

LICENSING SUB COMMITTEE

Tuesday, 27 November 2018 at 6.30 p.m.

**MP701, 7th 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
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

Scan this code
for an electronic
agenda



Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

Audio/Visual recording of meetings.

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

Mobile telephones

Please switch your mobile telephone on to silent mode whilst in the meeting.

Access information for the Town Hall, Mulberry Place.



Bus: Routes: D3, D6, D7, D8, 15, 108, and 115 all stop near the Town Hall.

Docklands Light Railway: Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

Blackwall station: Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

Tube: The closest tube stations are Canning Town and Canary Wharf

Car Parking: There is limited visitor pay and display parking at the Town Hall (free from 6pm)

If you are viewing this on line: (http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx)

Meeting access/special requirements.

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda



Fire alarm

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

Electronic agendas reports and minutes.

Copies of agendas, reports and minutes for council meetings can also be found on our website from day of publication.

To access this, click www.towerhamlets.gov.uk/committee and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, iPad and Android apps.



QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 11 - 20)

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

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Application for a New Premises Licence for Lola Hospitality Ltd 81 Wapping High Street, London, E1W 2YN	21 - 140	St Katharine's & Wapping

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Environmental Protection – Noise
- Local Resident(s)

3.2 Application for a New Premises Licence for Sketch, 68 Brick Lane, London E1 6RL	141 - 218	Spitalfields & Banglatown
--	------------------	--------------------------------------

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Environmental Protection – Noise
- Local Resident(s)

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

This page is intentionally left blank

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

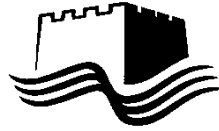
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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>

This page is intentionally left blank

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				
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.

This page is intentionally left blank

Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	27 November 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Samantha Neale Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for Lola Hospitality Ltd, 81 Wapping High Street, London, E1W 2YN Ward affected: St Katherine's and Wapping
--	--

1.0 Summary

Applicant: **Lola Hospitality Limited**
 Name and
 Address of Premises: **Lola Hospitality Ltd**
81 Wapping High Street
London
E1W 2YN

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

- The sale by retail of alcohol
- Provide late night refreshment

Objectors: **Local Residents**
Environmental Health Noise Team

2.0 Recommendations

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

LOCAL GOVERNMENT 2000 (Section 97) LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT		
Brief description of "background paper"	Tick if copy supplied for register	If not supplied, name and telephone number of holder

File
 Section 182 Guidance
 LBTH Licensing Policy

Samantha Neale
 020 7364 3873

3.0 Background

- 3.1 This is an application for a premises licence for **(Lola Hospitality Ltd) 81 Wapping High Street, London, E1W 2YN**. The applicant has stated the following: *“ground floor restaurant containing approximately 90 covers with ancillary bar area”*.
- 3.2 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.3 The hours that have been applied for are as follows:-

Sale of Alcohol (on sales)

- Monday to Friday, from 10:00 hours until 00:00 hours
- Saturday, from 11:00 hours until 00:00 hours
- Sunday, from 12:00 hours until 00:00 hours

The Provision of Late Night Refreshment (indoors):

- Monday to Friday, from 23:00 hours until 00:00 hours
- Saturday, from 23:00 hours until 00:30 hours on the day after
- Sunday, from 23:00 hours until 23:30 hours

Hours premises is open to the public:

- Monday to Friday, from 10:00 hours until 00:30 on the day after
- Saturday, from 11:00 hours until 00:30 hours on the day after
- Sunday, from 12:00 hours until 00:00 hours

4.0 Location and Nature of the premises

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

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.
- 6.0 **Representations**
- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be "about the likely effect of the grant of the premises licence on the promotion of the licensing objectives." Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.

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

Other persons (residents)	Appendix
Richard Azoulay	6
Faith Beckingham	7
Angela Carlton	8
Sue Carrie	9
Isabell Culpan	10
Kevin and Patricia Eden	11
Julian Foot	12
Dan Goldsack	13
Cameron Grant	14
Holly Greer	15
Keng Ling Koay	16
David Masters	17
Phung Pham	18
Alex Rafalowics-Campbell	19
Peter Talbot	20
Sally Unwin	21
Nicola Veall	22
Montine Walters	23
Elizabeth Willington	24
Trevor Whitton	25

- 6.9 Representation has also been made by Environmental Health Noise Team. This is included as **Appendix 26**.

