

LICENSING SUB COMMITTEE

Tuesday, 10 July 2018 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 11 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 28)

To confirm as a correct record the minutes of the Licensing Sub-Committee held on 5th June 2018.

4. ITEMS FOR CONSIDERATION	PAGE NUMBER(S)	WARD(S) AFFECTED
4 .1 Application for Variation of a Premises Licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN	29 - 148	Bow East

Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident(s)

4 .2 Application for a New Premises Licence for Quick Grill Ltd, 194 Mile End Road, London, E1 4LJ	149 - 210	St Dunstan's
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Licensing Objectives:

- Public Nuisance

Representations by:

- Licensing Authority
- Metropolitan Police

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

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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 5.30 P.M. ON TUESDAY, 5 JUNE 2018

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

Members Present:

Councillor Peter Golds (Chair)

Councillor Victoria Obaze

Councillor Zenith Rahman

Officers Present:

Corinne Holland

– (Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing applicants

Item Number

Role

Michael Kill

4.1

Applicant

Niall McCann

4.2

Legal Representative

Chao Zhang

4.2

Applicant

Representing objectors

Item Number

Role

None present

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 20th March, 4th April, 11th April and 24th April 2018 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for a New Premises Licence for Yumcha 137 Brick Lane, London E1 6SB

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Yumcha, 137 Brick Lane, London E1 6SB. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Michael Kill, Applicant, explained that the premises was a tea bar primarily selling premium teas and was now looking to introduce an alcoholic infusion to their tea collection. It was made clear that the key product would be teas and alcohol would only be an ancillary to the premium collection of the infused teas they currently offer.

He explained that drinks would be served only for seated consumption and therefore the premises would not be a vertical drinking establishment. It was noted that he had consulted with Responsible Authorities and conditions and hours had been agreed with the Police, Licensing Authority and Environmental Health. It was also noted that they would have SIA security staff during the evenings/nights on Thursdays, Fridays and Saturdays with the numbers to be agreed with the Police.

It was noted there would be a 30 minute drinking up time allowing a slow dispersal. That the capacity of the premises was for 60 people, and the premises would be available for corporate bookings. It was also noted that suitable signage would be displayed around the premises asking customers to respect the needs of local residents and leave the area quietly and that a challenge 25 policy would also be operated.

Mr Kill explained that there would be low background music, and they wouldn't need to access the back door during the evenings, therefore this would limit the noise breakout, as well as this the noise reduction policy would include closing doors and windows early evening to stop noise emanating from the premise. Mr Kill also stated that they would manage the smoking area outside the premises by limiting it to 3-4 people at any one time as well as this no drinks would be allowed to be taken outside the premise.

In response to questions the following was noted;

- That there would be no off sales

- That the applicant had agreed to limit the number of smokers to 4 people at any one time.
- That several measures have been taken to address the concerns of the CIZ and ensure that there is no negative impact on the area, ie. Installation of a CCTV camera system, alcohol to be only served for seated consumption, SIA door staff to be employed, and doors and windows to be kept shut to stop noise emanating from the premises.
- That there would be 3-4 members of staff working at the premises with the premises capacity for 60 people.

There were no objectors present at the meeting, Members noted and considered the written objections contained in the agenda.

Members adjourned the meeting at 5.55pm for deliberations and reconvened at 6.05pm.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the Applicant and noted the written objections made by local residents, whom were not present at the meeting.

Members welcomed the efforts made by the Applicant by offering and accepting conditions in consultation with the Responsible Authorities and accepting the condition 'that the consumption of alcohol can only be by persons seated within the premises' this gave Members the assurance that the premises would not be used as a vertical drinking establishment.

Members noted the concerns raised about noise emanating from the premises, therefore Members believed that the condition to keep doors and windows closed during operational hours from 7pm onwards would help prevent this and alleviate some of those concerns. Members were also satisfied that a modification of the hours on the license would also relieve the concerns of local residents and avoid any future disturbances.

Members believed that restricting the use of the smoking area outside the premises to four people at any one time would also help with noise control.

Members reached a decision and the decision was unanimous. Members granted the application subject to conditions to help promote the licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Yumcha, 137 Brick Lane, London E1 6SB be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Sunday from 12:00 hrs to 23:30 hrs.

Provision of Late Night Refreshments

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

Hours premises Open to the Public

Monday to Sunday from 08:00 hrs to 00:00 hrs (midnight).

Conditions

1. No drinks allowed to be taken outside the premises at any time.
2. CCTV shall be installed at the premises. The scope of the coverage shall be agreed with the Police. The system shall be kept in good working order and recording kept for a minimum of 31 days with a trained member of staff on duty while the premises are open.
3. CCTV is to be made available to Police or other Licensing Authority on request.
4. Written operating policy including:
 - I. Drugs Policy
 - II. Incident Book
 - III. Refusal Book
 - IV. Transport and Dispersal
5. Refusals and Incident Log are made available to Police or other Licensing Authority on request.
6. Staff shall be trained on drug and alcohol policy

7. Doors and windows shall be kept closed during operational hours post 19:00 hours
8. Management of refuse disposal shall be completed each morning, refraining from night time disturbance.
9. A Challenge 25 Policy shall be in place in relation to the sale of alcohol.
10. The consumption of alcohol can only be by persons seated within the premises except when operating a pre booked private function, where the general public have no access to the premises.
11. No more than 4 people to smoke outside the premises at any one time.

4.2 Application for a New Premises Licence for Chao Zhang, 62 Wentworth Street, London E1 7AL

At the request of the Chair, Ms Corinne Holland, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Chao Zhang, 62 Wentworth Street, London E1 7AL. It was noted that objections had been received from local residents.

At the request of the Chair, Mr Niall McCann, Legal Representative on behalf of the applicant explained that since the application was made the two resident objectors had been written to and two changes were made to the application firstly that off sales would cease at 10pm and that alcohol would be ancillary to a meal.

Mr McCann confirmed that the premises would be named 'Xian Biang Biang' named after a Chinese noodle. It was noted that they would be selling Chinese food specialising cuisines from North West China, serving a wide range of street food during lunch and dinner. It was envisaged that alcohol would form 10% of the total sales income.

Mr McCann gave a brief history of the Applicants previous experiences and explained that he had three other premises where there had been no complaints. It was noted that the restaurant was over one floor, with an open kitchen, and a bar which would only be used to serve the drinks and not a seated bar area. Mr McCann highlighted that there were no objections from Responsible Authorities and explained that the objections referred to general issues of the Cumulative Impact Zone in the area and as a result reduced the hours for off sales.

Mr McCann highlighted the fact that the onus lay upon them to prove they would not have a negative impact on the area and therefore would have the following measures in place;

- No vertical drinking
- Takeaway drinks to be sold in sealed containers
- Suitable signage displayed around the premises asking customers to respect the needs of local residents and leave quietly.
- Operate a challenge 25 policy

- Install and maintain a CCTV camera system.

Mr McCann concluded that it was a modest application with modest hours applied for and that there was no specific concerns linked to the premises.

In response to a question, the Applicant agreed to remove off sales from the application.

There were no objectors present at the meeting, Members noted and considered the written objections contained in the agenda.

Members adjourned the meeting at 6.20pm for deliberations and reconvened at 6.30pm.

The Licensing Objectives

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

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

Consideration

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

Members noted the reduction in the hours for the sale of alcohol and welcomed the efforts made by the Applicant to add conditions in consultation with the Police and also the agreement to remove off sales from the application this helped give assurance that the premise would not have a negative impact on the area. Members were satisfied that the condition 'the supply of alcohol at the premises shall only be to a person for consumption by such a person as ancillary to their meal' together with the other conditions would help alleviate the concerns of the local residents and promote the licensing objectives.

Therefore Members made a decision and the decision was unanimous. Members granted the application with conditions.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a New Premises Licence for, Chao Zhang (Xian Biang Biang), 62 Wentworth Street, London E1 7AL be **GRANTED** with conditions.

Sale of Alcohol (On sales only)

Monday to Sunday from 11:00 hours to 22:30 hours

Hours premises are open to the public:

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

Conditions

1. No off sales.
2. Open containers shall not be taken from the premises.
3. A challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
4. Staff shall undertake regular training and written training records to be kept.
5. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police. The system is to record the footage and to keep it for a minimum of 31 days and a copy of CCTV footage is to be made available to Police or the Local Authority upon request. (subject to data protection legislation).
6. While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
7. An Incident Report book is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be made available on request to any Police officer or representative of a responsible authority.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Chair agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date
Nelson's Head, 32 Horatio Street, Bethnal Green London E2 7SB	19/06
Cookies and Cream Unit 5 The Chronos Building, 9-25 Mile End Road, London, E1 4TW	19/06
Whitepost Café, 92 Whitepost Lane, London E9 5SN	10/07
Angel Convenience, 23 Roman Road, London E2 0HU	10/07
Sharwama, 84 Brick Lane, London E1 6RL	24/07

The meeting ended at 6.45 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	10 th July 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for Whitepost Café, 92 Whitepost Lane, London E9 5EN
Originating Officer: Kathy Driver Principal Licensing Officer	Ward affected: Bow East

1.0 Summary

Applicant: **Towpath Bars Ltd**
Name and **Whitepost Cafe**
Address of Premises: **92 Whitepost Lane**
London E9 5EN

Licence sought: **Licensing Act 2003**
Extension of hours for the Sale of Alcohol
Extension of hours for provision of regulated entertainment

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

3.1 This is an application for a variation of the premises licence for White Post café, 92 Whitepost Lane, London E9 5EN.

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

3.3 Current hours are as follows:

Sale of Alcohol (on sales only)

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The Provision of Late Night Refreshment (indoors):

- Friday from 23:00hrs to 00:00hrs (midnight)
- Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of Recorded Music indoors):

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

Non-standard times:

- Sundays before Bank Holidays 11:00hrs to 01:00hrs (the following day)
- New Year's Eve 11:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

The opening hours of the premises

- Monday to Thursday from 11:00hrs to 23:30hrs
- Friday from 11:00hrs to 00:30hrs (the following day)
- Saturday from 11:00hrs to 01:30hrs (the following day)
- Sunday from 11:00hrs to 22:30hrs

Non-standard times:

- Sundays before Bank Holidays 11:00hrs to 01:00hrs (the following day)
- New Year's Eve 11:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

3.4 A copy of the variation application is enclosed as **Appendix 2**.

3.5 The applicant has described the nature of the variation as:
Extending the operational hours on Thursday, Friday and Sunday
Variation of the hours for the outside area from 8pm to 9.30pm

3.6 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales only); Recorded Music and Late Night Refreshment

Thursday from 11:00 hours to midnight

Friday from 11:00 hours to 01:00 hours

Sunday from 11:00 hours to 23:00 hours

Hours premises is open to the public:

Thursday from 11:00 hours to 00:30 hours

Friday from 11:00 hours to 01:30 hours

Sunday from 11:00 hours to 23:30 hours

3.7 The applicant has applied to vary condition 6:
“The outside area is only used until 20:00 hours “ to
“The outside area is only used until 21:30 hours”

4.0 Location and Nature of the premises

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

4.2 The site plan of the venue is included as **Appendix 3**.

4.3 Maps showing the vicinity are included as **Appendix 4**.

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 5**.

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 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 2018.

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

6.0 Representations

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

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

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

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

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

6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.

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

6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.

See **Appendix 7** for list of representations

See Appendices 8-29 for Representations

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

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

- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

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

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

6.11 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Close proximity to residential properties
- Noise leakage from the premises

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

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

7.0 Conditions consistent with Operating Schedule

7.1 Sound Lobby to be fitted on the inside of the premises to prevent noise escape.

8.0 Conditions Requested by Environmental Health

8.1 Environmental Health came to an agreement with the applicant for the following:

8.2 Use of external area until 21:00 hours (not 21:30 as per original application)

8.3 All windows and external doors shall be kept closed after **21:00 hours**, or at any time when regulated entertainment takes place, except for the immediate access & egress of persons

8.4 No music other than background music be permitted on the terrace at anytime. i.e. No additional amplified music be permitted or any such music that could be heard at the closest residential dwelling.

9.0 Licensing Officer Comments

9.1 The Live Music Act removed licensing requirements for the following:

- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
- unamplified live music between 8am and 11pm in all venues.

Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of

relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)

- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
 - ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.39)
Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence

holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)

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

9.9 In **Appendices 30-35** 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 the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Other licensed venues in the area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	List Of Representations
Appendix 8-29	Representations of local residents
Appendix 30	Licensing Officer comments on Anti-Social Behaviour on the premises
Appendix 31	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 32	Licensing officer comments on Access and egress problems
Appendix 33	Licensing officer comments on Noise when the premises is in use
Appendix 34	Planning
Appendix 35	Licensing Policy relating to hours of trading.

