

LICENSING SUB COMMITTEE

Tuesday, 13 November 2018 at 6.30 p.m.

C1, 1st Floor, 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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agenda



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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 11 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 36)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 25th September and 2nd October 2018.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4.1 Application for a New Premises Licence for Venue 82, 82A Commercial Street, London E1 6LY	37 - 174	Spitalfields & Banglatown

Licensing Objectives:

- Public Nuisance
- Crime & Disorder
- Public Safety
- Prevention of Children from harm

Representations by:

- Local Resident(s)

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

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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 2.30 P.M. ON TUESDAY, 25 SEPTEMBER 2018

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

Members Present:

Councillor Shad Chowdhury (Chair)
Councillor Faroque Ahmed
Councillor Sabina Akhtar

Officers Present:

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

Representing applicants	Item Number	Role
Jacqueline Rubens	3.1	Legal Representative
Xin Ran Zhou	3.1	Applicant

Representing objectors	Item Number	Role
Gerard McMahon	3.1	Local Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

3.1 Application for Variation of a Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS

At the request of the Chair, Ms Jacqueline Rubens, Legal Representative on behalf of the Applicant explained that this premises would be a local amenity, customers would be walking to the venue or via taxis and cabs and it would be Chinese customers that would be mainly frequenting the restaurant. It was noted that the cuisines served at the premises would not have strong smells it wouldn't be curries or dishes with strong cheese and therefore would not cause an odour or noxious smells to neighbouring properties. It was also noted that the restaurant served high end Chinese cuisines and therefore would be attracting a different clientele. She referred to the supplemental agenda and stated that the Applicant had agreed to conditions for a sound limiter and also a 30 minutes reduction to the licence hours as proposed by Environmental Health.

Ms Rubens highlighted that the Ward Councillor in his objection said that he had no objections to karaoke subject to sound proofing. She also stressed the fact that there were no objections from Responsible Authorities but only from local residents. She explained that the karaoke would play Chinese songs/music and in its nature would not be so loud and therefore together with sound proofing and a noise limiter, noise would not emanate from the premises. It was also noted that the application was for an additional half an hour to what they currently had.

It was noted that the premises has had a licence since 2012 with no issues or concerns or complaints from Responsible Authorities. It was noted that the Applicant would put a notice up for customers to leave the premises quietly and respect the needs of local residents. In terms of parking Ms Rubens explained that there hasn't been a parking problem to the Applicants knowledge and highlighted areas on the map where parking facilities were available. She said that the Applicant was a responsible owner and wanted his premises to benefit the local community as it was a restaurant and local amenity for local residents. She stated that the Applicant should not be held accountable for general anti-social behaviour in the area.

Members then heard from Mr Gerard McMahon, local resident who expressed concerns about noise nuisance and anti-social behaviour in the area he highlighted how densely populated the area was and explained that the granting of a licence would mean double the amount of space (ground floor and now 1st floor) so double the amount of customers and the potential for more noise nuisance and public nuisance.

He explained that karaoke was live music and would be loud especially in a residential area with lots of families with young children, a retirement home next door to the premises and in particular the hot summers when windows

would be left open and noise would travel even more. He stated that it was not a high street and people had the right to the quality of life. In terms of the smells he said that this was an issue for residents living in John Tucker House as they live next door and experience the smells which emanate from the premises.

He said that there were parking issues and often he is unable to park on his street and would need to park a far distance away from his home as there is no parking available. Mr McMahon concluded by saying that granting a licence would mean the premises would double in the capacity of customers and therefore there would be increased traffic, increase in ASB and increase in noise nuisance.

In response to questions the following was noted;

- In order to limit noise the premises would be sound proofed and there would be a sound limiter installed which would be set by the Tower Hamlet Environmental Health Team.
- That the sound limit would be set by an Environmental Health Officer who would do an assessment from neighbouring properties and set a suitable level.
- That the Applicant would surrender their old licence if a new licence was to be granted.
- That conditions relating to the licensing objective of the protection of children from harm was on page 101 of the agenda.
- That the premises had A3 planning permission and therefore suitable for a food outlet.
- That there were no specific concerns of ASB linked to the premises.
- That there had been no objections from the Police or Environmental Health.
- That windows would be kept closed as air conditioning had been installed.
- That any customers queuing could wait in the karaoke rooms whilst waiting for their food in order to avoid any customers from congregating outside the premises.
- That the Applicant was not aware of any issues concerning parking.
- That on average there would only be 1-2 customers that would drive to the premises on daily basis.
- That the Applicant used a delivery service company for their takeaway deliveries.
- That there was no parking available for delivery drivers but they were able to park right outside the premises as they often only stop for a few minutes to pick up the order.
- That they have been operating a takeaway service since 2012 with no problems or complaints.

In summing up Ms Rubens stated that most customers would be walking or using public transport to the premises, that the clientele was mainly Chinese overseas students who didn't have cars and would be walking to the premises or using a cab.

Members adjourned the meeting at 3.30pm for deliberations and reconvened at 3.50pm.

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from the Legal Representative on behalf of the Applicant and noted the written objections from local residents and the Ward Councillor as well as hearing from one of the objectors present at the meeting with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question was situated in a densely populated residential area, with an elderly care home, and mixed residential homes with young families. Members were of the view that the type and the density of such an application if granted in this area may lead to problems of public nuisance and disorder.

The Sub-Committee also noted the written representations made by objectors and also heard verbal representation from the objector present at the meeting regarding concerns relating to the existing levels of noise nuisance and anti-social behaviour, and the lack of parking facilities etc. and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the area.

The Sub-Committee considered that the onus lay upon the Applicant to show through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not undermine any of the licensing objectives. The Sub Committee noted the applicant's representation that the impact of the premises licence if granted, would be mitigated by the proposed conditions agreed with Environmental Health in terms of reduced hours and the installation of a sound limiter and sound proofing as well as the other conditions proposed. However, the Sub Committee was not satisfied that sufficient measures were in place to prevent public nuisance in the form of noise pollution.

The Sub-Committee was concerned that the premises would be importing a significant number of people into the area for karaoke events which in its nature would be loud and noisy. The area is already experiencing a high volume of public nuisance and anti-social behaviour. The potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele. There were not sufficient measures in place for customers leaving the venue and entering into residential streets. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met those requirements.

The Sub Committee was therefore not satisfied with the application and were of the view that on the balance of probability this premises if granted would cause a negative impact on the area, in that it was considered the applicant failed to demonstrate that their application for a premises licence would not undermine the licensing objectives.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a New Premises Licence for Mailinda, 62 Mellish Street, London E14 8NS be **REFUSED**

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 4.00 p.m.

Chair, Councillor Shad Choudhury
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.35 P.M. ON TUESDAY, 2 OCTOBER 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Eve McQuillan (Chair)

Councillor Faroque Ahmed

Councillor Shah Ameen

Officers Present:

Mohshin Ali	– (Senior Licensing Officer)
David Wong	– (Legal Services)
Nicola Cadzow	– (Environmental Health Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing Applicants	Item Number	Role
Peter Mayhew	3.1	(Licensing Representative)
Huw Wardrope	3.1	(Applicant)
Frank Fender	3.2	(Legal Representative)
Anthony Pender	3.2	(Applicant)

Representing Objectors	Item Number	Role
Abdul Chowdhury	3.1	(Resident)
Mohammed-Ali Kada	3.1	(Resident)
Sumon Khan	3.1	(Resident)
Abdellatif Larhkimi	3.1	(Resident)

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. ITEMS FOR CONSIDERATION

3.1 Application for a New Premises Licence for Urban Baristas, 138 Wapping High Street, London E1W 3PA

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a new premises licence for Urban Barista, 138 Wapping High Street, London E1W 3PA. It was noted that there had been objections from local residents covering all four licensing objectives.

At the request of the Chair, Mr Peter Mayhew, Licensing Representative on behalf of the Applicant explained that the premises was a small café/restaurant and were seeking a licence to introduce the sale of alcohol. He stated that the hours applied for were within the Council's framework hours and they had offered 21 robust conditions which addressed the concerns of local residents. Mr Mayhew said that there had been no representations from Responsible Authorities as they were satisfied with the hours and conditions applied for.

He explained that in response to the concerns regarding the outside area he was confident that customers were not obstructing the walk way. He said that there was reference that there was not a need for such a premises and reminded the Sub-Committee that this was not a licensing consideration. He stated that allegations of anti-social behaviour was an exaggeration of facts and therefore the petition from local residents is of little or no weight.

Mr Mayhew explained that it was a strong application and the Applicant has another premises licence in Westminster with no issues or cause for concern. It was noted that there the premises has had 7-8 temporary events notices from the Council in the past and therefore any late hours referred to would have been a part of a TEN application.

Mr Mayhew concluded that the sale of alcohol would be for small amounts or wine or craft beer to consume with a meal.

At the request of the Chair, Mr Abdul Choudhury, local resident, explained that the concerns were mainly for late at night, there was a lot of people accessing and exiting the tube station, together with customers congregating outside the premises and causing noise nuisance, and as a result of this children couldn't sleep. It was noted that he regularly witnesses people urinating outside; drunk and disorderly behaviour and this would increase if a licence is to be granted.

Members then heard from Mr Mohammed-Ali Kada, local resident, who expressed similar concerns about noise nuisance emanating from the premises, that his children were disturbed late night by the noise as they live above the premises he also stated that smoke from customers smoking

outside travelled up to the balconies and through air vents causing smoke pollution.

He stated that customers from the premises smoke and drink outside the premises all the time. He also said that the notice for the application was not visible and very difficult to notice, hence the reason for less objections. He said that on paper this was a good application but this was not the case in reality. He said that the premises causes great inconveniences in terms of noise and ASB. He referred to page 71 of the agenda which showed photos of how narrow the pavements were.

In response to questions the following was noted;

- That during TEN applications there have been people drinking outside the premise.
- The customers often block the door to the flats above the premises and can be intimidating at times.
- That in the Applicant's view, he thought that there was sufficient space for wheelchairs to go past with the seats set outside.
- That the Applicant had offered a condition not to permit alcohol outside the premises.
- That the premises had the capacity of 30.
- That the premises would remain a café/restaurant and would be serving alcohol as part of a meal.
- That windows and doors would be kept shut in the evenings to reduce noise emanating from the premises.
- That there were no issues or complaints from Environmental Health or Police.
- That there were no complaints recorded except for the one on 14th October 2017 which was a date when a TEN application was active.
- That only the Police and Environmental Health could object to a TEN application and as part of the process residents are not required to be consulted.
- That due to the alcohol restriction outside the premises, this would limit the time and number of smokers waiting and congregating outside the premise.
- The Applicant would engage with residents and provide contact details for residents to call if they had any concerns or complaints.
- That there were 12 flats above the premises.
- That the premises had been open since March 2017.
- That the hours applied for were within the Council's framework hours.
- That the Applicants have complied with the consultation requirements.
- Residents confirmed that there was no noise from within the café.

In summing up the residents stated that they wanted a peaceful life, and if a licence was granted then this would affect children, there would be an increase in customers and therefore more people would be congregating outside and causing public nuisance.

Mr Mayhew stated that they had offered a condition that no alcoholic drinks would be allowed outside the premises and therefore the assertion that

people would be drunk outside would not be the case. He said that noise was not audible from within the premises and this had been confirmed by residents. The hours applied for were within the Council's framework hours and there had been no objections from Responsible Authorities.

Members adjourned the meeting at 8.05pm for deliberations and reconvened at 9.35pm.

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's Licensing Representative and also heard from objectors present at the meeting.

Members recognised that the area was a mixed residential and commercial area and therefore accepted that a premises licence with late hours could cause potential public nuisance affecting residents. However, Members also welcomed the efforts made by the Applicant to address the concerns of residents by offering conditions that would promote the licensing objectives.

Members noted the concerns raised about noise emanating from the premises, and people congregating outside the premises, therefore Members believed that a condition to keep doors closed (except during access and egress) from 7pm onwards and external tables and chairs to be rendered unusable from 7pm onwards would help prevent this and alleviate some of those concerns. Members also welcomed the condition offered by the Applicant for no alcohol to be permitted outside the premises. Members were of the view that this would limit the time that customers would spend outside smoking.

Members noted from answers to questions raised in the Sub-Committee hearing that residents could not hear noise from inside the premises. Residents' issue was over concerns about noise disturbance arising from customers immediately outside the premises.

Members also noted the serious concerns raised about customers smoking outside the premises, and the smoke going through the air vents and

balconies and into residents homes who lived directly above the premises which affected families with young children. Therefore Members decided that a condition to limit the number of smokers to 2 people at any one time would ensure that smoke pollution would be limited and this would also mitigate noise arising from customers going outside the premises to smoke.

Members felt that imposing a condition that customers must be seated when drinking satisfied Members that in granting the application, the premises would be more of a café, rather than a bar or public house type of establishment, thus mitigating the potential impact of noise from the kind of crowd which might patronise a café licensed to serve alcohol for consumption on the premises.

Members were satisfied that the hours sought were within the Council's Framework Hours, which together with Members' additions and modifications to the raft of conditions offered by the applicant, resulted in an operating schedule which would enable the Council as a licensing authority to hold the applicant to conditions designed to address residents' concerns over noise disturbance and smoking issues.

Members had heard that the premises had previously conducted licensable activities under the authority of Temporary Event Notices. Members noted that Temporary Event Notices cannot have conditions attached to them, and so having a premises licence with a robust raft of conditions would enable control over the kinds of concern raised by residents.