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

- The Licensing Authority
- The Metropolitan Police
- The LFEPA (the London Fire and Emergency Planning Authority).
- Planning
- Health and Safety
- Noise (Environmental Health)
- Trading Standards
- Child Protection
- Primary Care Trust (Public Health England)
- Home office Immigration Enforcement

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

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

- 6.12 The objections cover allegations of
- Anti social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Disturbance from patrons leaving the premises by car
 - Close proximity to residential properties
 - Noxious smells or light pollution
 - Late operational hours having detrimental effect on welfare of residents (those with early rise professions, families with children etc.)
- 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**
As offered by the applicant.
- 7.1 There shall be CCTV in operation at the premises and;
- a) a member of staff who has been nominated in writing and is conversant with the operation of the CCTV system shall be on the premises at all times which the premises.
 - b) If the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.
 - c) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
 - d) Recordings shall be made available immediately upon the request of a Police or Licensing officer throughout the preceding 31-day period.
 - e) The CCTV system shall be maintained according to the current Home Office specification for premises of this type.

- f) should the equipment become faulty then the Metropolitan Police will be notified by mail and all reasonable efforts made to have any fault rectified within 24 hours.
- 7.2 All members of staff who are authorised to sell alcohol shall be properly trained in the legal requirements and restrictions to sell alcohol.
- a) A record shall be maintained and kept at the Premises detailing the name of each member of staff trained; the date training was provided; details of the person who provided the training and an acknowledgment that staff have been so trained.
 - b) The record shall be available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.
 - c) Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 12 months.
- 7.3 A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:
- a) all crimes reported to the venue
 - b) all ejections of patrons
 - c) any complaints received
 - d) any incidents of disorder
 - e) any faults in the CCTV repaired within 24hrs
 - f) any refusal of the sale of alcohol
 - g) any visit by a relevant authority or emergency service.
 - h) any lost property found or handed to staff at the premises.
 - i) any other relevant incidents to be recorded.
- 7.4 The forecourt and the pavement immediately outside the Premises shall be kept in a clean condition.
- 7.5 External doors shall be fitted with a self-closing device that is maintained in a proper working condition.
- 7.6 A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.
- a) The Designated Premises Supervisor shall regularly check the refusals record to ensure it is being consistently used by all staff.

- b) Posters shall be displayed in prominent positions around the bar area advising customers of the Challenge 25 policy in force at the premises
 - c) There shall be a minimum of one personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
- 7.7 Clearly legible notices shall be displayed at all exits from the Premises requesting patrons to respect the needs of local residents and to leave the Premises and area quietly;
- 7.8 Clearly legible notices shall be prominently displayed at any area used for smoking outside the premises requesting patrons to respect the needs of local residents and to use the area quietly.
- 8.0 Conditions Agreed/Requested by *Responsible Authority***
- 8.1 None
- 9.0 Licensing Officer Comments**
- 9.1 The Live Music Act removed licensing requirements for the following:
- amplified live music and recorded music between 8am and 11pm before audiences of no more than 500 people on premises authorised to sell alcohol for consumption on the premises;
 - unamplified live music between 8am and 11pm in all venues.
- Further exemptions apply see Section 16.5-16.6 of Section 182 Guidance.
- 9.2 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.
- 9.3 Guidance issued under section 182 of the Licensing Act 2003
- ❖ As stated in the guidance it is “provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act.” It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
 - ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance

could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.25) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.58)
- ❖ 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 sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

- 9.5 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 9.6 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 9.7 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 9.8 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 9.9 In **Appendices 27 – 34** 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 premises licence application form
Appendix 2	Site plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendices 6 – 25	Representation of local residents
Appendix 26	Representations of Environmental Health
Appendix 27	Licensing Officer comments on noise while the premise is in use
Appendix 28	Licensing Officer comments on Anti-Social Behaviour on premises
Appendix 29	Licensing officer comments on Access and egress problems
Appendix 30	Licensing Officer comments on crime and disorder on the premises
Appendix 31	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 32	The protection of children from harm
Appendix 33	Planning
Appendix 34	Licensing Policy relating to hours of trading.

Appendix 1

* required information

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number Include country code.