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Appendix 1

(Towpath Bars Limited)
Easting: 537232
Northing: 184404
(Rear of 92 White Post Lane)
London, E9

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards &
Environmental Health

Date: 16th June 2015
Granted at Sub Committee Hearing



Part A - Format of premises licence

Premises licence number

20201

Part 1 - Premises details

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

(Towpath Bars Limited)
Easting: 537232
Northing: 184404
(Rear of 92 White Post Lane)

Post town

London

Post code

E9

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on sales only)

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The Provision of Late Night Refreshment (indoors):

- Friday from 23:00hrs to 00:00hrs (midnight)
- Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of Recorded Music (indoors):

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

Non-standard times:

- Sundays before Bank Holidays 11:00hrs to 01:00hrs (the following day)
- New Year's Eve 11:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

The opening hours of the premises

- Monday to Thursday from 11:00hrs to 23:30hrs
- Friday from 11:00hrs to 00:30hrs (the following day)
- Saturday from 11:00hrs to 01:30hrs (the following day)
- Sunday from 11:00hrs to 22:30hrs

Non-standard times:

- Sundays before Bank Holidays 11:00hrs to 01:00hrs (the following day)
- New Year's Eve 11:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

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

- On sales only

Part 2

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

Towpath Bars Limited
45 Downs Hill
Beckenham
Kent
BR3 5ET

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

Registered Number: 09216058

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

Daniel Heath
████████████████████
██████████
██████████
██████████

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

Licence Number: LAPERF/15/51148
Issuing Authority: London Borough of Barnet

Annex 1 - Mandatory conditions

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

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

1.

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

- 2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

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

$$\mathbf{P = D + (D \times V)}$$
 where —
 - (i) **P** is the permitted price

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

Annex 2 - Conditions consistent with the operating Schedule

Not applicable

Annex 3 - Conditions attached after a hearing by the licensing authority at Hearing on 16th June 2015 when licence was granted

1. A CCTV camera system covering both internal and external to the premise is to be installed. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police Officer or an officer of any other Responsible Authority. A system shall be in place to maintain

- the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. At all times the premises is open, a person who can operate the CCTV system must be present on the premises. who can download the images and present them immediately on request by a police officer or other responsible authority;
2. That an incident report book be kept and record all incidents of crime and disorder associated with the premises;
 3. Signs be prominently displayed both inside and in the outside asking customers to respect local residents and to be quiet when leaving the premises;
 4. A Challenge 25 Policy to be in place;
 5. Regulated entertainment shall not be audible at the façade or within any affected business or residential property (as relevant) so as to cause a nuisance;
 6. The outside area is only used until 20:00hrs.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

- 17th April 2015 – Ground Floor Plan (Block 4, Rear of 92 White Post Lane, London – 08/12/08 – 035-300-03).



Part B - Premises licence summary

Premises licence number

20201

Premises details

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

(Towpath Bars Limited)
Easting: 537232
Northing: 184404
(Rear of 92 White Post Lane)

Post town

London

Post code

E9

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol (on sales only)

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The Provision of Late Night Refreshment (indoors):

- Friday from 23:00hrs to 00:00hrs (midnight)
- Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of Recorded Music indoors):

- Monday to Thursday from 11:00hrs to 23:00hrs
- Friday from 11:00hrs to 00:00hrs (midnight)
- Saturday from 11:00hrs to 01:00hrs (the following day)
- Sunday from 11:00hrs to 22:00hrs

The opening hours of the premises

- Monday to Thursday from 11:00hrs to 23:30hrs
- Friday from 11:00hrs to 00:30hrs (the following day)
- Saturday from 11:00hrs to 01:30hrs (the following day)
- Sunday from 11:00hrs to 22:30hrs

Non-standard times:

- Sundays before Bank Holidays 11:00hrs to 01:00hrs (the following day)
- New Year's Eve 11:00hrs to 09:00hrs (the following day)
- Morning British Standard Time commences to allow clock going back on hour

Name, (registered) address of holder of premises licence

Towpath Bars Limited
45 Downs Hill
Beckenham
Kent, BR3 5ET

Where the licence authorises supplies of alcohol

On sales only

Registered company number

09216058

designated premises supervisor

Daniel Heath

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

No restrictions

Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets. http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

Application to vary a premises licence 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 TOWPATH BARS LIMITED (Insert name(s) of applicant)

Being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

Premises Licence number 20201

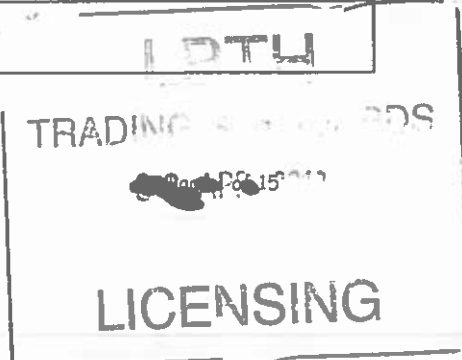
Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
WHITE POST CAFE 92 WHITE POST LANE HACKNEY WICK LONDON	
Post town	Post code
LONDON	E9 5EN



Telephone number at premises (if any) [REDACTED]

Non-domestic rateable value of premises £ 9000



M:\Licensing\Word97\Online Applications\Web Materials\Licensing Act 2003 web\22_11_2012\premise_variation_form.doc

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)	[REDACTED]		
Current postal address if different from premises address	[REDACTED]		
Post Town		Postcode	

Part 3 - Variation

Do you want the proposed variation to have effect as soon as possible? Please tick yes

If not, when do you want the variation to take effect from? Day Month Year

--	--	--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (please see guidance note1)

TO VARY THE HOURS FOR THE SALE OF ALCOHOL, PROVISION OF RECORDED MUSIC, ON THE FOLLOWING DAYS.

> THURSDAY TERMINAL HOUR FROM 11PM TO 12MIDNIGHT
 FRIDAY TERMINAL HOUR FROM 12MIDNIGHT TO 01:00AM THE FOLLOWING DAY
 SUNDAY TERMINAL HOUR FROM 10:30PM TO 11PM

> VARY THE OUTSIDE TERRACE HOURS OF OPERATION FROM TERMINAL HOUR OF 08:00PM TO 09:30PM EVERY DAY

IN SUPPORT OF THIS APPLICATION WE ENCLOSED A DOCUMENT SIGNED BY LOCAL RESIDENTS (OMEGA WORKS OPPOSITE THE CAFE) AND RESIDENTS FROM SCHWARTZ WHARF (AT THE SAME ADDRESS).

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

- Please tick yes
- 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 6)			Will the performance of a play take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for performing plays (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of a film take place indoors or outdoors or both - please tick (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for exhibition of films (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat						
Sun						

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<p>Please give further details here (please read guidance note 3)</p> <p><u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)</p> <p><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainment Standard days and timings (please read guidance note 6)			Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick (please read guidance note 2)	
Day	Start	Finish	Indoors	
			Outdoors	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick [Y]</u> (please read guidance note 2)	Indoors	Y
				Outdoors	
				Both	
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for playing recorded music</u> (please read guidance note 4)		
Thur	11:00AM	12:00MID			
Fri	11:00AM		<u>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
	01:00AM				
Sat					
Sun	11:00AM	11:00PM			

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (Y) (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance note 3)	Both		
Tue						
Wed				State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur						
Fri				Non standard timings. Where you intend to use the premises for the performance of dance entertainment at different times to those listed in the column on the left, please list (please read guidance note 5) 5)		
Sat						
Sun						

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3) FOR THE PURPOSES OF VARIED HOURS SOUGHT, ONLY INSIDE THE PREMISES		
Tue					
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur	11:00AM	12:00MID			
Fri	11:00AM	01:00AM	Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun	11:00AM	11:00PM			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Y	
Day	Start	Finish		Outdoors		
Mon			Please give further details here (please read guidance FOR THE PURPOSES OF VARIED HOURS SOUGHT, ONLY INSIDE THE PREMISES.	Both		
Tue						
Wed				State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	11:00AM	12:00MID				
Fri	11:00AM	01:00AM		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 5)		
Sat						
Sun	11:00AM	11:00PM				

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	Y	
Day	Start	Finish		Off the premises		
Mon			Please give further details here (please read guidance FOR THE PURPOSES OF VARIED HOURS SOUGHT, ONLY INSIDE THE PREMISES.	Both		
Tue						
Wed				State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	11:00AM	12:00MID				
Fri	11:00AM	01:00AM		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 5)		
Sat						
Sun	11:00AM	11:00PM				

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 8)

N/A

L

Hours premises are open to the public Standard timings (please read guidance note 6)			<u>State any seasonal variation</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur	08:00AM	12:30AM	
Fri	08:00AM	01:30AM	
Sat			
Sun	08:00AM	11:30PM	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked on of those boxes please fill in reasons for not including the licence, or part it below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence

BOTH PARTS OF THE LICENCE ARE CURRENTLY HELD BY THE COUNCIL.

M

Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation.

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

A SOUND LOBBY DOOR IS BEING FITTED ON THE INSIDE OF THE PREMISES TO PREVENT NOISE ESCAPE AND PREVENT HEAT LOSS DURING THE WINTER MONTHS.

e) The protection of children from harm

CHECKLIST:

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected



IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 5 – Signatures (please read guidance note 10)

Signature of applicant or applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

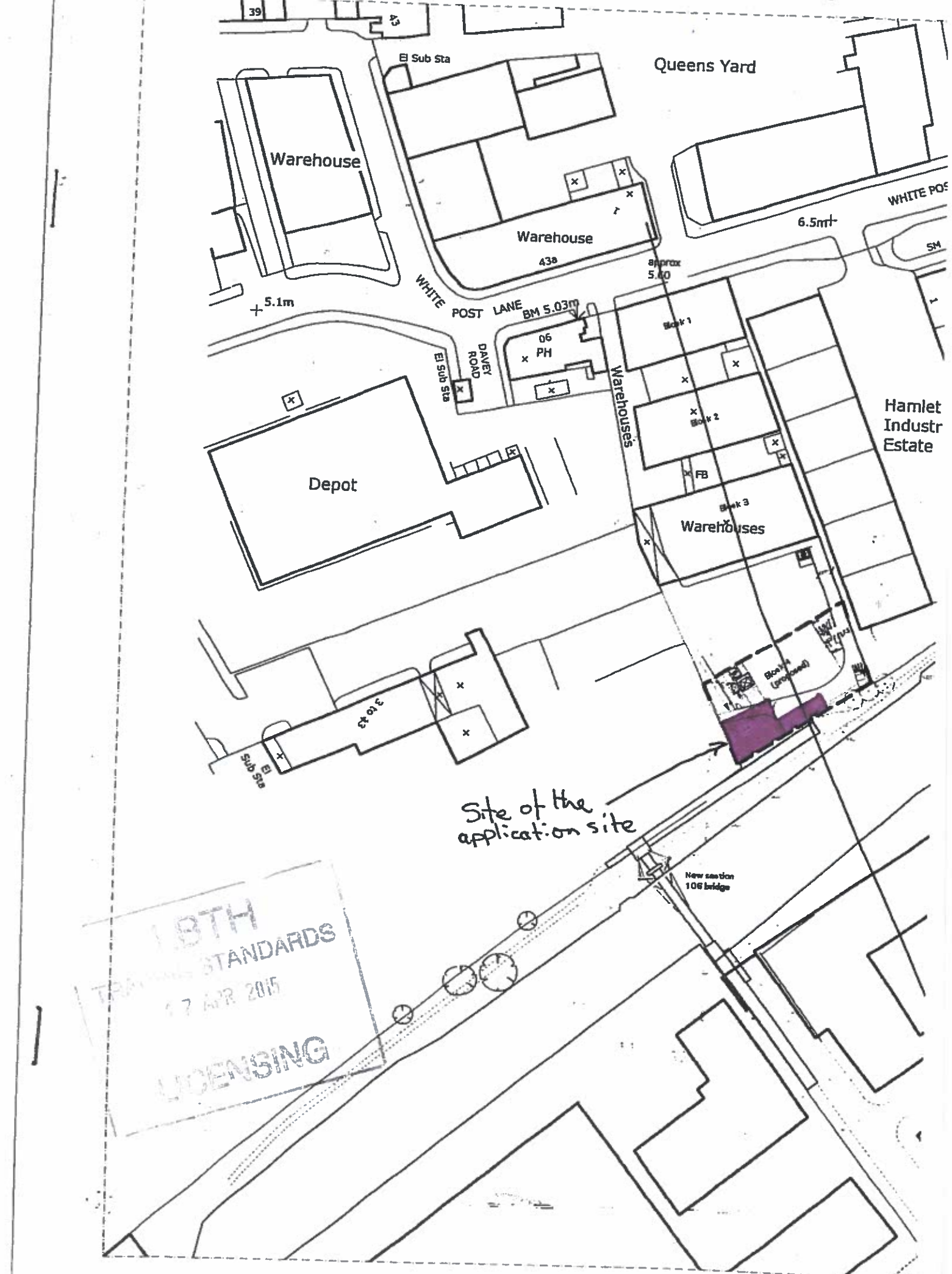
Signature	[Redacted]
Date	[Redacted]
Capacity	[Redacted]