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

Accordingly, the Sub Committee made a majority decision to:-

RESOLVED

That the application for a New Premises Licence for Urban Baristas, 138 Wapping High Street, London E1W 3PA be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Friday from 11:30 hrs to 23:00 hrs

Saturday from 09:00 hrs to 23:00 hrs

Sunday from 09:00 hrs to 22:30 hrs

Hours premises open to the public

Monday to Sunday from 07:00 hrs to 23:30 hrs

Conditions

1.1 No vertical drinking

- 1.2 No more than 2 smokers allowed to smoke outside the premises at any one time.
- 1.3 The premises to be limited to a capacity of 22 people at any one time.
- 1.4 A contact number for management is to be made available for residents to report any issues, complaints or concerns.
- 1.5 Staff Training – Appropriate induction training will be undertaken with all relevant staff to cover appropriate subjects for their role including:
 - α) The responsible sale of alcohol.
 - β) The prevention of under-age sales of alcohol, the Challenge 25 policy and in checking & authenticating accepted forms of identification.
 - γ) The responsibility to refuse the sale of alcohol to any person who is drunk.
- 1.6 Recording Practices – The premises will maintain written reports and registers. These will be kept for a minimum of 12 months and made available to the police and any authorised officer of the licensing authority on request. Records will be maintained of the following:
 - α) Any complaint against the premises in respect of any of the licensing objectives
 - β) Any crime reported at the premises
 - γ) Any illegal drug related incident
 - δ) A 'register of refusals' highlighting any refusal in the sale of age-restricted products; for any reason.
 - ε) Any fault in the CCTV system
 - φ) All written reports and registers will be regularly checked by the DPS.
- 1.7 Weekend Brunch – The Sale of Alcohol between 09.00 and 11.30 on Saturdays and Sundays is restricted to customers taking brunch.
- 1.8 CCTV - The venue shall maintain a CCTV system. The CCTV system shall continually record whilst the venue is open for licensable activities and / or when customers remain on the premises. All recordings shall be time & date stamped, maintained for a 31 day period and be made

available to the Police or authorised officer of the licensing authority upon request. The CCTV system shall:

- α) Cover all entry points used by the public.
- β) Enable frontal identification of persons entering in any light condition.
- χ) Be maintained by a suitably qualified person.

- 1.9 CCTV - Sufficient competent persons should be authorised by the premises licence holder to provide the Police with downloaded CCTV data (footage and / or images) in an appropriate recorded format (usually to a disc, memory stick or data file sent electronically) when formally requested to do so. The authorised person(s) should be sufficient to enable such data to be obtained by the police within 48 hours of a formal request being made.
- 1.10 CCTV - Sufficient competent persons should be authorised by the premises licence holder to ensure that at all times the premises is open to the public, a member of staff is available to show the Police, when formally requested to do so, any images / footage from CCTV system with a minimum of delay.
- 1.11 Drugs Zero Tolerance Policy – A Zero Tolerance Policy towards the use, possession and supply of illegal drugs will be adopted and enforced.
- 1.12 No Alcohol Permitted Outside – Alcoholic drinks will not be permitted to leave the premises at any time, including for those leaving for the purpose of smoking.
- 1.13 Preventing Theft - As a relatively small open-plan premises where staff have a clear view of the whole premises, staff vigilance in respect of potential theft from customers at the premises, is sufficient in order to prevent theft from customers.
- 1.14 Self-Service of Alcohol – No self-service of alcohol will be permitted at the premises.
- 1.15 Externally Promoted Events – No externally promoted events will be permitted at the premises; 'externally promoted events' are those which are promoted, managed and delivered by external promoters not affiliated to the Premises Licence holder
- 1.16 Fire Safety – A fire risk assessment will be conducted and regularly reviewed. In-line with the Fire Risk Assessment:
 - α) An integrated fire detection and alarm system is installed, checked, regularly tested and maintained by a competent person.

- β) Fire extinguishers are installed in accordance with the recommendations of the fire risk assessment.
- χ) Emergency lighting is installed in accordance with the recommendations of the fire risk assessment.
- δ) All emergency exits are marked on the premises plan.

1.17 First Aid – Adequate & suitable first aid boxes will be maintained.

1.18 Refuse Disposal - Regular waste disposal is undertaken in accordance with the council's requirements.

1.19 Litter - The area immediately outside the premises will be maintained to ensure that any litter generated by the premises and / or its customers is regularly cleared.

1.20 Noise Escape - Where amplified music is played windows and doors will be kept shut to avoid a public nuisance being caused.

1.21 Noise Escape - Outer front doors will be kept closed (except for egress and exit) after 19.00 hours to prevent noise escaping from the premises.

1.22 External Tables & Chairs – All tables and chairs located in the external areas of the premises will be rendered unusable after 19.00 hours on each day.

1.23 Exit Signage – A sign requesting customers to respect local residents and leave the premises quietly, will be displayed at each public the exit to the premises.

1.24 Challenge 25 – A Challenge 25 policy will be enforced, where any person reasonably looking under the age of 25 shall be asked to prove their age when attempting to purchase alcohol; signs to this effect will be displayed at the premises. The only acceptable forms of identity will be those photographic identification documents recognised in the Home Office guidance; including passports, photo-card driving licence or proof of age card bearing a PASS hologram.

1.25 Recording Practices - A register of refusals will be maintained at the premises.

3.2 Application for Variation of a Premises Licence for The Victoria, 110 Grove Road, London E3 5TH

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report, which detailed the application for a variation of the premises licence for The Victoria, 110 Grove Road, London E3 5TH. It was noted that there was objections from Environmental Health and Police on the grounds of public nuisance.

It was noted that there had been mediation between the parties and an agreement had been reached.

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 listened to the Applicant's Legal Representative and the Environmental Health Officer present at the meeting.

Members noted the mediation between both parties and welcomed the agreement reached.

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 variation of the Premises Licence for, The Victoria, 110 Grove Road, London E3 5TH be **GRANTED** with conditions.

Annex 3 - Condition 14 on the current licence to be replaced with;

- The rear external garden will be used by customers until 10pm.

Additional Condition

1. A contact number for management is to be made available for residents to report any issues, complaints or concerns.
2. No alcohol to leave the premises in open containers

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no extensions to decision deadlines.

The meeting ended at 9.35 p.m.

Chair, Councillor Eve McQuillan
Licensing Sub Committee

Agenda Item 4.1

Committee : Licensing Sub-Committee	Date 13 November 2018	Classification Unclassified	Report No.	Agenda Item No.
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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 Venue 82, 82A Commercial Street, London E1 6LY Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Sushanta Das Gupta**

Name and **Venue 82**

Address of Premises: **82A Commercial Street (previously public conveniences)**
London
E1 6LY

Licence sought: **Licensing Act 2003 – premises licence**

- **The sale by retail of alcohol**

Representations: **Residents**

2.0 Recommendations

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

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

Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder
<ul style="list-style-type: none"> • Guidance Issued under Section 182 of the Licensing Act 2003 • Tower Hamlets Licensing Policy • File 		Corinne Holland 020 7364 3986

3.0 **Background**

- 3.1 This is an application for a premises licence for (Venue 82) 82A Commercial Street, London, E1 6LY. According to our records, the premises was formerly known as Public Life. The previous premise licence for Public Life was revoked in 2012 after a S53a Review was brought by the Metropolitan Police.
- 3.2 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.3 The applicant has applied for the following licensable activities and timings (revised after agreed with Environmental Health Noise Team - 30 minutes less that application to allow for drinking up time):-

The sale by retail of alcohol – (on sales only)

- Monday to Saturday from 11:00 to 22:30 hours
- Sunday from 12:00 to 21:30 hours

The opening hours of the premises

- Monday to Saturday from 11:00 to 23:00 hours
- Sunday from 12:00 to 22:00 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 the nearest licensed venues are included as **Appendix 4**.

5.0 **Licensing Policy and Government Advice**

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on the 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 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 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 The objections cover allegations of:
 - Anti-social behaviour from patrons leaving the premises
 - Anti-social behaviour on the premises
 - Disturbance from patrons leaving the premises
 - Noise when the premises is in use
 - Drug taking
 - Crime and disorder
 - Access and Egress

6.9 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the local residents:

Resident objectors	Appendix
Alan Williams	6
Alex Shute	7
Caroline & David Fuest	8
David Gadd & Frank Pickard	9
Daron Pike	10
Glen Mifsud	11
Hazel Mulligan	12
John and Sandy Critchley	13
James Isola	14
James Jobe	15
John Nicolson	16
Jon Shapiro	17
Jonathan Stebbins	18
Keith Bowler	19
Katie Ruane	20
Barra Little	21
Margaret Gordon (SGRA)	22
Martin Hughes	23
Richard Burger	24
Rachel Jamieson (behalf of Andy Rider)	25
Rose Sheldon (SMRA)	26
Stephen Gummer & Karen Steward	27
Selina Mifsud (SCG)	28
Sophie Stebbins	29
Simon Wedgewood	30

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

- The Licensing Authority
- The Metropolitan Police
- The LFEP (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Public Health
- Home Secretary (Home Office Immigration Enforcement)

- 6.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only representations that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.12 Essentially, the relevant parties oppose the application because in their opinion, the applicant has not explained how within the context of the application they will meet licensing objective of the prevention of public nuisance and the prevention of crime and disorder.
- 6.13 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.
- 6.14 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 Staff are to be trained so they are vigilant in preventing the use and sale of illegal drugs on the premises.
- 7.2 The Designated Premises supervisor is to be in day to day control of the premise and provide staff training.
- 7.3 A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.
- 7.4 Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.
- 7.5 Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.
- 7.6 A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

- 7.7 Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
- 7.8 The Designated Premises supervisor will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
- 7.9 Customers will be asked not to stand around loudly talking in the street outside the premises.
- 7.10 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.

8.0 **Conditions in consultation with the Responsible Authorities**

- 8.1 The applicant has agreed the following conditions with the **Police**:
(Please see **Appendix 31**):

- 1) *Sale of alcohol is ancillary to the sale of food.*
- 2) *No vertical drinking.*
- 3) *CCTV to cover entire premises, including external areas to satisfaction of Tower Hamlets Police Licensing. CCTV to be of sufficient quality to record facial details to enable identification of those people recorded on it. CCTV recordings to be stored for 31 days made available to Police or responsible authority upon request. While the premises is open there must be a member of staff who can operate the CCTV system.*
- 4) *Incident and refusal book to be kept and maintained.*

- 8.2 The applicant has agreed the reduction in timings and the following condition with the **Environmental Protection Team**: (Please see **Appendix 32**)

1. *No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents*

9.0 **Licensing Officer Comments**

- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;

- unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.

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

9.3 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).

- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
 - ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
 - ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58) Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises licences or club licences or club premises certificates in an area.” (10.21)
- 9.4 The Licensing Act 2003 permits children of any age to be on the premises which primarily sells alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
 - 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
 - 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
 - 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
 - 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
 - 9.9 In **Appendices 33 - 42** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendices 6- 30	Representations of residents
Appendix 31	Conditions agreed with Police
Appendix 32	Conditions agreed with EH
Appendix 33	Licensing Officer comments on noise while the premise is in use
Appendix 34	Licensing Officer comments on access/egress Problems
Appendix 35	Licensing Officer comments on crime and disorder on the premises
Appendix 36	S182 advice on crime and disorder
Appendix 37	Anti-social behaviour on the premises
Appendix 38	Anti-social behaviour leaving the premises
Appendix 39	Drug taking
Appendix 40	Planning
Appendix 41	Licensing Policy relating to hours of trading
Appendix 42	Licensing Officer comments on the Tower Hamlets Cumulative Impact Zone

Appendix 1



* required information

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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	Not Currently In Use	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	Sushanta Das
* Family name	Gupta
* E-mail	
Main telephone number	
Other telephone number	

Include country code.

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

Are you:

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

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

Continued from previous page...

Your Address

Address official correspondence should be sent to.

* Building number or name	<input type="text"/>
* Street	<input type="text"/>
District	<input type="text"/>
* City or town	<input type="text"/>
County or administrative area	<input type="text"/>
* Postcode	<input type="text"/>
* Country	<input type="text" value="United Kingdom"/>

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	<input type="text" value="Venue 82"/>
Street	<input type="text" value="82A, Commercial Street"/>
District	<input type="text"/>
City or town	<input type="text" value="London"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text" value="E1 6LY"/>
Country	<input type="text" value="United Kingdom"/>

Further Details

Telephone number	<input type="text"/>
Non-domestic rateable value of premises (£)	<input type="text" value="15,500"/>

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

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

- Yes No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

First name

Family name

Is the applicant 18 years of age or older?

- Yes No

Continued from previous page...

Current Residential Address

Is the address the same as (or similar to) the address given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Yes No

E-mail	<input type="text"/>
Telephone number	<input type="text"/>
Other telephone number	<input type="text"/>
* Date of birth	<input type="text"/> / <input type="text"/> / <input type="text"/> dd mm yyyy
* Nationality	<input type="text" value="Bangladeshi"/> 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 application site was a former underground public lavatory, sold by the Council in 1991. It has been transformed

Continued from previous page...

through a combination of private finance and public grants and has been in use as a restaurant/bar use. The site lies at the heart of the historic Spitalfields, Chirst Church Spitalfields, and the Grade 2 Listed Market Buildings. Three conservation areas surround it, each of which contains a considerable number of listed buildings. This character is described a mix of retail and restaurant bar uses at street levels with residentials and office space above the road area. The locality has a reputation as a vibrant night-time economy with a number of other bar/restaurants that have been operating in the area of sometime.

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

Continued from previous page...

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

- Yes No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

- Yes No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

- Yes No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

- Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

Continued from previous page...

SATURDAY

Start	<input type="text" value="11:00"/>	End	<input type="text" value="23:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="12:00"/>	End	<input type="text" value="22:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the sale of alcohol be for consumption:

- On the premises Off the premises Both

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

State any seasonal variations

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

NA

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

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

NA

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

Name

First name

Family name

Date of birth / /
dd mm yyyy

Continued from previous page...

Enter the contact's address

Building number or name	<input type="text"/>
Street	<input type="text"/>
District	<input type="text"/>
City or town	<input type="text"/>
County or administrative area	<input type="text"/>
Postcode	<input type="text"/>
Country	<input type="text" value="United Kingdom"/>
Personal Licence number (if known)	<input type="text"/>
Issuing licensing authority (if known)	<input type="text" value="London Borough of Newham"/>

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

NA

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.

Continued from previous page...

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.

NA

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.

NA

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) **Page 54**

Continued from previous page...