Other telephone number

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

Is the applicant:

☒ Applying as a business or organisation, including as a sole trader

☐ Applying as an individual

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

Applicant Business

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

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

Registration number

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

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

Legal status

Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

☒ An agent that is a business or organisation, including a sole trader

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

☐ A private individual acting as an agent

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

NON INDIVIDUAL APPLICANTS

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

Non Individual Applicant's Name

Name

Details

Registered number (where applicable)

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

Continued from previous page...

Company Limited by share

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Contact Details

E-mail

Telephone number

Other telephone number

* Date of birth / /

* Nationality Documents that demonstrate entitlement to work in the UK

Add another applicant

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.

ground floor restaurant containing approximately 90 covers with ancillary bar area

Continued from previous page...

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

Section 6 of 21

PROVISION OF PLAYS

See guidance on regulated entertainment

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

See guidance on regulated entertainment

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

See guidance on regulated entertainment

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

See guidance on regulated entertainment

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

See guidance on regulated entertainment

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

See guidance on regulated entertainment

Will you be providing recorded music?

☐ Yes ☒ No

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

See guidance on regulated entertainment

Will you be providing performances of dance?

Continued from previous page...

Section 13 of 21

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

See guidance on regulated entertainment

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

☐ Yes

☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Continued from previous page...

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

☒ Indoors ☐ Outdoors ☐ Both

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

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

Provisions of late night refreshment

State any seasonal variations

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

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

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

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

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

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="10:00"/>	End	<input type="text" value="24:00"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

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

SUNDAY

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

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

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

State any seasonal variations

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

Sale of alcohol by retail, including wines beers and spirits

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.

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

Continued from previous page...

Name

First name

Peter Nicholas

Family name

Kopik

Date of birth


dd mm yyyy

Enter the contact's address

Building number or name

Street

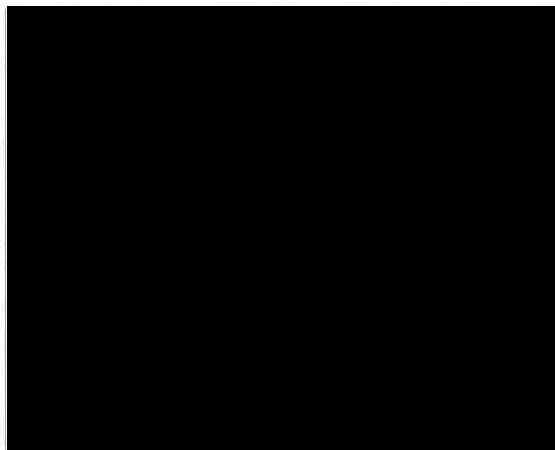
District

City or town

County or administrative area

Postcode

Country



Personal Licence number
(if known)



Issuing licensing authority
(if known)



PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent
form (if known)



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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

None

Continued from previous page...

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 10:00

End 00:00

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 00:00

End 00:30

Start 10:00

End 00:00

WEDNESDAY

Start 00:00

End 00:30

Start 10:00

End 00:00

THURSDAY

Start 00:00

End 00:30

Start 10:00

End 00:00

FRIDAY

Start 00:00

End 00:30

Start 10:00

End 00:00

SATURDAY

Start 00:00

End 00:30

Start 11:00

End 00:00

SUNDAY

Start 00:00

End 00:30

Start 12:00

End 00:00

State any seasonal variations

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

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

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

Continued from previous page...

Section 18 of 21

LICENSING OBJECTIVES

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

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

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

(1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

2. In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children–

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to– (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or (ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on– (i) the outcome of a race, competition or other event or process, or (ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available

5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

6. The responsible person shall ensure that–

Continued from previous page...

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures– (i) beer or cider: ½ pint; (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and (iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

b) The prevention of crime and disorder

Appropriate signage shall be displayed, in a prominent position, informing customers they are being recorded on CCTV

There shall be CCTV in operation at the premises and;

a) a member of staff who has been nominated in writing and who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public.

b) if the premises are not open, and subject to the tests set out by virtue of the Data Protection Act, within 24 hours of a request for access to the CCTV system from either the police or licensing authority, this staff member must be able to show a Police, HMRC or authorised council officer recent data or footage with the absolute minimum of delay when requested.

October 2016

c) all recordings shall be stored for a minimum period of 31 days with date and time stamping.

d) recordings shall be made available immediately upon the request of a Police or Licensing officer throughout the preceding 31-day period.

e) the CCTV system shall be maintained according to the current Home Office specification for premises of this type.

f) should the equipment become faulty then the Metropolitan Police will be notified by e mail and all reasonable efforts made to have any fault rectified within 24 hours.

