the application for a new premises licence for The Grill & Spice, 5 – 7 Osborn Street, E1 6TD.

### **Applicant's representations**

Anthony Edwards of TV Edwards addressed the meeting and advised Members that the application had been submitted to allow the applicant to provide Late Night Refreshment (LNR) and that no alcohol would be sold. The premises served the local area including patrons from the neighbouring hotel and other nearby commercial premises. Mr Edwards informed the Sub Committee that the applicant took over the business 1 year ago and the applicant had been under the impression that the premises was permitted to serve LNR. The applicant had unwittingly served LNR without the proper authorisation for the last 12 months.

Mr Edwards advised members that the Premises was only small and was situated at the commercial end of Osborne Street.

As soon as the applicant realised his mistake, the unauthorised licensing activity ceased and a premises license application was submitted. In the interim, Mr Edwards reported that the applicant had applied for several Temporary Event Notices (TENs) to allow the provision of LNR. Notwithstanding the fact that the applicant had provided LNR without the appropriate licence for approximately 12 months following the applicant taking over the premises, there had been no complaints or concerns raised regarding the management of the premises and no reported incidents of Anti-Social Behaviour (ASB) which had emanated from the Premises.

Mr Edwards stated that given that there were no reported incidents or complaints in respect of the premises, this rebutted the presumption that the premises would have a detrimental impact on the Cumulative Impact Zone (CIZ). Furthermore, the presence of SIA security staff during the hours for provision of LNR would ensure that the premises continued to have no impact on the CIZ. The SIA staff would be there to ensure that no alcohol was

brought onto the Premises and that no customers were able to loiter outside of the Premises once they leave.

Mr Edwards also raised the point that the hotel opposite the Premises had not submitted an objection to the application.

### **Objectors' representations**

PC Mark Perry of the Metropolitan Police Licensing Team addressed Members and expressed concerns that the applicant had carried out unlicensed activity from when he took over the business until May 2017. PC Perry felt that the applicant was under an obligation to investigate the permitted hours for licensed activity and it was worrying to hear that the applicant had not carried out the proper checks.

PC Perry advised that the Brick Lane area had the highest levels of ASB in Tower Hamlets and if this application was granted, it would be the only premises with such late opening hours. This would lead to the premises becoming a magnet for patrons who had been drinking elsewhere to visit the locality, thereby increasing the potential for ASB and crime and disorder.

PC Perry submitted to the members that the authorities and local community had worked together to try and reduce ASB in the Cumulative Impact Zone and granting the licence was likely to increase ASB in the area. PC Perry recommended that the Sub Committee should refuse the application in full. However if Members were minded to grant the application, he suggested that Members should agree the hours and conditions as recommended by PC Alan Cruickshank in his written representation on page 57 of the agenda pack; namely increased hours for only Friday and Saturday up until midnight. PC Perry also highlighted that the applicant's agent had not responded to an email sent on 30<sup>th</sup> June 2017.

Nicola Cadzow, Environmental Health Technical Officer addressed the meeting and stated that the hours applied for was in excess of framework hours. Ms Cadzow reported that the premises were in close proximity to residential dwellings and there was potential for public nuisance through the extended provision of LNR and access and egress for patrons. Ms Cadzow stated that if the premises were allowed to serve LNR until 5am, this would encourage late visitors to the area and cause noise disturbance to residents. Ms Cadzow submitted to members that in her view the application should be refused on public nuisance grounds but should members be minded to grant a licence that the hours of the licensable activity are limited to framework hours.

Mohshin Ali, Senior Licensing Officer addressed the meeting on behalf of the Licensing Authority and advised that the premises had been issued with a warning following a visit on 12<sup>th</sup> May 2017 for carrying out unauthorised licensable activity. Subsequently TENs had been submitted to allow the premises to serve LNR at weekends and an application for a premises license had been submitted on 21 June. Mr Ali recommended that in the event that the Sub Committee was minded to grant the application, that the hours for LNR be reduced to framework hours. Mr Ali also questioned the timings

applied for on the TENs as the hours applied for did not include the provision of LNR from 11pm – 12 midnight.

Roger Evans addressed the meeting on behalf of Jon Shapiro by proxy, a local resident. Mr Evans stated that the premises did not cater to local residents and had a very poor hygiene rating; most patrons came to the premises after drinking elsewhere in the locality. Mr Evans stated that he had been the victim of 2 assaults in the previous 2 months and if the hours applied for were granted, this would increase ASB, causing nuisance to residents especially residents of 2 hostels nearby housing vulnerable people.

In response to questions and comments from Sub Committee Members, the applicant and his legal representative stated the following:

- The premises had seating for 16 patrons downstairs and the upstairs was not in use.
- The premises would be able to uphold the licensing objectives as no alcohol would be sold so it would not attract the wrong clientele and the SIA staff would ensure that the licensing objectives were met during the hours of LNR provision.
- Since the applicant took over the business, there had been no reported incidents and the premises had not been the subject of any complaints had been made to the Metropolitan Police or the Council.
- The customers were people coming back into the area where they live after work rather than people attending when under the influence of alcohol.
- The TENs had passed peacefully without incident
- The applicant had been providing LNR for 12 months before he realised that a license was required
- From 11pm – 12 midnight on the days before the TENs, the premises did not serve LNR and staff used this time for cleaning up. The reason that the TEN was applied for from 12 midnight to 5am was to ensure that only one of the TEN quotas for the year was used. If the Premises had a TEN from 11pm to 5am the following day then two of the annual quota would be used.
- The applicant was apologetic for carrying out unauthorised licensable activity and as soon as he became aware of the breach, he submitted TENs and applied for a premises license

At the conclusion of the oral representations, the Sub-Committee withdrew to deliberate in private with the Legal Advisor and Clerk.

The Sub Committee was mindful of the serious concerns of the responsible authorities regarding anti-social behaviour, crime and disorder and public

nuisance and noted that the LNR hours applied for were far beyond the Council's framework hours. Members accepted the evidence of the responsible authorities in respect of the likelihood of crime and disorder and anti-social behaviour and had doubts regarding the applicant's ability to promote the licencing objectives given his clear lack of knowledge of licensing requirements.

Members were of the view that the applicant had not adequately rebutted the presumption that the Premises would contribute to the cumulative impact already being experienced within the Cumulative Impact Zone (CIZ). Nor had the applicant adequately demonstrated how he would promote the relevant the licensing objectives of preventing crime and disorder and public nuisance

The Sub Committee had particular concerns that:

- The applicant gave oral evidence indicating that he had been providing LNR for 12 months without authorisation which showed his lack of understanding of ensuring that the licensing objectives were upheld. It was only due to the enforcement visit that the applicant then applied for the TENs.
- The approved TENs did not provide enough evidence to satisfy Members that the premises would not add to the cumulative impact within the CIZ as they were for weekends only and did not show what would happen if the premises were opened late throughout the week.
- Members were persuaded by the particularly compelling evidence of the Metropolitan Police in relation to the potential impact on crime and disorder and anti-social behaviour and in line with section 2.1 of the Home Guidance were guided by the police representations.
- Members were also mindful of the strength of the objections which had come from three separate responsible authorities as well as a member of the public.

Members had mixed views on whether to grant the application with reduced hours for LNR given that the applicant had provided unauthorised LNR for 12 months and during this time there had been no complaints or concerns raised regarding the management of the premises as confirmed by Ms Driver.

In considering their decision Members had regard to the guidance issued by the Home Office under Section 182 of the Licensing Act 2003 concerning Crime and Disorder. Therefore considering all of the above, by a 2.1 majority, on balance, Members had no confidence that the applicant would promote the licensing objectives and agreed by a majority decision to refuse the application.

### **Decision**

Accordingly, for the above reasons, by a majority decision, the Sub-Committee

**RESOLVED** - That the application for a Premises Licence for The Grill & Spice, 5 – 7 Osborn Street, E1 6TD, be **REFUSED**.

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

**In attendance**

Jack Spiegler, Thomas & Thomas (Applicant's Legal Representative)  
Lizzy Daish (Applicant)  
Kate McTiernan (Applicant)  
Mark Perry (Metropolitan Police Licensing Team)  
Nicola Cadzow (Public Protection, Environmental Health)  
Kathy Driver (Licensing Authority)  
Dan Stowell (Local Resident)  
Matthew Brown (Local Resident)

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

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

**Consideration**

This application was considered in conjunction with item 3.3 below.