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

Strong management controls and effective training of all staff so that they are aware of the premises licence and the requirements to meet the four licensing objectives with particular attention to:

- a/ no selling of alcohol to underage people
- b/ no drunk and disorderly behavior on the premises area
- c/ vigilance in preventing the use and sale of illegal drugs at the retail area
- d/ no violent and anti-social behaviour
- e/ no any harm to children

- Operating Schedule providing the hours of operation and licensable activities during those hours.
- Designated premises supervisor confirmed it is obligated to be in day-to-day control of the premises, to provide good training for staff on the Licensing Act (Training Record), to make or authorize each sale
- Clear "Challenge 25" information to prevent the supply of alcohol to under-age drinkers.
- CCTV system installed with recording option available

As a licensed premises we know that it is necessary to carry out our functions or operate their businesses with a purpose of promoting these objectives. We promise to support these objectives through their operating schedules and other measures (including staff training and qualifications, policies, and strategic partnerships with other agencies).

b) The prevention of crime and disorder

CCTV System installed to monitor entrances, exits, and other parts of the premises in order to address the prevention of crime objective.

A clear and legible notice outside the premises indicating the normal hours under the terms of the premises licence during which licensable activities are permitted.

Clear and conspicuous notices warning of potential criminal activity, such as theft, that may target customers will be displayed.

Not selling of alcohol to drunk or intoxicated customers.

Custom will not be sought by means of personal solicitation outside or in the vicinity of the premises.

Prevention and vigilance in illegal drug use at the retail unit area.

Staff will be well trained in asking customers to use premises in an orderly and respectful manner and prevent drinking alcohol at the retail unit (ex. canned or bottled beer).

c) Public safety

Internal and external lighting fixed to promote the public safety objective.

Well trained staff adherence to environmental health requirements.

Training and implementation of underage ID checks.

A log book or recording system shall be kept upon the premises in which shall be entered particulars of inspections made; those required to be made by statute, and information compiled to comply with any public safety condition attached to the premises licence that requires the recording of such information. The log book shall be kept available for inspection when required by persons authorised by the Licensing Act 2003 or associated legislation.

All parts of the premises and all fittings and apparatus therein, door fastenings and notices, lighting, heating, electrical, air condition, sanitary accommodation and other installations, will be maintained at all times in good order and in a safe condition.

d) The prevention of public nuisance

Continued from previous page...

Noise reduction measures to address the public nuisance objective.
Prominent, clear and legible notices will be displayed at the exit requesting the public to respect the needs of nearby residents and to leave the premises and the area quietly.
Deliveries of goods necessary for the operation of the business will be carried out accordance with law.
prevent nuisance and disturbance to nearby residents.
The Licensee will ensure that staff who arrive early morning or depart late at night (ex. for unpacking, pricing newly delivered goods) when the business has ceased trading conduct themselves in such a manner to avoid causing disturbance to nearby residents.
Customers will be asked not to stand around loudly talking in the street outside the premises.
Customers will not be admitted to premises above opening hours.
Any lighting on or outside the premises will be positioned and screened in such a way so as to not cause a disturbance to nearby residents.
Adequate waste receptacles for use by customers will be provided in the local vicinity.

e) The protection of children from harm

"Challenge 25" sign which is a retailing strategy that encourages anyone who is over 18 but looks under 25 to carry acceptable ID (a card bearing the PASS hologram, a photographic driving license or a passport) if they wish to buy alcohol.
Well trained staff about requirement for persons' identification, age establishment etc.
All the details provided in Training Record Book available the retail unit.
Log Book will be kept upon the premises all the time.
Nothing belong existing Health & Safety requirements.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

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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).

You must check the box for this declaration

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

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

* Full name

* Capacity

Date (dd/mm/yyyy)

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.

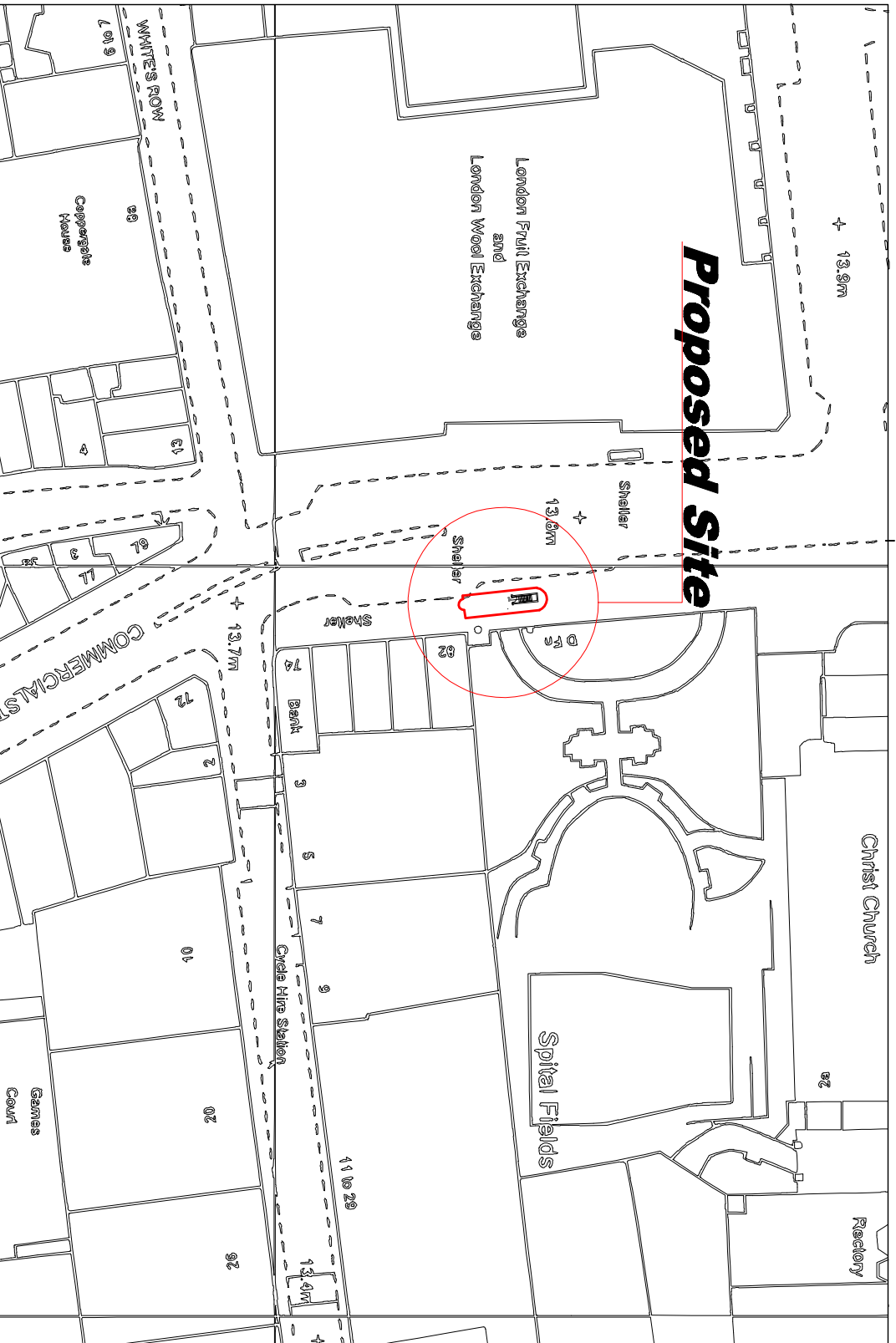
Don't forget to make sure you have all your supporting documentation to hand.

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

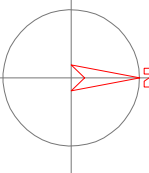
IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT 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



Location Map.

Scale:- 1:1250



All dimensions are to be checked on site. Any discrepancies are to be reported to the architect/supervising officer before work commences. Figured dimensions only are to taken from drawing.

This scheme is subject to town planning and all other necessary consents. Dimensions areas and levels where given are only approximate and subject to site survey.

This drawing is to be read in conjunction with all relevant consultants and / or specialists drawing / documents and any discrepancies or variations are to be notified to the architect / supervising officers before the affected work commences.

Client

Engr. Sushanta Das Gupta MCIEM

Project

VENUE 82

On premises

82a Commercial Street
London E1 6LY.

Drawing title

Location Map.

Overall area

Date	Revisions

Scale 1:1250

Sheet Size A4

Job no

D28 DWG-403

Drawing by

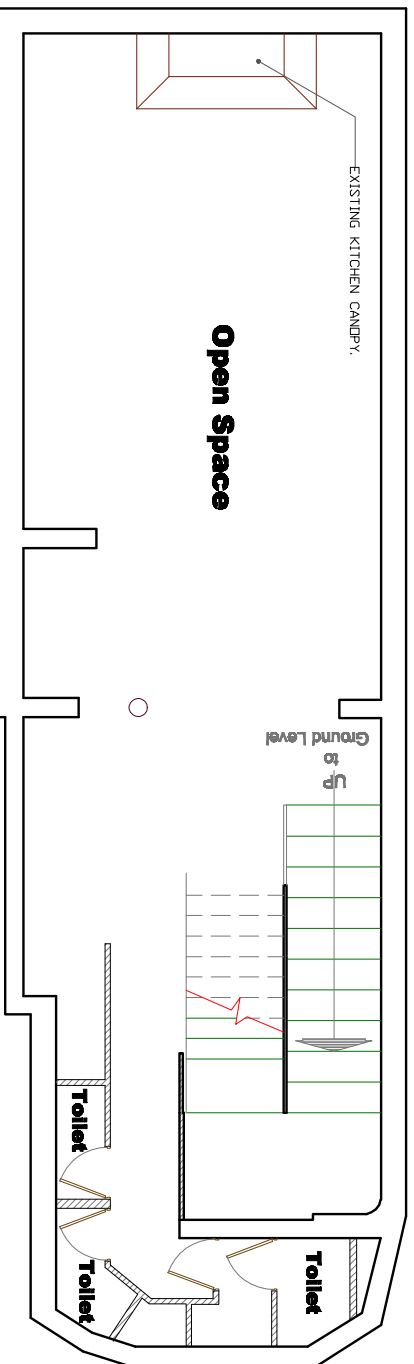
Dh

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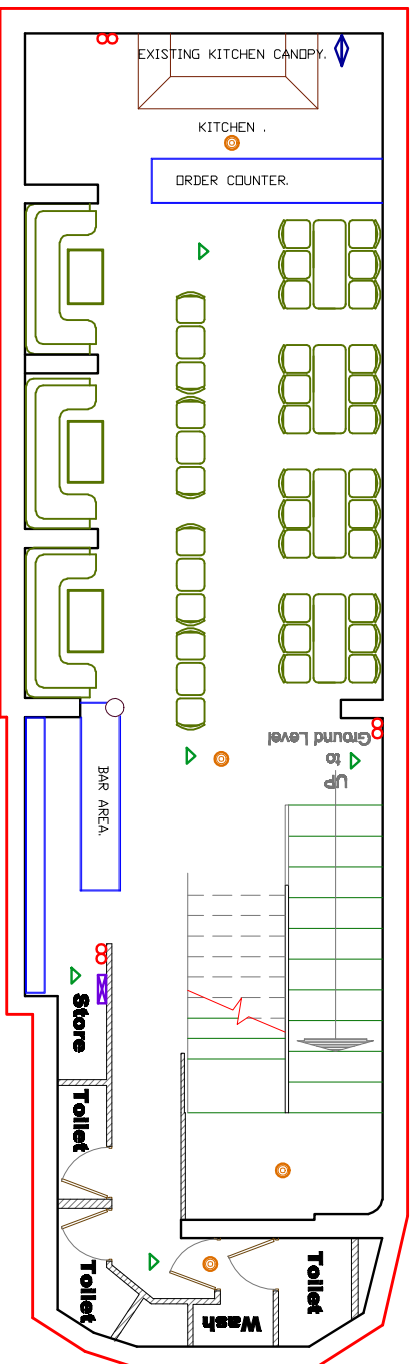
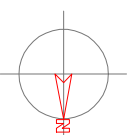


Existing Basement Plan.

Scale:- 1:100

NOTE

- Fire Extinguisher.
- Fire Control Panel.
- Fire Alarm.
- Smoke Detector.
- CO₂ Detector.



Proposed Basement Plan.

Scale:- 1:100



All dimensions are to be checked on site. Any discrepancies are to be reported to the architect/supervising officer before work commences. Figured dimensions only are to taken from drawing.

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This drawing is to be read in conjunction with all relevant consultants and / or specialists drawing / documents and any discrepancies or variations are to be notified to the architect / supervising officer before the affected work commences.