All staff responsible for selling alcohol shall receive regular training in the Licensing Act 2003 in terms of the licensing objectives, offences committed under the Act and conditions of the Premises Licence.

Written records of staff training in the Licensing Act 2003 shall be retained and made available to police and authorised officers of the Licensing Authority on request.

Staff shall receive refresher training in the Licensing Act 2003 at intervals of no more than 12 months.

Signed and dated records shall be kept of all staff training and such records kept available for inspection at the premises for a period of at least one calendar year from the last date of entry.

All members of staff who are authorised to sell alcohol shall be properly trained in the legal requirements and restrictions to sell alcohol. A record shall be maintained and kept at the Premises detailing the name of each member of staff trained; the date training was provided; details of the person who provided the training and an acknowledgment that staff have been so trained. The record shall be available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

A daily incident log shall be kept at the premises for a period of at least 12 months from the date of last entry, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) any faults in the CCTV repaired within 24hrs

(f) any refusal of the sale of alcohol

(g) any visit by a relevant authority or emergency service.

(h) any lost property found or handed to staff at the premises.

(i) any other relevant incidents to be recorded.

c) Public safety

The forecourt and the pavement immediately outside the Premises shall be kept in a clean condition

Continued from previous page...

External doors shall be fitted with a self-closing device that is maintained in a proper working condition

d) The prevention of public nuisance

A record of complaints shall be maintained on the premises to record details of any complaints received. The information to be recorded shall include the date and time of complaint and subsequent remedial action undertaken and (where disclosed) the complainant's name and location.

The record of complaints shall be kept for 12 months from the date of the last record made and shall be available for inspection on demand by the police or an authorised officer of the Licensing Authority at all times the premises are open.

Clearly legible notices shall be displayed at all exits from the Premises requesting patrons to respect the needs of local residents and to leave the Premises and area quietly;

Clearly legible notices shall be prominently displayed at any area used for smoking outside the premises requesting patrons to respect the needs of local residents and to use the area quietly.

e) The protection of children from harm

There shall be a minimum of one personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.

A "Challenge 25" age verification policy shall be operated at the Premises during the permitted hours for the sale of alcohol and staff shall be trained in respect of the policy. Staff shall ask for proof of age from anyone they suspect of being less than 25 years of age. The only acceptable forms of identification shall be a photo style driving licence, a passport, a photo identification card bearing the PASS logo in a hologram format, military ID or recognised national photographic identity cards from member countries of the European Union.

Posters shall be displayed in prominent positions around the bar area advising customers of the Challenge 25 policy in force at the premises

A record shall be maintained recording every occasion when the sale of alcohol has been refused. The record shall; a) give the date and time of the occasion; a brief description of the customer and the name of the member of staff who refused to sell the alcohol. b) be kept at the Premises and available for inspection by authorised officers of the Licensing Authority and the Police at all times the Premises are open.

The Designated Premises Supervisor shall regularly check the refusals record to ensure it is being consistently used by all staff.

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

Continued from previous page...

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

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 you 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 (£)

315.00

ATTACHMENTS

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

United Kingdom

DECLARATION

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

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

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

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

* Full name

RICHARD HENNINGSON

* Capacity

Solvent

Date (dd/mm/yyyy)