Each application must be considered on its own merits and the Sub-Committee carefully considered the written and verbal representations made by the applicant and their representative, and the three responsible authorities, namely the Licensing Authority, the Metropolitan Police and Environmental Protection, relating to the prevention of crime and disorder and prevention of public nuisance. Oral representations were also considered by a local resident in support of the application

The Sub-Committee noted that they were asked to consider the application for a new premises licence for (Shuffle Festival Limited), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX.

**Representations from applicants**

Jack Spiegler, the applicant's legal representative addressed the meeting with assistance from Lizzy Daish and Kate McTiernan (Shuffle Festival Ltd). Mr Spiegler stated that a compromise had been reached in respect of most of the concerns raised by the Responsible Authorities with regard to the application



for a premises licence. Mr Spiegler reported that events in 2015 and 2016 took place without any reported incidents and stated that conditions listed on pages 105, 106 & 151 of the main agenda pack would assist in promoting the licensing objectives.

Ms McTiernan provided background information regarding the event which was based on films, music, dance, poetry and spoken word. The Festival was free to residents and the event was funded by Canary Wharf Group. The aim was to secure a permanent cultural venue and the premises license would facilitate this to allow small groups to run workshops, show films and hold creative events. The Food and alcohol sales were purely to cover the cost of activities and the event had crowdfunding support. Previous events had helped to promote community cohesion.

### **Representations from objectors**

PC Mark Perry, Metropolitan Police Licensing Team, and Nicola Cadzow, Environmental Health Technical Officer addressed the meeting and confirmed that they were generally satisfied with the revised conditions which had been agreed with the applicant. Ms Cadzow also made reference to a complaint which had been received regarding noise nuisance after an event held the previous weekend.

Kathy Driver, Principal Licensing Officer addressed Members and raised concerns over the possibility of alcohol being taken off site to other areas within the park outside the festival boundaries. Ms Driver also requested clarification on the number and location of SIA staff during events and reiterated Ms Cadzow's concerns about a complaint of noise disturbance which had been made following an event held the previous weekend. Ms Driver requested an updated Event Management Plan including details of crowd management, the location of SIA staff and volunteer stewards.

### **Representations from supporters of the application**

Dan Stowell, a local resident, addressed the meeting expressing his support for the event. Mr Stowell stated that he had attended previous events and that the local community welcomed the event.

In response to questions and comments the applicants stated that:

- Conditions restricting off sales had been offered and that off sales were only required during special events.
- SIA staff would be located in the areas marked on the plan.
- 7 SIA staff would be on duty until 7pm and after 7pm, 11 SIA staff would be on duty along with Shuffle staff and volunteer stewards.
- There had been no complaints or incidents reported from previous events

- 300 advance tickets had been sold
- Patrons attending previous events left the premises promptly when the event closed and the presence of SIA staff would ensure that patrons were escorted off the premise swiftly.
- A Noise Management Plan would will be produced in consultation with Environmental Health Officers

At the conclusion of the oral representations, the Sub-Committee withdrew to deliberate in private without the Legal Advisor and Clerk.

The Sub Committee considered that the applicants had reached an acceptable compromise with the Responsible Authorities and therefore considering all of the above, Members agreed unanimously to grant the application.

### **Decision**

Accordingly, the Sub-Committee unanimously

**RESOLVED** - That the application for a Premises Licence for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX be **GRANTED**.

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

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

### **The provision of regulated entertainment - Indoors and outdoors (plays films, live music, recorded music and anything of a similar description)**

- Monday to Saturday from 10:00 hours to 23:00 hours (indoors)
- Monday to Saturday from 10:00 hours to 23:30 hours (outdoors)
- Sunday from 10:00 hours to 22:30 hours

### **The provision of late night refreshment - Indoors and outdoors**

- Monday to Saturday, from 23:00 hours to 23:30 hours

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

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

### **Operating schedule**

1. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram;

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

14. There shall be no off-sales from the premises, except during special events authorised by the Arts, Parks & Events Team and shall be limited to within the cemetery park only.

### **3.3 Licensing Act 2003: Temporary Event Notices for Shuffle Festival, Tower Hamlets Cemetery, Southern Grove, E3**

#### **In attendance**

Jack Spiegler, Thomas & Thomas (Applicant's Legal Representative)  
Lizzy Daish (Applicant)  
Kate McTiernan (Applicant)  
Mark Perry (Metropolitan Police Licensing Team)  
Nicola Cadzow (Public Protection, Environmental Health)  
Kathy Driver (Licensing Authority)  
Dan Stowell (Local Resident)  
Matthew Brown (Local Resident)

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

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

#### **Consideration**

These applications were considered in conjunction with item 3.2 above.

Each application must be considered on its own merits and the Sub-Committee carefully considered the written and verbal representations made by the applicant and their representative, and the three responsible authorities, namely the Licensing Authority, the Metropolitan Police and Environmental Protection, relating to the prevention of crime and disorder and prevention of public nuisance. Oral representations were also considered by a local resident in support of the applications.

The Sub-Committee noted that they were asked to consider the applications for Temporary Event Notices (TENs) for Shuffle Festival Limited, The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX.

Jack Spiegler, the applicant's legal representative, addressed the meeting and advised that the following TENs had been withdrawn

- Railway Yard
- Womens Workhouse

- Scaffold Yard

Mr Spiegler reiterated that no complaints had been received regarding previous events

PC Mark Perry, Metropolitan Police Licensing Team, and Nicola Cadzow, Environmental Health Technical Officer addressed the meeting and confirmed that they were generally satisfied with the revised conditions which had been agreed with the applicant.

Mr Perry suggested that a SAG meeting should take place within the next 10 days to sign off the Event Management Plan. Mr Spiegler gave an undertaking that this meeting would take place.

Ms Cadzow suggested the following informative to align with the time limited premises licence:

“No noise from regulated entertainment shall be audible at any affected façade and/or inside any premises with the window ajar so as not to cause a nuisance.”

Kathy Driver, Principal Licensing Officer addressed Members and raised concerns about the lack of detail provided in the Event Management Plan.

In response to questions and comments from Members, the applicants stated that several TENs had submitted rather than a single time limited application because of the nature of the site. The applicants advised that it was not viable to cease licensable activity any earlier as the programming of films during the longer hours of daylight in summer had to start later and by reducing the time frame may mean that only one film could be shown instead of the plan of showing two films.

Members asked about the dispersal of event goers and Mr Spiegler said that the dispersal of event goers would be staggered throughout the day rather than all patrons leaving at once.

At the conclusion of the oral representations, the Sub-Committee withdrew to deliberate in private without the Legal Advisor and Clerk.

The Sub Committee considered that the applicants had reached an acceptable compromise with the Responsible Authorities to address most of the concerns raised and that necessary and proportionate conditions had been agreed which would assist in promoting the licensing objectives. Members accepted the applicant's argument that ceasing licensable activity at 11.30 pm was not viable due to the programming of films.

### **Decision**

Accordingly, the Sub-Committee unanimously

**RESOLVED** - That the application for Temporary Event Notices for (Shuffle Festival), The Lodge, Tower Hamlets Cemetery Park, Southern Grove, E3 4PX be **GRANTED** as follows:

**Soanes Centre - 23<sup>rd</sup> to 27<sup>th</sup> August 2017**

**Alcohol and Regulated Entertainment**

12:00 hrs to 23:00 hrs Wednesday to Friday

12:00 hrs to midnight Saturday & Sunday

**Lodge Yard Bar - 23<sup>rd</sup> to 27<sup>th</sup> August 2017**

**Alcohol and Regulated Entertainment**

12:00 hrs to 23:00 hrs Wednesday to Friday

12:00 hrs to midnight Saturday & Sunday

**Horse Chestnut Yard - 26<sup>th</sup> to 27<sup>th</sup> August 2017**

**Alcohol and Regulated Entertainment**

23:00 hrs to midnight Saturday; 22:30hrs to midnight Sunday

**Music Pavilion/Memorial Glade - 26<sup>th</sup> to 27<sup>th</sup> August 2017**

**Alcohol and Regulated Entertainment**

23:00 hrs to midnight Saturday;

22:30hrs to midnight Sunday

**Cantrell Field - 26<sup>th</sup> to 27<sup>th</sup> August 2017**

**Alcohol and Regulated Entertainment**

23:00 hrs to midnight Saturday;

22:30hrs to midnight Sunday

**Informative**

No noise from regulated entertainment shall be audible at any affected façade and/or inside any premises with the window ajar so as not to cause a nuisance."