Client
Engr. Sushanta Das Gupta GCIEH

Project
VENUE 82

On premises
**82a Commercial Street
London E1 6LY.**

Drawing the
**Existing And Proposed
Floor plans.**

Client's name
78-82 square

Date	Revisions

Scale	Rev
1:100	
Sheet Size A4	

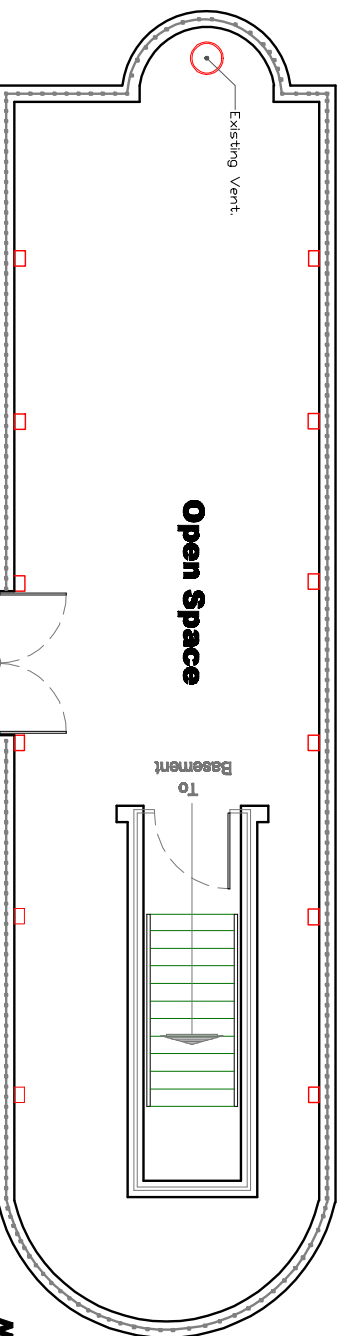
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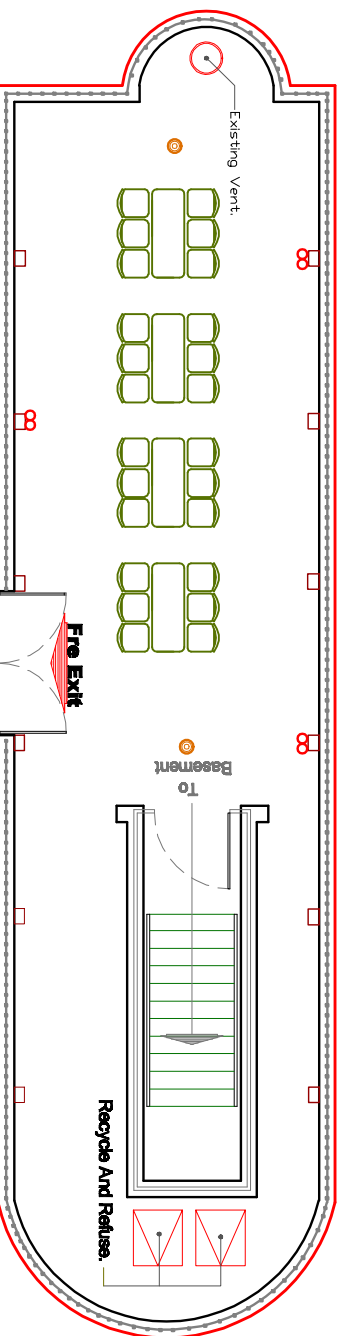
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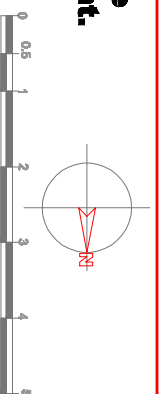
1 Fondant Court, Payne's Road, Bow
London E3 2SP.
E-mail : **www.sushanta.net**
Web: **www.sushanta.net**



Existing Ground Level Plan.
Scale:- 1:100



Proposed Ground Level Plan.
Scale:- 1:100



NOTE
 ○○ Fire Extinguisher.
 ● Fire Alarm.

All dimensions are to be checked on site. Any discrepancies are to be reported to the architect/supervising officer before work commences. Figured dimensions only are to taken from drawing.

This Scheme is subject to town planning and all other necessary consents. Dimensions areas and levels where given are only approximate and subject to site survey.

This drawing is to be read in conjunction with all relevant consultants and / or specialists drawing / documents and any discrepancies or variations are to be notified to the architect / supervising officer before the affected work commences.

Client
Engr. Sushanta Das Gupta MCIIEH

Project
VENUE 82

On premises
82a Commercial Street
London E1 6LY.

Drawing the
Extirgland Proposed
Ground Level plans.

Client's name

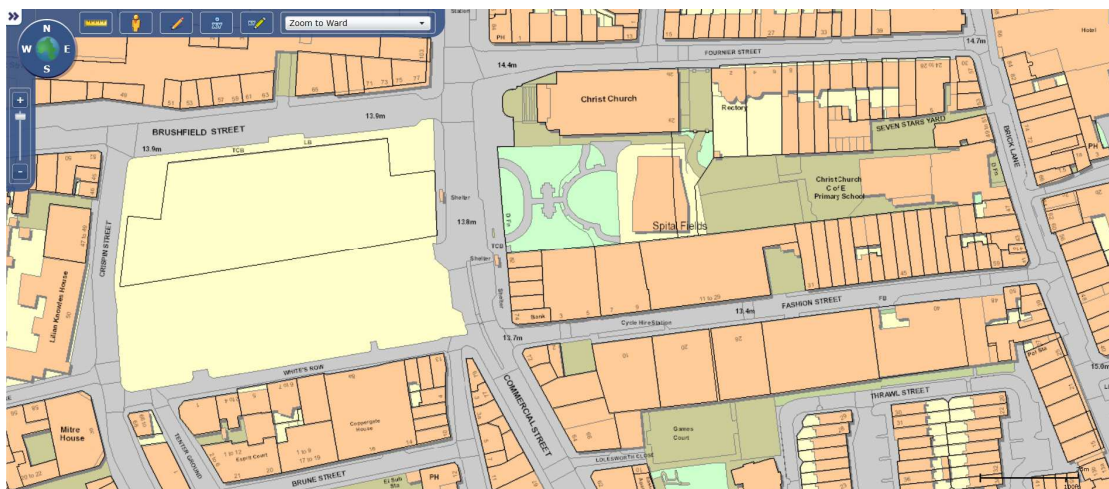
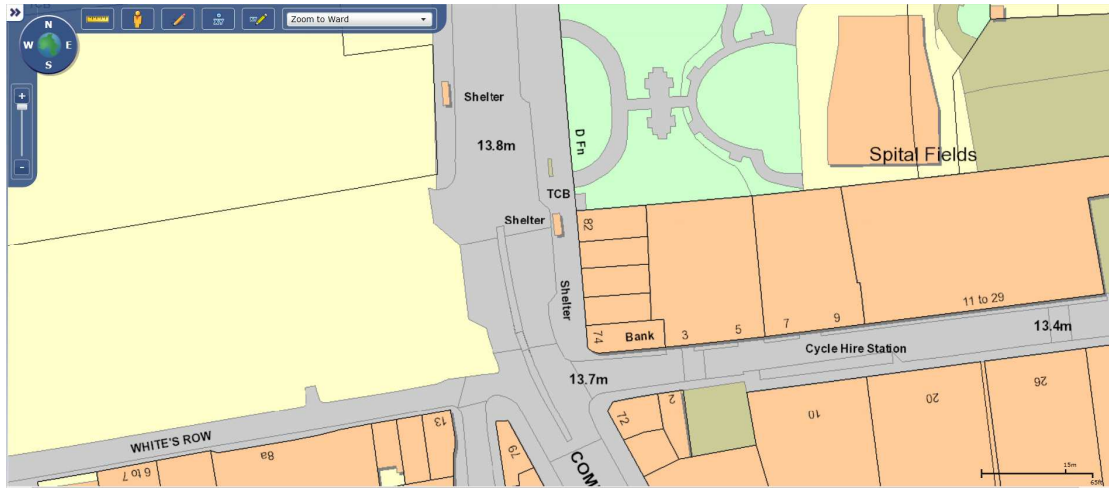
Date	Revisions

Scale 1:100	Rev
Sheet Size A4	
Job no 228	Drawing no DYG-A02
Drawing by Djn	

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 London E3 2SP.
 E-mail :
 Web: www.sushanta.net

Appendix 3



Appendix 4

Name and address	Licensable activities	Opening times
<p>(Ten Bells) 84 Commercial St</p>	<p><u>Sale of Alcohol by retail.</u> Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day.</p> <p><u>Late Night Refreshment</u> Sunday to Wednesday 23.00 hours until midnight. Thursday to Saturday 23.00 until 01.00 hours the next day.</p> <p><u>Regulated Entertainment</u> Sunday to Wednesday 06.00 hours - midnight next day. Thursday to Saturday 06:00 hours – 01:00 hours the following day.</p>	<p>Sunday to Wednesday 06.00 hours – midnight.</p> <p>Thursday to Saturday 06.00 until 01.00 hours the next day.</p>
<p>(PizzaExpress) 88-90 Commercial Street</p>	<p><u>The sale by retail of alcohol</u></p> <ul style="list-style-type: none"> ▪ Monday to Saturday 10 00 hrs to midnight ▪ Sunday 10 00 hrs to 23 30 hrs <p><u>The provision of regulated entertainment</u></p> <ul style="list-style-type: none"> ▪ Monday to Saturday 10 00 hrs to midnight ▪ Sunday 10 00 hrs to 23 30 hrs <p><u>The provision of late night refreshment</u></p> <ul style="list-style-type: none"> ▪ Monday to Saturday until midnight ▪ Sunday 10 00 hrs until 23 30 hrs 	<ul style="list-style-type: none"> ▪ Monday to Saturday 10 00 hrs to 00 30 hrs ▪ Sunday 10 00 hrs to 00. 00 hrs
<p>(St John Bread & Wine) 94-96 Commercial Street</p>	<p><u>The sale by retail of alcohol</u> On weekdays, other than Christmas Day, Good Friday or New Year’s Eve, 10 a.m. to 11 p.m.</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(Costfix) 80 Commercial Street</p>	<p><u>The sale by retail of alcohol</u> Monday to Saturday from 10:00 hours to 23:00 hours Sunday from 12:00 (noon) to 23:00 hours</p>	<p>Monday to Sunday from 07:00 hours to 23:00 hours</p>
<p>(Blessings) 76 Commercial Street</p>	<p><u>Sale of alcohol by retail.</u> Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p>	<p>Sunday to Thursday 11:00 hours - midnight</p> <p>Friday & Saturday 11:00 hours – 01:00 hours</p>

	<p><u>Regulated entertainment.</u> (Live music and recorded music only). Sunday to Thursday 11:00 hours – 23:40 hours Friday & Saturday 11:00 hours – 00:40 hours the following day.</p>	
<p>(Square Pie) 105c Commercial Street</p>	<p><u>The sale by retail of alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 11:00hrs to 21:00hrs 	<p>Monday to Sunday from 10:00hrs to 22:00hrs</p>
<p>(Taberna do Mercado) 107b Commercial Street</p>	<p><u>The sale by retail of alcohol</u> Monday to Saturday 10:00 hours – 23:00 hours Sunday 10:00 hours – 21:00 hours</p>	<p>Monday to Saturday 08:00 hours – 23:00 hours Sunday 08:00 hours – 21:00 hours</p>
<p>(Momo Canteen) 75 Commercial Street</p>	<p><u>The sale by retail of alcohol (On Sale Only)</u> Monday to Sunday 12:00 – 22:30</p>	<p>Monday to Sunday 11:30 to 23:00</p>
<p>(East End Organic Food & Wine) 13a Whites Row</p>	<p><u>The sale by retail of alcohol</u> Monday to Saturday from 08:00 hours to midnight Sunday from 08:00 hours to 23:00 hours</p>	<p>Monday to Saturday from 08:00 hours to midnight Sunday from 08:00 hours to 23:00 hours</p>

Appendix 5

**Section 182 Advice by the Home Office
Updated on April 2018**

Relevant, vexatious and frivolous representations

9.4 A representation is “relevant” if it relates to the likely effect of the grant of the licence on the promotion of at least one of the licensing objectives. For example, a representation from a local businessperson about the commercial damage caused by competition from new licensed premises would not be relevant. On the other hand, a representation by a businessperson that nuisance caused by new premises would deter customers from entering the local area, and the steps proposed by the applicant to prevent that nuisance were inadequate, would be relevant. In other words, representations should relate to the impact of licensable activities carried on from premises on the objectives. For representations in relation to variations to be relevant, they should be confined to the subject matter of the variation. There is no requirement for a responsible authority or other person to produce a recorded history of problems at premises to support their representations, and in fact this would not be possible for new premises.

9.5 It is for the licensing authority to determine whether a representation (other than a representation from responsible authority) is frivolous or vexatious on the basis of what might ordinarily be considered to be vexatious or frivolous. A representation may be considered to be vexatious if it appears to be intended to cause aggravation or annoyance, whether to a competitor or other person, without reasonable cause or justification. Vexatious circumstances may arise because of disputes between rival businesses and local knowledge will therefore be invaluable in considering such matters. Licensing authorities can consider the main effect of the representation, and whether any inconvenience or expense caused by it could reasonably be considered to be proportionate.

9.6 Frivolous representations would be essentially categorised by a lack of seriousness. Frivolous representations would concern issues which, at most, are minor and in relation to which no remedial steps would be warranted or proportionate.

9.7 Any person who is aggrieved by a rejection of their representations on either of these grounds may lodge a complaint through the local authority’s corporate complaints procedure. A person may also challenge the authority’s decision by way of judicial review.

9.8 Licensing authorities should not take decisions about whether representations are frivolous, vexatious or relevant to the licensing objectives on the basis of any political judgement. This may be difficult for councillors who receive complaints from residents within their own wards. If consideration is not to be delegated, contrary to the recommendation in this

Guidance, an assessment should be prepared by officials for consideration by the sub-committee before any decision is taken that necessitates a hearing. Any councillor who considers that their own interests are such that they are unable to consider the matter independently should disqualify themselves.

9.9 It is recommended that, in borderline cases, the benefit of the doubt about any aspect of a representation should be given to the person making that representation. The subsequent hearing would then provide an opportunity for the person or body making the representation to amplify and clarify it.

9.10 Licensing authorities should consider providing advice on their websites about how any person can make representations to them.

Appendix 6

Corinne Holland

From: Alan Williams <a [REDACTED]>
Sent: 24 September 2018 22:32
To: Licensing
Cc: MARK.J.Perry@[REDACTED]
Subject: 82a Commercial Street

I understand that the premises are still owned by the previous owner and manager. As Public Life, the underground nightclub was a major source of ASB and nuisance in the community. Its licence was revoked in January 2012 following a police drugs raid. Its closure created a safer, less intimidating neighbourhood. There is nothing in the application that suggests things will be different this time round.

I do not believe that the premises should be granted an alcohol licence for the following reasons:

- the premises are underground; how can the Licensing Authority ensure that its licensing objectives are being met?
- there is a large fire risk as the result of the single entry/exit;
- lack of soundproofing means noise nuisance is inevitable;
- its location in front of Christ Church makes it, when drunk and disorderly behaviour can be expected, an inappropriate venue;
- the premises have a longstanding association with drug taking and selling, a problem which continues to blight the local community.