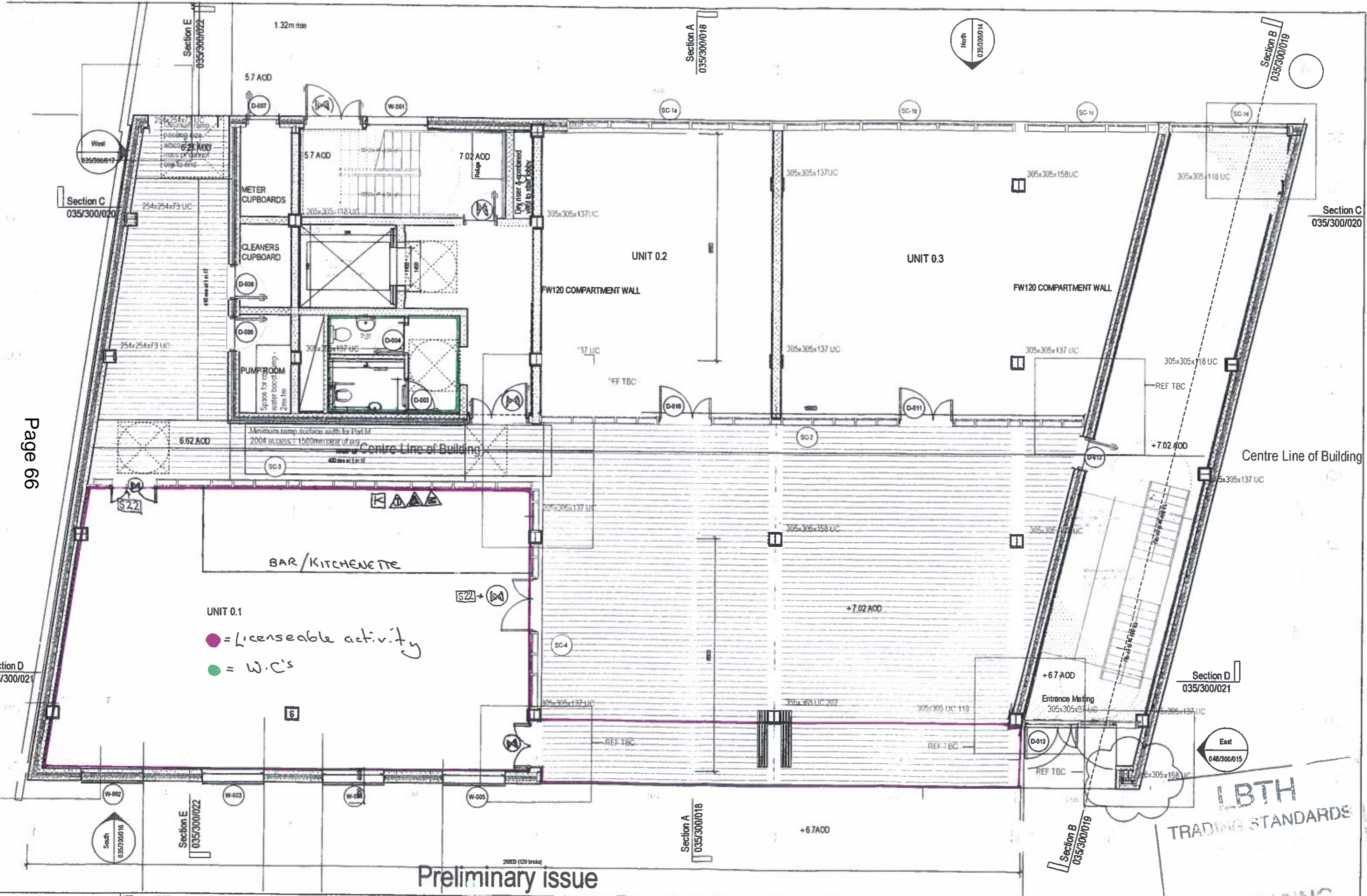
Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	<u>DIRECTOR</u>

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Appendix 3





UNIT 0.1
 ● = licenseable activity
 ● = W.C.'s

Preliminary Issue

LBTH
 TRADING STANDARDS

Dimensions to be verified by the contractor before work is commenced. All dimensions to be verified immediately if any discrepancies are found. All drawings to be approved by Arup Ltd before work commences. Units to be in accordance with relevant British Standards and other requirements. This is not to be copied, reproduced, exhibited or displayed in any form without the prior written consent of Arup Associates.

Wall Types	Floor Types
Type 1 - Block, Cavity, 90 insulation, Block Paved - Ref	Exposed Metal Decking - Ref
Type 2 - 215 Block w Paved - Ref	Lithium Flooring - Ref
Type 3 - 100 Block w Paved - Ref	Safety Lithium Flooring - Ref
Type 4 - 100 Slab w Paved - Ref	RFC Tread Plate - Ref

Revisions
 Rev A, 10/03/09 - Adjustment to core and unit 1 wall to fit door and glazing. Inclusion of partition between units 2 and 3.
 Rev B, 17/03/09 - Core Area, Stair Cases, Plant Room, Unit Division.
 Rev C 11/09/10 - 120mm Fire Compartment walls labelled.

baca

Ground Floor Plan
 Block 4, rear of 92 White Post Lane, London

1:50 @ A1
 1:100 @ A3
 08/12/08
 035/300/018 (C)

Appendix 4



Page 68

Howling Hops
Brewery and Tank Bar

CRATE Brewery
& Pizzeria
Industrial-chic pizza &...

The Yard Theatre

Queens Yard

White Post Ln

Galeta

White Post Ln

MDF Cut to Size

The Milk Float

Studio - hygger

White Post. Bar
Cafe Events

Unit 2

Wellness By Natalie
| Yoga, meditation...

Global Refunds

Google

Capital Ring

The Slipway

Loop Rd

Capital Ring

Loop Rd

Loop Rd

Monier Rd Footbridge

Capital Ring

Clarnic



Hertford Union Canal

River Lee Navigation

Hamlet Industrial Estate

Omega Works

Warehouse

Telephone Exchange

Hub 67

WHITE POST LANE

SCHWARZE ZEHARE

Warehouses

Sluice

El Sub Sta

El Sub Sta

5.1m

6.5m

6.4m

6.4m

6.4m

6.4m

Bol

Bol

SM

FB

FB

Bol

Bol

Bol

Bol

Bol

Bol

Bol

Bol

Bol

Bol

ZZ1e-803



Footbridge

Tow Path

El Sub Sta

DAVEY ROAD

El Sub Sta

El Sub Sta

El-01-E

56 to 126

1 to 106



Warehouses

Sluice

FB

Footbridge

EI Sub Sta

Tow Path

Canal

6.4m

3

10

11

5

56 to 126

1 to 35

Bol

Appendix 5

Licensed Premises in vicinity of White Post Cafe

Name and address	Licensable activities and hours	Opening hours
<p>Alfred Le Roy (boat) Crate Brewery, Unit 7 Queens Yard, Whitepost Lane</p>	<p>on sale of alcohol Monday to Thursday, 07.00am to 23.00pm. Friday & Saturday, 07.00am to midnight. Sunday, 07.00am to 22.30pm. Late night refreshment Friday & Saturday, 23.00pm to 00.30am the following day. Exhibition of films Monday to Sunday, 12noon to 22.00pm.</p>	<p>Monday to Thursday, 07.00am to 23.30pm. Friday & Saturday, 07.00am to 00.30am the following day. Sunday, 07.00am to 23.00pm.</p>
<p>(German Deli) Unit 1 Hamlet Industrial Estate 96 White Post Lane London E9 5EN</p>	<p>Regulated Entertainment in the form of live music (indoors) Monday to Saturday from 18:00hrs to 23:00hrs Sunday from 08:00hrs to 23:00hrs Regulated Entertainment in the form of recorded music (indoors) Monday to Sunday from 18:00hrs to 23:00hrs The Supply of alcohol (both on and off premises) Monday to Sunday from 08:00hrs to 23:00hrs</p>	<p>Monday to Sunday from 07:00hrs to 23:30hrs</p>
<p>(Crate Brewery) Unit 14A Queens Yard 43 White Post Lane London E9 5EN</p>	<p>The Supply of Alcohol (both on and off premises) Sunday to Thursday from 09:00hrs to 23:30hrs Friday to Saturday from 09:00hrs to 00:30hrs (the following day) Late Night Refreshment (indoors) Sunday to Thursday from 23:00hrs to 23:30hrs Friday to Saturday from 23:00hrs to 00:30hrs (the following day) Regulated Entertainment in the form of Plays (indoors) the Provision of Films (indoors), the Provision of Indoor Sporting Events (indoors) the Provision of Live Music (indoors), the Provision of Recorded Music (indoors) and Provisions of Performance of Dance Sunday to Thursday from 09:00hrs to 23:00hrs Friday to Saturday from 09:00hrs to 00:00hrs (midnight) Non-Standard Timings The premises can have 25 non-standard timings a year. These timings will extend the licensed hours to 02:00</p>	<p>Sunday to Thursday from 09:00hrs to 00:00hrs (midnight) Friday to Saturday from 09:00hrs to 01:00hrs (the following day)</p>
<p>(The Yard Theatre) Unit 2a Queens Yard White Post Lane London E9 5EN</p>	<p>The supply of alcohol (on sales only) Sunday to Wednesday from 12:00hrs to 00:00hrs Thursday from 12:00hrs to 02:00hrs Friday to Saturday from 12:00hrs to 03:00hrs The provision of regulated entertainment in the form of plays (indoors), films (indoors), performances of dance (indoors) Monday to Sunday from 12:00hrs (midday) to 23:00hrs</p>	<p>Sunday to Wednesday from 12:00hrs (midday) to 00:00hrs (midnight) Thursday from 12:00hrs (midday) to 02:00hrs (the following day) Friday to Saturday from 18:00hrs to 03:00hrs (the following day)</p>

Licensed Premises in vicinity of White Post Cafe

	<p>The provision of regulated entertainment in the form of live music (indoors), recorded music (indoors) Sunday to Wednesday from 18:00hrs to 00:00hrs (midnight) Thursday from 18:00hrs to 02:00hrs (the following day) Friday to Saturday from 18:00hrs to 03:00hrs (the following day)</p> <p>The provision of late night refreshment Sunday to Wednesday from 23:00hrs to 00:00hrs (midnight) Thursday from 23:00hrs to 02:00hrs (the following day) Friday to Saturday from 23:00hrs to 03:00hrs (the following day)</p> <p>Non-Standard Times (supply of alcohol, late night refreshment and recorded music) 40 nights per year opening times and licensable activities extended until 6am</p>	<p><u>Non-Standard Times</u> 40 nights per year opening times and licensable activities extended until 6am</p>
<p>(Mick's Garage) Unit 7 Queens Yard White Post Lane London E9 5EN</p>	<p>The sale by retail of alcohol (on sales only) Monday to Thursday, from 17:00 hours to 23:30 hours Friday, from 17:00 hours to 02:30 hours Saturday, from 09:00 hours to 02:30 hours Sunday, from 09:00 hours to 23:30 hours</p> <p>The provision of late night refreshment - Indoors Friday and Saturday, from 23:00 hours to 02:00 hours</p> <p>The provision of regulated entertainment - Indoors (Plays, Films, Indoor Sporting Event, and Recorded Music, Performances of Dance) Monday to Thursday, from 17:00 hours to 23:30 hours Friday, from 17:00 hours to 02:30 hours Saturday from 09:00 hours to 02:30 hours Sunday, from 09:00 hours to 23:30 hours</p> <p><u>Live Music</u> Monday to Thursday, from 17:00 hours to 23:30 hours Friday, from 17:00 hours to 02:30 hours Saturday from 09:00 hours to 02:30 hours Sunday, from 09:00 hours to 23:00 hours</p> <p><u>Non-standard timings:</u> For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>	<p>Monday to Thursday, from 17:00 hours to 23:30 hours Friday, from 17:00 hours to 02:30 hours the following day Saturday, from 09:00 hours to 02:30 hours the following day Sunday, from 09:00 hours to 23:30 hours the following day <u>Non-standard timings:</u> For the 20 occasions per year for Live music, recorded Music, later night refreshment until 02:30 am, closing at 03:00 am, including the New Year's Eve closing at 04:00 am that the Police and Environmental Health are informed of each of these events at least 10 working days before they occur, so that they may consider each event, and if there is any reason to believe that the Licensing Objectives will not be met, have the right to refuse an event.</p>