The meeting ended at 8.23 p.m.

Chair,  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.30 P.M. ON WEDNESDAY, 18 OCTOBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)  
 Councillor Khaled Uddin Ahmed  
 Councillor Shah Alam

**Officers Present:**

Victoria Fowler	–	(Legal Services)
Corinne Holland	–	(Licensing Officer)
Catrina Marshall	–	(Licensing Officer)
Simmi Yesmin	–	(Democratic Services)

<b>Representing applicants</b>	<b>Item Number</b>	<b>Role</b>
David Dadds	3.1, 3.2, 3.3	Legal Representative
George Georchoui	3.1, 3.2, 3.3	Applicant

<b>Representing objectors</b>	<b>Item Number</b>	<b>Role</b>
None		

**Apologies**

None

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

There were no declarations of disclosable pecuniary interest.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

**3. ITEMS FOR CONSIDERATION****3.1 Application for a New Premise Licence for Unit 1 Lanark Square, London  
E14 9RE**

It was agreed by Members and all parties present at the meeting that all three applications on the agenda would be heard co-jointly.

At the request of the Chair, Ms Catrina Marshall, Licensing Officer, introduced all three reports, detailing each application for Units 1,2 & 3, Lanark Square, London E14 9RE. It was noted that there was one resident in support of all three applications and there were objections received from local residents for all three applications too.

At the request of the Chair, Mr David Dadds, Legal Representative on behalf of the Applicant briefly explained that these premises were part of the Bellways development's own leasehold retail units. He explained that he had tried to have dialogue with the resident objectors but had, had no luck. He explained that the applications should only be considered on the basis of the licensing objectives.

Mr Dadds said that the activities from the premises would not impact on the area. He further explained that no one actually objects to the premises but were only objecting in order to get some help towards the costs of service charges etc. He also explained that all residents were aware that there would be retail units as part of the new housing developments.

It was noted that once the premises were open, the applicant would engage with local residents. It was also noted that it was a fairly quiet area, there was no impact on the Cumulative Impact Zone and the hours were within the framework hours.

In response to questions it was noted that the restaurant and café would be for sitting down dining and not a fast food or takeaway outlet. That no responsible authorities had objected to the application and sound proofing had been done at the premises.

Mr Dadds concluded that there was no evidence that was credible and would undermine the licensing objectives.

There were no objectors present at the meeting. All written submissions contained in the agenda were noted and considered.

Members adjourned the meeting at 3.10pm for deliberations and reconvened at 3.25pm.

### 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.

### Consideration



Each application must be considered on its own merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by their Legal Representative.

Members noted the reduction in the hours for the sale of alcohol which was agreed with the Police and welcomed the efforts made by the Applicant and the conditions offered in their operating schedule. Members were satisfied that these conditions would help alleviate the concerns of the local residents.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions to help promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Unit 1 Lanark Square, London E14 9RE be **GRANTED** with conditions consistent with the operating schedule.

#### Sale of Alcohol (off sales)

- Monday – Sunday 06:00 – 00:00 hours (midnight)

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

- Monday – Sunday 00:00 – 00:00 hours (24 hours)

### **3.2 Application for a New Premise Licence for Unit 2 Lanark Square, London E14 9RE**

#### 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.

#### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee in the absence of the objectors had carefully considered the written objections in the agenda and listened to the

representations made on behalf of the Applicant by their Legal Representative.

Members felt that a later start for the sale of alcohol would be more appropriate given the locality of the premises, with residential properties, family homes, and children travelling to school in the mornings. Members welcomed the efforts made by the Applicant and the conditions offered in their operating schedule. Members were satisfied that these conditions would help alleviate the concerns of the local residents.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions to help promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Unit 2 Lanark Square, London E14 9RE be **GRANTED** with conditions.

#### Sale of alcohol – (on sales only) and Provision of Regulated Entertainment (Recorded Music)

- Monday – Wednesday 09:00 - 23:30 hours
- Thursday – Saturday 09:00 – 00:00 hours (midnight)
- Sunday 09:00 – 22:30 hours

#### Late Night Refreshment:

- Monday – Wednesday 23:00 - 23:30 hours
- Thursday – Saturday 23:00 – 00:00 hours (midnight)

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

- Monday – Wednesday 06:00 - 23:30 hours
- Thursday – Saturday 06:00 – 00:00 hours (midnight)
- Sunday 06:00 – 22:30 hours

#### An additional hour is requested for licensable activities and opening hours on:

- Thursday, Friday, Saturday & Sunday of the Easter Weekend,
- Friday, Saturday & Sunday of both May & August Bank Holiday weekends,
- Christmas Eve, Boxing Day.
- Burns night, Valentines Day, St George's Day, St Andrews Day, St David's Day, St Patricks Day and Halloween, provided that the day is

not followed by a normal working day.

### **3.3 Application for a New Premise Licence for Unit 3 Lanark Square, London E14 9RE**

#### 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.

#### Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee in the absence of the objectors had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by their Legal Representative.

Members felt that a later start for the sale of alcohol would be more appropriate given the locality of the premises, with residential properties, family homes, and children travelling to school in the mornings. Members welcomed the efforts made by the Applicant and the conditions offered in their operating schedule. Members were satisfied that these conditions would help alleviate the concerns of the local residents.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions to help promote the licensing objectives.

#### Decision

Accordingly, the Sub-Committee unanimously –

#### **RESOLVED**

That the application for a New Premises Licence for, Unit 3 Lanark Square, London E14 9RE be **GRANTED** with conditions consistent to the operating schedule.

#### Sale of alcohol – (on sales only) and Provision of Regulated Entertainment (Recorded Music)

- Monday – Wednesday 09:00 - 23:30 hours
- Thursday – Saturday 09:00 – 00:00 hours (midnight)
- Sunday 09:00 – 22:30 hours

Late Night Refreshment:

- Monday – Wednesday 23:00 - 23:30 hours
- Thursday – Saturday 23:00 – 00:00 hours (midnight)

Hours premises are open to the public:

- Monday – Wednesday 06:00 - 23:30 hours
- Thursday – Saturday 06:00 – 00:00 hours (midnight)
- Sunday 06:00 – 22:30 hours

An additional hour is requested for licensable activities and opening hours on:

- Thursday, Friday, Saturday & Sunday of the Easter Weekend,
- Friday, Saturday & Sunday of both May & August Bank Holiday weekends,
- Christmas Eve, Boxing Day.
- Burns night, Valentines Day, St George's Day, St Andrews Day, St David's Day, St Patricks Day and Halloween, provided that the day is not followed by a normal working day.

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

There were no applications that required an extension for decision deadlines.

The meeting ended at 3.25 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

**LONDON BOROUGH OF TOWER HAMLETS****RECORD OF THE DECISIONS OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON WEDNESDAY, 1 NOVEMBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Peter Golds (Chair)

Councillor Khales Uddin Ahmed (Member)

Councillor Shah Alam (Member)

**Officers Present:**Agnes Adrien                      Team Leader, Enforcement & Litigation, Legal  
Services

Kathy Driver                      Principal Licensing Officer

Farhana Zia                      Senior Committee Officer

**1.      DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

No member declared any discloseable pecuniary interests.

**2.      RULES OF PROCEDURE**

The rules of procedure were noted.

**3.      ITEMS FOR CONSIDERATION****4.      APPLICATION FOR REVIEW UNDER SECTION 53 A OF THE LICENSING  
ACT 2003 (ALI'S FOOD AND WINE), 497 - 499 CAMBRIDGE HEATH  
ROAD, LONDON E2 9BU**The Licensing Objectives

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

1. The Prevention of Crime and Disorder;
2. Public Safety;
3. Prevention of Public Nuisance; and

#### 4. The Protection of Children from Harm

##### Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder, and public safety.