The site is within LBTH's Cumulative Impact Zone. I object on those grounds alone. The CIZ policy recognises the negative impact on the quality of lives of those living and working within the designated area. There is already too much alcohol being sold within the CIZ, resulting in drunkenness and associated appalling behaviour in and adjacent to a residential area, where there are many children.

For the avoidance of doubt, I object to this licence application.

Alan Williams
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Please redact these details where possible, particularly on websites.

Appendix 7

Kathy Driver

From: Alex Gordon Shute [REDACTED]
Sent: 30 September 2018 17:51
To: Licensing
Cc: MARK.J.Perry [REDACTED]
Subject: Licence objection: 82A Commercial Street (premises formally known as Public Life)

Dear Sir,

I write to object to the licence application for 82A Commercial Street. The licence on the previous premises (under the same owner) was revoked in January 2012 after a police drugs raid which successfully apprehended a number of criminals for drug related offences. The owner was one of the people arrested, from what I understand. Closure of these premises has created more peace, less anti social behaviour, and a less easy environment for drug dealing and taking in the Spitalfields area – all of which are to be applauded.

The underground space means it's hard to ensure that licensing objectives are met, and the premises suffers from a high risk of fire (with only one entrance/exit to street level). The anti social behaviour is particularly unpleasant outside the area's most historic and prestigious building (Christchurch). It would be a huge benefit to the local community (including the increasing number of children who live in the area), to make sure that the premises are not re-licensed. A much better idea would be for the Council to purchase the building with a compulsory purchase order, and turn the building back into public toilets – which the area badly needs.

Best wishes

Alex Gordon Shute
[REDACTED]

Alex Gordon Shute
[REDACTED]
[REDACTED]
[REDACTED]@

IthacaPartners

Appendix 8

Corinne Holland

From: Carolyn Fuest <[REDACTED]>
Sent: 11 September 2018 15:19
To: Licensing
Cc: MARK.J.Perry [REDACTED]
Subject: licence application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

We are writing to OBJECT to the license application for the former Public Life building.

Here are our reasons for objecting:

- Inside the saturation zone. As residents here (we have lived here for over 30 years), we are already subjected to noisy and antisocial behaviour from people who come to this area to drink as much as they possibly can. We don't need any more.
- Another licensed premise here which is very close by to drug dealing on Fournier Street and other neighbouring streets will not help the very real problem of drug dealing in this area.
- The layout of the premises means that it is very hard to police behaviour (note the problems associated with the previous owners, well documented).
- Proximity to Christ Church Spitalfields and the inappropriateness for drunken behaviour. Drunken behaviour outside the premises is inevitable as the premises is very small and people leaving come straight out in front of the church - one of Tower Hamlets' iconic buildings.
- The previous license provoked an unbelievably awful situation for residents which changed dramatically when their license was revoked.

Please kindly take our objections into account when considering this application. Thank you.

Carolyn & David Fuest
[REDACTED]
[REDACTED]

Appendix 9

Corinne Holland

From: David Gadd <[REDACTED]>
Sent: 24 September 2018 09:24
To: Licensing; Frank Pickard
Subject: OBJECT to licence application for "Venue 82", 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

Dear LBTH Licencing,

We strongly object to the licence application at [82a Commercial Street, E1 6LY](#).

1. The application is within the Council's Cumulative Impact Zone. The council recognised that the area suffers from cumulative impact as a result of the very high density of alcohol outlets in the vicinity.
2. Further - the basement bar/diner previously occupying these premises under the same ownership caused intolerable levels of disturbance to the neighbouring community.
3. This disturbance emanated directly from the premises due to the inadequate measures for noise insulation and sound limitation. The disturbance was also caused in the form of anti-social behaviour and abuse by customers in its vicinity. Such behaviour consisted of screaming, shouting, swearing, defecating, urinating and vomiting, such that local residents felt frightened to walk past the premises. This affected not only residents but also churchgoers and local businesses.
4. The underground space means it is difficult for the police, fire service and local authority to ensure that the licensing objectives are being met.
5. The premises have a longstanding association with drug taking and selling, a problem which continues to blight the local community.
6. This particular application poses problems as there is the strong likelihood that customers will loiter in the local area causing a disturbance whilst they consume takeaway food and alcohol on the steps of local residents the steps of Christ Church and Christ Church gardens which is adjacent to a children's nursery.
7. Since the bar was closed in 2012, the environment around the premises has improved, with less noise, anti-social behaviour and disorder, and measures put in place by the Council and the Police to control crime and disorder - however, drug taking and selling is still a serious problem in the area.
8. Against this background, the reintroduction of the premises licence would be a seriously retrograde step. It would add to the cumulative impact already being experienced, and would be likely to result in nuisance and crime and disorder .
9. We do not consider that there are conditions which would render the proposal acceptable.

David
David Gadd and Frank Pickard

[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

Corinne Holland

From: Daron Pike <[REDACTED]>
Sent: 12 September 2018 10:24
To: Licensing
Cc: MARK.J.Perry [REDACTED]
Subject: License Objection - 82a Commercial Street, E1.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing Team,

Please accept my formal objection to the license application for the premises 82a Commercial Street, E1.

The licensing committee should reject the application in the following grounds;

1. The premises under its current same ownership has a criminal history having its licence revoked in 2012 after a police drugs raid resulting in 11 arrests. As such will encourage crime and disorder and threaten public safety'
2. The underground nature of the venue makes the premises difficult to ensure that the licensing objectives are being met and safety of clients is compromised. This is a public safety risk.
3. The premises has a history of causing public nuisance in an area suffering from an extreme amount of anti-social behaviour.
4. The location of a licensed premises on the step of the historic Christ's Church Spitalfields is inappropriate and offensive to endorse what will certainly become drunk and disorderly behaviour of patrons.
5. The premises is within LBTH's Cumulative Impact Zone which is currently suffering from an extraordinary amount of anti-social behaviour and there is no need or demand for another licensed premise.
6. The residents of Spitalfields & Banglatown need serious changes and improvements to their community, new licenses in inappropriate saturated areas seek only to exacerbate the problems and not solve them.

I hope and expect, for the sake of the local community, to see this application rejected.

Regards,

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

Appendix 11

Corinne Holland

From: Glen Mifsud <[REDACTED]>
Sent: 26 September 2018 11:15
To: Licensing; Mark Perry; MARK.J.PERRY [REDACTED]
Subject: Attn: LBTH licensing and Met Police - objection to licensing application on 82a Commercial st

Follow Up Flag: Follow up
Flag Status: Completed

I would like to object to the current licence application for the supply of alcohol submitted for 82a Commercial Street E1.

This is not an ordinary, routine application. These premises and their management have consistently been associated with police drug raids, extreme public nuisance, violence and other criminality which created an unsafe neighbourhood, as acknowledged many times by the police at the time. The proof is that the issues raised when the previous license was withdrawn by LBTH ceased immediately on the closure of the premises, as did the misery caused to the neighbourhood. The passage of time is no excuse to reinstate the same regime that impacted our lives and wasted massive police resources.

I have lived with my family for 11 years very close to the premises, at the western end of Fournier Street. When the premises was last licensed, run as an out of hours underground nightclub, it caused considerable and long lasting nuisance and distress to us as a family. Because the premises is invisible from the street, illicit drug dealing and taking was habitual, as was the serving of patrons who were already intoxicated. Patrons would rampage around the surrounding area, disturbing us by day and night. Music would keep my children, who were young and at school at the time, awake for hours. They were routinely frightened by the antisocial behaviour of patrons who loitered in our residential street after leaving the club, typically screaming and shouting, urinating and even defecating in the street, and sometimes losing consciousness. Planning and licensing hours were routinely breached, as were any conditions imposed. The club achieved an unusual level of notoriety and required persistent effort on the part of the Metropolitan police, together with LBTH licensing and planning, to try to control it. These efforts culminated in a police raid in 2011 which led to the arrest of patrons and the current owner, and the revocation of the licence in 2012. This single act instantly improved the quality of life in the area, and is why we will continue to oppose any relicensing of the premises, on any terms.

82a is within the Cumulative Impact Zone, which was implemented in recognition of the saturation of the area by licensed premises, and the negative impact this can have on the lives of those of us who live and work here. For this reason alone the application should be refused. The applicant cannot adequately demonstrate that their licence would not add to this negative impact, due to the impossibility of properly and consistently policing the site. The measures listed in the application are formulaic and unconvincing.

The premises is clearly unsuitable as a licensed venue due to its being an underground site, with one entry only. Aside from the evident fire risk there is the ongoing challenge of enforcing the licence without direct sight from the street. The venue is located in front of Christ Church, and so inappropriate as a licensed space. Drug taking and dealing continues to blight our area. Relicensing a venue with a known and notorious drug connection can not be a good idea.

For these reasons I reiterate my objection to the licensing application for 82a Commercial Street E1.

Glen Mifsud
[REDACTED]

Appendix 12

Corinne Holland

From: Hazel Mulligan <[REDACTED]>
Sent: 24 September 2018 16:53
To: Licensing
Cc: MARK.J.Perry [REDACTED]
Subject: Public Life, 82a Commercial Street, E1 6LY.

Dear Sir, Madam,

I wish to object to the application for a license by Public Life, 82a Commercial Street E1

Under the Prevention of Public Nuisance as well as Prevention of Crime and Disorder, I think that this licence application should be refused because of;

Extensive use of drugs resulting in serious antisocial behaviour - crime,

Excessive sales of alcohol resulting in urinating and vomiting in the surrounding streets.

The known drug use on these premises alone, as documented by the police, should be enough grounds to refuse this application.

Given that I must supply my details to validate this objection, please redact my details from any information given for public access.

With thanks,
Hazel Mulligan,

[REDACTED]
[REDACTED]

Sent from my iPad

Appendix 13

Corinne Holland

From: John and Sandy Critchley [REDACTED]
Sent: 15 September 2018 10:54
To: Licensing; mark.j.perry [REDACTED]
Cc: 'Critchley'
Subject: Licence application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

Dear Sir or Madam,

We understand that another licence application for the sale of alcohol has been submitted to LBTH for the premises at 82a Commercial Street formerly known as Public Life. These premises were formerly a major source of anti-social behaviour and nuisance in this community, and the previous licence was revoked in January 2012 following a police raid.

We wish to object in the strongest possible terms to the granting of a new licence, and our objection is based on the threat posed to the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

We feel the premises should never regain an alcohol licence and would point out that the space is underground which means it is difficult to ensure licensing objectives are being met; its single entry/exit increases risk to customers in the event of fire; the lack of soundproofing means noise nuisance is inevitable; the premises have a longstanding association with drug taking and selling, a problem which continues to blight the local community; and the location in front of Christ Church makes it an inappropriate venue for the drunk and disorderly behaviour which would be inevitable – we note that the premises remain in the hands of the previous owner and manager.

We urge you to refuse this new application.

Yours faithfully,

John and Sandy Critchley

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

Appendix 14

Corinne Holland

From: James Isola [REDACTED]
Sent: 11 September 2018 16:40
To: Licensing
Cc: MARK.J.Perry@m [REDACTED]
Subject: licence application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

I wish to strenuously object to the license application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

I live opposite the premises and feel it should never get an alcohol licence for these reasons.

1. The venue has a longstanding association with illegal drug taking and selling. This is a serious problem in our community and the underground nature of the venue makes it hard to ensure licensing objectives are being met
2. Its location in front of our local church Christ Church makes it an inappropriate venue for drunk and disorderly behaviour
3. It has increased fire risk as it is underground with a single entry/exit
4. Its lack of soundproofing means noise nuisance will be inevitable
5. I am also objecting to the application on the grounds of saturation, as the site is within LBTH's Cumulative Impact Zone

James Isola
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 15

James Jobe
Owner Occupier of

30 September 2018

licensing@towerhamlets.gov.uk

The Licensing Team
Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

Copy: MARK.J.Perry@

**Objection to License Application 82a Commercial Street E1 6LY
(formerly PUBLIC LIFE)**

I wish to lodge an objection to the above application.

Please redact my personal details from any documents viewable on the internet.

I make my objection on the basis that I am a local resident in the close vicinity of the premises.

My objections relate to:

- Crime and disorder;
- Public Safety;
- Public Nuisance;
- Exposure of children to harm; and
- the sale of alcohol on the premises.

In addition, the underground location makes it particularly difficult to monitor that license conditions are being met. It is also understood that the applicant does not have a good track record of being a responsible licensee on these premises.

Also, the proposed license is of major concern due to cumulative impact. The premises are within Tower Hamlets Brick Lane Cumulative Impact Zone (CIZ), and as such the area is already proven to have reached saturation point with respect to licensed premises.

This will undoubtedly reduce the quality of life of those of us who live in the vicinity, for the various reasons outlined in this response.

Crime and disorder

There is a distinct possibility that the area will see an increase in public order disturbances and anti-social behaviour (e.g. street disturbance, abuse, public urinating, vomiting, littering), caused through another license for the consumption of alcohol.

Existing police statistics show consistent incidents relating to crime and antisocial behaviour in the area; these crime numbers will inevitably increase with another licensed premises.

Public Safety

The addition of another venue, coupled with the sale of alcohol will inevitably lead to public safety issues.

The single entry/exit of the underground venue is concerning in the event of fire.

Public nuisance

My concerns relating to Public Nuisance are:

Noise:

Noise will be generated by those cleaning up after customers outside the venue during night time or weekend hours. Also, a lack of adequate soundproofing will cause a nuisance.

People:

People gathering outside the venue have the potential to create noise, rubbish and unacceptable nuisance to local residents. The location in front of Christ Church makes it an inappropriate venue for noisy, drunk and disorderly behaviour.

Smoking:

That people will be smoking outside the venue in front of Christ Church is inappropriate. This will no doubt result in more litter from discarded cigarettes and fire hazards and people just generally loitering.

Litter, urinating/vomiting:

There will undoubtedly be an unacceptable increase in rubbish outside of the venue which will either be cleaned up in darkness causing noise to local residents, or not be cleared up until daylight, and which will result in the potential for rodents to gather in large numbers.

There is an established correlation between the sale of alcohol and urination/vomiting in the streets.

The protection of children from harm

A new venue will inevitably attract young crowds, the underground location making the monitoring of the consumption of alcohol on the premises difficult to control and so exposing children to harm.

It is understood that the premises has a long-standing association with drug taking and selling, a problem which continues to blight the local community, another venue exposes children in particular to harm.

Yours faithfully

James Jobe

Please redact my personal details from any documents viewable on the internet.

Appendix 16

Corinne Holland

From: John Nicolson [REDACTED] >
Sent: 11 September 2018 14:50
To: Licensing
Subject: 82a Commercial Street

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

82A Commercial Street licence application 'Venue 82'

I wish to object to the licence application for the above premises.

For more than a decade, neighbours fought to have these premises closed down. The owner regularly opened outside permitted hours, packed the premises with huge numbers of people - well beyond the permitted capacity, locked people in, and operated as a well known drugs destination.

The premises were finally closed following a police raid which uncovered a significant amount of class A drugs being sold and kept behind the bar. A number of people were arrested including the current owner.

He is not a fit and proper person to be the owner of a licensed premise, and I urge you to reject this, the latest of his many license applications.

Moreover I would like to make the following points;

These premises fall within Tower Hamlet's Cumulative Impact Zone - introduced by the Council in recognition of the increasingly unpleasant effect which the plethora of pubs and bars have on those of us who live in the area.

82a Commercial Street was an underground lavatory, designed to accommodate no more than ten people at any one given time. It is not a suitable location for 100 plus drunk clubbers. It has no fire exit. It is an underground concrete box. Were a fire to break out it would be a death trap.

Other former underground lavatories have found new incarnations across London - several becoming coffee shops. Had the owner of 82a wanted to put these premises to use he could have applied to open a cafe. However it's clear he has only one aim - to reopen his bar, sell alcohol, and resume his previous illegal activities.

Please reject the application.

Yours faithfully,

John Nicolson
[REDACTED]

Appendix 17

Corinne Holland

From: Jon Shapiro <[REDACTED]>
Sent: 17 September 2018 17:16
To: Licensing
Cc: Mark Perry
Subject: Licensing Application by "Venue 82" at 82a Commercial Street, E1 6LY.

Dear Sir or Madam,

I would like to request that this Licence Application should be **wholly refused** on the grounds of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

as the premises is within the Brick Lane area Cumulative Impact Zone (CIZ) and the premises has such an appalling track record of causing nuisance to residents and being a "drugs den" that in my opinion it should never again be granted an alcohol licence until and unless it could be proven without any shadow of doubt that both the owner of the premises and the applicant are wholly responsible members of the community.

I would never suggest that a licence application by a reputable restaurant for selling alcohol with food during core hours should be refused just because the Brick Lane area is a CIZ. However, in the case of **these specific premises** (still owned by the same owner who permitted the premises use as a drugs den for five years by "Public Life") I do believe that the CIZ is a wholly reasonable justification for refusing this application.

The CIZ was introduced 5+ years ago because of the influence alcohol was causing in fuelling cases of ASB and violence in the area. As was the case then, I believe that there are still far too many premises selling alcohol within the CIZ (which is precisely why the current licensing review has retained the Brick Lane area CIZ). Any increase in their number must inevitably risk increasing the incidence of ASB and violence. 82a Commercial Street (given its previous history) is in my opinion precisely a premises that under the CIZ should never again be given an alcohol license whilst it still remains owned by the same person.

The Brick Lane area is plagued by ASB and hospital admissions to A&E. I believe that the Licensing Committee must assist the Police and other authorities in refusing any and all license applications that might encourage or increase the consumption of alcohol by drinkers in the Brick Lane area. Indeed by definition the CIZ means that the Licensing Panel **must refuse** the application unless the applicant can prove conclusively that granting the premises an alcohol license will have no impact on the CIZ. I believe that 82a Commercial Street, whilst owned by the current owner, is totally unable to meet that criteria.

For many years the premises has been available for purchase at a price in the order of £1,000,000. The owner believing that is the capital value of the premises, implies that the annual rental expected could never reasonably be less than £50,000 per annum. Given the small underground space it is difficult to ensure licensing objectives are being met. More importantly, I do not believe that any normal restaurant could make sufficient profit from that space to be able to afford a rental of £50,000 pa or more. The implication of these economic factors is that such a small underground space can only be rented profitably from the current owner if illegal activities are potentially involved

Quite apart from the disgraceful history of the premises:

- the single entry and exit means there is a major fire risk if the premises are used by a significant number of people.
- the lack of soundproofing of the glass entry enclosure and its surrounding open area means noise nuisance to local residents is inevitable, just as was the case in the days of "Public Life".
- the location immediately in front of Christ Church (a Class 1 Listed building and a major tourist attraction) makes the premises a totally inappropriate venue for encouraging drunk and disorderly behaviour
- both the area in general, and the premises in particular, have a long-standing association with drug taking and selling, a problem which continues to blight the local community

For all the reasons quoted above I believe it would be a breach of the CIZ for the Licensing Panel to grant this Licensing Application, and I most strongly request that this Licensing Application should be **wholly rejected**.

Yours faithfully,

Jon Shapiro.

Resident at:

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

Appendix 18

Tower Hamlets
Licencing Section
John Onslow House
1 Ewart Place
London E3 5EQ

licencing@towerhamlets.gov.uk

Dear Licencing Team,

Re. Objection for a licence application: “Venue 82”, 82a Commercial Street E1 6LY

In the strongest terms I wish to object to the licence application for the sale of alcohol from 1100–2300 Monday – Saturday and 1200-2200 on Sunday at the above premises.

Prevention of Crime and Disorder

The said venue when known as “Public Life” had previously been closed due to illegal activities, continuous breached the terms of their license.

I am led to believe that the owner of the venue now – Venue 82, is the same now as when it was “Public Life”.

Given that there was no proper control over the operation in the past despite repeated warnings, there is an established profile of the reckless approach to the Prevention of Crime and Disorder.

Prevention of Public Nuisance

Having being a resident at 103 commercial Street for the last 18 years only meters away from No 82a, I find appalling that M. Is reapplying for a License after having subjected the local residents to considerable nuisance when managing the then “Public Life” underground bar & nightclub.

Noise: The ill-suited building which was a public toilet has no soundproofing material which no doubt will generate noise nuisance just like it did when in activities before it got shut down.

Anti-Social Behaviour: Patrons would regularly leave the premise exceedingly intoxicated. Vomiting on the Church forecourt and Neighbours front doors was a regular occurrence.

The location of this underground premises is right at the foot of Grade 1 listed Christ Church. It is totally incompatible for a wedding to take-place with guest being forced to co-mingle with patrons entering and leaving the establishment.

Protection of Children from Harm

Several of our members have young families and the effect of the shouting and rowdy behaviour not only deprives our youngsters of sleep but also interferes with their study time. We must add that the previous experience of our children seeing evidence of drug use at

this site was completely unacceptable and we fear the re-occurrence of such dangerous activities

Public Safety

82a Commercial Street is the site of a former public lavatory and the premises are underground with only one way to get both in and out. Should an extraordinary event occur, for instance a fire or terror alert, the result of a stampede for the one exit would be catastrophic.

CIZ

82a is located in one of the biggest saturated drinking zones in Spitalfields. Allowing another License establishment would simply be a curse for the local residents' quality of life and a breach of what CIZ stands for.

This application is entirely contrary to current licensing policy in the area and only has the potential for causing more public nuisance worsening the livelihood of the inhabitants of Spitalfields.

Yours Sincerely

Jonathan Stebbins

[Redacted signature]

Please redact my details from documents accessible on the internet

Appendix 19

Kathy Driver

From: Keith Bowler [REDACTED] >
Sent: 29 September 2018 10:53
To: Licensing
Cc: MARK.J.Perry@[REDACTED]
Subject: 82a Commercial Street

Dear Licensing,

I would like to register my objection to the application for a license for 82a Commercial Street.

These premises have been an acute nuisance for years within the Spitalfields area. Previous tenants have shown little or no regard for local residents with multiple examples of ant-social behaviour. I see no reason to believe that a new license would improve the situation.

Also the premises constitutes an extreme fire risk having only one entrance which is also an exit.

It has been shown in the past that this venue is a magnet for drug taking and aggressive ant-social behaviour. Situated immediately in front of Christ Church. a more inappropriate use of this space is hard to imagine.

Thank you,

Keith Bowler

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

Appendix 20

Corinne Holland

From: Blog Admin [REDACTED] >
Sent: 14 September 2018 15:07
To: Licensing
Cc: MARK.J.Perry [REDACTED]
Subject: Objecting license for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

Dear Licensing,

I am emailing as a resident of Spitalfields (Katherine Ruane, [REDACTED]) to object to the license application for 82a Commercial Street E1 6LY. I object for a variety of reasons including the fact that it is within the quiet zone that the council have dedicated to the area to limit the negative impact of noise and drunken behaviour to those who live and work in the area.

I'm also objecting due to its history of being a site known for drug dealing and use, and it's not fair to grant a licence that will no doubt encourage this behaviour to return and to add yet another burden to our police who are already understaffed and underfunded. The negative impact drug dealing and use has on the community for adults, children and animals is huge and I don't want to live in close proximity to this and/or the side effects of behaviour that drugs have. I want to feel safe in my community and having drunk people near my front door on a regular basis is one thing, to have people under the influence of drugs is another. Also in terms of safety, it's right by a busy road and there is a health and safety risk to both those coming out of the venue not in a sober state and those driving and cycling along commercial street.

I hope my objections are taken into consideration when the decision is made.

Kind regards,
Katie Ruane
[REDACTED]

Appendix 21

Corinne Holland

From: Barra Little [REDACTED] >
Sent: 13 September 2018 19:45
To: Licensing
Cc: mark.j.perry@m [REDACTED]
Subject: Re: licence application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

Dear all,

I wish to strenuously object to the license application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

I live opposite the premises. It is inconceivable that this location should get an alcohol license, even for limited hours. There can be no worse candidate for a license, based on its physical attributes, its past history and the record of its owners. Further we know exactly what impact this license will have because neighbours lived through this previously with the same site. It had a hugely negative impact on residents which must not be tolerated

1. The venue has a longstanding association with illegal drug taking and selling. This is a serious daily problem in our community and the underground nature of the venue makes it hard to ensure licensing objectives are being met.
2. Its location in front of our local church Christ Church makes it an inappropriate venue for drunk and disorderly behaviour. Can you imagine a crowded outdoor bar just outside the church steps during a funeral?
3. It has increased fire risk as it is underground with a single entry/exit
4. The structure of the space, which has a large outdoor fenced area at ground level, means that it will effectively be an outdoor drinking and smoking area right outside my windows. The venue was recently used for a pop up event and the noise was unbearable.
5. Its lack of soundproofing underground means noise nuisance will be inevitable and indeed this was the case with residents who complained on many occasions when the venue was last used.
6. I am also objecting to the application on the grounds of saturation, as the site is within LBTH's Cumulative Impact zone. The CIZ is meaningless if sites such as these are permitted to become drinking areas.

These are not issues that can be mitigated effectively. Conditions such as limited hours or security guards will not solve these issues and as such I urge you to reject any license for this location.

I also urge the police to weigh in on the obvious safety and crime issues posed by this venue.

Barra little

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 22

Corinne Holland

From: StGeorgeResidents'Association [REDACTED] >
Sent: 19 September 2018 12:23
To: Licensing
Cc: Mark Perry; Environmental Protection
Subject: Venue 82 - Premises Licence Application

Follow Up Flag: Follow up
Flag Status: Completed

From Margaret Gordon - Chair, St George Residents' Association Spitalfields
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

To The Licensing Team, London Borough of Tower Hamlets
John Onslow House
1 Ewart Place
London
E3 5EQ

19 September 2018

Dear Licensing Team,

Re: Application for Premises Licence by "VENUE 82" at 82a Commercial Street, London E1 6LY

St George Residents' Association Spitalfields is for residents in 193 flats on the west side of Commercial Street, the south side of Folgate Street, the north side of Lamb Street, and the east side of Spital Square. Lamb Street and Folgate Street are routes used by people who have been drinking at places in Commercial Street, Brick Lane and Hanbury Street. Their noise continues late into the night as they walk rowdily past our homes towards transport on Bishopsgate and Shoreditch High Street.

Our flats are three minutes walk from what is the ex-Victorian below-street public toilets at 82a Commercial Street. Prior to the revocation of their licence early in 2012, "Public Life" was one of the many venues whose inebriated clients used the streets as somewhere to urinate or vomit. Some of the evening and nighttime shouting throughout Spitalfields was from groups of people gathered outside Public Life to smoke and drink in addition to those outside The Ten Bells and The Golden Heart. Public Life also attracted non-clients on the pavement outside to take the opportunity to purchase or sell drugs.

Several years ago St George Residents Association objected to the granting of a Licence because of the extremely antisocial behaviour of the clients, the flouting of permitted hours of their Planning Permission, and the fire risk of overcrowding and the narrow stair and doorway. Unfortunately the neighbourhood had to endure years of appalling on-street behaviour before action was taken to revoke "Public Life's" licence, again supported by SGRA.

The present Applicant has listed ways in which he will observe the licensing objectives of the 2003 Licensing Act, but it is questionable how he might ensure that clients will not behave antisocially in the neighbourhood once they have emerged at pavement level. I would say that it would be impossible.

Were a developer to apply for planning permission and a premises licence at that spot, in front of a church, with limited access and room for customers to exit up a flight of stairs, it would be totally rejected! This is no different. The premises was designed to accommodate a small number of people to enter, use the facilities and leave in a short space of time, not for larger groups to gather for a party and leave as an alcohol-happy group.

Spitalfields is a high-density residential area. It is also an area that attracts many visitors to places such as the markets and Christ Church. When the venue was closed after a Police search and arrests in late 2011, life in Spitalfields improved for residents nearby and for the passing public. There are many other venues whose clients behave antisocially but the underground venue "Public Life" attracted the worst.

St George Residents Association Spitalfields strongly objects to this Application for a Premises Licence at 82a Commercial Street.

- It is in the Cumulative Impact Zone. Tower Hamlets has a saturation policy regarding the number of bars/clubs.
- Even without the sale of alcohol at 82a Commercial Street, alcohol-related antisocial behaviour continues to be a problem.
- Late customers will add to crime and public disorder and will make more demands on a stretched police force.
- The underground space with limited access is unsuitable for health and safety reasons.

It is a pity that Tower Hamlets chose to sell off their public toilet facilities. With some imagination and proper management they could have been made accessible and clean for the general public. However we must accept that there is an element of the late-drinking public who would use the street anyway.

Many businesses, residents and the council have achieved much to improve the quality of life in Spitalfields. If a business at 82a were allowed to operate with a Premises Licence for sale of alcohol again, it would be a backward step.

Yours faithfully,
Margaret Gordon, Chair - St George Residents' Association Spitalfields

Appendix 23

Corinne Holland

From: Martin Hughes [REDACTED]
Sent: 12 September 2018 09:08
To: Licensing
Cc: MARK.J.Perry@[REDACTED]
Subject: 82a Commercial Street Licence Application

Dear sirs,

I am writing to object to the application for an alcohol for the premises formerly known as Public Life and situated at 82a Commercial St.

The premises, as 'Public Life' was a major source of ASB and nuisance in the community, and had its licence revoked in January 2012 following a successful police drugs raid. In the course of this raid the owner was one of the 11 people arrested. Closure created a safer, less intimidating neighbourhood. The premises should never regain an alcohol licence and is wholly unsuitable is for the following reasons:

- the underground space means it is difficult to ensure licensing objectives are being met
- its single entry/exit increases fire risk
- its lack of soundproofing means noise nuisance is inevitable
- its location in front of Christ Church makes it an inappropriate venue for drunk and disorderly behaviour
- the premises has a longstanding association with drug taking and selling, a problem which continues to blight the local community

Also the site is within LBTH's Cumulative Impact Zone. This policy recognises the negative impact on the quality of lives of those living and working within the designated area.

Yours faithfully

Martin Hughes
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 24

Kathy Driver

From: Richard Burger <[REDACTED]>
Sent: 29 September 2018 22:14
To: Licensing
Cc: mark.j.perry@[REDACTED]
Subject: 82a commercial st licensing

Dear sir /madam

I write to object to the licensing application for the above premises

Reasons for my objection

- 1 the site is unsafe for large gatherings due to a lack of safety exit
- 2 the site has a history associated with anti social behaviour and drug induced excess.
- 3 lack of soundproofing
- 4 the lack of need for another bar licence given the number of such locations in the nearby area.

I look forwards to the licensing authority decision in due course

Best regards

Richard Burger
[REDACTED]
[REDACTED]

Appendix 25

Corinne Holland

From: Rachel Jamieson <[REDACTED]>
Sent: 13 September 2018 18:05
To: Licensing
Cc: MARK.J.Perry@[REDACTED]
Subject: Re: Objection to Licence application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE)

Good evening,

I am writing on behalf of Andy Rider, the Rector at Christ Church Spitalfields. Our postal address is as follows:

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

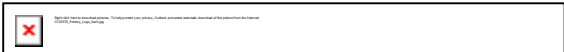
In response to the licence application for 82a Commercial Street E1 6LY (formerly PUBLIC LIFE), Andy would like to submit a formal objection. As a Rector and local resident, his experiences of this have been that the venue has not been well-managed in the past. So out of concern to neighbours, users and visitors to the church, he would like to object to a license being granted.

Many thanks,

--
Rachel Jamieson
PA to the Rector
Christ Church Spitalfields

[REDACTED]
e. [REDACTED]
[REDACTED]

***Please note that my usual working days are Tuesday and Thursday*



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Appendix 26



The Licensing Department
London Borough of Tower Hamlets
Town Hall, Mulberry Place
5 Clove Crescent
London E14 2BG

30th September 2018

Dear Sirs,

Re: License Application for 82a Commercial Street, E1 6LY (formerly PUBLIC LIFE)

Spitalfields Market Residents' Association (SMRA) is objecting to the above application as we have major concerns that fall under all four of the licensing objectives as stated in the 2003 Licensing Act.

As close neighbours of this site our members well remember the nuisance caused when the premises previously operated under the name of Public Life, so we were relieved when that particular license was revoked in 2012.

Now that a new license is being applied for we feel it necessary to register our very real worries about the implications for all of our lives if it were allowed to go ahead.

The grounds for our objections are:

Prevention of Public Nuisance

Our members live over Spitalfields Market and therefore our homes are on Lamb, Brushfield and Commercial Streets – the latter directly overlooking 82a Commercial Street. All these streets have become increasingly noisy over the last few years, as more and more bars and restaurants have opened up in the area. As a result we have suffered from more encounters with very inebriated people and have had to witness some unpleasant associated anti social behaviours. This type of nuisance is especially upsetting at night when shouting and arguments disturb our evenings and generally rids us of reasonable downtime. The granting of a license for yet another drinking establishment, operating from morning until late at night, every day of the week can only exacerbate this problem.

Protection of Children from Harm

Several of our members have young families and the effect of the shouting and rowdy behaviour not only deprives our youngsters of sleep but also interferes with their study time. We must add that the previous experience of our children seeing evidence of drug use at this site was completely unacceptable and we fear the re-occurrence of such dangerous

exposure in the future if this latest license application is approved. It is imperative that we protect our vulnerable children from harm.

Prevention of Crime and Disorder

We have all witnessed fights and arguments, especially late at night, which are clearly fuelled by excessive alcohol consumption. These are frightening to see from our windows and are extremely intimidating if we encounter them, practically on our doorsteps, when we come home. We fear that allowing this license application will make matters worse.

Public Safety

82a Commercial Street is the site of a former public lavatory and the premises are underground with only one way to get both in and out. Should an extraordinary event occur, for instance a fire or terror alert, the result of a stampede for the one exit would be catastrophic.

We would like to add that the site in question lies within the Cumulative Impact Zone (CIZ) so this new application does not appear to be in line with Tower Hamlets' stated CIZ policy.

We also feel that the situation of these premises being right outside Christ Church, an active place of worship which happens to be the most architecturally sensitive part of Spitalfields, is totally inappropriate and that the application for a license to serve any alcohol at all in this location is a grave misjudgement.

We hope that our concerns will result in the Licensing Committee refusing this application in its entirety.

Yours Sincerely,
Rose Sheldon

Secretary, SMRA



Appendix 27

Corinne Holland

From: Stephen Gummer [REDACTED]
Sent: 19 September 2018 17:10
To: Licensing
Cc: MARK.J.Perry@[REDACTED]
Subject: Relicensing of 82a Commercial Street

Dear Sirs

I and my wife Karen Seward are residents at [REDACTED] We have been resident year since 2017.

We object strongly to this application made by Public Life for a licence.

While Public Life was open it was a continual source of extreme nuisance and unplesantness. Walking past there late at night, both my wife and I had some very unpleasant confrontations with people who had been driking heavily and/or taking drugs. People were often aggressive and offensive, trying to verbally and physically intimidate us. My wife found it very unplesant indeed to walk past there when she was on her own because of the appalling behaviour that went on.

On top of this I often saw people urnating on the street or around the churchyard when it was open, vomit was often to be found on the street the morning after an event. Rubbish, including drug paraphanalia, was left all over the place and the surroundings were little more than disgusting.

At no time was there any effort whatsoever made by the owners to control what was happening. The security people used to watch with indifference when people were accosted. I never saw them once try to stop what was happening. Indeed, my overall impression was that they thought that this unplesant, aggressive and thoroughly antisocial behacviour was to be encouraged as it was all part of the "atmosphere" of the place.

I am staggered that such an application can be considered. The place was obviously rife with drug dealing, which went unchecked for years until it was eventually raided and shut down. There is nothing to suggest that anything is going to change in the management of the venue and if it is allowed to open again there is no doubt at all in my mind that we the local residents will just have to put up with yet more of the terrible behaviour as we had to endure before. This is not in any way fair or appropriate. I have to walk my dog past the club most nights and it really did feel like running a gauntlet.

It is critical to remember in this context that we residents are seriously struggling with the cumulative impact of the volume of pubs, clubs and restaurants that are open here, often until very late at night. Spitalfields has become an area where people come to party hard – frankly it is totally out of control. The result is that almost every night there is some incident of shouting, singing, fighting, bottles being broken, screaming or other anti-social behaviour. I have witnessed several fights down Wilkes Street, as well as numerous violent arguments, including have abusive screamed at me very early one morning as I loaded my car to go on holiday. This is on top of the drug dealers who ply their trade with near impunity, who are often aggressive and threatening. Given what is already happening on no level can it be anything other than utterly peverse even to consider giving a licence to a group of people who are more than happy to allow drug taking and prfoundly anti-social behaviour to thrive aorund their club.

This is of course not including the loud music and the fact that no doubt the place is a total fire trap given that it has a single point of access and egress. Put simply, there is no way whatsoever this licence application can or should be allowed to progress. We have far more than enough antisocial behaviour going on already to contend with, caused by drug and alcohol abuse. We do not need any more not should we be expected to endure any more.

Yours faithfully

Stephen Gummer and Karen Seward

Appendix 28

Corinne Holland

From: Spitalfields Community Group [REDACTED]
Sent: 11 September 2018 13:04
To: Licensing
Cc: Mark Perry
Subject: licence application at 82a Commercial St, E1 6LY

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Spitalfields Community Group (SCG) was founded in 2011 with the aim of representing those who live and work in Spitalfields, enhancing their quality of living, and improving their sense of community. To that end, we have sought to address the ongoing concern shared by many of our members about the need to balance the flourishing licensed economy locally with residents' domestic and working lives.

SCG actively supported the adoption and implementation of the Cumulative Impact Zone by LBTH, which recognizes the negative impact on residential amenity of the dense concentration of licensed premises in our community. The premises at 82a Commercial Street is within the Zone, and for this reason alone should be refused.

82a Commercial Street has a well documented history illustrating its total unsuitability as a licensed premises. After years of illegal drug dealing, drunkenness, noise nuisance, ASB and routine licence breaches, all of which caused severe problems for the community, the premises was the target of a successful police raid which led to the arrest of 11 individuals, including the current owner. The licence was subsequently revoked. The current application proposes using the underground space again as a venue for the sale and consumption of alcohol. It is difficult to ensure the licensing objectives are being met when a venue is invisible from the street, as was definitively proved.

The venue has only one point of entry and exit, meaning fire risk is inevitable and danger from overcrowding a constant likelihood. It has no soundproofing so will cause noise breakout from below ground and direct noise from above ground, creating nuisance for surrounding residents.

82a Commercial Street is sited on the pavement in front of Christ Church, making it an inappropriate location for the consumption of alcohol. Christ Church is a historical asset to the borough with its Grade 1 status.

The premises gained notoriety for its association with drug selling and using. This will potentially attract patrons hoping for a return to its former incarnation. The local area is already blighted by drug dealing and buying, with the ASB and intimidation that such activity brings to an area. This is a problem which needs no further encouragement in our community. The adjacent small park, Christ Church Gardens, is in use by vulnerable rough sleepers, many of whom are drug and alcohol dependent.

The applicant has made no approach to SCG as a recognised local stakeholder to discuss the proposed business at 82a, unlike all previous applicants over the last few years. This is in spite of the site's well-deserved bad reputation and subsequent loss of licence, and the clear assumption that any relicensing of the premises will cause potential alarm to the local community.

For the reasons outlined above we wish to OBJECT to the licensing application for 82a Commercial Street E1 6LY.

From and on behalf of Spitalfields Community Group

c/o Selina Mifsud



Appendix 29

Kathy Driver

From: Sophie Stebbins <[REDACTED]>
Sent: 29 September 2018 12:13
To: Licensing
Subject: Objection licence application "Venue 82"

Sophie Stebbins
[REDACTED]
[REDACTED]
[REDACTED]

Tower Hamlets
Licencing Section
John Onslow House
1 Ewart Place
London E3 5EQ

licencing@towerhamlets.gov.uk

Dear Licencing Team,

Re. Objection for a licence application: "Venue 82", 82a Commercial Street E1 6LY

I would like to raise an objection to the proposed licence application for the sale of alcohol from 1100–2300 Monday – Saturday and 1200-2200 on Sunday at the above premises.

Having being a resident at [REDACTED] for the last 18 years only meters away from No 82a, I find appalling that the same owner is reapplying for a License after having subjected the local residents to considerable nuisance when managing the then "Public Life" underground bar & nightclub.

The same applicant was active in illegal activities, continuously breached his license which resulted in the closure of his establishment. "Public Life" was a never ending source of disorder.

The location of this underground premises right at the foot of Grade 1 listed Christ Church is totally incompatible with the running of a Licensed establishment. The premises has one entrance which also is the only exit. As a risk hazard, it is difficult to find a worse example in case of a fire.

The ill-suited building which was a public toilet has no soundproofing material which no doubt will generate noise nuisance just like it did when in activities before it got shut down.

82a is located in one of the biggest saturated drinking zones in Spitalfields. Allowing another License establishment would simply be a curse for the local residents' quality of life and a breach of what CIZ stands for.

This application is entirely contrary to current licensing policy in the area and only has the potential for causing more public nuisance worsening the livelihood of the inhabitants of Spitalfields.

Best regards.

Sophie Stebbins

Please redact my details from documents accessible on the internet

Appendix 30

Corinne Holland

From: Simon Wedgwood <[REDACTED]>
Sent: 12 September 2018 13:10
To: Licensing
Cc: MARK.J.Perry@m[REDACTED]
Subject: Public Life. 82a Commercial Street. London E1. Objection.

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs.

I live at [REDACTED]

I write to object in the strongest possible terms to a licence being granted for the above premises.

Ever since it has been in use it has been a blight in the area that I live in.

It is against the licensing objectives stated in the 2003 Licencing act.

It is an insult to the Church that it sits directly in front of.