Licensed Premises in vicinity of White Post Cafe

<p>Howling Hops Unit 9 Queens Yard White Post Lane London E9 5EN</p>	<p>The Supply of Alcohol (both on and off premises)</p> <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday to Saturday from 12:00hrs (midday) to 01:30hrs <p>Provision of Regulated Entertainment: Plays, Films, Indoor Sporting Events, Live Music (indoors), Recorded Music (indoors), Performance of Dance, Anything of a similar Description</p> <ul style="list-style-type: none"> • Sunday to Thursday from 12:00hrs (midday) to 23:00hrs • Friday and Saturday from 12:00hrs (midday) to 01:30hrs <p>The Provision of Late Night Refreshments</p> <ul style="list-style-type: none"> • Friday and Saturday 23:00hrs – 02:00hrs 	<p>Sunday to Thursday from 12:00hrs to 23:30hrs Friday to Saturday from 12:00hrs to 02:00hrs (the following day)</p>
<p>(O'Donnell Moonshine Ltd) Unit 9C (I) 2nd Floor Queens Yard 43 Whitepost Lane London E9 5EN</p>	<p>Monday to Friday from 10:00 hours to 19:00 hours</p>	<p>The premises are closed to the public</p>
<p>(Crate Drinks Ltd) White Building Unit ,7 Queens Yard Whitepost Lane London E9 5EN</p>	<p>Sale by retail of alcohol Monday to Wednesday, 09:00 hours to 23:30 hours Thursday to Sunday, 09:00 hours to 01:30 hours The provision of late night refreshment – Indoors and outdoors Monday to Wednesday 23:00 hours to 23:30 hour Thursday to Sunday, 23:00 hours to 01:30 hours The provision of regulated entertainment – Indoors and outdoors Plays, Films, Monday to Wednesday, 09:00 hours to 24:00 hours Thursday to Sunday, 09:00 hours to 02:00 hours Live Music, recorded music Monday to Wednesday, 09:00 hours to 24:00 hours Thursday to Sunday, 09:00 hours to 02:00 hours Performance of dance Monday to Wednesday, 09:00 hours to 23:30 hours Thursday to Sunday, 09:00 hours to 01:30 hours</p>	<p>Monday to Wednesday, from 09:00 hours to 24:00 hours Thursday to Sunday, from 09:00 hours to 02:00 hours</p>
<p>Milk Float Sweetwater Moorings</p>	<p>Sale of Alcohol Monday to Sunday 10:00 hours to 23:00 hours Recorded music Monday to Friday 17:00 hours to 23:00 hours Saturday 12:00 hours to 23:00 hours Sunday 12:30 hours to 23:00 hours</p>	<p>Monday to Sunday 10:00 hours to 23:00 hours</p>

Appendix 6

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

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 7

Firstname	Surname	Appendix
Andrea	Caldera	8
Natalia	Camacho	9
Harriet	Cawley	10
Shabad	Chawla	11
Anthony	Gelatka	12
Piers	Gibbon	13
Holly	Johnson	14
Tina	Johnstone	15
Carl	Kim	16
Ewa	Kim	17
Dominic	Leung	18
Caroline	Luino	19
Vaida	Misoni	20
Konan	Motihar	21
Vicotoria	O'Hare	22
Mareli	Pelzer	23
Katherine	Rose	24
Philip	Russell	25
Franc	Strazzeri	26
Alberto	Varesi-Monti	27
Joanne	Wackrill	28
Robyn	Walker	29

Appendix 8

Kathy Driver

From: [REDACTED]
Sent: 23 May 2018 17:57
To: Licensing
Subject: White Post Cafe, Ref 108116

Follow Up Flag: Follow up
Flag Status: Completed

This message is to communicate to Tower Hamlets that I OBJECT to the following application: White Post Cafe, Ref 108116.

My objection is based on the ground of preventing public nuisance. The suggested application includes extended and late evening openings of this venue, loud music and the use of the bar terrace located outdoor by the canal and directly in front of a residential building. I believe that the suggested changes would be of great disturbance for the residents of Omega Works given the very close proximity between the venue and Omega Works, as well as the careless behaviour exhibited by the venue and its customers since it opened.

My details are as following:

Andrea Caldera

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

--

[Andrea Caldera](#) [REDACTED]

Appendix 9

Kathy Driver

From: Natalia Camacho [REDACTED]
Sent: 22 May 2018 20:16
To: Licensing
Subject: White Post Cafe, REF 108116

Dear Kathy

I OBJECT to the application above Ref 108116 due the noise from loud music late at night and people smoking outside the premises.

My address is [REDACTED]

Please let me know if your require further information.

Thanks and regards

Natalia Camacho

Appendix 10

Kathy Driver

From: [REDACTED]
Sent: 22 May 2018 16:14
To: Kathy Driver
Subject: FW: White Post Cafe, Ref 108116

FYI

-----Original Message-----

From: Harriet Cawley [REDACTED]
Sent: 22 May 2018 13:29
To: Licensing
Subject: White Post Cafe, Ref 108116

Dear Licensing,

I write regarding the above application for an extension of licensing hours at the White Post Cafe.

I strongly object to this application. I am a resident of Omega Works & live opposite the White Post. We are already impacted by a large volume of noise even with the current rules in place. The terrace is in use by more people than originally agreed & the constant opening & closing of the door means we get full volume music along with the constant thud of the music even when the door is closed until closing time.

I'm not a killjoy & a cafe / bar is great for the area, but the noise carries significantly across the canal & the parameters of the original premise for the cafe have clearly been exceeded. This is why an extension of the hours would be of grave concern.

Yours faithfully,
Harriet Cawley

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

Appendix 11

Kathy Driver

From: Shabad Chawla [REDACTED]
Sent: 22 May 2018 22:26
To: Licensing
Subject: White Post Cafe, Ref 108116.

I object to this application.

We already have too much noise from this establishment and do not approve of this application.

Shabad Chawla
[REDACTED]

Appendix 12

Kathy Driver

From: Anthony Gelatka [REDACTED]
Sent: 01 May 2018 11:50
To: Licensing
Subject: Re: Objection - application to increase hours of trading - L11_92WhitepostLane.101186

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I wish to repeat my objection for the increased opening hours of White Post Lane Cafe.

There still is no sound proofing in place (I have suggested this to Dan) and now the thick outer fence has been removed the sound travels across easier than before.

I have small children as do many others in the building facing the 'cafe' and it is difficult putting them to bed with the music running through the night, let alone the music blaring loudly on the terrace.

It's a shame the owner still makes no effort to contact the residents opposing the noise.

Thank you
Ant
Anthony Gelatka
[REDACTED]

On Mon, 26 Jun 2017 at 14:18, Anthony Gelatka <[REDACTED]> wrote:
I'm writing to object to the application for extension of hours at White Post Lane cafe

I live opposite the cafe and i'm affected by the noise. I have notified the owner about the level of noise coming from the venue yet nothing has been done about it.

In particular the bass frequencies from the sound system during the music events.

Whilst I like the cafe and terrace I don't see any effort made towards reducing the noise or giving consideration for the neighbours who don't drink there.

I'm also aware that there are others in the block who suffer from the sound but don't wish to come forward to complain.

I notice on the form it refers to only one objector on the initial license application, I believe this is due to not having any notification of these applications.

The current application is placed in a window a good distance behind a thick mesh fence so is very difficult to see, I've only been made aware of this from someone else.

The initial application for a cafe quickly changed to an alcohol license, late license, music license and seems to pursue becoming a night club.

I hope I've emailed the right address as it's unclear as to where I'm supposed to object.

I also hope the owner takes note and will take steps to reduce the noise from the music events

Kathy Driver

From: Anthony Gelatka [REDACTED]
Sent: 22 May 2018 14:55
To: Licensing
Subject: White Post Cafe : Ref 108116 OBJECTION

Follow Up Flag: Follow up
Flag Status: Completed

I OBJECT TO THE APPLICATION FOR EXTENDED HOURS

I don't know why there is no consultation with the neighbours for this? I have to find out the day before??

I don't get any reply from anyone I complain to?

Anthony Gelatka
[REDACTED]
[REDACTED]
[REDACTED]

Please call me if you need any information or to arrange recording equipment in my flat, I have a 5 year old and 3 month old baby, the noise is too loud

Check their facebook time for events like 'Techno party' etc etc

Appendix 13

Kathy Driver

From: Piers Gibbon [REDACTED]
Sent: 23 May 2018 14:32
To: Licensing
Subject: White Post Cafe, Ref 108116. OBJECTION

I would like to strongly object to any extension of the White Post licence

The noise nuisance from the cafe regularly means I have to hear their music in my bedroom and sitting room and office

They often have the doors open and their windows open...and even a brief opening of the door is enough for us to hear them

So I have to keep all my windows and doors closed...and even then the sound comes through

So I object!

BACKGROUND: I attended the original Licence Committee in 2015 as a representative of the hundreds of residential flats opposite White Posts

The committee members were so helpful, they made sure I was heard.

They made it clear to me that they understood a new cafe in a residential area has to be extremely mindful of noise nuisance

The White Posts solicitor told us all that the cafe was to be "primarily food based and music was for background only" - he was lying to the committee

The White Posts application that was being considered was for INDOOR and RECORDED music only

And somehow they got issued a license for OUTDOOR and LIVE music

There is now a new Live and Recorded music venue right in the middle of a residential area...which will shortly have even more flats as Fish Island gets developed

This "cafe" as currently run is not sustainable in any way.

It will lead to an ever increasing number of noise nuisance issues...and an endless stream of complaints to Tower Hamlets noise team

Thank you

Piers

Piers Gibbon
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 14

Kathy Driver

From: Holly Johnson [REDACTED]
Sent: 23 May 2018 22:11
To: Licensing
Subject: White Post Cafe, Ref 108116

Follow Up Flag: Follow up
Flag Status: Completed

[REDACTED]

I OBJECT to this application on the following grounds:

I am currently a law student residing in the flat directly opposite white post "cafe". After purchasing my flat in September I can confirm that the "cafe" is most certainly not a "cafe". Not only are the outdoor speakers constantly playing music throughout the evening/night but the DJ booth and bass speakers are now on the outside decking area too.

Large crowds of individuals are now gathering outside due to the improved weather and the volume of noise is disrupting me from both studying and sleeping. I live in the front bedroom looking out onto the cafe and noise regularly disrupts me (particularly on Friday and Saturday evenings). Longer opening hours of the decking area would encourage drunk individuals to gather outside (causing further noise to travel to my flat from their loud alcohol-induced voices and the door constantly being left ajar).

There are a plethora of other music venues in Hackney Wick that do not have direct neighbours and we are not in need of another one.

Yours sincerely,

Holly Johnson.

Appendix 15

Kathy Driver

From: tina johnston [REDACTED]
Sent: 02 May 2018 15:23
To: Licensing
Subject: White Post Cafe Ref 108116

2nd May 2018
Dear Sirs

Further to the notice posted outside White Post Cafe, I would like to object to the application to vary the hours for the sale of alcohol on Thursday, Friday and Sunday, and the extension of operating hours of the external terrace.

My objections are based on the following concerns. I live in Omega Works, facing the cafe, and these adjustments to trading hour will directly impact on my family, which includes, two children 6 and 4.

1. The extension of the terrace hours will increase the audible noise in our flat, especially in the summer when our external doors and windows will be open all the time to allow for ventilation.
2. The later operating hours will, no doubt, cause increased noise from those exiting the building, after consumption of alcohol, and using the adjacent towpath and Roach Road Bridge, which is directly under my flat.
3. It is understood, by a number of residents at Omega Works, who I have discussed this with, that there was originally a limit on the number of people able to use the terrace at any time. This does not, visibly, appear to be controlled. It is evident that a limit is not being adhered to, especially on days when West Ham are playing at the stadium, when it becomes a drinking stop of choice for WHUFC fans.
4. After speaking to the owner yesterday he assured me that the windows and doors will remain closed when music or entertainment is taking place at the cafe, I strongly believe, this will not be the case, especially in summer on hot nights, when they will require ventilation of the property.
5. I am concerned that extended hours of trading will set a precedent for both existing, new or proposed licensed business to operate similar hours on Fish Island, this is especially of concern for the other canal side properties that are proposed for the Fish Island Village and The Foundry developments on Fish Island.
6. They have stated in the application that they have a supporting document signed by Residents of Omega Works and Schwartz Wharf. Dan the owner confirmed yesterday that this document was only ever circulated within the bar, and all those that have signed are his customers, who happen to live at the above locations, not a publicly available document which has been circulated amongst the residents. This can be confirmed with Omega Works residents, but I cannot confirm this for Schwartz Wharf
7. There has been a recent change to the layout of the terrace, which includes, removal of wire mesh fencing, and replacement by single wire lines. The decking has been extended outside of the boundary of the bar, this would very conveniently provide additional external seating, on to the canal side, and it appears this morning, they are installing some new overhead cover, which also extends out over the boundary and covers the newly extended seating area. This will very quickly become an extension of the external drinking area, spilling out on the canal path. Dan has said that the extended decking has *only* been added to provide seating for people using the canal

path, as "the Canal and rivers Trust does not look after this little patch". This reasoning from the owner, makes little or no sense.