Kathy Driver, Licensing Officer introduced the report and stated this was a Section 53a application following an incident regarding an employee of Ali's Food and Wine. The interim hearing took place on the 6<sup>th</sup> October 2017 and the licensee agreed to remove the member of staff from his employ. Mr Husseyin Yaz is no longer an employee and Members are asked to note the withdrawal of the Review and accept the condition added to the Premise Licence by way of a minor variation.

Members of the Sub-Committee were in agreement that the minor variation as sighted on page 30 should be allowed, save that it should read:

"Mr Husseyin Yaz shall not be employed at the premises or be permitted to enter the premises in any circumstances."

##### **Decision**

Accordingly, the Sub-Committee unanimously

##### **RESOLVED**

That the above stated condition should be added to the operating schedule of the licenced premise.

#### **5. LICENSING ACT 2003 APPLICATION FOR A NEW PREMISES LICENCE FOR VICTORIA PARK WEST STRIP OF LAND BETWEEN BONNER GATE AND GORE GATE LONDON E3 5TB**

##### The Licensing Objectives

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

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

##### Consideration

Each application must be considered on its own merit. The Sub Committee has carefully considered all of the evidence before them and considered written and verbal representations from the applicant and objectors with particular regard to the licensing objectives of prevention of public nuisance, the prevention of crime and disorder, and public safety.

Kathy Driver, Licensing Officer introduced the report and referred Members to the various appendices within the report. She reminded Members of the licensing objectives and offered to answer any questions the Members may have in relation to this application.

Members heard from Mr Max Kennedy (Applicant) who read out his statement in support of his application for a Sale of Alcohol licence. He stated the Tower Hamlets Parks Team had written to him supporting his venture and had stated they "closely monitored the sale of alcohol during market trading days and ... had never had any complaints or concerns arising from the sale of alcohol."

Mr Kennedy stated Victoria Park Market is a food market that runs on the Nightwalk, which is a pedestrianised street in the middle of Victoria Park between Bonner Gate and Gore Gate, postcode E2 9JW.

He said the Market is run by him and his team and their mission for the market is to support and showcase amazing local food and drinks from businesses in the local area; support social enterprises and provide the local community the opportunity to buy directly from small local food producers and support local businesses. He said the Market also wanted to showcase the small craft drinks businesses in the area and as such were applying for a sale of alcohol licence from 10:00 a.m. to 18:00 p.m.

He made reference to Page 85 and the objections raised. He stated the Market start time of 10:00 a.m. was because people came to shop for special wines for their Sunday lunch. Therefore the Market stalls needed to be open at 10:00 a.m. to cater for this trade.

Mr Kennedy explained he had applied for the licence to be until 18:00 p.m. however the market traders did not operate beyond 16:00 p.m., when the market shuts to the public. He said he had applied for longer hours so that the market could operate on special occasions like holding a Christmas market.

He informed Members the market had already been selling alcohol from 10:00 a.m. to 16:00 p.m. for the last 15 weeks using Temporary Events Notices and had not encountered one problem - no customer complaints or incidents arising from the severing of alcohol had been noted and nor had the Tower Hamlets Parks Team. Mr Kennedy stated 3 stalls sold alcohol at the market which represents less than 5% of the total number of stalls.

With regard to the Licencing Objectives he stated that most of the traders held personal licences and were very experienced in serving the general public alcohol. He said he had also recently passed his personal licence exam and all stallholders were well versed in the Challenge 25 scheme. He referred

Members to Page 97 and said stallholders would adhere to the proof of age requirements and that a refusal log book would be kept of any incidents that needed to be fed back to the market team at the end of every day.

Mr Kennedy stated that the Market had a total of 10 bins out at the market. These include 3 bins inside the market area and 7 next to park bins. He said the bins are checked every 15 minutes so to ensure there is no overflow. The bins are collected, once the market as finished by a private operator. He said the entire Nightwalk is also swept for litter and is left exactly as it is found.

With respect to page 91 and reference made to heavy drinkers in the picnic area, Mr Kennedy stated that in the 4 months the market has been operating he has never seen this group in the park or indeed in the market. He said the beer sold at the market stalls sells 4 times the price of a can of beer that the drinkers would drink and therefore it would not make sense for the drinkers to purchase drinks from the market. Mr Kennedy went on to say that the park benches were used by families to eat brunch and this kept away drinkers.

He said the concerns raised about music beside the alcohol stalls had been addressed and music is only allowed in the middle of the market.

Mr Kennedy continued stating that the Market managers inspect the alcohol stall to ensure they are well maintained, in good order and in a safe condition. Log books are kept at the Market premises and all trades are vetted to ensure they comply with relevant public liability and hygiene certificates, which they must display. Emergency vehicle access is facilitated at Gore Gate which is open at all times.

Mr Kennedy said the market had not experienced any problems with crime and disorder relating to the sale of alcohol but the market organisers would continue to be vigilant by implementing the following measures:

- The alcohol stall will have a clear sign on them indicating their normal trading hours;
- Under the premises licence state which licensable activities are permitted.
- They will have clear signs to warn customer to be vigilant about potential bag thefts in the area and to keep bags attended at all times.

Mr Kennedy summed up his argument by stating the Market clearly promotes and adheres to the four key licensing objectives. It provides support to local businesses and helps them to thrive in a challenging financial environment and it has proven over a 15 week period that the market can cater for 3 stalls selling alcohol without any problems.

The Sub-Committee heard from the Objectors – Ms Deborah Khan, Mr Martin Shortis and Ms Sarah Perritt.

Ms Khan said her main issue with the market was in relation to access and egress. She said she was a Hackney resident and had experienced a high volume of commercial traffic in her road which was causing disturbance and intrusion. Ms Khan said there had been little consultation with the neighbours



with regard to the market and most of the commercial vehicles were causing gridlock on the quiet residential street, which is narrow and cannot cope with the number of vehicles using it. Ms Khan said she had concerns about health and safety and the volume of space in which large vehicles were turning especially as the access to the gate is narrow. She continued stating she commended the market organisers and their support of local businesses however the impact the market is having on local residents negates why it should be located in the park.

Mr Shortis stated he lived on the Bonner Estate and although the market is well run, he felt the local residents were not consulted. He stated that he had spoken to neighbours and 41 people had signed his petition against the market. Mr Shortis said Sunday is a day of relaxation and most people on the estate are not in favour of the market.

Ms Sarah Perritt continued by stating that it was difficult to enjoy the nature, beauty and tranquillity of the park because of the smell and noise emanating from the Market. She questioned the locality of the market and said that as the park was not a place of commerce the Market was in the wrong location. She said 1 in 6 people in the area did not think the market should operate from Victoria Park.

Members of the Sub-Committee asked the following questions:

- Why is it necessary to have a licence until 18:00 hrs?  
*Mr Kennedy conceded that he had stated 18:00 hrs due to running special markets such as a Christmas Market but was happy for it to be until 16:00 hours.*
- Do you sell alcohol in plastic cups?  
*Mr Kennedy confirmed that paper cups and biodegradable cups were used in the sale of alcohol. He said many people brought their own drinks to the park in the summer. Ms Perritt responded stating this was untrue and the park was mainly used by families who purchased tea and coffees from the cafés.*
- How far is the Market from the residents' properties?  
*Approximately, 50 meters.*
- Are the residential properties flats? If so, how many flats are there in total.  
*There are 4 blocks of flats each housing 17 flats, plus the Bonner estate with approximately 300 flats.*
- Is there any off licences' within the vicinity?  
*There are 3 pubs in the local area but no off licences nearby.*
- Did you experience disturbance from the market when it was operating under TENS?  
*Mr Shortis stated many people did not like taking their children to the park when alcohol was being sold or drunk. He said the market was managed well but this would be the beginning of a permanent fixture and residents felt they had not been consulted.*

Both the Applicant and the Objectors summarised their points before the Members adjourned to make their decision.