In the past it has been a haven for drug dealing, general anti social and disorderly behaviour and is generally in contravention of the prevention of crime, public safety and public nuisance. The granting of a licence would bring all these very undesirable aspects back to the cumulative impact zone. It also has a very poor impact on the protection of minors.

I have lived here since 1983 and ever since the former public toilet was sold by the council the property had caused problems. Things have been better since the licence was revoked following g continual nuisance, in 2012.

I sincerely hope that the application is refused.

Yours sincerely,

Simon Wedgwood

Appendix 31

Corinne Holland

From: MARK.J.Perry@m [REDACTED]
Sent: 12 September 2018 10:51
To: [REDACTED]
Cc: Licensing; Corinne Holland
Subject: RE: 82A Commercial Street New Premises Licence

Dear Mr Gupta,

Thanks for agreeing the conditions. Please be aware that there is significant public concern regarding the opening of the premises, due to this should your application be successful we will be monitoring your premises to ensure that the conditions you have agreed are being adhered to, and that the licensing objectives are being upheld.

LBTH Licensing, please see conditions agreed with the applicant.

Kind Regards

Mark

PC Mark Perry 748HT
Police Licensing Officer
[REDACTED]
[REDACTED]

From: sushanta das gupta [REDACTED]
Sent: 04 September 2018 15:45
To: Perry Mark J - HT <[REDACTED]>
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Re: 82A Commercial Street New Premises Licence

Thanks.

I agree on 4 of your conditions of course.

My number is [REDACTED]

Regards

Sushanta Das Gupta

On Tue, 4 Sep 2018, 15:28 , <[MARK.J.Perry@\[REDACTED\]](mailto:MARK.J.Perry@[REDACTED])> wrote:

Hi,

I am PC mark Perry from Tower hamlets Police Licensing, so you have a number I can contact you on please.

I would be looking for some conditions on the license:

- 1) Sale of alcohol is ancillary to the sale of food.
- 2) No vertical drinking.
- 3) CCTV to cover entire premises, including external areas to satisfaction of Tower Hamlets Police Licensing. CCTV to be of sufficient quality to record facial details to enable identification of those people recorded on it. CCTV recordings to be stored for 31 days made available to Police or responsible authority upon request. While the premises is open there must be a member of staff who can operate the CCTV system.
- 4) Incident and refusal book to be kept and maintained.

I look forward to hearing from you.

Kind Regards

PC Mark Perry 748HT

Police Licensing Officer

Bethnal Green Police Station

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Appendix 32

Corinne Holland

From: Nicola Cadzow
Sent: 29 August 2018 13:02
To: Licensing
Cc: 'MARK.J.Perry@[REDACTED]';
'Thomas.Ratican@[REDACTED]';
'sushanta das gupta'
Subject: RE: New premise license application for Venue 82, 82a Commercial Street (ref 110810)

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have no objections to the new premise license application for Venue 82, 82a Commercial Street (ref 110810), following agreement by the applicant to the amendment to the hours and addition noise condition as follows(see also email trail):-

(1) Supply of Alcohol: Monday to Saturday 22:30 hours, with premise closing 30 minutes later at 23:00 hours (as per original application)

Sunday 21:30 hours, with premise closing 30 minutes later at 22:00 hours (as per original application).

(2) Following noise condition to apply:- No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.

Kind regards

Nicola Cadzow
Environmental Health Technical Officer
Place Directorate
Public Realm, Environmental Health & Trading Standards
[London Borough of Tower Hamlets, John Onlsow House, 1 Ewart Place, London, E3 5EQ](#)

From: sushanta das gupta [REDACTED]
Sent: 29 August 2018 12:30
To: Nicola Cadzow
Cc: 'MARK.J.Perry@[REDACTED]' ([REDACTED]); [REDACTED]
([REDACTED])
Subject: Re: New premise license application for Venue 82, 82a Commercial Street (ref 110810)

Yes, please go ahead.

I agree on both of your proposals.

Regards

Sushanta Das Gupta

On Wed, 29 Aug 2018, 11:39 Nicola Cadzow, <Nicola.Cadzow> wrote:

Dear Sushanta Gupta,

I am looking at your premise license application for Venue 82, 82a Commercial Street (ref 110810).

I note that licensable activity (supply of alcohol) to finish Monday to Saturday 23:00, same time as closing, and Sunday 22:00 same time as closing.

I would ask that there is a 30 minutes for customers to order their last drink prior to closing therefore would accept the following:-

(1) Supply of Alcohol: Monday to Saturday 22:30 hours, with premise closing 30 minutes later at 23:00 hours (as per original application)

Sunday 21:30 hours, with premise closing 30 minutes later at 22:00 hours (as per original application).

(2) I would also wish the following noise condition to apply:- No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents.

I look forward to your response at your earliest convenience.

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm, Environmental Health & Trading Standards

London Borough of Tower Hamlets, John Onslow House, 1 Ewart Place, London, E3 5EQ

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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

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 35

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 36

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

Updated April 2018

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 37

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 38

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 39

Drug Taking

General Advice

Members need to consider the evidence about the exact nature of the alleged problems. Is it being suggested that the premises are encouraging or turning a blind eye in relation to the problem? Are there proportionate measures that can be expected to address the matter, if Members determine there is a problem?

In particular, should CCTV be extended to cover all of the premises open to the public? Should a minimum number of registered door supervisors be maintained whenever the premises is open? How are drugs that are confiscated being disposed of? What checks are being made in less public areas such as toilets?

The applicant should be instituting measures advised by the Police

If Members believe this is a problem they should certainly insist that minors are not admitted to the premises.

If Members believe that there is a substantial problem of drug abuse and it cannot be proportionately address by licensing conditions they should refuse the application.

Members should also bear in mind other Police powers.

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 5.2 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 Pool of Conditions relating to Crime and Disorder. (**See Appendix 2 Annex D of the Licensing Policy**). In particular Members may wish to consider (this list is not exhaustive):

- Methods of management communication
- Use of registered Door Supervisors
- CCTV
- Capacity
- Proof of Age scheme
- Crime prevention notices
- Signage
- Seating plans

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

Guidance Issued under Section 182 of the Licensing Act 2003

The Government recommends the model pool of conditions adopted by the Licensing Policy in relation to public safety (Annex E), and the multi-agency approach to “safer clubbing.”

Other Legislation

Anti-Social Behaviour Order Act 2003

This gives the Police the power to close premises where there is the supply of class A drugs and serious nuisance or disorder.

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.

Appendix 40

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 41

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 42

Licensing Policy

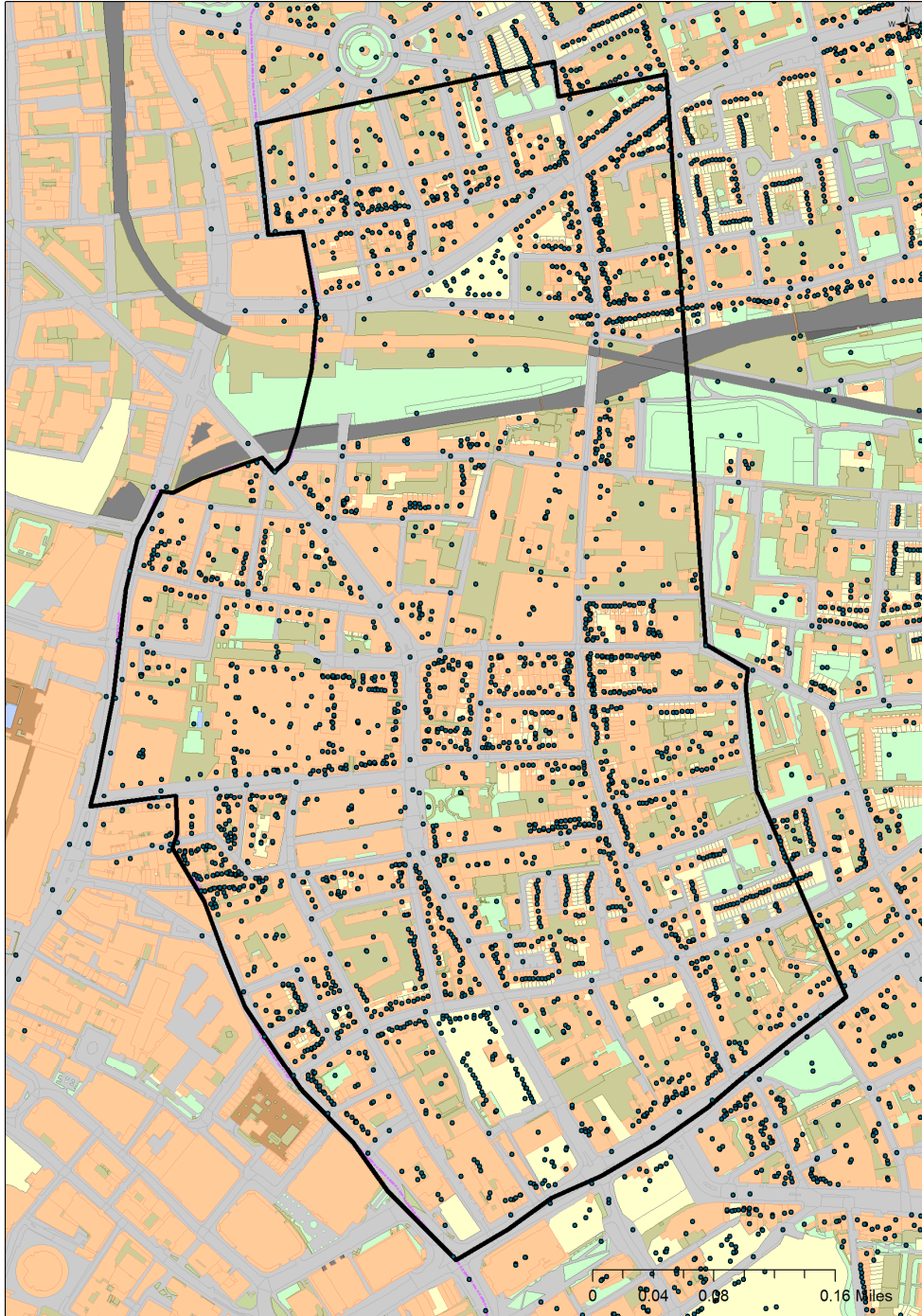
8 Special Cumulative Impact Policy for the Brick Lane Area

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

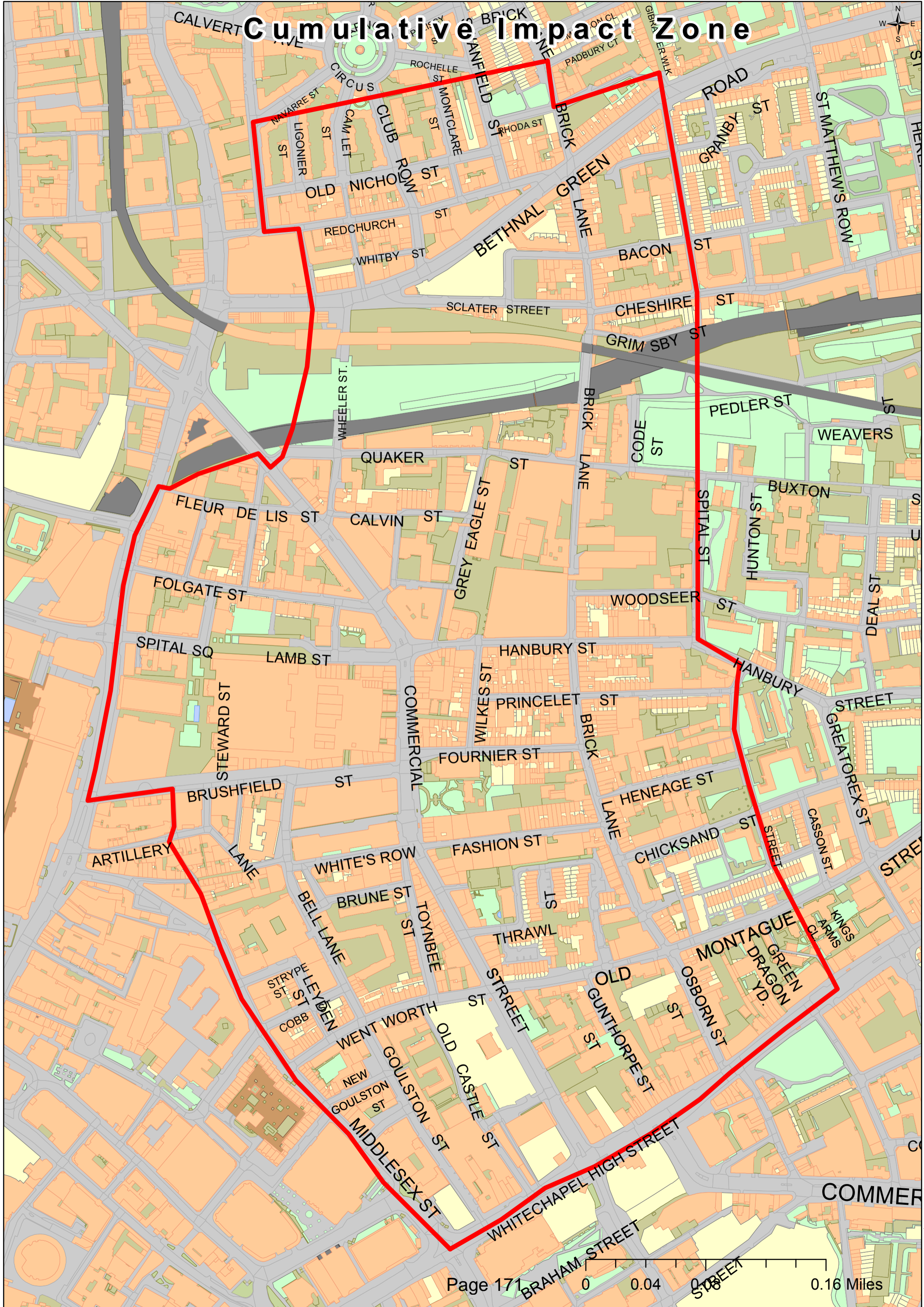
Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Cumulative Impact Zone



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