Considerations

1. I understand, they can already apply for a set number of TEN to operate until 1.30am on Saturday night. Rather than permanently [\[TJ1\]](#) extending hours, stick to the current TEN process.
2. When trading extends past 11.30pm, a registered SIA doorman should be on both the canal path entrance and White post lane entrance, to monitor and manage customers.
3. Omega Works is fast becoming more family orientated. When I moved in to the development in 2011, families with children were in the minority, this has changed, and is now predominantly families with young children, and this should be kept in mind, when considering increased noise disruption, especially on Thursday nights which is still a school night
4. When White Post cafe first opened it was described as a 'cafe', it is most definitely a bar with live music, DJ's and entertainment, over a food led cafe.
5. Whilst it makes sense that local bars such as Crate, Grow and Bar 90 have extended hours, they do not have close residential neighbours, above or opposite, other than the boat dwellers.

I do hope that these concerns are considered when looking at the application.

Regards

Tina

[REDACTED]
[REDACTED]

[\[TJ1\]](#)

--
[REDACTED]
[REDACTED]

Appendix 16

Kathy Driver

From: Carl K [REDACTED]
Sent: 01 May 2018 23:06
To: Licensing
Cc: Ewa Kim
Subject: Objection to White Post Cafe, Ref 108116

Dear Sir/Madam,

I am writing to **STRONGLY** object to the application by White Post Cafe to increase their trading hours (White Post Cafe, Ref 108116).

My family and I are residents at [REDACTED], on Hertford canal and face **DIRECTLY** on the White Post Cafe.

The noise that emanates from White Post Cafe is already considerable and disruptive to us in the evening/night time. We are a family with two young children: a 2 year old, and a 2 month old baby, whose rooms face the White Post Cafe. Our children are already impacted from the noise from the cafe, especially during the summer months when the windows facing the canal are opened. The increase in the trading hours requested by the Cafe will be even more detrimental for their well being, as well as us adults (our living room and balcony faces the canal and therefore the Cafe). We objected to the original application by White Post Cafe for a trading licence, and object even more strongly their latest application.

Can you please confirm your receipt of this, our objection letter.

Sincerely

Mr Carl Kim & Mrs Ewa Kim

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

Kathy Driver

From: Carl K [REDACTED]
Sent: 22 May 2018 17:57
To: Licensing
Cc: [REDACTED]
Subject: Re: Objection to White Post Cafe, Ref 108116

Dear Sir/Madam,

I STRONGLY object to the application by White Post Cafe (White Post Cafe, Ref 108116), and as previously email before (see below).

Please confirm receipt of this objection by way of a reply email.

Sincerely,

Mr Carl Kim & Mrs Ewa Kim
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

On 1 May 2018 at 23:05, Carl K [REDACTED] wrote:

Dear Sir/Madam,

I am writing to STRONGLY object to the application by White Post Cafe to increase their trading hours (White Post Cafe, Ref 108116).

My family and I are residents at Unit 91, Omega Works 4 Roach Road, E3 2PF, on Hertford canal and face DIRECTLY on the White Post Cafe.

The noise that emanates from White Post Cafe is already considerable and disruptive to us in the evening/night time. We are a family with two young children: a 2 year old, and a 2 month old baby, whose rooms face the White Post Cafe. Our children are already impacted from the noise from the cafe, especially during the summer months when the windows facing the canal are opened. The increase in the trading hours requested by the Cafe will be even more detrimental for their well being, as well as us adults (our living room and balcony faces the canal and therefore the Cafe). We objected to the original application by White Post Cafe for a trading licence, and object even more strongly their latest application.

Can you please confirm your receipt of this, our objection letter.

Sincerely

Mr Carl Kim & Mrs Ewa Kim
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 17

Kathy Driver

From: Ewa Kim [REDACTED]
Sent: 22 May 2018 22:15
Cc: Licensing
Subject: Objection to White Post Cafe, Ref 108116

Dear Sir/Madam,

I STRONGLY object to the application by White Post Cafe (White Post Cafe, Ref 108116), and as previously email before (see below).

Please confirm receipt of this objection by way of a reply email.

Sincerely,
Mrs Ewa Kim

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

Appendix 18

Kathy Driver

From: Dominic Leung [REDACTED]
Sent: 22 May 2018 19:00
To: Licensing
Subject: White Post Cafe, Ref 108116

Dear Licensing,

I write regarding the above application for an extension of licensing hours at the White Post Cafe.

I strongly object to this application. I am a resident of Omega Works and I live directly opposite the White Post.

There is just the open canal with nothing between us to absorb any sound whatsoever.

Even under the current license, we are often subjected to very loud music very late in the evening. During the winter months we are able to close our windows to mitigate excessive volumes of music, but during the summer this isn't practical.

The terrace is in heavy use during the summer months and the constant opening of the door for people to come out and smoke, means that we get regular blasts of extremely high volumes (which can go on for sustained periods when someone forgets to close the door)

Even during the daytime, music is often played very loudly from the terrace sound system. Luckily the music is often to my taste, but that's not really the point. I couldn't listen to my own choice music or watch TV because it will be drowned out by the White Posts.

This corner of the canal towpath is a densely residential and quiet neighbourhood most of the time. The other entertainment 'hubs' around Queens Yard and Here East are more than far enough away to not be any nuisance. The noise that emanates from the White Posts is considerably louder to us than a full London Stadium that is only round the corner.

Please let me know if I can be of any help to you in your consideration of this application. I'd be more than happy to give you access to my flat so you can better understand the the proximities and the noise situation.

Yours faithfully

Dominic Leung

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 19

Kathy Driver

From: Caroline Luino <[REDACTED]>
Sent: 23 May 2018 16:56
To: Licensing
Subject: White Post Cafe, Ref 108116 Noise Objection

White Post Cafe, Ref 108116 Noise Objection

To whom it may concern, I Object to the proposed extensions due to the noise levels.

Caroline Luino
[REDACTED]
[REDACTED]

Appendix 20

Kathy Driver

From: Vaida Misoni [REDACTED]
Sent: 01 May 2018 12:59
To: Licensing
Subject: White Post Cafe, Ref 108116

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir/ Madam,

I am a resident at [REDACTED] My flat and the balcony is facing White Post cafe. I have been informed by the residents at Omega Works about application for extended hours of operation and would like to object to this. The noise that comes in from the cafe is already unbearable , on some occasions they play really loud music which can be heard in the living room of my apartment and the bedroom even when the windows are closed. The noise in the balcony can be unbearable when the loud music is being played. I have tried calling the cafe on one occasion last year when very loud music was being played, they refused to turn it down. My understanding is that the licence was for a cafe and not a party/ music venue. I work long hours and get up at 5am in the morning and I do not think it is unreasonable to be able to expect not to hear blaring music coming from the cafe in the weekdays/ after 8:30pm.

Yours Sincerely,

Vaida Misoni

Kathy Driver

From: Vaida Misoni [REDACTED]
Sent: 22 May 2018 17:51
To: Licensing
Subject: Objection - White Post Cafe, Ref 108116

Further to my emails, I was advised that I have to email you to object for extended opening hours of white post cafe. The noise they are causing is already unbearable, they do not have any consideration to the local residents and ignore any concerns raised. My full address is [REDACTED]
[REDACTED]

Please acknowledge receipt of this email.

Yours sincerely,
Vaida Misoni

> On 20 May 2018, at 21:07, Vaida Misoni [REDACTED] wrote:

>

> Dear Sir/ Madam,

>

> I never received any response to my complaint, have you received it? I had a very loud music blurring in my living room whole day today, even with the windows closed it was unbearable. I tried calling the cafe with no response. Please advise on this as it weekends are becoming unbearable.

>

> Yours Sincerely,

> Vaida Misoni

>

>> On 1 May 2018, at 06:58, Vaida Misoni [REDACTED] > wrote:

>>

>> Sir/ Madam,

>>

>> I am a resident at [REDACTED]. My flat and the balcony is facing White Post cafe. I have been informed by the residents at Omega Works about application for extended hours of operation and would like to object to this. The noise that comes in from the cafe is already unbearable, on some occasions they play really loud music which can be heard in the living room of my apartment and the bedroom even when the windows are closed. The noise in the balcony can be unbearable when the loud music is being played. I have tried calling the cafe on one occasion last year when very loud music was being played, they refused to turn it down. My understanding is that the licence was for a cafe and not a party/ music venue. I work long hours and get up at 5am in the morning and I do not think it is unreasonable to be able to expect not to hear blaring music coming from the cafe in the weekdays/ after 8:30pm.

>>

>> Yours Sincerely,

>>

>> Vaida Misoni

Kathy Driver

From: Mohshin Ali on behalf of Licensing
Sent: 24 May 2018 11:37
To: Kathy Driver
Subject: FW: White Post Cafe, Ref 108116

-----Original Message-----

From: Vaida Misoni [mailto: [REDACTED]]
Sent: 21 May 2018 03:08
To: Licensing
Subject: Re: White Post Cafe, Ref 108116

Dear Sir/ Madam,

I never received any response to my complaint, have you received it? I had a very loud music blurring in my living room whole day today, even with the windows closed it was unbearable. I tried calling the cafe with no response. Please advise on this as it weekends are becoming unbearable.

Yours Sincerely,
Vaida Misoni

> On 1 May 2018, at 06:58, Vaida Misoni [mailto: [REDACTED]] > wrote:

>

> Sir/ Madam,

>

> I am a resident at [REDACTED]. My flat and the balcony is facing White Post cafe. I have been informed by the residents at Omega Works about application for extended hours of operation and would like to object to this. The noise that comes in from the cafe is already unbearable, on some occasions they play really loud music which can be heard in the living room of my apartment and the bedroom even when the windows are closed. The noise in the balcony can be unbearable when the loud music is being played. I have tried calling the cafe on one occasion last year when very loud music was being played, they refused to turn it down. My understanding is that the licence was for a cafe and not a party/ music venue. I work long hours and get up at 5am in the morning and I do not think it is unreasonable to be able to expect not to hear blaring music coming from the cafe in the weekdays/ after 8:30pm.

>

> Yours Sincerely,


>

> Vaida Misoni

Appendix 21

Kathy Driver

From: Konan Motihar <[REDACTED]>
Sent: 02 May 2018 19:38
To: Licensing
Subject: White Post Cafe, Ref 108116

I am writing with regards to the application for the extension of operating times and live music at the White Post Cafe. I live in Omega Works, [REDACTED] facing the canal and whilst I am sympathetic to the cafe's desire to provide more outside space later in the evening in the summer months, I would like to record my opposition to this change for the following reasons: 

1. We do find that we can very clearly hear the cafe's music in our flat even with all windows and doors closed. This was exacerbated last weekend when we had warm weather and had the windows open.
2. Additionally, the noise from the White Post presently also interferes with our ability to enjoy our own flat with windows open, particularly when reading or indeed listening to music or watching television.
3. It limits ability to enjoy the outside space attached to our flat as this space faces the White Post. It is akin to having a neighbour who throws a loud party in their backyard every weekend.

I am generally supportive of the cafe and do visit it from time to time however I do feel that the changes requested would result in a net negative result of local residents, particularly those who live on the Hertford canal side of Omega Works and face the cafe.

Appendix 22

Kathy Driver

From: Louise O'Hare [REDACTED]
Sent: 23 May 2018 10:57
To: Licensing
Subject: White Post Cafe, Ref 108116

Dear Madam, Sir,

I object to this application. The noise will disrupt the lives of residents in Omega Works opposite the terrace, particularly those with young children.

Faithfully

Victoria Overall O'Hare
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 23

Kathy Driver

From: Mareli Pelzer <[REDACTED]>
Sent: 23 May 2018 11:47
To: Licensing
Subject: Objection to Application: White Post Cafe, Ref 108116

To Whom it may concern:

As a resident living right across the White Post Café, I want to object to their application.

Noise pollution produced by late events impact our lives. We don't mind the noise during the day, but a late licence will certainly have a negative effect as the sound travels so effectively over the canal.

Thank you

Mareli Pelzer

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

--
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 24

Kathy Driver

From: Katharine Rose <[REDACTED]>
Sent: 01 May 2018 10:57
To: Licensing
Subject: Representation re. variation of premises license, White Post Cafe Ref 108116

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

I would like to make some comments opposing the above application.

When the "cafe" originally opened, it was positioned as exactly that - a Cafe rather than, say, an event venue or a bar. Many nearby residents were concerned about the potential for noise even so, particularly with the alcohol license, and as a result the current restrictions around the use of the external terrace and the opening hours were put in place.

Since then nothing has happened to suggest that those restrictions weren't needed - in fact, the opposite. White Post has evolved much more into a bar and venue. This is their own description (my emphasis) which can be seen at <http://www.hackneywicked.co.uk/venues/white-post-cafe/> :

"White Post Café opened at the end of August 2016. In terms of cafés, we're a café in the European sense- open early 'til late, serving booze and snacks- **more of a bar, really**".

For a flavour of the kind of events they are running, I would ask the licensing committee to take a look at their own website: <http://whitepost-london.com/events/> . Again, quoting: "We are always keen to host promoted events such as **club nights**, live gigs, screenings and so on. The rig and space work together to form a compact and punchy (70's office style) warehouse space which can hold 200 standing. The white walls and theatre lighting allow us to throw colour into the space at night making White Post **the most vibrant & sought after haunts for late night revellers**, along the canal."

Although I appreciate that some of White Post's customers are also local residents and would like to be able to make more noise, outside, for longer, **the point of the licensing restrictions was to protect those who aren't customers!** There are many residents directly across the canal from White Post, so within feet of their space, and noise is perceived as magnified across water at night.

I also appreciate the whole argument around Hackney Wick's night time economy, but this particular area has always been residential and is only becoming more so with the opening of Fish Island Village etc. Residents need to have some space to retreat to where there isn't a party going on within feet of them. If running a de facto party venue is what is needed to allow this business to succeed, then this is the wrong location for that business, and I think that has been made clear from the start.

kind regards

Katharine Rose
[REDACTED]

--

Kathy Driver

From: Vincent Fajilagmago on behalf of Licensing
Sent: 22 May 2018 16:14
To: Kathy Driver
Subject: FW: Representation re. variation of premises license, White Post Cafe Ref 108116

From: Katharine Rose [REDACTED]
Sent: 22 May 2018 12:56
To: Licensing
Subject: Fwd: Representation re. variation of premises license, White Post Cafe Ref 108116

Hi Kathy

Thanks for your time on the phone just now. Just to confirm my objection below, and also my full address which is [REDACTED]

In addition, I'd like to make the point that residents are already suffering substantial public nuisance as a result of the current license for White Post Cafe. There are open air speakers on the external terrace, and windows and doors are frequently wedged open. That essentially means that all 50+ of the flats unfortunate enough to face the "Cafe" are being inflicted with loud music every weekend, and many days, until at least 8pm. This leaves them unable to enjoy their own external areas in peace, or to have their windows open if they don't want to listen to White Posts' choice of music. I can confirm from my own experience that the volume of music is substantial from our side of the canal!

Therefore, I would suggest that if the variation is considered, at an absolute minimum there needs to be a restriction on recorded or live music audible outside of the venue preferably at any time (given the proximity to a large number of residents!) but certainly after 6pm.

kind regards, Kate

----- Forwarded Message -----

Subject:Representation re. variation of premises license, White Post Cafe Ref 108116
Date:Tue, 1 May 2018 10:57:23 +0100
From:Katharine Rose [REDACTED]
To:licensing@towerhamlets.gov.uk

Hi,

I would like to make some comments opposing the above application.

When the "cafe" originally opened, it was positioned as exactly that - a Cafe rather than, say, an event venue or a bar. Many nearby residents were concerned about the potential for noise even so, particularly with the alcohol license, and as a result the current restrictions around the use of the external terrace and the opening hours were put in place.

Since then nothing has happened to suggest that those restrictions weren't needed - in fact, the opposite. White Post has evolved much more into a bar and venue. This is their own description (my emphasis) which can be seen at <http://www.hackneywicked.co.uk/venues/white-post-cafe/> :

"White Post Café opened at the end of August 2016. In terms of cafés, we're a café in the European sense- open early 'til late, serving booze and snacks- **more of a bar, really**".

For a flavour of the kind of events they are running, I would ask the licensing committee to take a look at their own website: <http://whitepost-london.com/events/> . Again, quoting: "We are always keen to host promoted events such as **club nights**, live gigs, screenings and so on. The rig and space work together to form a compact and punchy (70's office style) warehouse space which can hold 200 standing. The white walls and theatre lighting allow us to throw colour into the space at night making White Post **the most vibrant & sought after haunts for late night revellers**, along the canal."

Although I appreciate that some of White Post's customers are also local residents and would like to be able to make more noise, outside, for longer, **the point of the licensing restrictions was to protect those who aren't customers!** There are many residents directly across the canal from White Post, so within feet of their space, and noise is perceived as magnified across water at night.

I also appreciate the whole argument around Hackney Wick's night time economy, but this particular area has always been residential and is only becoming more so with the opening of Fish Island Village etc. Residents need to have some space to retreat to where there isn't a party going on within feet of them. If running a de facto party venue is what is needed to allow this business to succeed, then this is the wrong location for that business, and I think that has been made clear from the start.

kind regards

Katharine Rose

████████████████████

--

Appendix 25

Kathy Driver

From: Russell, Philip [REDACTED]
Sent: 22 May 2018 15:10
To: Licensing
Subject: White Post Cafe, Ref 108116

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs

I write to OBJECT to this application.

This establishment is only the width of the canal way from the Omega Works residential development and noise from the café can be heard in the flats on the opposite side of the canal. The entertainment at the White Post cafe is already causing a disturbance to residents with music often audible for many hours in the day, and DJs sometimes playing music on the open terrace.

Residents have complained often to the owner of the café, who give assurances that it will not happen again, only for it to do so. I therefore have no reason to believe that any restrictions placed upon extended operating hours will be adhered to, and request that this application be rejected.

Regards

Philip Russell

[REDACTED]
[REDACTED]
[REDACTED]

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Appendix 26

Kathy Driver

From: Franc Strazzeri [REDACTED]
Sent: 23 May 2018 11:59
To: Licensing
Subject: White Post Cafe, Ref 108116

To whom it may concern,

Please accept this email as my objection to the above application for an extension to the trading parameters of The White Post Cafe in Hackney Wick. The noise emanating from the venue is already unbearable at all hours on the weekends, and an extension to the already unsociable ability of the White Post Cafe to create even more noise seems very unreasonable, to myself, living as I do, opposite the cafe, and undoubtedly to my neighbours in Omega Works.

I hope this email may add weight to any and all objections in this matter.

Sincerely and with best regards,

Franc Strazzeri
[REDACTED]
[REDACTED]
[REDACTED]

--
[REDACTED]

Appendix 27

Kathy Driver

From: a.v.m <[REDACTED]>
Sent: 22 May 2018 15:34
To: Licensing
Subject: WHITE POST CAFE', REF 108116

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir, madam

I am writing to you to object to the above application.

It has been very difficult to live in our flat due to the noise coming from the White Post Cafe'.

The rules are most of the time not respected as they are now.

People are out, the music is loud and our weekends are ruined by it. The evenings are spoiled by the constant noise and make the area unsuitable for the residents.

This application will make the problem even worse.

I am sure you will take in serious consideration my objection.

Thanks and Regards,

Alberto Varesi-Monti

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 28

Kathy Driver

From: Jo Wackrill [REDACTED]
Sent: 01 May 2018 21:07
To: Licensing
Subject: White Post Cafe, Ref 108116

Dear Sir/Madam,

I am emailing in connection with the variation of Premises Licence Application for White Post Cafe Hackney Wick, Ref 108116.

They want to extend the operating hours on Thursday, Friday and Saturday and Sunday, and also extend the hours they operate the terrace.

As a resident of Omega Works development opposite the cafe, I would like to register my strong objection to this license extension on the grounds that it will contribute to noise pollution.

In addition, within the online application it states "To support the application we enclose document signed by local residents (Omega Works opposite the cafe) and residents from Schwartz Wharf (at the same address)". The document is not attached to view and on further investigation it appears that this document was in fact signed by CUSTOMERS whom they assume to be largely drawn from these neighbouring developments. This document is therefore being submitted under false pretences.

Extending the opening hours would be the "thin end of the wedge" and is why residents get anxious about new openings - as approval of this application will set a precedent for opening hours of other licensed businesses operating in Hackney Wick/Fish Island. White Post Cafe started off all "oh it's a nice little cafe" and now there are frequent music events and they want to push the restrictions on their licensing. In fact in their own words.... "White Post Café opened at the end of August 2016. In terms of cafés, we're a café in the European sense- open early 'til late, serving booze and snacks- more of a bar, really."

Please register my objection to this application,

Joanne Wackrill
[REDACTED]
[REDACTED]

Kathy Driver

From: Jo Wackrill [REDACTED]
Sent: 22 May 2018 19:33
To: Licensing
Subject: White Post Cafe, Ref 108116.

Dear Sir/Madam,

I am emailing in connection with the variation of Premises Licence Application for White Post Cafe Hackney Wick, Ref 108116.

They want to extend the operating hours on Thursday, Friday and Saturday and Sunday, and also extend the hours they operate the terrace.

As a resident of Omega Works development opposite the cafe, I would like to register my strong objection to this license extension on the grounds that it will contribute to noise pollution.

In addition, within the online application it states "To support the application we enclose document signed by local residents (Omega Works opposite the cafe) and residents from Schwartz Wharf (at the same address)". The document is not attached to view and on further investigation it appears that this document was in fact signed by CUSTOMERS whom they assume to be largely drawn from these neighbouring developments. This document is therefore being submitted under false pretences.

Extending the opening hours would be the "thin end of the wedge" and is why residents get anxious about new openings - as approval of this application will set a precedent for opening hours of other licensed businesses operating in Hackney Wick/Fish Island. White Post Cafe started off all "oh it's a nice little cafe" and now there are frequent music events and they want to push the restrictions on their licensing. In fact in their own words.... "White Post Café opened at the end of August 2016. In terms of cafés, we're a café in the European sense- open early 'til late, serving booze and snacks- more of a bar, really."

Please register my objection to this application,

Joanne Wackrill
[REDACTED]
[REDACTED]

Appendix 29

Kathy Driver

From: Robyn Walker [REDACTED]
Sent: 23 May 2018 06:31
To: Licensing
Subject: White post cafe: ref 108116

Hi

This is an email stating my objection to this application. I live directly opposite at [REDACTED]

[REDACTED] the venue is extremely close to Omega Works and lots of residents, some of whom with children and many with full time jobs who need to be able to get a good night's sleep! There is nothing separating us except a relatively narrow canal so when the music is on there and particularly if the door to the terrace is opened (even temporarily) or a window open it is loud and has interrupted our sleep or stopped us from going to sleep on several occasions. Particularly as the configuration of Omega means many bedrooms back directly onto the canal. This is a residential area to which the venue is a newish addition, it is not an institution or an important part of the community yet and they should not be granted the right to have a later license. They should be working within the perimeters they have to make the venue a success and attract more people in the day, for food etc.

Robyn

Sent from my iPhone

Appendix 30

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder

and their staff or agents, but can directly impact on the behaviour of customers in the immediate vicinity of the premises as they seek entry or leave (1.16).

Conditions are best targeted on deterrence and preventing crime and disorder (2.3) communication, CCTV, police liaison, no glasses, capacity limits are all relevant (2.3 - 2.6).

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 31

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

There is a process by which the Licensing Authority can determine that an area is saturated following representations. However, the process for this involves wide consultation and cannot come from representations about a particular application. (**See Section 8 of the Licensing Policy**).

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

There is also guidance issued around public nuisance (2.15 – 2.21).

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

Necessary and appropriate conditions should normally focus on the most sensitive periods and may address disturbance as customers enter or leave the premises but it is essential that conditions are focused on measures within the direct control of the licence holder (2.18/2.21).

Licensing law is not the primary mechanism for the general control of nuisance and anti-social behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned (14.13).

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 32

Access and Egress Problems

Such as:

- Disturbance from patrons arriving/leaving the premises on foot
- Disturbance from patrons arriving/leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

Any conditions should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues. (2.19)

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

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

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

Appendix 33

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 34

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 35

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	10 th July 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for Quick Grill Ltd, 194 Mile End Road, London, E1 4LJ Ward affected: St. Dunstan's
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1.0 Summary

Applicant: **Mohammad Chowdhury (Quick Grill Ltd)**
Name and
Address of Premises: **Quick Grill Ltd**
194 Mile End Road,
London
E1 4LJ

Licence sought: **Licensing Act 2003**
The Provision of Late Night Refreshment

Objectors: **Local Authority**
Police

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Corinne Holland
020 7364 3986

3.0 **Background**

3.1 This is an application for a new premises licence for **Quick Grill Ltd, 194 Mile End Road, London, E1 4LJ.**

3.2 The applicant has described the premises as follows:

3.3 *“A retail unit operating on the ground floor as a restaurant”*

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

3.5 The hours applied for have been amended in agreement made with the Environmental Protection Team and the applicant:

Late Night Refreshments (indoors only)

- Monday - Thursday 23:00 – 23:30 hours
- Friday – Sunday 23:00 – 00:30 hours

Hours premises are open to the public:

- Monday - Thursday 12:00 – 00:00 hours (midnight)
- Friday – Sunday 12:00 – 01:00 hours

4.0 **Location and Nature of the premises**

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

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

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

4.4 Details of other licensed venues in the immediate vicinity 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 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 2018.

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 by a local resident.

- Mohshin Ali – Licensing Authority (**Appendix 5**)
- PC Mark Perry - Police (**Appendix 6**)

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

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

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

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

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

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

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

- 6.7 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.8 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.9 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 7**.
- 6.10 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.11 The objections cover allegations of:
- Anti-social behaviour from patrons leaving the premises
 - Disturbance from patrons leaving the premises
 - Noise when the premises is in use
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

1. Ensure staff are familiar with the licensing objectives and adhere to them at all times.
2. Clear and legible notice will be placed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
3. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
4. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
5. Drinks will only be served in plastic bottle and paper cups.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.
7. Maintain an incident log of any criminal activity or attempted criminal activity within or within the immediate vicinity of the premises.
8. A log book or recording system will be kept in the premises for recording inspections made including those required by legislation, and information

compiled to comply with any public safety condition attached to the premises license. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

9. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
10. Deliveries to the premises will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
11. Staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
12. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
13. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
14. Noise or vibration will not emanate from the premises such as to cause unreasonably disturbance to neighbours.
15. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
16. Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.
17. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.
18. Children below the age of 16 will be excluded from the premises between the hours of 23:00 to 04:00.

8.0 Conditions Agreed/Requested by Responsible Authority

N/A

9.0 Licensing Officer Comments

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

9.2 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 sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 9.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.8 In **Appendices 8 - 13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the vicinity
Appendix 5	Representations from Licensing Authority
Appendix 6	Representations from Police
Appendix 7	Section 182 advice by Home office concerning relevant, vexatious, and frivolous representations
Appendix 8	Licensing Policy advice on crime and disorder
Appendix 9	S182 Guidance on crime and disorder
Appendix 10	Licensing Policy advice on Public Nuisance
Appendix 11	Section 182 guidance Public Nuisance
Appendix 12	Framework Hours
Appendix 13	Planning

Appendix 1

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

- Yes No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Other telephone number

Include country code.

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

Is the applicant:

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

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

Applicant Business

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

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

Registration number

Business name

VAT number

Legal status

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

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

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

- Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21**APPLICATION DETAILS**

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21**NON INDIVIDUAL APPLICANTS**

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

PRIVATE LIMITED COMPANY

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /
dd mm yyyy

* Nationality Documents that demonstrate entitlement to work in the UK

Section 5 of 21

OPERATING SCHEDULE

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

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

Provide a general description of the premises

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

The premises is a A3 retail unit operating as a restaurant located at the middle of Mile End Road, a place extremely popular with visitors and promoted by the Tower Hamlets LDF Core Strategy as a location for evening and night time economy. The unit consists of only a ground floor unit and license is only sought for the entirety of the ground floor area.

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

- Yes No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

- Yes No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

- Yes No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

- Yes No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

- Yes No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

- Yes No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

Will the provision of late night refreshment take place indoors or outdoors or both?

- Indoors Outdoors Both

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

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

None

State any seasonal variations

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

None

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

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

None

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

Continued from previous page...

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

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

None

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

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

Continued from previous page...

None

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

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

None

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

1. Work with the Police and Local Authority to improve upon delivering the objectives.
2. Regularly review policies and procedures.
3. Work in partnership with local businesses and residents to minimise crime and and improve public safety.
4. Undertake checks on all mechanical and electrical equipment.
5. Ensure staff are familiar with the licensing objectives and adhere to them at all times.

b) The prevention of crime and disorder

1. Clear and legible notice will be placed outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
2. Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
3. Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
4. All CCTV cameras will be maintained in good working order and will continually record and the tapes will be securely retained for a minimum of 14 days
5. Drinks will only be served in plastic bottle and paper cups.
6. Persons appearing drunk or under the influence of illegal substances will not be permitted into the premises.
7. Install registers away from customer access and upon closing, remove all money and leave the drawer open.
8. Maintain an incident log of any criminal activity or attempted criminal activity within or within the immediate vicinity of the premises.

c) Public safety

Continued from previous page...

1. Adequate access is provided for emergency vehicles and personnel.
2. All parts of the premises and all fittings and apparatus including door fastenings and notices and the seating, lighting, heating, electrical, ventilation, sanitary accommodation, washing facilities and other installations, will be maintained at all times in good order and in a safe condition.
3. A log book or recording system will be kept in the premises for recording inspections made including those required by legislation, and information compiled to comply with any public safety condition attached to the premises license. The logbook shall be kept available and produced for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.
4. Adequate access is provided for emergency vehicles and personnels.
5. Regular gas and electricity check will be undertaken by a suitably qualified person.
6. Exits will be kept unobstructed, free of trip hazards and clearly identified.
7. All safety certificates and inspection reports will be kept on site and made available for inspection by officers of relevant statutory bodies.
8. All exit doors are easily accessible without the use of a key, card, code or similar means.
9. The premises should comply with all statutory fire safety controls.

d) The prevention of public nuisance

1. Prominent, clear and legible notices will be displayed at exits requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
2. Deliveries to the premises will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.
3. Staff who arrive early morning or depart late at night when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
4. Customers will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
5. The movement of bins and rubbish outside the premises will be kept to a minimum after 11.00pm. This will help to reduce the levels of noise produced by the premises.
6. Noise or vibration will not emanate from the premises such as to cause unreasonably disturbance to neighbours.
7. The placing of refuse, such as bottles, into receptacles outside the premises takes place at times that will prevent disturbance to nearby properties.
8. Customer will be asked not to stand around talking in the street outside the premises; and asked to leave the vicinity quickly and quietly.
9. Provision of mechanical ventilation and air conditioning system will not allow noise breakout from the premises or cause a nuisance by its operation.
10. Regular maintenance will be carried out on all plant and machinery to ensure that noise disturbance from such sources is kept to a minimum.

Continued from previous page...

11. All the rubbish produced by the premises will be stored securely in a designated area or in a bin with a tight fitting lid. This will help prevent litter being blown around.

e) The protection of children from harm

1. In the interests of protecting children from harm, children below the age of 16 will be excluded from the premises between the hours of 23:00 to 04:00.

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NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

NOTE: From 1st January 2018 Licences if you are granted a Licence to permit the sale/supply of alcohol between midnight and 6am (00:00 and 06:00 hours) on any day you will be liable to pay the Late Night Levy charge. The charge must be paid 14 days after the grant of your Licence, unless you fall within one of the exemption categories. Non-payment of the levy can result in suspension of your licence, as per sections 55A and 92A of the Licensing Act 2003, as amended and section 229(6) of the Police and Social Responsibility Act 2011. For more information below visit <https://www.towerhamlets.gov.uk/latenightlevy>

Continued from previous page...

* Fee amount (£)

190.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name

MIFTA AHMED

* Capacity

AGENT

Date (dd/mm/yyyy)

14/05/2018

Add another signatory

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

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

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

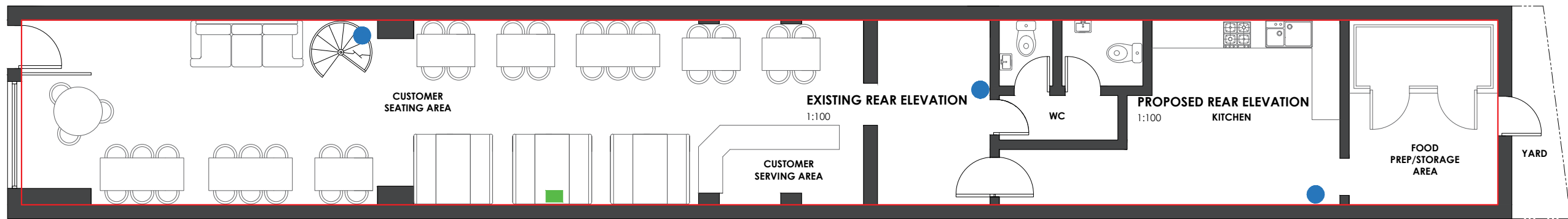
Continued from previous page...

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

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

Appendix 2

- FIRE EXTINGUISHER
- ALARM SOUNDER
- PREMISES LICENCE AREA



NO LIABILITY IS ACCEPTED TO ANY THIRD PARTY RELYING ON INFORMATION CONTAINED IN THIS DRAWING.

CONTRACTORS MUST VERIFY ALL DIMENSIONS ON SITE BEFORE COMMENCING ANY WORK OR SHOP DRAWINGS.