### **Decision**

Accordingly, the Sub-Committee unanimously

### **RESOLVED**

That the application for a new Premises Licence for Victoria Park West strip of land between Bonner Gate and Gore Gate London E3 5TB be **GRANTED** subject to the following conditions:

#### **Sale of alcohol – (both on and off sales)**

- Sunday 10:00 - 16:00 hours

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

- Sunday 10:00 – 16:00 hours

#### **Conditions consistent with the Operating Schedule:**

- A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as driving licence, passport or proof of age card with the PASS hologram. All stallholders will be trained in the challenge 21 Scheme and signs will be displayed at every stall.
- An Incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:
  - a) All crimes reported to the venue;
  - b) All ejections of patrons;
  - c) Any complaints received concerning crime and disorder;
  - d) Any incidents of disorder;
  - e) All seizures of drugs or offensive weapons;
  - f) Any refusal of the sale of alcohol
- Any visit by a relevant authority or emergency service
- During the hours of operation of the premises licence, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in all areas.

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

There were no applications requiring an extension to the deadline.

**7. EXCLUSION OF THE PRESS AND PUBLIC**

The Sub-Committee **RESOLVED** to take the next item in private session due to information contained therein is commercially, legally or personally sensitive and should not be divulged to third parties.

**8. APPLICATION FOR FULL REVIEW UNDER SECTION 53 A OF THE LICENSING ACT 2003 (REDON), RAILWAY ARCH, 289 CAMBRIDGE HEATH ROAD, LONDON E2 0EL**

**Decision**

Accordingly, the Sub-Committee unanimously

**RESOLVED**

That the premises licence for Redon, Railway Arch 289 Cambridge Heath Road, London E2 0EL be **REVOKED**.

The meeting ended at 9.15 p.m.

Chair, Councillor Peter Golds  
Licensing Sub Committee

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**LONDON BOROUGH OF TOWER HAMLETS****MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON WEDNESDAY, 15 NOVEMBER 2017****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE  
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Candida Ronald (Chair)

Councillor Khaled Uddin Ahmed

Councillor Suluk Ahmed

**Officers Present:**

Corinne Holland

–

Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Senior Committee Officer,  
Democratic Services)**Representing applicants**

Laura Lythall

**Item Number**

4.1

**Role**

Applicant

Tom Luu

4.2

Representative

Jacky Huyna

4.2

Applicant

Phuong Hoang

4.2

Member of staff

**Representing objectors**

Konstantinos Prepals

**Item Number**

4.1

**Role**

Local Resident

**1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST**

Councillor Candida Ronald declared a personal on agenda item 4.1, Application for a new premises licence for The Ship, 290 Westferry Road, London E14 3AG on the basis that she has been a customer at the premises.

**2. RULES OF PROCEDURE**

The rules of procedure were noted.

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

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

**4. ITEMS FOR CONSIDERATION**

#### **4.1 Application for a New Premises Licence for The Ship, 290 Westferry Road, London E14 3AG**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Ship, 290 Westferry Road, London E14 3AG. It was noted that the licence had lapsed due to the death of the premises licence holder and the transfer had not been submitted within the 28 day period therefore a new premises licence had to be applied for. It was noted that objections had been received on behalf of local residents.

At the request of the Chair, Ms Laura Lythall, Applicant, addressed the Sub-Committee and explained that the application was seeking to continue with the same hours as they previously had and that due to bereavement after her father had died she had missed the deadline to transfer the licence. Ms Lythall explained that she had worked very hard to change the image of the pub from a drinking establishment to a food led restaurant with a more family orientated environment.

In order to help prevent public nuisance she said that there were a number of signs displayed all around the premises, asking customers to keep the noise to a minimum, to leave quietly and to respect the needs of local residents. It was also noted that they closed the beer garden by 10pm and staff police and monitored customers to ensure the noise was kept to a minimum. Ms Lythall explained that she had barred approximately 35 people over the past year from the premises that had been too loud. She also stated that they would be operating a 30min drinking up time to stagger egress of customers when leaving the premises. Ms Lythall stated that she would put up more signs, around the premises and in the beer garden, offer training to staff and personally monitor the noise levels emanating from the premises. It was noted that she had already provided her personal number to local residents to raise any concerns they many have and that she would continue to work with local residents.

Mr Lythall explained that the beer garden had very high walls and therefore would be difficult for residents to be able to see the customers. It was also noted that there had been no noise complaints since 2013 and there had been no objections from neighbours directly opposite the premises or any responsible authorities.

One objector was present at the meeting but did not wish to speak therefore the written objections was noted and considered.

In response to questions the following was noted;

- That the beer garden had been in operation since the last 7 years.
- The smoking area had no tables or chairs, drinks were allowed and a maximum of 8-10 people used it at any one time but there no limits as to how many people could use it.

- That there were five tables in the beer garden
- That there had been no direct complaints made to the premises

Members adjourned the meeting at 7.10pm for deliberations and reconvened at 7.25pm.

### 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 merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the Applicant and noted the written objections made by local residents, one of whom was present at the meeting but did not wish to speak at the meeting.

Members recognised that the area was a residential area and therefore accepted that a late licence could cause potential nuisance for residents. However Members also welcomed the efforts made by the Applicant to alleviate the concerns of residents by displaying notices around the premises requesting customers to respect the needs of local residents and to leave the area quietly.

Members believed that the reduction in hours for the outside area and restricting the use of the smoking area would help alleviate the concerns of local residents and help promote the licensing objectives.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help prevent public nuisance.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, The Ship, 290 Westferry Road, London E14 3AG be **GRANTED with conditions**.

Sale of Alcohol (on and off sales)

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

The Provision for Regulated Entertainment (recorded music)

Monday to Saturday from 12:00 hours to 23:30 hours

Sunday from 12:00 hours to 23:00 hours

Hours premises is open to the public

Monday to Sunday from 12:00 hours to 00:00 hours (midnight)

Conditions

1. No drinks allowed outside the premises or the designated smoking area (detailed as the outside drinking area on the layout plan - right of the premises) except for the Beer garden.
2. No more than 7 smokers allowed to smoke outside the premises at any one time.
3. No drinks allowed to be taken outside to the Beer Garden after 22:00 hours.
4. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
5. 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 premises are open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available upon request of Police or authorised officer throughout the preceding 31-day period (subject to data protection legislation).
6. 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. Loudspeakers shall not be located in the entrance lobby or outside the premises building.
8. 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

#### **4.2 Application for a New Premises Licence for Pho Village, 50 Fashion Street, London, E1 6PX**

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report which detailed the application for a new premises licence for PHO Village, 50 Fashion Street, London E1 6PX. It was noted that objections had been received on behalf of a local resident.

At the request of the Chair, Mr Tom Luu, representative on behalf of the Applicant explained that it was a small Vietnamese café, opened since July 2017. It was noted that they didn't intend to open in the evenings or sell alcohol but due to customer demands the application had been made. The intention was to sell a beer with food only. He stated that although longer hours had been applied for, the hours would not be used and would only be there to allow them flexibility.

He briefly summarised the Applicant's experiences to date and stated that it was not a drinking establishment, but more a food led premises with customers having the ability to have an alcoholic drink with their food.

The objector was not present at the meeting therefore the written objection was noted and considered.

In response to questions it was noted that the applicant only intended to sell alcohol with food only and that they wanted to primarily sell Vietnamese Beer to accompany the Vietnamese food they sold. It was also noted that the objection relating to mopeds used for deliveries was in fact related to the takaway shop opposite their premises.

Members adjourned the meeting at 7.45pm for deliberations and reconvened at 7.55pm.

#### 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 merits and the Chair stated that the Sub Committee in the absence of the objector had carefully considered the written objections in the agenda and listened to the representations made on behalf of the Applicant by his Representative.

Members noted the fact that the premises currently opened only during the weekdays and closed relatively early on most days but wanted the longer hours on the licence to allow flexibility if they felt the need to stay open for longer. Members felt that a condition to restrict the sale of alcohol ancillary to food only would help alleviate the concerns that the premises would not become a drinking establishment if a licence was granted.

Members reached a decision and the decision was unanimous. Members granted the application subject to a condition to help prevent public nuisance.

### Decision

Accordingly, the Sub-Committee unanimously –

### **RESOLVED**

That the application for a New Premises Licence for, PHO, 50 Fashion Street, London E1 6PX be **GRANTED with condition.**

### Sale of Alcohol (on and off sales)

Monday to Saturday from 12:00 hours to 22:30 hours  
Sunday from 12:00 hours to 22:00 hours

### Hours premises is open to the public

Monday to Sunday from 11:00 hours to 23:00 hours

### Condition

1. Sale of alcohol ancillary to food only.
2. 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.
3. 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.

4. Clear signage stating the premises operating hours to be displayed
5. Delivery of goods, necessary for the business, to be delivered in a manner so not to cause a nuisance to residents.

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

The meeting ended at 8.00 p.m.

Chair, Councillor Candida Ronald  
Licensing Sub Committee

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# Agenda Item 4.1

Committee : <b>Licensing Sub Committee</b>	Date 20 <sup>th</sup> December 2017	Classification <b>Unclassified</b>	Report No.	Agenda Item No.
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Report of <b>David Tolley</b> <b>Head of Environmental Health &amp; Trading Standards</b>  Originating Officer: <b>Kathy Driver</b> <b>Principal Licensing Officer</b>	Title: <b>Licensing Act 2003 Temporary Event Notice for Resident, Arch 252 Paradise Row, London E2 9LE</b>  Ward affected: <b>St Peters</b>
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## 1.0 Summary

Applicant: **Lee Curtis**

Address of Premises: **Resident**  
**Arch 252 Paradise Row**  
**London E2 9LE**

Objectors: **Environmental Health**

## 2.0 Recommendations

- 2.1 That the Licensing Committee considers the application and objections then adjudicates 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

**Kathy Driver**  
**020 7364 5171**

### 3.0 **Background**

- 3.1 This is an application for a Standard Temporary Event Notice.
- 3.2 Enclosed is a copy of the application. (**See Appendix 1**).
- 3.3 The applicant has described the nature of the application as follows:  
The supply of alcohol  
Regulated Entertainment  
Late Night Refreshment
- 3.4 The premises that has been applied for is: Resident, Arch 252 Paradise Row, London E2 9LE
- 3.5 The dates that have been applied for are as follows: 31<sup>st</sup> December 2017 to 1<sup>st</sup> January 2018
- 3.6 The times that have been applied for are as follows:  
23:30 hours on 31<sup>st</sup> December to 11:30 hours on 1<sup>st</sup> January 2018.
- 3.7 Maps showing the relevant premises and immediate area is included as **Appendix 2**. (Please note maps have been edited in order to show its location, this is not to scale)

### 4.0 **Premises Licence**

- 4.1 The venue holds a premises licence for the hours up to 23:30 hours on Sunday. Members can impose one or more conditions of the existing licence on the TEN (in so far as such conditions are not inconsistent with the event) if it considers that this is appropriate for the promotion of the licensing objectives. A copy of the licence is attached in **Appendix 3**.

### 5.0 **Temporary Event Notices**

- 5.1 Temporary Event Notices (TENs) are a creation of the Licensing Act 2003. They provide a method by which licensable activities can be carried out on a temporary basis (max. 168 hrs) without a licence. The maximum number that can attend at any one time is 499. At least 10 full working days notice must be given to the licensing authority. When a TEN cannot be obtained, for example the event is over 499, then a full premises licence must be obtained, for a limited duration.
- 5.2 The licensing authority cannot oppose an application, (nor can local residents or businesses. The licensing authority must reject any application that does not meet the rules as to numbers, maximum per year etc. The limits are now as follows: 15 TEN per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.

- 5.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 5.4 Following an objection by the relevant responsible authority one or more conditions may be imposed by the Licensing Authority
- (a) if it considers it appropriate for the promotion of the licensing objectives to do so,
  - (b) the conditions are also imposed on a premises licence or club premises certificate that has effect in respect of the same premises, or any part of the same premises, as the temporary event notice, and
  - (c) the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice.
- 5.5 Where the authority decides to impose one or more conditions;
- (a) the authority must give the premises user notice of the decision;
  - (b) the notice must be accompanied by a separate statement (the “statement of conditions”) which sets out the conditions that have been imposed on the temporary event notice; and
  - (c) a copy of the notice and statement of conditions must be given to each relevant party.
- 5.6 LATE TENs have been created through the Police Reform and Social Responsibilities Act 2011, a Late TEN can be made no later than FIVE working days and no earlier than NINE working days before the event. The limits to these applications are no more than 2 for a non personal licence holder or no more than 10 for a personal licence holder.
- 5.7 The Police and Environmental Protection can object to Late TENs, if an objection is made the Licensing Authority must issue a counter notice advising the event cannot take place.
- 6.0 **Objections**
- 6.1 Environmental Protection objections are contained in **Appendix 4**.

## 7.0 Advice to Members

- 7.1 The Police Reform and Social Responsibility Act 2011 have amended legislation whereby Environmental Protection alongside Police can object to Temporary Event Notice under any of the licensing objectives.
- 7.2 This hearing is required by the Licensing Act 2003. As always the decision is on the civil burden of proof, i.e. the balance of probability.
- 7.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 7.4 Premises users are not required to be on the premises for the entire duration of the event authorised by the TEN, but they will remain liable to prosecution for certain offences that may be committed at the premises during the period covered by it. These include, for example, the offences of the sale of alcohol to a person who is drunk; persistently selling alcohol to children; and allowing disorderly conduct on licensed premises.
- 7.5 The police or local authority exercising environmental health functions may contact the premises user to discuss their objections and try to come to an agreement which will allow the proposed licensable activities to proceed. The TEN can be modified. If there is no agreement, the licensing authority must hold a hearing to consider the notice.

## 8.0 Legal Comments

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

## 9.0 Finance Comments

- 9.1 There are no financial implications in this report.

## 10.0 Appendices

<b>Appendix 1</b>	A copy of the application
<b>Appendix 2</b>	Maps of the area
<b>Appendix 3</b>	Premises Licence
<b>Appendix 4</b>	Environmental Protection objection



# Appendix 1



Fee:

Receipt No:

LONDON BOROUGH OF TOWER HAMLETS
Temporary Event Notice

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

You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

Form with sections: 1. The personal details of premises user (Please read note 1); 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary); 3. Your date of birth; 4. Your place of birth; 5. National Insurance Number; 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below); 7. Other contact details. Includes fields for name (Curtis Lee), title (Mr), and various contact information.

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)	
<b>Arch 252, Paradise Row, Bethnal Green</b>	
Post town <span style="color: red;">London</span>	Post code <b>E2 9LE</b>
9. Alternative contact details (if applicable)	
Telephone numbers: Daytime	
Evening (optional)	
Mobile (optional)	
Fax number (optional)	
E-Mail Address (if available)	

<b>2. The premises</b>	
Please give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references) (Please read note 2)	
<b>Resident, Arch 252, Paradise Row Bethnal Green E2 9LE</b>	
Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)? If so, please enter the licence or certificate number below.	
Premises licence number	<b>18403</b>
Club premises certificate number	
If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, please give a description and details below. (Please read note 3)	
Please describe the nature of the premises below. (Please read note 4)	
<b>Bar and Restaurant, and used by the public</b>	
Please describe the nature of the event below. (Please read note 5)	
the event is a new years eve party starting at 11:30 pm on 31st December and running through to 11:30am on 1st January. the event is a for industry people to have a party after working the new years eve for others.	

3. The licensable activities		
Please state the licensable activities that you intend to carry on at the premises (please tick all the licensable activities you intend to carry on). (Please read note 6)		
The sale by retail of alcohol	<input checked="" type="checkbox"/>	
The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club	<input type="checkbox"/>	
The provision of regulated entertainment	<input checked="" type="checkbox"/>	
The provision of late night refreshment	<input checked="" type="checkbox"/>	
Are you giving a late temporary event notice? (Please read note 7)	<input checked="" type="checkbox"/>	
Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8)		
sunday 31st December - Monday 1st January		
Please state the times during the event period that you propose to carry on licensable activities (please give times in 24 hour clock). (Please read note 9)		
23:30 (Sunday 31st December - 11:30 Monday 1st January 2018)		
Please state the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers. (Please read note 10)		
If the licensable activities will include the supply of alcohol, please state whether the supplies will be for consumption on or off the premises, or both (please tick as appropriate) (Please read note 11)	On the premises only	<input checked="" type="checkbox"/>
	Off the premises only	<input type="checkbox"/>
	Both	<input type="checkbox"/>
Please if the licensable activities will include the provision of relevant entertainment. If so, please state the times during the event period that you propose to provide relevant entertainment. (Please read note 12)		

4. Personal licence holders (Please read note 13)		
Do you currently hold a valid personal licence? (Please tick)	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If "Yes" please provide the details of your personal licence below.		
Issuing licensing authority	Tower Hamlets	
Licence number	21944	
Date of issue	30 / 03 / 2007	
Date of expiry		
Any further relevant details		

5. Previous temporary event notices you have given (Please read note 14 and tick the boxes that apply to you)		
Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the number of temporary event notices you have given for events in that same calendar year	2	
Have you already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

6. Associates and business colleagues (Please read note 15 and tick the boxes that apply to you)		
Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
If answering yes, please state the total number of temporary event notices your associate(s) have given for events in the same calendar year	Yes <input checked="" type="checkbox"/> 2	No <input type="checkbox"/>
Has any associate of yours already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
If answering yes, please state the total number of temporary event notices your business colleague(s) have given for events in the same calendar year.		
Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period: a) ends 24 hours or less before; or b) begins 24 hours or less after the event period proposed in this notice?	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

7. Checklist (Please read note 16)	
I have (Please tick the appropriate boxes)	
Sent at least one copy of this notice to the licensing authority for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the chief officer of police for the area in which the premises are situated	<input checked="" type="checkbox"/>
Sent a copy of this notice to the local authority exercising environmental health functions for the area in which the premises are situated	<input checked="" type="checkbox"/>
If the premises are situated in one or more licensing authority areas, sent a copy of this notice to each additional licensing authority	<input checked="" type="checkbox"/>
If the premises are situated in one or more police areas, sent a copy of this notice to each additional chief officer of police	<input checked="" type="checkbox"/>
If the premises are situated in one or more local authority areas, sent a copy of this notice to each additional local authority exercising environmental health functions	<input checked="" type="checkbox"/>
Made or enclosed payment of the fee for the application	<input checked="" type="checkbox"/>
Signed the declaration in Section 9 below	<input checked="" type="checkbox"/>

8. Condition (Please read note 17)
It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

9. Declarations (Please read note 18)	
<p>The information contained in this form is correct to the best of my knowledge and belief.</p> <p>I understand that it is an offence:</p> <p>(i) to knowingly or recklessly make a false statement in connection with this temporary event notice and that a person is liable on conviction for such an offence to a fine up to level 5 on the standard scale; and</p> <p>(ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on conviction for any such offence to an unlimited fine, or to imprisonment for a term not exceeding six months, or to both.</p>	
Signature	Lee Curtis
Date	08/12/2017
Name of Person signing	Mr Lee Curtis

For completion by the licensing authority

10. Acknowledgement (Please read note 19)	
I acknowledge receipt of this temporary event notice.	
Signature	On behalf of the licensing authority
Date	
Name of Officer signing	

# Appendix 2

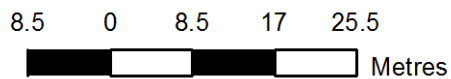




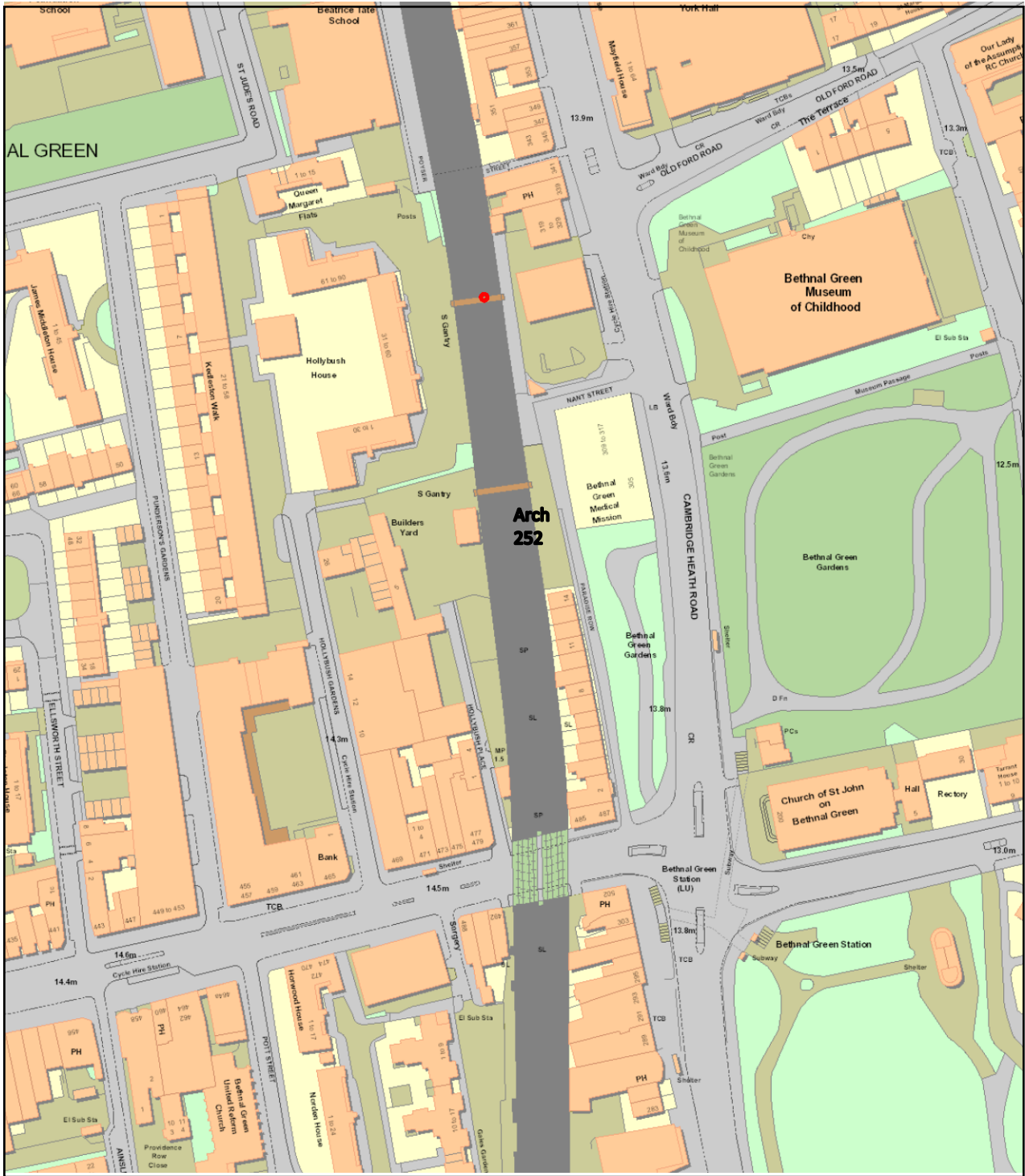
## Arch 252 Paradise Row



Scale 1:955



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## Arch 252 Paradise Row



Scale 1:1910

10 0 10 20 30

 Metres



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# Appendix 3

**(B & B Restaurants)  
Arch 252  
Paradise Row  
London  
E2 9LE**

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

**See the attached licence for the licence conditions**

**Signed by**

**John McCrohan**   
**Trading Standards and Licensing Manager**

**Date: 13<sup>th</sup> May 2014**

**Amended by minor variation in relation to plans 23/10/2014**



TOWER HAMLETS

LICENSING ACT 2003

## Part A - Format of premises licence

Premises licence number

18403

### **Part 1 - Premises details**

#### **Postal address of premises, or if none, ordnance survey map reference or description**

(B & B Restaurants)  
Arch 252  
Paradise Row

#### **Post town**

London

#### **Post code**

E2 9LE

#### **Telephone number**

None

#### **Where the licence is time limited the dates**

Not applicable

#### **Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

**The times the licence authorises the carrying out of licensable activities**

Supply of Alcohol (on premises only)

- Monday to Thursday from 11:00hrs to 23:30hrs
- Friday to Saturday from 11:00hrs to 00:00hrs (midnight)
- Sunday from 10:30hrs to 23:30hrs

Late Night Refreshment (indoors)

- Monday to Sunday from 23:00hrs to 23:30hrs

The provision of regulated entertainment in the form of live music (both indoors and outdoors)

- Monday to Sunday from 11:00hrs to 23:00hrs

The provision of regulated entertainment in the form of recorded music (indoors)

- Monday to Sunday from 09:30hrs to 23:30hrs

**The opening hours of the premises**

- Monday to Thursday from 09:30hrs to 00:00hrs (midnight)
- Friday to Saturday from 09:30hrs to 00:30hrs (the following day)
- Sunday from 09:30hrs to 23:00hrs

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

On sales only

## **Part 2**

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

B & B Restaurants Ltd.  
T/A Resident of Paradise Row  
Arch 252 Paradise Row  
London  
E2 9LE

**Registered number of holder, for example company number, charity number (where applicable)**

Registered Number: 08902827

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Daniel Bernardi  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol**

Licence Number: LBH-PER-N-1038  
Issuing Authority: London Borough of Hackney

## Annex 1 - Mandatory conditions

No supply of alcohol may be made under the premises licence-

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence

1.
  - (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
  - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
    - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
      - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
      - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
    - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
    - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
    - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
    - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.