03/10/2018

Add another signatory

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

1. Save this form to your computer by clicking file/save as...

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

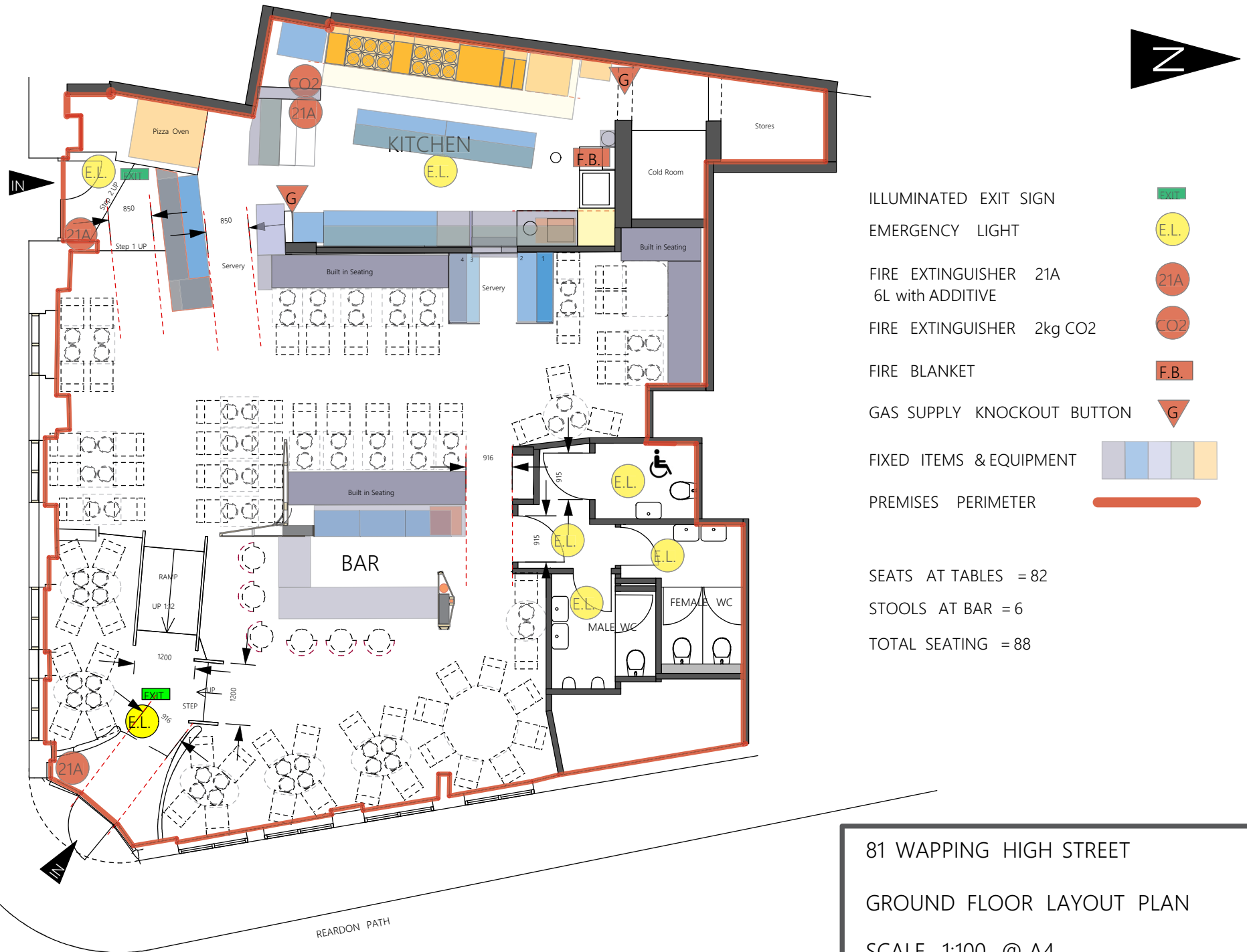
Don't forget to make sure you have all your supporting documentation to hand.

Continued from previous page...

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

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

Appendix 2



81 WAPPING HIGH STREET

GROUND FLOOR LAYOUT PLAN

SCALE 1:100 @ A4

Appendix 3

Lola Hospitality Ltd, 81 Wapping High Street, London, E1W 2YN



Appendix 4

Premises in close proximity to Lola Hospitality, 81 Wapping High Street

Name and address	Licensable activities and hours	Opening hours
<p>(Pasha) 75 Wapping High Street London E1W 2YN</p>	<p>The times the licence authorises the carrying out of licensable activities The sale by retail of alcohol Monday, Tuesday, Wednesday and Thursday from 10:00 hours to midnight Friday and Saturday from 10:00 hours to 01:00 hours the following day Sunday from 11:00 hours to 23:30 hours</p> <p>The provision of regulated entertainment consisting of Recorded Music Monday, Tuesday, Wednesday and Thursday from 10:00 hours to midnight Friday and Saturday from 10:00 to 01:00 hours the following day Sunday from 11:00 hours to 23:30 hours</p> <p>The provision of late night refreshment Monday, Tuesday, Wednesday and Thursday until midnight Friday and Saturday until 01:00 hours Sunday until 23:30 hours</p> <p>In addition to all the above: Bank Holiday Sundays and Christmas Eve until 01:00 hours the following days</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11 am on New Years Day.</p>	<p>Monday, