

LICENSING SUB COMMITTEE 1

Tuesday, 8 August 2017 at 4.15 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:

Farhana Zia, Democratic Services

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

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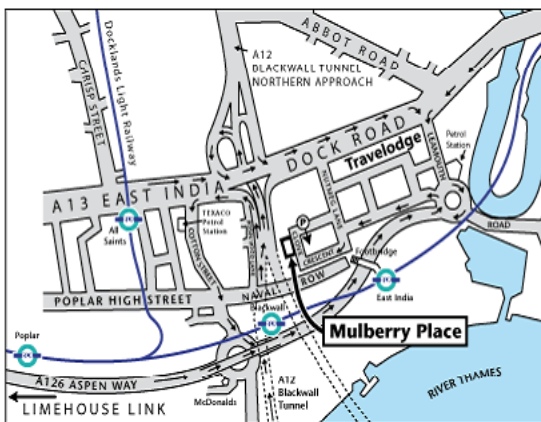
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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 5 - 14)

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

| | PAGE NUMBER(S) | WARD(S) AFFECTED |
|--|---------------------------|--|
| 3. ITEMS FOR CONSIDERATION | | |
| 3.1 Licensing Act 2003: New Premises Licence for Le Bun, 41 Commercial Street, E1 6BD APPLICATION WITHDRAWN | 15 - 78 | Spitalfields & Banglatown |

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Licensing Authority

| | | |
|---|-----------------|--|
| 3.2 Licensing Act 2003: Application for Temporary Event Notice for Apartment 2, 1 Baltimore Wharf, E14 APPLICATION WITHDRAWN | 79 - 100 | Blackwall & Cubitt Town |
|---|-----------------|--|

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Metropolitan Police
- Environmental Protection

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

| | | |
|---|--|---------------------------------------|
| Committee : Licensing Sub-Committee | Date 11th July 2017 | Classification Unrestricted |
|---|--|---------------------------------------|

| | |
|--|---|
| Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer | Title: Licensing Act 2003 Application for a Premises Licence for Le Bun, 41 Commercial Street, London E1 6BD Ward affected: Spitalfields and Banglatown |
|--|---|

1.0 Summary

| | |
|----------------------|--|
| Applicant: | Le Bun Ltd |
| Name and | Le Bun |
| Address of Premises: | 41 Commercial Street London E1 6BD |
| Licence sought: | Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol• The provision of late night refreshment |
| Representations: | Licensing Authority |

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for Le Bun, 41 Commercial Street, London E1 6BD.
- 3.2 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.3 The applicant has applied for the following licensable activities and timings:-

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

- Monday to Thursday, from 11:00 hours to 23:30 hours
- Friday and Saturday, from 11:00 hours to 00:00 hours
- Sunday, from 11:00 to 22:30 hours

The provision of late night refreshment – Indoors

- Monday to Thursday, from 23:00 hours to 23:30 hours
- Friday and Saturday, from 23:00 hours to 00:00 hours
- Sunday (No late night refreshment)

Non-standard timings

- From the end of permitted hours on New Year's Eve until, the start of permitted hours on New Year's Day

The opening hours of the premises

- Monday to Thursday, from 11:00 hours to 23:30 hours
- Friday and Saturday, from 11:00 hours to 00:00 hours
- Sunday, from 11:00 to 22:30 hours

Non-standard timings

- From the end of permitted hours on New Year's Eve until, the start of permitted hours on New Year's Day

4.0 **Location and Nature of the premises**

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

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2017.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 This hearing is required by the Licensing Act 2003, because relevant representations have been made the following:
 - Licensing Authority (Responsible Authority) – **Appendix 5**
- 6.2 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority (acting as a responsible authority)
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Environmental Health (Noise)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.3 In addition the application was required to be advertised in a local newspaper and by a blue poster.
- 6.4 Only objections that relate to the following licensing objectives are relevant:
 - the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm

- 6.5 Essentially, the Responsible Authority opposes the application because the applicant has not explained how within the context of the application they will meet the licensing objective of the prevention of crime and disorder and the prevention of public nuisance.
- 6.6 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.7 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
- 7.2 Save for the area coloured green on the plan, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
- 7.3 All sales of alcohol for consumption off the premises shall be in sealed containers and with food only save for the outside seating area.
- 7.4 CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority. Access to the system must be made available to an Authorised Officer on request.
- 7.5 An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
- a) all crimes reported to the venue;
 - b) all ejections of patrons;
 - c) any complaints received
 - d) any incidents of disorder;
 - e) seizures of drugs or offensive weapons;
 - f) any faults in the CCTV system or searching equipment or scanning equipment
 - g) any refusal of the sale of alcohol; or
 - h) any visit by a relevant authority or emergency service.

- i) A fire risk assessment to be conducted and reviewed regularly in accordance with the requirements of the Regulatory Reform (Fire Safety Order) 2005;
- 7.6 Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
- 7.7 No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
- 7.8 The outside seating area will only be used by patrons between the hours of 11:00 and 22:00.
- 7.9 All persons in the outside area to be seated.
- 7.10 A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.
- 7.11 No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.
- 8.0 Conditions in consultation with the Responsible Authorities/other persons**
- 8.1 None
- 9.0 Licensing Officer Comments**
- 9.1 The following is intended simply to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.2 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness

and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
 - ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
 - ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence

conditions when the circumstances in their view are not already adequately covered elsewhere.

- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council's Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 6 - 12** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

| | |
|--------------------|--|
| Appendix 1 | A copy of the application |
| Appendix 2 | Site Plan |
| Appendix 3 | Maps of the surrounding area |
| Appendix 4 | Other licensed venues in the area |
| Appendix 5 | Representation of Licensing Authority |
| Appendix 6 | Licensing Officer comments on noise while the premise is in use |
| Appendix 7 | Licensing Officer comments on access/egress Problems |
| Appendix 8 | Licensing Officer comments on crime and disorder on the premises |
| Appendix 9 | Licensing Officer comments on crime and disorder from patrons leaving the premises |
| Appendix 10 | Planning |
| Appendix 11 | Licensing Policy relating to hours of trading |
| Appendix 12 | Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone |

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Appendix 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We LE BUN LTD

[Insert name(s) of applicant]

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

Part 1 – Premises Details

| | | | |
|--|--------|-----------|--------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| LE BUN, 41 COMMERCIAL STREET, | | | |
| Post town | LONDON | Post code | E1 6BD |
| Telephone number at premises (if any) | | | |
| Non-domestic rateable value of premises | | £ 0 | |

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | |
|---|---|
| a) an individual or individuals * | <input type="checkbox"/> please complete section (A) |
| b) a person other than an individual * | |
| i. as a limited company/limited liability | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership (other than limited liability) | <input type="checkbox"/> please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B) |
| c) a recognised club | <input type="checkbox"/> please complete section (B) |
| d) a charity | <input type="checkbox"/> please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> please complete section (B) |
| f) a health service body | <input type="checkbox"/> please complete section (B) |
| g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales | <input type="checkbox"/> please complete section (B) |
| ga) person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England | <input type="checkbox"/> please complete section (B) |
| h) the chief officer of police of a police force in England and Wales | <input type="checkbox"/> please complete section (B) |

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

Please tick yes

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

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

| | |
|------|-------------------|
| Name | Le Bun Ltd |
|------|-------------------|

| | |
|---|--|
| Address | Finsgate, 5-7 Cranwood Street, London, England, EC1V 9EE |
| Registered number (where applicable) | 08873049 |
| Description of applicant (for example, partnership, company, unincorporated association etc.) | Private Limited Company |
| Telephone number (if any) | |
| E-mail address (optional) | |

Part 3 Operating Schedule

When do you want the premises licence to start?

| Day | Month | Year |
|-----|-------|------|
| A | S | A P |

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

| Day | Month | Year |
|-----|-------|------|
| | | |

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

RESTAURANT

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick any that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

C

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

D

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

E

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

F

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

G

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

H

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

I

| | | | | | |
|---|-------|--------|--|--|---|
| Late night refreshment Standard days and timings (please read guidance note 7) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3) | | Indoors <input checked="" type="checkbox"/> |
| | | | | | Outdoors <input type="checkbox"/> |
| | | | | | Both <input type="checkbox"/> |
| Day | Start | Finish | Please give further details here (please read guidance note 4) | | |
| Mon | 23:00 | 23:30 | | | |
| Tue | 23:00 | 23:30 | | | |
| Wed | 23:00 | 23:30 | State any seasonal variations for the provision of late night refreshment (please read guidance note 5) | | |
| Thur | 23:00 | 23:30 | | | |
| Fri | 23:00 | 00:00 | | | |
| Sat | 23:00 | 00:00 | Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day | | |
| Sun | | | | | |
| | | | | | |

| | | | |
|--|--|--|--|
| | | | |
|--|--|--|--|

J

| | | | | |
|--|-------|--------|---|---|
| Supply of alcohol Standard days and timings (please read guidance note 7) | | | Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 8) | On the premises <input type="checkbox"/> |
| | | | | Off the premises <input type="checkbox"/> |
| Day | Start | Finish | | Both <input checked="" type="checkbox"/> |
| Mon | 11:00 | 23:30 | State any seasonal variations for the supply of alcohol (please read guidance note 5) | |
| Tue | 11:00 | 23:30 | | |
| Wed | 11:00 | 23:30 | | |
| Thur | 11:00 | 23:30 | | |
| Fri | 11:00 | 00:00 | | |
| Sat | 11:00 | 00:00 | | |
| Sun | 11:00 | 22:30 | | |
| | | | | |
| | | | Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day | |

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

| | |
|--|---------------------------------|
| Name | TIMOTHY WILLIAM CRAWFORD TALBOT |
| Date of birth | |
| Address | |
| Postcode | |
| Personal licence number (if known) | |
| Issuing licensing authority (if known) | |

K

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

NONE

L

| Hours premises are open to the public Standard days and timings (please read guidance note 7) | | | State any seasonal variations (please read guidance note 5) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 07:00 | 00:00 | Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6) From the end of permitted hours on New Year's Eve until the start of permitted hours on New Year's Day |
| | | | |
| Tue | 07:00 | 00:00 | |
| | | | |
| Wed | 07:00 | 00:00 | |
| | | | |
| Thur | 07:00 | 00:00 | |
| | | | |
| Fri | 07:00 | 00:30 | |
| | | | |
| Sat | 07:00 | 00:30 | |
| | | | |
| Sun | 07:00 | 23:00 | |

M

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

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

PLEASE SEE ANNEX A

b) The prevention of crime and disorder

PLEASE SEE ANNEX A

c) Public safety

PLEASE SEE ANNEX A

d) The prevention of public nuisance

PLEASE SEE ANNEX A

e) The protection of children from harm

PLEASE SEE ANNEX A

Please tick to indicate agreement

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

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

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


Part 4 – Signatures (please read guidance note 11)

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

- [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).

Declaration

- The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)

| | |
|-----------|--|
| Signature |  |
| Date | 19 May 2017 |
| Capacity | Joelson JD LLP Solicitors for and on behalf of the applicant. |

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

| | |
|---|-------------------|
| Signature | |
| Date | |
| Capacity | |
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) CORINNE HOLLOWAY JOELSON JD LLP SOLICITORS 30 PORTLAND PLACE | |
| Post town LONDON | Post code W1B 1LZ |

Telephone number (if any) [REDACTED]

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

Notes for Guidance

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

performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you

wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.

9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
10. Please list here steps you will take to promote all four licensing objectives together
11. The application form must be signed.
12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
14. This is the address which we shall use to correspond with you about this application.
15. **Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

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

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

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

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time

limit on their stay in the UK.

- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.
- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or

Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-

- evidence of the applicant's own identity - such as a passport,
- evidence of their relationship with the European Economic Area family member - e.g. a marriage certificate, civil partnership certificate or birth certificate, and
- evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

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

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

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

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

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

ANNEX A
LE BUN, 41 COMMERCIAL STREET, LONDON, E1 6BD

1. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
2. Save for the area coloured green on the plan, the supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
3. All sales of alcohol for consumption off the premises shall be in sealed containers and with food only save for the outside seating area.
4. CCTV must be installed at the premises. Tapes and visual images recorded shall be retained for a period of 31 days and the system installed at the premises must be at least in accordance with the specification issued by the Licensing Authority. Access to the system must be made available to an Authorised Officer on request.
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) seizures of drugs or offensive weapons;
 - (f) any faults in the CCTV system or searching equipment or scanning equipment
 - (g) any refusal of the sale of alcohol; or
 - (h) any visit by a relevant authority or emergency service.
6. A fire risk assessment to be conducted and reviewed regularly in accordance with the requirements of the Regulatory Reform (Fire Safety Order) 2005;
7. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and leave the area quietly.
8. No rubbish, including bottles, shall be moved, removed or placed in outside areas between 2300 hours and 0800 hours.
9. The outside seating area will only be used by patrons between the hours of 11.00 and 22.00.
10. All persons in the outside area to be seated.
11. A proof of age scheme, such as Challenge 21, shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence or passport.

12.No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rise to a nuisance.

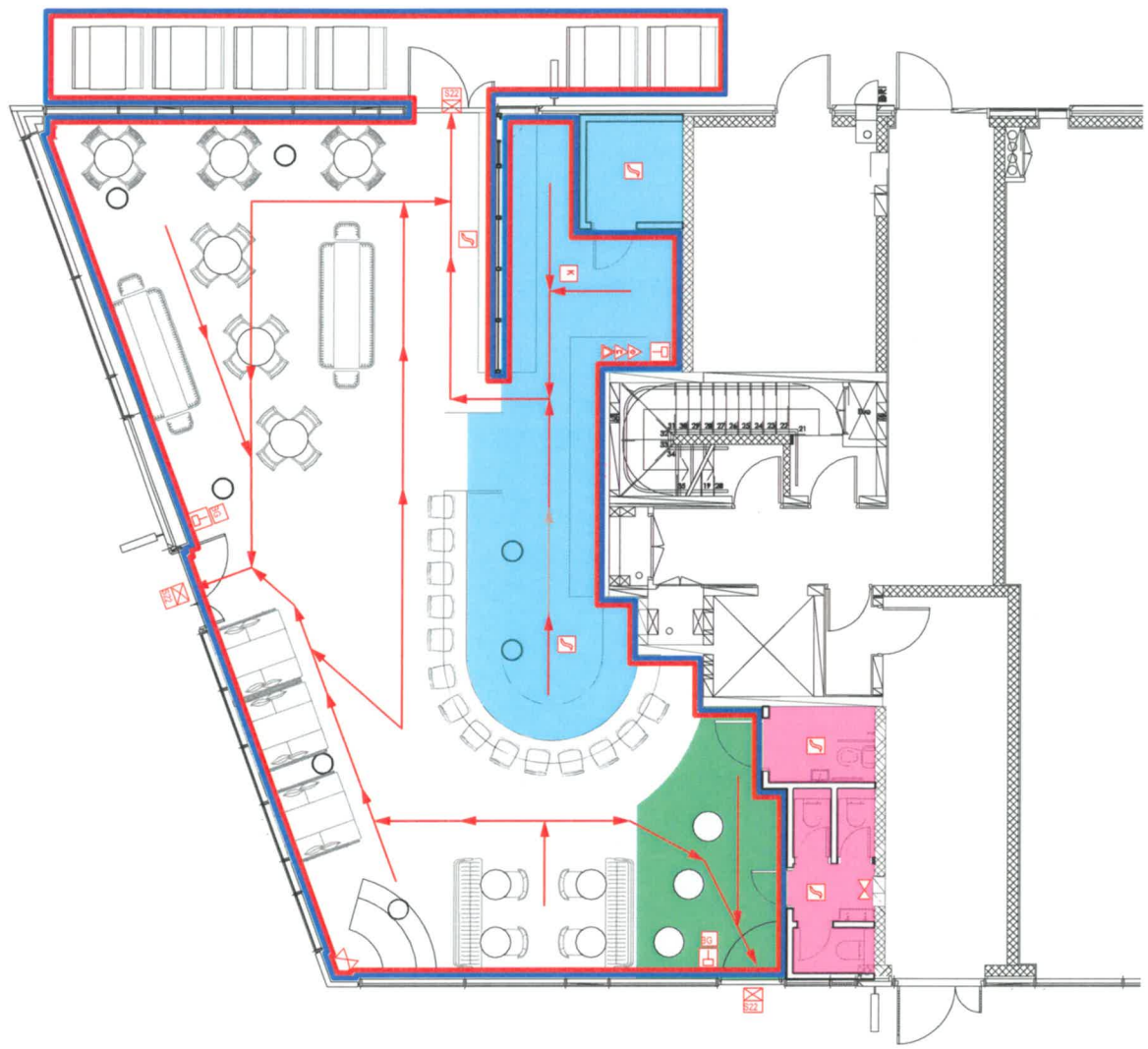
Appendix 2

LICENSING

THE POSITION OF FIRE AND SAFETY EQUIPMENT AS SHOWN ON THE PLAN OR THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002. THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002. THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002.

NOTES: THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002. THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002. THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002.

NOTES: THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002. THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002. THE POSITION OF THE FIRE ALARMS MUST BE IN ACCORDANCE WITH THE FIRE ALARMS (MOUNTING) REGULATIONS 2002.

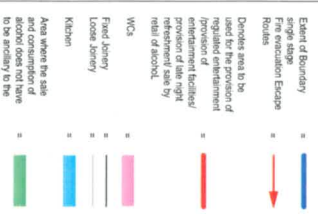


1 PROPOSED LICENSING GROUND
1:100 @ A3

Drawing Notes

Key

- Extent of Boundary
- single stage
- Fire Evacuation Escape Routes
- Fire Evacuation Escape Routes
- Concrete areas to be used for the provision of regulated entertainment
- provision of regulated entertainment
- provision of late night refreshment sale by retail of alcohol.
- WCs
- Fixed Journey
- Loose Journey
- Kitchen



Paper History

- 1 Preparation issued to BD A. 2017/05/18 - issued to OS
- 2 Concept Design
- 3 Developed Design
- 4 Technical Design
- 5 Specialist Design
- 6 Construction
- 7 Use & Altercare

Project
Le Bun
41 Commercial Street, E1 6BD
Drawing Title
Proposed Ground Floor Licensing Plan

Scale
1:100 @ A3
1:50 @ A1

Revision
A

Client
TT/AP

Drawn
GP

Drawn
Dew

CO

4 Old Tyle Building
56 Shoreditch High Street
London E1 8JL
info@redder.co.uk
www.redder.co.uk
+44 (0) 203 6373 581

red deer

201.10.800

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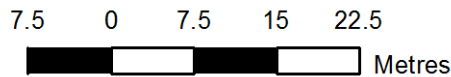
Appendix 3



41 Commercial Street



Scale 1:836



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Appendix 4

Application for Le Bun, 41 Commercial Street

| Name and address | Licensable activities and hours | Opening hours |
|--|---|--|
| <p>(Agah Turkish Restaurant) 43 Commercial Street London E1 6BD</p> | <p>The sale by retail of alcohol (on sales only)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 00:30hrs the following day • Sunday from 12:00hrs (midday) to 23:00hrs <p>The Provision of Late Night Refreshment - indoors</p> <ul style="list-style-type: none"> • (Monday to Thursday – None) • Friday and Saturday from 23:00hrs to 00:30hrs the following day • (Sunday – None) <p>The Provision of Regulated Entertainment - Indoors <u>(in the form of Recorded Music)</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 23:30hrs • Sunday from 12:00hrs (midday) to 22:00hrs <p><u>(Anything of a Similar Description to Live Music, Record Music or Performances of Dance)</u></p> <ul style="list-style-type: none"> • Friday to Sunday from 12:00hrs (midday) to 22:00hrs | <ul style="list-style-type: none"> • Monday to Thursday from 07:00hrs to 23:30hrs • Friday and Saturday from 07:00hrs to 01:00hrs the following day • Sunday from 07:00hrs to 23:30hrs |
| <p>(Som Saa) 43a Commercial Street <u>London</u> E1 6BD</p> | <p>The sale by retail of alcohol (On sales only):</p> <ul style="list-style-type: none"> • Monday to Thursday from 10:00 hours to 23:30 hours • Friday and Saturday from 10:00 hours to midnight • Sunday from 12:00 hours to 22:30 hours <p>Late Night Refreshment: (Indoors only)</p> <ul style="list-style-type: none"> • Monday to Thursday until 23:30 hours • Friday and Saturday until midnight | <ul style="list-style-type: none"> • Monday to Thursday from 10:00 hours to 23:30 hours • Friday and Saturday from 10:00 hours to midnight • Sunday from 12:00 hours to 22:30 hours |
| <p>(Zengi) 44 Commercial Street London E1 6LT</p> | <p>Sale of alcohol</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:30 hours <p>Provision of late night refreshment – Indoor and outdoor</p> <ul style="list-style-type: none"> ▪ Monday to Sunday, from 23:00 hours to 23:30 hours <p>Provision of regulated Entertainment - Indoor <u>Live music, recorded music, performance of dance and anything of a similar description. Provision of facilities for making music, Provision of facilities for dancing and anything of a similar description</u></p> | <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 00:00 hours (midnight) <p><u>Non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year's Eve, from 11:00 hours to 02:00 hours the following day |

Application for Le Bun, 41 Commercial Street

| | | |
|---|---|--|
| | <ul style="list-style-type: none"> ▪ Monday to Sunday, from 11:00 hours to 23:30 hours <p><u>Licensable activities non-standard timings:</u></p> <ul style="list-style-type: none"> ▪ New Year's Eve, from 11:00 hours to 01:30 hours the following day | |
| <p>Culpeper 40-42 Commercial Street London E1 6LP</p> | <p><i>Supply of Alcohol (On and off sales) and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</i></p> <ul style="list-style-type: none"> ▪ Monday to Wednesday, from 07:00hrs to 00:00hrs (midnight) ▪ Thursday to Saturday, from 07:00hrs to 03:00hrs ▪ Sunday, from 10:00hrs to 23:00hrs <p>Live music</p> <ul style="list-style-type: none"> ▪ Monday to Saturday, from 07:00hrs to 23:30hrs ▪ Sunday, from 10:00hrs to 23:00hrs <p>Late Night Refreshment</p> <ul style="list-style-type: none"> ▪ Monday to Wednesday, from 23:00hrs to 00:30hrs ▪ Thursday to Saturday, from 23:00hrs to 04:00hrs ▪ Sunday, from 23:00hrs to 23:30hrs <p><u>Non-standard timings</u></p> <p>Supply of Alcohol and Regulated Entertainment (plays, films, indoor sporting events, recorded music, performance of dance, provision of facilities for making music and provision of facilities for dancing)</p> <ul style="list-style-type: none"> ▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 03:00hrs ▪ Bank Holiday Mondays, from 07:00hrs to 01:00hrs ▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 03:00hrs ▪ New Year's Eve, from 07:00hrs to 03:00hrs 2nd January <p>Late Night Refreshment</p> <ul style="list-style-type: none"> ▪ Sundays immediately preceding a bank holiday, from 23:00hrs to 04:00hrs ▪ Bank Holiday Mondays, from 23:00hrs to 01:30hrs ▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 23:00hrs to 04:00hrs ▪ New Year's Eve, from 23:00hrs to 04:00hrs 2nd January | <ul style="list-style-type: none"> ▪ Monday to Wednesday, from 07:00hrs to 00:30hrs ▪ Thursday to Saturday, from 07:00hrs to 04:00hrs ▪ Sunday, from 10:00 hours to 23:30hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> ▪ Sundays immediately preceding a bank holiday, from 07:00hrs to 04:00hrs ▪ Bank Holiday Mondays, from 07:00hrs to 01:30hrs ▪ St. Valentines Day, St. Patrick's Day, St. Georges Day, Halloween, Christmas Eve and Boxing Day, from 07:00hrs to 04:00hrs ▪ New Year's Eve, from 07:00hrs to 03:00hrs 2nd January |
| <p>(Toto's Pasta and Pizzeria) Ground Floor and Basement Storage Area 65 Commercial Street</p> | <p><i>Supply of Alcohol (On sales)</i></p> <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 22:30 hours | <ul style="list-style-type: none"> • Monday to Sunday, from 11:00 hours to 23:00 hours |

Application for Le Bun, 41 Commercial Street

| | | |
|---|---|--|
| London E1 6BD | | |
| (Crisis) 64 Commercial Street London E1 6LT | <p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 16:00hrs to 23:00hrs • Friday from 16:00hrs to 23:30hrs • Saturday from 10:00hrs to 23:30hrs • Sunday from 10:00hrs to 22:00hrs <p><u>The Provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> • Friday and Saturday from 23:00hrs to 23:30hrs | <ul style="list-style-type: none"> • Monday to Thursday from 08:00hrs to 23:30hrs • Friday from 08:00hrs to 00:00hrs (midnight) • Saturday from 10:00hrs to 00:00hrs (midnight) • Sunday from 10:00hrs to 22:30hrs |
| (Hotbox) 46 - 48 Commercial Street London E1 6LT | <p>Sale by retail of alcohol (On sales only)</p> <ul style="list-style-type: none"> • Monday to Wednesday, from 11:00 hours to 23:30 hours • Thursday to Saturday, from 11:00 hours to 00:30 hours • Sunday, from 11:00 hours to 22:30 hours <p>The provision of late night refreshment - Indoors</p> <ul style="list-style-type: none"> • Monday to Wednesday, from 23:00 hours to 23:30 hours • Thursday to Saturday, from 23:00 hours to 00:30 hours <p>The provision of regulated entertainment - Indoors <u>(Live Music)</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 23:00 hours to 23:30 hours • Thursday to Saturday, from 23:00 hours to 00:30 hours <p><u>(Recorded Music)</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 11:00 hours to 23:30 hours • Thursday to Saturday, from 11:00 hours to 00:30 hours • Sunday, from 11:00 hours to 22:30 hours <p><u>Provision of anything of a similar description to Live Music, Recorded Music or Performance of Dance</u></p> <ul style="list-style-type: none"> • Monday to Wednesday, from 11:00 hours to 23:30 hours • Thursday to Saturday, from 11:00 hours to 00:30 hours • Sunday, from 11:00 hours to 22:30 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • To extend the times for all the licensable activities from the end of the permitted hours on New Years' Eve to 03:00 hours on New Year's Day. | <ul style="list-style-type: none"> • Monday to Wednesday, from 11:00 hours to 00:00 hours • Thursday to Saturday, from 11:00 hours to 01:00 hours • Sunday, from 11:00 hours to 23:00 hours <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • To extend the times for all the licensable activities from the end of the permitted hours on New Years' Eve to 03:30 hours on New Year's Day. |
| (Absurd Bird) 54 Commercial Street London E1 6LT | <p><u>The sale by retail of alcohol (on sales only):</u></p> <ul style="list-style-type: none"> • Sunday to Wednesday from 11:00hrs to 23:00hrs • Thursday to Saturday from 11:00hrs to 00:00hrs (midnight) | <ul style="list-style-type: none"> • Sunday to Wednesday from 09:00hrs to 23:30hrs • Thursday to Saturday from 09:00hrs to 00:30hrs (the following day) |

Application for Le Bun, 41 Commercial Street

| | | |
|--|---|---|
| | <p><u>The provision of late night refreshment (both indoors and outdoors):</u></p> <ul style="list-style-type: none"> Thursday to Saturday from 23:00hrs to 00:00hrs (midnight) | |
| <p>(Poppy Hana) 57 Commercial Street, London E1 6BD</p> | <p>Sale of alcohol (On and off sales) Monday to Sunday 11:00 hours to 23:00 hours</p> | <p>Monday to Sunday 11:00 hours to 23:30 hours</p> |
| <p>(YUU Kitchen Ltd) 31-35 Commercial Street London E1 6DH</p> | <p>The supply by retail of alcohol (The supply by retail of alcohol)</p> <ul style="list-style-type: none"> Monday – Thursday 12:00 – 23:00 Friday – Saturday 12:00 – 23:30 Sunday 12:00 - 22:30 <p>The provision of late night refreshment (indoors)</p> <ul style="list-style-type: none"> Friday – Saturday 23:00 -23:30 <p>On Christmas Eve supply by retail of alcohol and provision of late night refreshment to 00:30</p> <p>On New Year’s Eve supply by retail of alcohol and provision of late night refreshment to 01:30)</p> <p>Monday – Thursday 12:00 – 23:00 Friday – Saturday 12:00 – 23:30 Sunday 12:00 - 22:30</p> <p>The provision of late night refreshment (indoors)</p> <p>Friday – Saturday 23:00 -23:30</p> <p>On Christmas Eve supply by retail of alcohol and provision of late night refreshment to 00:30</p> <p>On New Year’s Eve supply by retail of alcohol and provision of late night refreshment to 01:30</p> | <p>Monday – Thursday 12:00 – 23:30 Friday - -Saturday 12:00 – 00:00 Sunday 12:00 - 23:00 Christmas Eve 12:00 – 01:00 New Year’s Eve 12:00 - 02:00</p> |
| <p>(Spitalfields Superstore) 59 Commercial Street London E1 6BD</p> | <p><u>The sale by retail of alcohol (Off sales only)</u></p> <ul style="list-style-type: none"> Sunday to Thursday, from 08:00 hours to 23:30 hours Friday and Saturday, from 08:00 hours to midnight | <ul style="list-style-type: none"> Monday to Sunday, from 08:00 hours to midnight |
| <p>(Lupita) Ground Floor and Basement 60 - 62 Commercial Street London E1 6LT</p> | <p style="text-align: center;"><u>Ground Floor and Basement Floor</u></p> <p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> Monday to Thursday, from 10:00 hours to 23:30 hours Friday and Saturday, from 10:00 hours to midnight Sunday, from 12:00 hours to 23:30 hours <p>The provision of late night refreshment</p> <ul style="list-style-type: none"> Sunday to Thursday, from 23:00 hours to 23:30 hours Friday and Saturday, from 23:00 hours to midnight | <p style="text-align: center;"><u>Ground Floor and Basement Floor</u></p> <ul style="list-style-type: none"> Monday to Thursday, from 08:00 hours to midnight Friday and Saturday, from 08:00 hours to 00:30 hours Sunday, from 12:00 hours to midnight. <p><u>Non-standard timings</u></p> |