FLOOR PLANS

1:100 @ A3

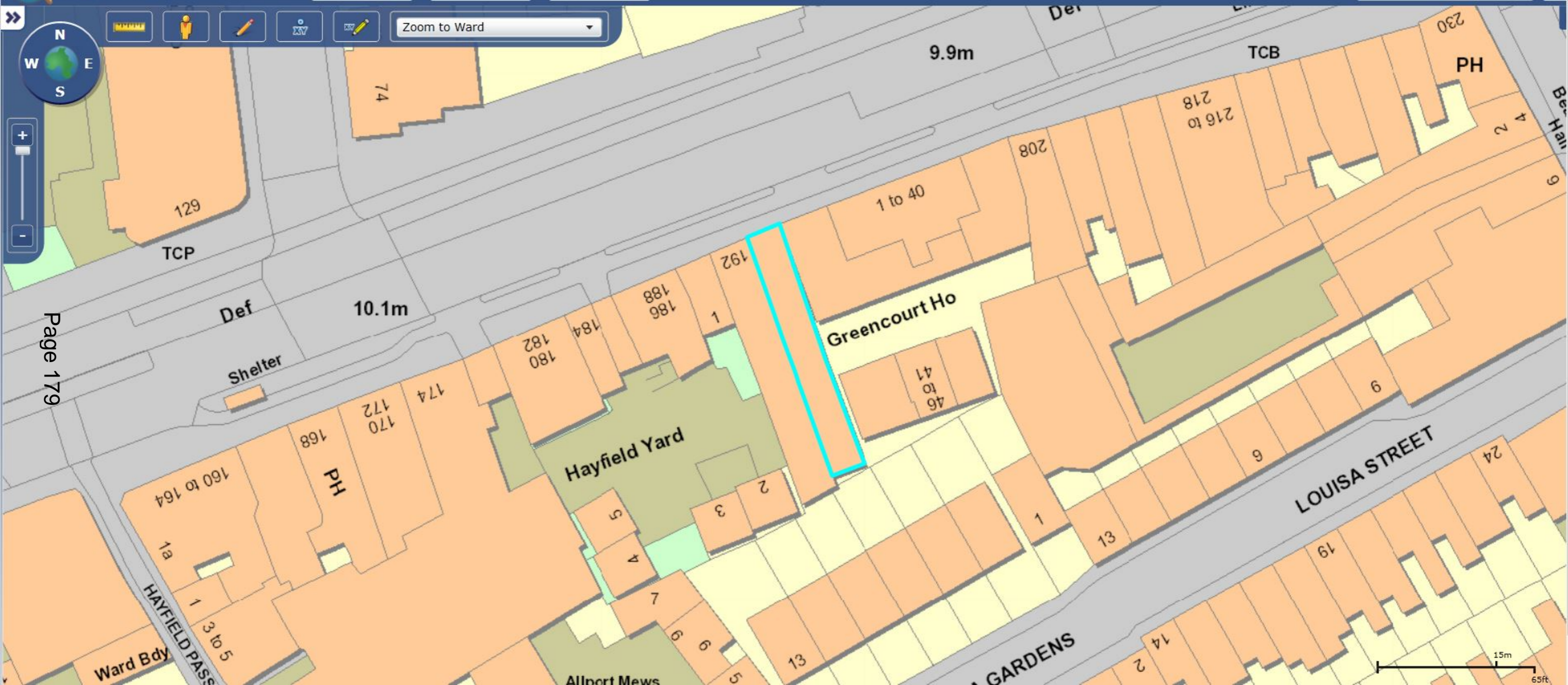
194 MILE END ROAD

DRAWN: YJ PA/2015/001

CHECKED: MA 14 MAY 2018

Appendix 3

Navigation icons: Home, Person, Pencil, Eraser, Zoom to Ward dropdown menu

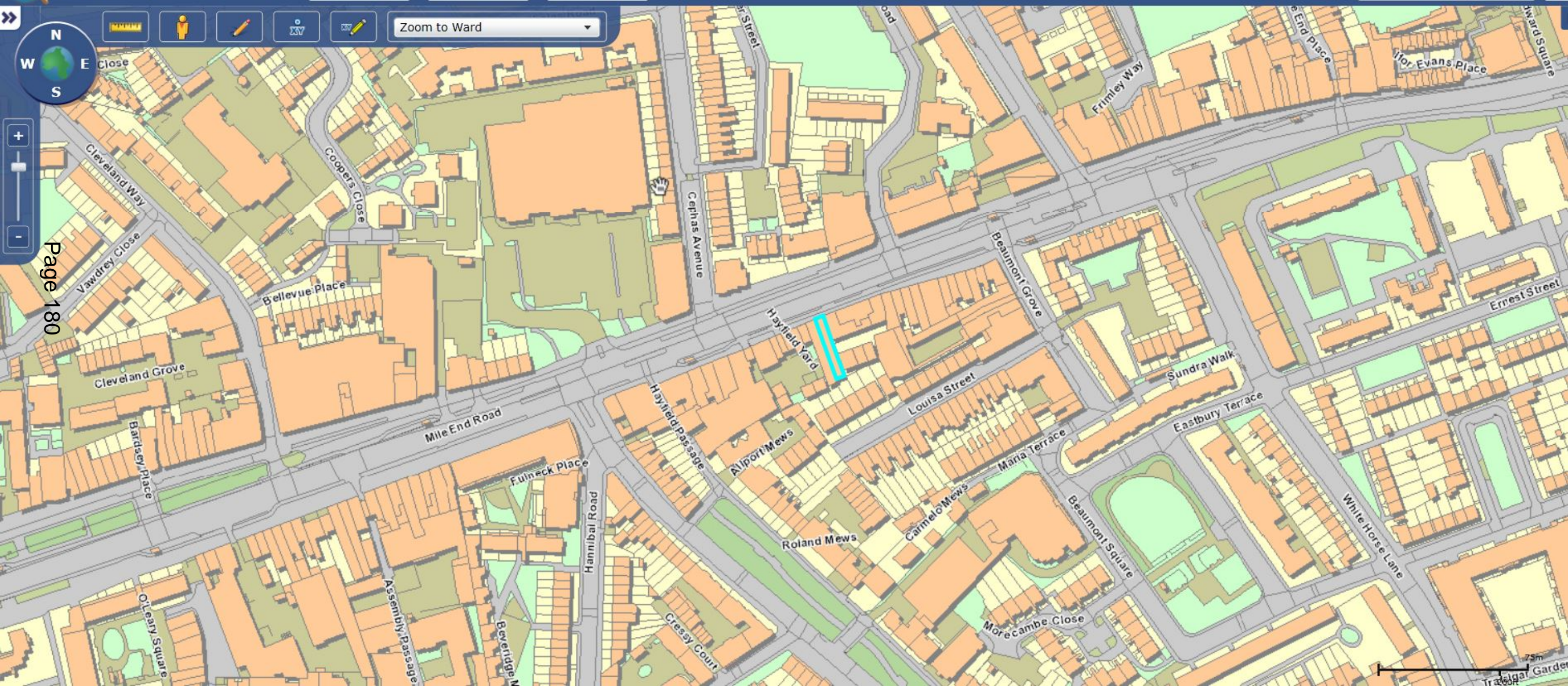


Close Person Pencil Eraser Zoom to Ward



+ -

Page 180



Appendix 4

Quick Grill Ltd, 194 Mile End Road

Name and address	Licensable activities and hours	Opening hours
<p>(DD Food & Wine Limited) 184 Mile End Road London E1 4LJ</p>	<p><u>Sale by retail of alcohol (off sales)</u></p> <ul style="list-style-type: none"> • Monday to Thursday 08:00 hours to 23:30 hours • Friday and Saturday 08:00 to Midnight • Sunday, 10:00 hours to 2230 hours 	<p>Monday to Thursday 08:00 hours to 23:30 hours Friday and Saturday 08:00 to Midnight Sunday, 10:00 hours to 2230 hours</p>
<p>(Grill Villa) 226 Mile End Road London E1 4LJ</p>	<p><u>The provision of late night refreshment (indoors)</u></p> <ul style="list-style-type: none"> • Monday to Sunday from 23:00hrs to 01:00hrs (the following day) 	<p>Monday to Sunday from 23:00hrs to 01:00hrs (the following day)</p>
<p>(Chilli Sauce) 210 Mile End Road London E1 4LJ</p>	<p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> • Sunday to Monday 23:00 – 01:00 (the following day) 	<p>Sunday to Monday 12:00 (midday) – 01:00 (the following day)</p>
<p>(Real Taste) 212 Mile End Road London E1 4LJ</p>	<p><u>The provision of late night refreshment</u> Monday to Sunday from 23:00 hours to 01:00 hours</p>	<p>Monday to Sunday from 11:00 hours to 01:00 hours</p>
<p>(Spice Hut) 220 Mile End Road London E1 4LJ</p>	<p><u>The provision of late night refreshment</u> Monday to Sunday, from 23:00 hours to 02:00 hours the following day</p>	<p>Monday to Sunday, from 10:30 hours to 02:30 hours the following day</p>
<p>(Subway) 224 Mile End Road London E1 4LJ</p>	<p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> ▪ Monday to Saturday, from 23:00 hours to 02:00 hours the following day <p><u>The provision of regulated entertainment – Indoors (Recorded music only)</u></p> <ul style="list-style-type: none"> ▪ Monday to Saturday, from 08:00 hours to 02:00 hours the following day ▪ Sunday from 10:00 hours to 23:00 hours 	<p>Monday to Saturday, from 08:00 hours to 02:00 hours the following day Sunday from 10:00 hours to 23:00 hours</p>
<p>(Perfect Fried Chicken) 214 Mile End Road</p>	<p><u>Late Night Refreshment</u> Monday to Saturday from 23:00 hours – 02:00 hours</p>	<p>Monday to Saturday from 12:00 – 02:00 hours</p>

Quick Grill Ltd, 194 Mile End Road

London E1 4LJ		Sunday from 12:00 – 23:00 hours
(Efes Restaurant) 230 Mile End Road London E1 4LJ	<p><u>Sale by Retail of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 11:00hrs to 23:30 hrs • Friday and Saturday from 11:00hrs to 00:30 hrs (the following day) <p><u>Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> • Sunday to Thursday from 23:00hrs to 23:30 hrs • Friday and Saturday from 23:00hrs to 00:30 hrs (the following day) 	Sunday to Thursday from 11:00hrs to 00:00hrs (midnight) Friday and Saturday from 11:00hrs to 01:00hrs (the following day)
(Perfect Fried Chicken) 169A Mile End Road London E1 4AQ	<p><u>Late Night Refreshment</u> Monday to Sunday until 02 00 hrs</p>	These are not restricted

Appendix 5

Place Directorate Public Realm

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

Email: [REDACTED]@towerhamlets.gov.uk

11th June 2018

Your reference
My reference: EHTS/LIC/108537/MA

Dear Sir/Madam,

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

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

Tel **020 7364 5498**
Fax **020 7364 0863**
Enquiries to **Mohshin Ali**

Email [REDACTED]@towerhamlets.gov.uk

www.towerhamlets.gov.uk

Licensing Act 2003

New premises licence application: (Quick Grill Ltd), 194 Mile End,
London E1 4LJ

The Licensing Authority (acting a Responsible Authority) is making a representation against the above application on the grounds of:

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

On the application form the applicant's business is stated as "Quick Grill Ltd". In section 3 of the application form, the applicant has ticked that they are applying as "A limited company / limited liability partnership". However, in section 4, an individual's name "Mohammed Shilu Chowdhury" is stated as the applicant with a company number "9275319".

Although, Companies House shows the director of Quick Grill Ltd as Mohammed Shilu Chowdhury, it is not clear from the application form whether he is applying as an individual or a company. The applicant may wish to clarify this issue.

The application is for the following:
Provision of late night refreshment

- Monday to Sunday, from 23:00 hours to 02:00 hours the following day

All applications have to be considered on their own merits; however, the Council has however adopted a set of framework hours as follows:

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

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

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

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

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

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

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

f) The proximity of the premises to other licensed

The Home Office guidance under Section 182 of the Licensing Act2003 (8.42) says:

"Applicants are, in particular, expected to obtain sufficient information to enable them to demonstrate, when setting out the steps they propose to take to promote the licensing objectives, that they understand:

- *the layout of the local area and physical environment including crime and disorder hotspots, proximity to residential premises and proximity to areas where children may congregate;*
- *any risk posed to the local area by the applicants' proposed licensable activities; and*
- *any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks."*

I have looked at the history of the premises and the following relevant Complaints (CMU) and visits (EVU) are registered on the Council's system Civica Authority Protection (APP):

- **18/05/2018 – Current** premises licence application received.
- **27/04/2018 (EVU: 73569)** - Licensing Authority visited the premises. Premises selling hot food without a licence. Licensing Officers purchased hot food after 23:00 hours and this is currently pending enforcement action.
- **26/02/2014 (CMU: 74703)** - Complaint that the premises has a notice on the door stating that alcohol is not permitted on the premises.
- **30/10/2009 (CMU: 48172)** - Ms Yvonne Mary Dell (PLH) surrendered the previous premises licence for (Chand Halal Tandoori), 194 Mile End Road, London E1 4 LJ

Mohammed Shilu Chowdhury is also the premises licence holder Cost Price, 41 Brick Lane, London E1 6PU. The following relevant information is registered on the Council's system:

- **09/03/2018 (EVU: 073335)** – Licensing Officers purchased alcohol after the times of the licence and premises also breach of licence conditions. This is currently pending enforcement action.
- **29/08/2017 (CMU: 088628)** – Allegation that premises has sold cigarettes to a 14 year old. Complaint referred to Trading Standards.
- **4/4/2016 (PSU: 08683)** – Licensing Officers purchased on the 2nd April 2016 alcohol after the times of the licence. At Thames Magistrates Court on 1 June 2017. Mr Chowdhury sent a Written Plea of Guilty to the court. There were no references to any mitigating circumstances or his means. The Defendant was sentenced as follows:
 - Fine: £250.00
 - Costs: £150.00
 - Victim Surcharge: £30.00
- **15/12/2014 (CMU: 78413)** – Anonymous allegation of under-age sale.
- **18/08/2014 (PSU: 7564)** – Breach of condition. Sold single can of high strength lager to Council Officers on the 16th August 2014.
- **8/08/2014 (PSU: 7531)** – Breach of condition. Sold single can of high strength lager to Council Officers on the 25th July 2014.

The above shows that Mr Chowdhury is unable to comply with his licence times and conditions and on a balance of probability is likely to be doing the same if this current application is granted. I may be calling Trading Standards as a witness if required and will provide any relevant witness statements in due course.

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 undermine the licensing objectives; then the application should be rejected. However, if the Sub-Committee is minded to grant a licence then I would ask that the hours are reduced closer to the framework hours.

Yours faithfully,

A black rectangular redaction box covering the signature of the sender.

Mohshin Ali
Senior Licensing Officer
(Acting as a Responsible Authority)

CC: Applicant's agent: Mifta Ahmed:  [@cityscape.org.uk](mailto: [redacted]@cityscape.org.uk)

Appendix 6



Tom Lewis
Head of Licensing
Tower Hamlets Council

HT - Tower Hamlets Borough

Licensing Office
Bethnal Green Police Station
12 Victoria Park Square
E2 9NZ

Telephone: [REDACTED]

Email: [REDACTED]@met.police.uk
www.met.police.uk

8th June 2018

Dear Sir,

Tower Hamlets Police formally object to the application for a premises License for Quick Grill 194 Mile End Road. The objection is on the grounds of preventing Crime and Disorder.

On the 1st June 2017 at East London Magistrates Court the applicant Mr Mohammad Chowdhury pleaded guilty to the offense of CARRYING ON LICENSABLE ACTIVITY ON/FROM PREMISES OTHER THAN IN ACCORDANCE WITH AN AUTHORISATION. This offense occurred at another premises he manages Cost Price at 41 Brick Lane on the 2nd April 2016. He was given the following sentence:

1 VICTIM SURCHARGE 30.00

2 FINE 250.00

3 COSTS 150.00

Mr Chowdhury has demonstrated his inability to run a licensed premises in accordance with the law and the conditions on his license. To have a premises with a late license until 2am requires a high level of trust from the responsible authorities that the applicant will not only uphold the four licensing objectives but also adhere to the conditions on their license.

As the manager of 41 Brick Lane, Mr Chowdhury can have no excuse of ignorance of the Licensing Act, or how it applies to premises he runs. We therefore argue that Mr Chowdhury wilfully decided not to follow the licensing act.

Mr Chowdhury has shown that he cannot be trusted, and therefore should not be allowed to have what is a very late license.

Should the committee decide that Mr Chowdury is worthy of a license for this premises Tower Hamlets Police Licensing ask the hours are restricted to the Councils framework hours and have the following conditions added to the license:

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

The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation). While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

2) An Incident Report book is to be kept and used to record all incidents of crime and disorder as well as any incidents of note. This book is to be made available on request to any Police officer or representative of a responsible authority.

However Tower Hamlets Police remains firm in its objection to this application and its request for it to be refused.

PC Mark Perry
Police Licensing
Bethnal Green Police Station
12 Victoria Park Square
E2 9NZ

Appendix 7

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

Relevant, vexatious and frivolous representations

- 9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.
- 9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.
- 9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.
- 9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

- 9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this Guidance, an assessment should be prepared by officials for consideration by the sub- committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.
- 9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.
- 9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 8

Crime and Disorder – Licensing Policy, updated March 2015

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

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

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

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

Smuggled goods

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

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

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

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

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

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

Appendix 9

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

Updated April 2017

Crime and disorder

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

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

Appendix 10

Prevention of Nuisance – Licensing Policy, updated March 2015

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

Appendix 11

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

Updated April 2017

Public nuisance

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

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

Appendix 12

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 13

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.