3.
  - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
  
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml;
  - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.
  
5.
  1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
  2. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula —
 
$$P = D + (D \times V)$$
 where —
      - (i) **P** is the permitted price
      - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

- (iii) **V** is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence
    - (i) the holder of the premises licence
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence
  - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax
- (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

## **Annex 2 - Conditions consistent with the operating Schedule**

1. A clear and legible notice outside the premises indicating the normal hours under the terms of the premises license during which licensable activities are permitted;
2. The maximum occupancy of the building or venue at any one time will be restricted once we have a final floor plan including furniture. We will ask the fire authorities to verify this;
3. The number of persons admitted to the premises on any one occasion shall not exceed the maximum occupancy;
4. We will regularly count heads, checking the number of people entering and leaving the premises and ensure that steps are taken so that, once the maximum occupancy is reached, no further persons are admitted;

5. As far as is practical, that persons on or leaving the Premises will be reminded to conduct themselves in an orderly manner and do not in any way cause annoyance to residents or persons passing by;
6. Clear and conspicuous notices warning of potential criminal activity (such as bicycle and bag and mobile phone theft) within the premises that may target patrons of the premises will be displayed;
7. CCTV capable of covering the entrance to the premises in suitable positions will be provided to enhance the safety of patrons and staff where deemed appropriate;
8. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity;
9. There must be someone on the premises, who can download the CCTV images and present them on request by a police officer or other responsible authority,
10. A written zero tolerance drugs policy will be in force at the premises with the objective of securing, as far as reasonably practicable, the safety of patrons and others attending the premises;
11. To prevent the sale of alcohol to persons under the age of 18 years, suitable proof of age from young people attempting to purchase alcohol will be required;
12. Bar staff will be suitably trained to prevent the sale of alcohol to under 18's and patrons who are already inebriated;
13. Regular glass and bottle collection will be undertaken throughout the premises;
14. Patrons will not be permitted to leave the premises with any glass or bottles that belong to the premises;
15. A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by Statute, and information compiled to comply with any public safety condition attached to the premises license that requires the recording of

such information. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation;

16. A log book shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following;
  - i. All crimes reported to the venue
  - ii. All ejections of patrons
  - iii. Any complaints received
  - iv. Any incidents of disorder
  - v. All seizures of drugs or offensive weapons
  - vi. Any faults in the CCTV system
  - vii. Any refusal of the sale of alcohol
  - viii. Any visit by a relevant authority or emergency service
17. Adequate access is provided for emergency vehicles;
18. All parts of the premises and all fittings and apparatus therein, door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition;
19. At least one qualified first-aider will be present on the premises during the whole time the premises are made available for regulated entertainment;
20. Noise or vibration will not emanate from the premises such as to cause persons in the neighbourhood to be unreasonably disturbed.
  - (i) Before 11pm – Noise emanating from the premises will not be clearly distinguishable above other noise.
  - (ii) After 11pm – Noise emanating from the premises will not be distinguishable above background levels of noise.
21. The volume of amplified sound used in connection with the entertainment provided shall at all times be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises not accessible to the public;
22. Noise levels within the premises resulting from the operation of any musical instrument or amplified equipment will be regulated so as to protect the hearing of any employee therein in accordance with current standards;
23. Prominent, clear and legible notices will be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly;

24. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties;
25. Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents;
26. The Licensee will ensure that staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents;
27. The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance, particularly outside buildings;
28. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
29. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around;
30. We will not allow unaccompanied children less than 16 years of age in the premises;
31. We will not sell alcohol to children under the age of 18 at any time. All staff will be suitably trained to request valid ID where there is any question whatsoever of a customer's age;
32. An exception to drinking alcohol is provided for an accompanied individual aged 16 or 17 where the alcohol is beer, wine or cider to be consumed at a table meal. This will be treated on a case by case basis following a discussion with the children's parents or guardians;
33. Clear signage is to be displayed prominently and maintained at all exists of the premises requiring patrons to leave and enter the premises and area quietly out of respect for local residents;
34. No customer drinking in the Premises external area after 22:00hrs;
35. No more than 10 smokers to smoke in the external areas after 22:00hrs

**Annex 3 - Conditions attached after a hearing by the licensing authority**

Not applicable

**Annex 4 - Plans**

The plans are those submitted to the licensing authority on 8<sup>th</sup> October 2014 – Ground Floor and Mezzanine (Drawing No: BC 101 / June 2014 / Job No: NS076)



**Part B - Premises licence summary**

**Premises licence number**

18403

**Premises details**

**Postal address of premises, or if none, ordnance survey map reference or description**

(B & B Restaurants)  
Arch 252  
Paradise Row

**Post town**

London

**Post town**

E2 9LE

**Telephone number**

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol  
The provision of late night refreshment  
The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol (on premises only)

- Monday to Thursday from 11:00hrs to 23:30hrs
- Friday to Saturday from 11:00hrs to 00:00hrs (midnight)
- Sunday from 10:30hrs to 23:30hrs

Late Night Refreshment (indoors)

- Monday to Sunday from 23:00hrs to 23:30hrs

The provision of regulated entertainment in the form of live music (both indoors and outdoors)

- Monday to Sunday from 11:00hrs to 23:00hrs

The provision of regulated entertainment in the form of recorded music (indoors)

- Monday to Sunday from 09:30hrs to 23:30hrs

The opening hours of the premises

- Monday to Thursday from 09:30hrs to 00:00hrs (midnight)
- Friday to Saturday from 09:30hrs to 00:30hrs (the following day)
- Sunday from 09:30hrs to 23:00hrs

Name, (registered) address of holder of premises licence

B & B Restaurants Ltd.  
T/A Resident of Paradise Row  
Arch 252 Paradise Row  
London  
E2 9LE

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

On sales only

Registered number of holder, for example company number, charity number (where applicable)

08902827

Name of designated premises supervisor where the premises licence authorises for the supply of alcohol

Daniel Bernardi

State whether access to the premises by children is restricted or prohibited

No unaccompanied children less than 16 years of age in the premises



# Appendix 4

## Kathy Driver

---

**From:** Nicola Cadzow  
**Sent:** 13 December 2017 12:11  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** REPRESENTATION MAU 105260 Resident, Railway Arch 252, Paradise Row, London

Dear Licensing

I have regarded the application for the TENs for Railway Arch 252, Paradise Row, London and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are well beyond the Council's framework hours.

The Council's framework hours (i.e. *when premises are open*) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 to 22:30 hours**

The applicant is proposing licensable activities:

- Sale by Retail of Alcohol
- Regulated Entertainment
- Late Night Refreshment

from 23:30pm to 11:30 am, news year's eve into new year's day.

I have offered the applicant a 03:00 hours finish, and having spoken to the Applicant today, but he could not agree to the hours proposed.

**Sensitive premises:** Residential and commercial premises are approximately to Arch 252 Paradise Row, Bethnal Green.

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

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

### **CONCLUSION**

Environmental Protection **does not** support the application Railway Arch 252, Paradise Row, London, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought. But I am willing to withdraw my objection if they agree to my 03:00 hours finish.

Regards

Nicola Cadzow  
Environmental Health Technical Officer  
Pollution Team  
Environmental Protection  
London Borough of Tower Hamlets