Application for Le Bun, 41 Commercial Street

| | | |
|--|---|---|
| | <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> • Bank Holidays until midnight <p style="text-align: center;"><u>Extension of hours for Basement only</u></p> <p>The sale by retail of alcohol</p> <ul style="list-style-type: none"> • Thursday to Saturday, from 10:00 hours to 01:00 hours the following days <p>The provision of late night refreshment Thursday to Saturday, from 23:00 hours to 01:00 hours the following days</p> | <ul style="list-style-type: none"> • Bank Holidays until midnight <p style="text-align: center;"><u>Extension of hours for Basement only</u></p> <ul style="list-style-type: none"> • Thursday to Saturday, from 10:00 hours to 01:00 hours the following days |
| <p>71 Commercial Street London E1 6BD</p> | <p>Late Night Refreshment (starts at 23:00 hrs) Thursday: 23:00 hours until midnight Friday and Saturday: 23:00 hours until 01:00 hours the following day</p> | <p>Thursday: 09:00 hours until midnight Friday and Saturday: 09:00 hours until 01:00 hours the following day</p> |

Appendix 5

**Place Directorate
Public Realm**

Environmental Health and Trading Standards
Head of Service: **David Tolley**

Tower Hamlets Licensing

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

Tel: [REDACTED]
Fax: [REDACTED]
Enquiries to: **Corinne Holland**
Email: [REDACTED]

16th June 2017

www.towerhamlets.gov.uk

My reference: P/LIC/100703

Dear Sir / Madam,

**Licensing Act 2003
Re: Le Bun, 41 Commercial Street, London, E1 6BD**

The Licensing Authority has received an application for a new Premises Licence for a restaurant within the Cumulative Impact Zone.

The Licensable hours applied for are:

Late Night Refreshments:

Mon-Thurs 2300 – 2330hrs

Fri – Sat 2300 – 0000hrs

Sale of Alcohol:

Mon - Thurs 1100 – 2330hrs

Fri – Sat 1100 – 0000hrs

Sun 1100 – 2230hrs

On 18th September 2013 Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be

exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

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

The Licensing Authority has concerns regarding the numbers of customers allowed outside at any one time. The plan shows 6 tables in the outside area. There is no mention of how many customers this will facilitate. The Licensing Authority feels that there needs to be a maximum number of persons specified as a condition to prevent a public nuisance being caused and an increased impact on the already saturated area.

The operating schedule states that 'all persons in the outside area are to be seated'. How does the applicant propose to deal with smokers if these outside tables are occupied by other customers?

Does the applicant plan to play any music into the outside area at any time?

The Licensing Authority is therefore making representation against this application on the grounds of and the prevention of public nuisance as the premises lies within the CIZ. There is nothing within this application which offers any supporting evidence of how this will not add to the cumulative impact already being experienced in the area.

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

Yours sincerely,



Corinne Holland
Licensing Officer

Appendix 6

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 8.1 of the Licensing Policy)**.

While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 12.11)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 8.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance and these may include Conditions drawn from the Model Poll of Conditions relating to Crime and Disorder. **(See Appendix 2 Annex D of the Licensing Policy)**. In particular Members may wish to consider (this list is not exhaustive):

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

- Conditions controlling lighting (this needs to be balanced against potential crime prevention benefits)

Police Powers

Part 8 of the Licensing Act 2003 enables a senior police officer to close down a premises for up to 24 hrs. a premises causing a nuisance resulting from noise emanating from the premises.

Guidance Issued under Section 182 of the Licensing Act 2003

The Licensing Policy has adopted the recommended Pool of Conditions as permitted (13.20 and Annex D).

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community (2.33).

Licence conditions should not duplicate other legislation (1.16).

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.36) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.38).

Other Legislation

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

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

Appendix 7

Access and Egress Problems

Such as:

Disturbance from patrons arriving/leaving the premises on foot

Disturbance from patrons arriving/leaving the premises by car

Lack of adequate car parking facilities

Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

The prevention of public nuisance could include low-level nuisance, perhaps affecting a few people living locally as well as major disturbance affecting the whole community. (2.19).

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.20)

Measures can include ensuring the safe departure of customers, these can include:

- Providing information on the premises of local taxi companies who can provide safe transportation home; and
- Ensuring adequate lighting outside the premises, particularly on paths leading to and from the premises and in car parks

Necessary and appropriate conditions should normally focus on the most sensitive periods (2.22) and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder.

Appendix 8

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 9

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 10

Planning

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

Appendix 11

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 12

Licensing Policy

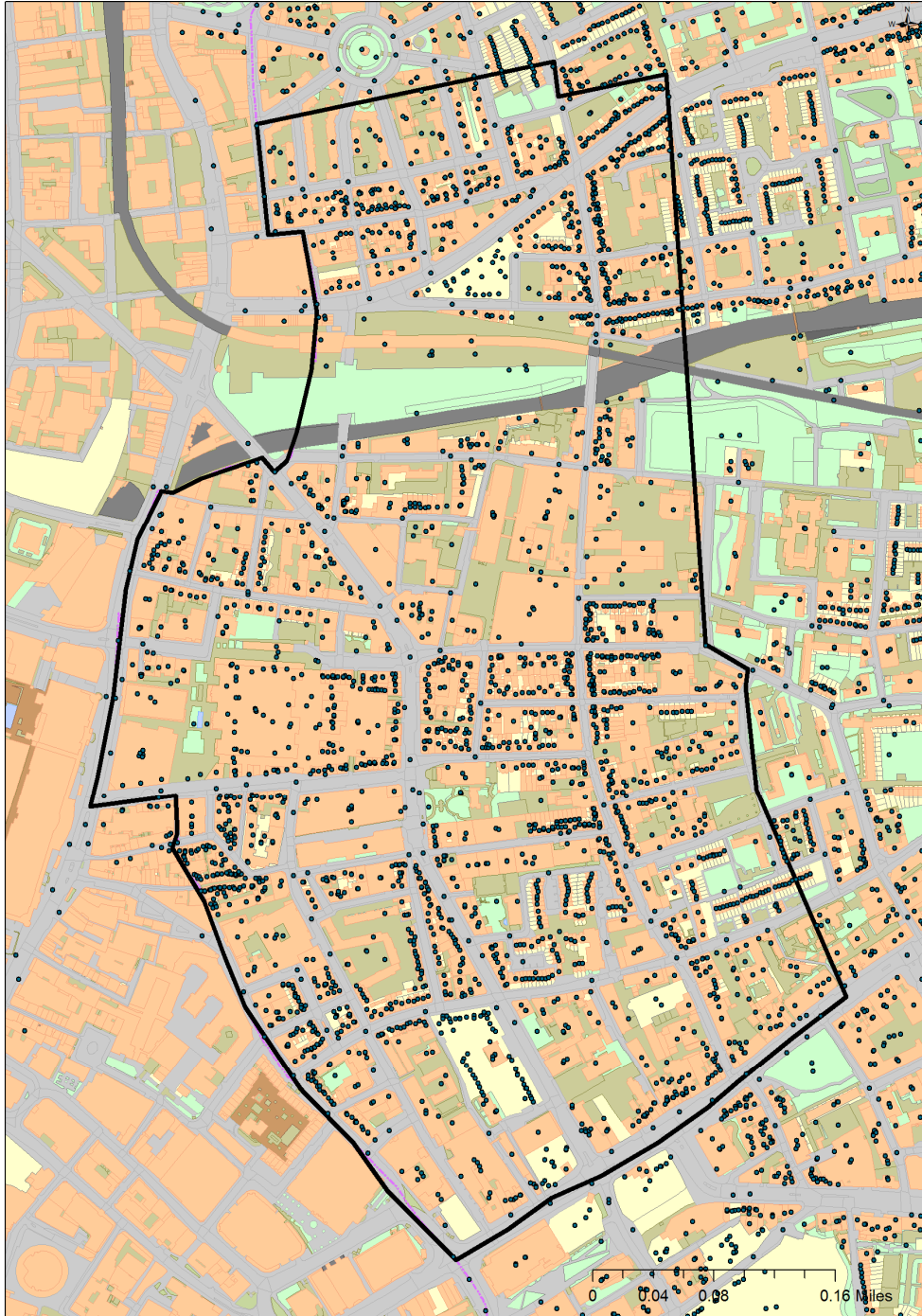
8 Special Cumulative Impact Policy for the Brick Lane Area

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

Figure One

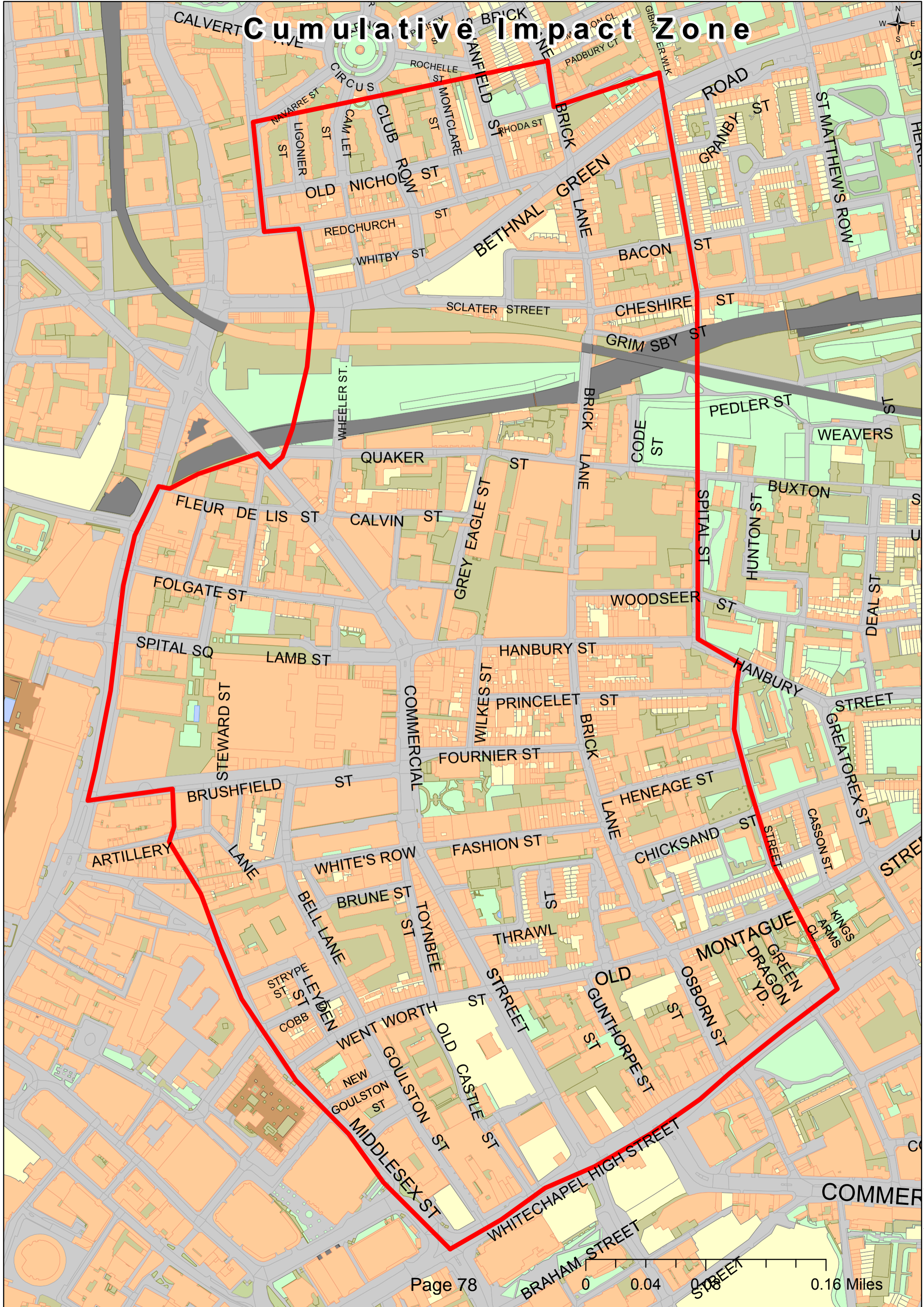
The Cumulative Impact Zone in the Brick Lane area

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



Drawn By: WJ. CIC Strategy & Performance. September 2012

Cumulative Impact Zone



Agenda Item 3.2

| | | |
|--------------------------------|-----------------------------------|---------------------|
| Committee : | Date | Classification |
| Licensing Sub Committee | 8th August 2017 | Unrestricted |

| | |
|--|---|
| Report of David Tolley Head of Environmental Health & Trading Standards | Title: Licensing Act 2003 Temporary Event Notice for |
| Originating Officer: Kathy Driver Principal Licensing Officer | Ward affected: Blackwall and Cubitt Town |

1.0 Summary

Applicant: **Mr. Christian Ahaiwe**

Address of Premises: **Apartment 2
1 Baltimore Wharf
London E14 9RE**

Objectors: **Metropolitan Police
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:
A screening of boxing match with the supply of alcohol; Regulated Entertainment and Late Night Refreshment
- 3.4 The premises that has been applied for is:
Apartment 2, 1 Baltimore Wharf, London E14 9RE
- 3.5 The dates that have been applied for are as follows:
26th to 27th August 2017
- 3.6 The times that have been applied for are as follows:
from 23:00 hours to 05:00 hours the following day
- 3.7 A map showing the relevant premises and immediate area is included as **Appendix 2**.

4.0 **Temporary Event Notices**

- 4.1 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.
- 4.2 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 TENs per calendar year or 21 days. The responsible authorities that can object is the Metropolitan Police or Environmental Protection.
- 4.3 The Police and Environmental Protection can object on the grounds that allowing the event to go ahead will undermine one of the Licensing Objectives.
- 4.4 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.
- 4.5 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.
- 4.6 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.
- 4.7 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.

5.0 **Objections**

- 5.1 The Police objections are contained in **Appendix 3**.
- 5.2 Environmental Protection objections are contained in **Appendix 4**.

6.0 **Advice to Members**

- 6.1 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.
- 6.2 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.

- 6.3 Members can consider any of the licensing objectives. Other matters can also be dealt with elsewhere by primary legislation.
- 6.4 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.
- 6.5 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.

7.0 **Legal Comments**

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

8.0 **Finance Comments**

- 8.1 There are no financial implications in this report.

9.0 **Appendices**

| | |
|-------------------|------------------------------------|
| Appendix 1 | A copy of the application |
| Appendix 2 | Maps of the area |
| Appendix 3 | Police Objection |
| Appendix 4 | Environmental Protection objection |

Appendix 1



| | |
|-------------|-----------|
| Fee: | £21.00 |
| Receipt No: | 183-83789 |

Ref = R9212.5443.A1347

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.

| | | | |
|---|--|------------|------------|
| 1. The personal details of premises user (Please read note 1) | | | |
| 1. Your name | | | |
| Title | Mr <input checked="" type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | AHAIWE | | |
| Forenames | CHRISTIAN | | |
| 2. Previous names (Please enter details of any previous names or maiden names, if applicable. Please continue on a separate sheet if necessary) | | | |
| Title | Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Miss <input type="checkbox"/> Ms <input type="checkbox"/> Other (please state) | | |
| Surname | | | |
| Forenames | | | |
| 3. Your date of birth | [REDACTED] 3 | Day | [REDACTED] |
| | | Month | [REDACTED] |
| | | Year | [REDACTED] |
| 4. Your place of birth | | | |
| LAGOS / NIGERIA | | | |
| 5. National Insurance Number | | | |
| [REDACTED] | | | |
| 6. Your current address (We will use this address to correspond with you unless you complete the separate correspondence box below) | | | |
| [REDACTED] | | | |
| Post town | | Post code | |
| SOUTHWARK | | [REDACTED] | |
| 7. Other contact details | | | |
| Telephone numbers | [REDACTED] | | |
| Daytime | | | |
| Evening (optional) | | | |
| Mobile (optional) | | | |
| Fax number (optional) | | | |
| E-Mail Address (if available) | [REDACTED] | | |

8. Alternative address for correspondence (If you complete the details below, we will use this address to correspond with you)

APT2, 1 BALTIMORE WHARF, LONDON,
UK E14 9RE Omet

Post town

TOWER HARBLETS

Post code

E14 9RE

9. Alternative contact details (if applicable)

Telephone numbers:

Daytime

Evening (optional)

Mobile (optional)

Fax number (optional)

E-Mail Address
(if available)

2. The premises

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)

APT2, 1 BALTIMORE WHARF, LONDON
E14 9RE

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

N/A

Club premises certificate number

N/A

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)

N/A

Please describe the nature of the premises below. (Please read note 4)

PENTHOUSE

Please describe the nature of the event below. (Please read note 5)

SCREENING OF A BOXING MATCH

| 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 type="checkbox"/> | |
| Please state the dates on which you intend to use these premises for licensable activities. (Please read note 8) | | |
| 26 th / 27 th AUGUST 2017 | | |
| 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) | | |
| 11pm - 5am | | |
| 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) | | |
| 250 | | |
| 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) | | |
| 11pm - 5am | | |

| 4. Personal licence holders (Please read note 13) | | |
|---|---------------------------------|---|
| Do you currently hold a valid personal licence? (Please tick) | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If "Yes" please provide the details of your personal licence below. | | |
| Issuing licensing authority | | |
| Licence number | | |
| Date of issue | | |
| 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 type="checkbox"/> | No <input checked="" type="checkbox"/> |
| If answering yes, please state the number of temporary event notices you have given for events in that same calendar year | | |
| 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 type="checkbox"/> | No <input checked="" 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 type="checkbox"/> | 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 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 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 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"/> |

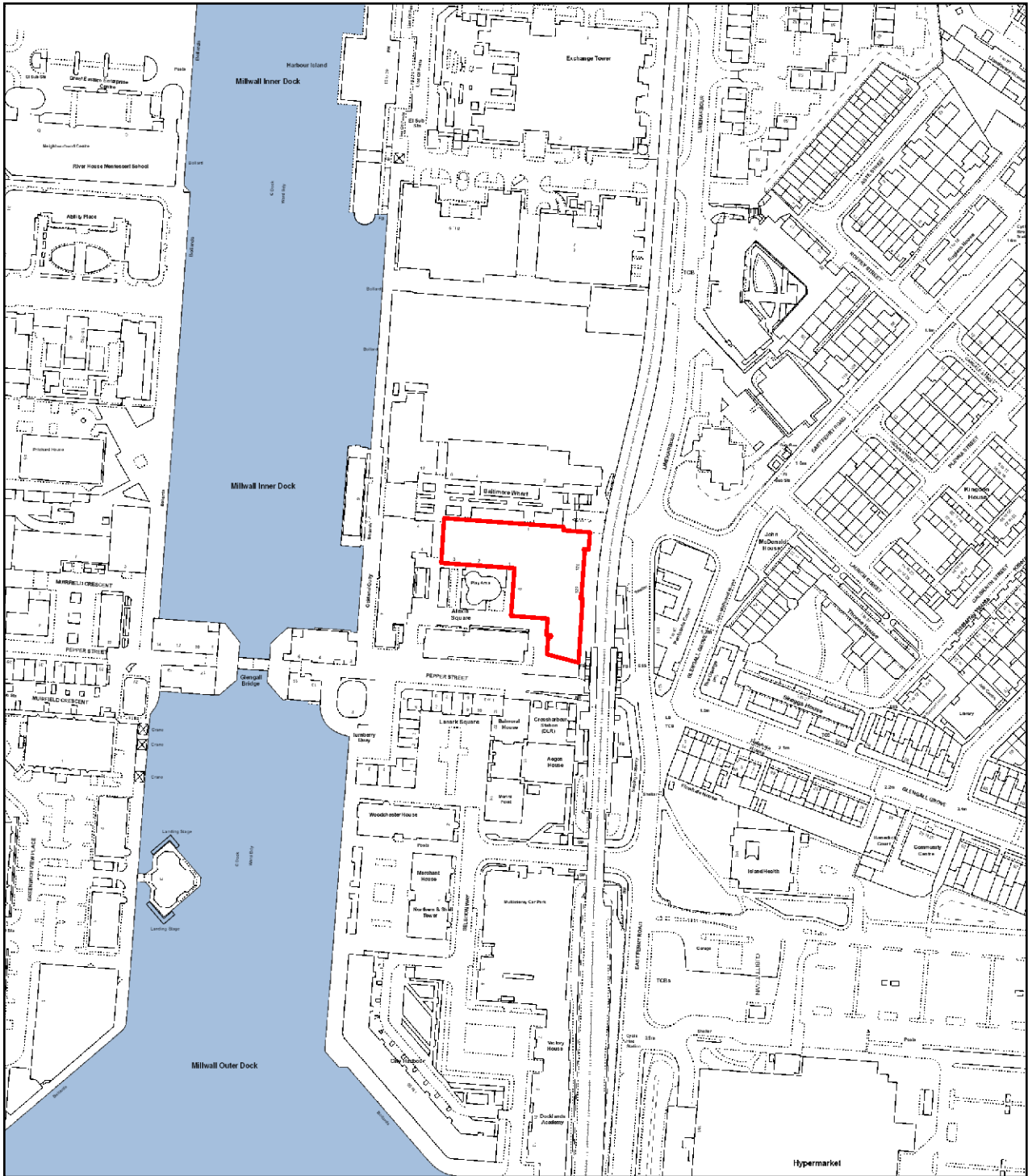
| 8. Condition (Please read note 17) |
|---|
| It is a condition of this temporary event notice that where the relevant licensable activities described in Section 3 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user. |

| 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 |  |
| Date | 19/07/2017 |
| Name of Person signing | CHRISTIAN AHAIWE |

For completion by the licensing authority

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

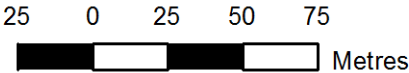
Appendix 2



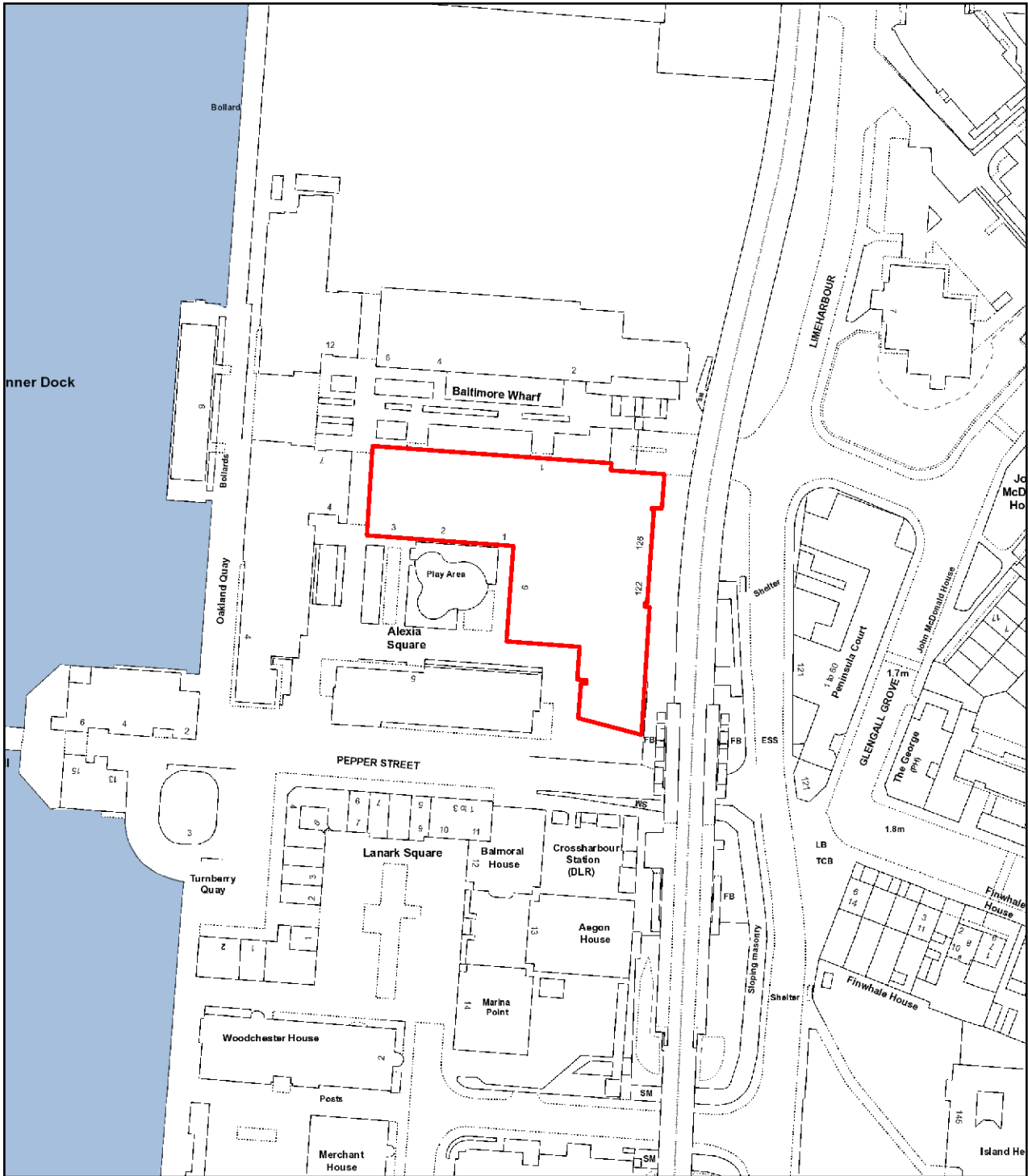
Baltimore Wharf



Scale 1:3074



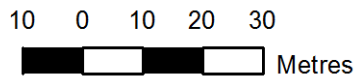
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Baltimore Wharf



Scale 1:1537



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Appendix 3

Kathy Driver

From: Alan.D.Cruickshank [REDACTED]
Sent: 20 July 2017 11:25
To: Licensing; Nicola Cadzow
Cc: [REDACTED]
Subject: TEN application for Baltimore Towers
Attachments: Baltimore Towers objection (Aug 17).doc

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing

Please accept my representation for the above TEN

Mr Ahaiwe: I have been unable to contact you via your phone.

Regards

Alan Cruickshank PC 189HT

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Tom Lewis
LBTH Licensing
John Onslow House
Ewart Place

E3

HT - Tower Hamlets Borough
HH - Limehouse Police Station

Licensing Office
Toby Club Sno
Vawdrey Close
Cleveland Way Mile End
E1 4UA

Telephone: 0207 161 8792

Facsimile:

Email:

Alan.D. [REDACTED]

www.met.police.uk

Your ref:

Our ref:

20 July 2017

Dear Mr Lewis

Temporary Event Notice: 26th August 2017: 2300-0500
Apt2, 1 Baltimore Wharf, E14 9RE

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

The prevention of crime and disorder
The prevention of public nuisance

At this present time I have been unable to contact the applicant on his contact telephone number or the owners of Baltimore Towers. Their answer phone messaging system is full and rings off.

Having looked at the internet site for Baltimore Towers, it would appear that this is a residential property.

The applicant is applying for the sale of alcohol, regulated entertainment and late night refreshments from 2300 -0500. He has said in his application that 250 people are expected to attend. I don't know the size of the apartment but it does raise concerns over the capacity for such a crowd.

The boxing match in question has attracted a lot of publicity. The main concern is whether a residential property is a suitable venue for such entertainment.

In terms of public nuisance I would have thought that the volume necessary to allow 250 people to watch the match would have to be substantial.

250 people coming and going from the venue at such late hours, will surely disturb the neighbours.

What plans does the applicant have to prevent people from standing outside with alcohol or food? At such a late hour, it wouldn't take much to disturb the neighbours.

People chatting outside would be sufficient to cause a noise nuisance.

In terms of crime and disorder, with such a large crowd and the possibility of people having started drinking well prior to 2300, the smallest incident could easily escalate.

Even if this was a suitable venue there is no mention of SIA staff. I would be expecting at least the minimum of 6 SIA staff. Alcohol and sporting events have to be closely monitored.

What experience does the applicant have in running such an event?

How is the event being advertised?

What is his target demographic?

Will there be any check on people entering with drugs?

Residential apartments are not suitable venues for such events. I ask the committee to refuse the application.

Alan Cruickshank PC 189HT

Kathy Driver

From: Alan.D.Cruickshank [REDACTED]
Sent: 27 July 2017 11:25
To: Kathy Driver
Subject: TEN for Apt 902 Baltimore Towers

Dear Licensing

Further to my initial representation, I now wish to object to the application under the public safety licensing objective.

Having spoken to the applicant he was critical that I hadn't visited the venue prior to submitting my representation. This has now been rectified. On Wednesday 26th July 2017 at about 1130 I attended the residential complex along with Fire Officer Samantha Bennett and one of her colleague. We spoke to the management and was shown around the block in which the apartment is situated.

Subsequently I have received an email from Officer Bennett. In her professional opinion:

Further to our meeting yesterday with the Management Company –PMM Ltd at Baltimore Towers and my inspection of the communal parts and escape stairway from the premises, my findings are as follows:-

- The apartment has only one way in and out with an inward opening door approx. 800mm wide – in any licensed premises we would only allow 50-60 persons – but this is not a licensed premises.
- This is an apartment on a high floor with a single staircase means of escape shared by all the other residents.
- I have been informed by the managing agent that there are no sprinklers in the apartments and there are only domestic battery operated smoke alarms.
- There is a detector head in the corridor outside the flat that is connected to the main fire alarm system.
- There is an automatic opening vent in the stairwell.

Due to the above I would have serious fire safety concerns to allow an event holding 250 persons, who could be intoxicated with alcohol, could be smoking, are unaware of the layout of the building and indeed the building having not been built to house 250 people on that floor – or for them all to use the single fire escape stairwell along with other residents in the event of an emergency.

The flat has also not got the necessary fire safety systems in place to detect a fire and allow the guests to escape before the means of escape becomes untenable.

With 250 persons escaping from one door the whole of the corridor would fill with smoke. Smoke would then also escape into the single escape stairwell as the doors will be held open for a considerable amount of time to allow the persons through. The stairwell is also not wide enough for 250 people to escape quickly in the event of an emergency.

I believe if this event is allowed to occur there is a serious risk of harm which could result in death or serious injury.

Regards

Sam Bennett

Inspecting Officer

Tower Hamlets Fire Safety Team

London Fire Brigade

I would therefore ask the committee to refuse this application.

Regards

Alan Cruickshank PC 189HT

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Appendix 4

Kathy Driver

From: Nicola Cadzow
Sent: 21 July 2017 11:01
To: Licensing
Cc: Alan.D.Cruickshank; [REDACTED] Mark Perry; [REDACTED]
Subject: MAU REPRESENTATION 100200 - Screening of Boxing Match - Apartment 2 1 Baltimore Wharf, London E14 9RE - 26/27 August 2017

Dear Licensing

I have regarded the application for the TENs for the Screening of Boxing Match @ Apartment 2 1 Baltimore Wharf, London E14 9RE on 26/27 August 2017, 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 at the late hours sought until 0500 hours.

Noise Sensitive premises: residential and commercial premises in close proximity within 1 Baltimore Wharf.

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 for Apartment 2 1 Baltimore Wharf, London E14 9RE, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

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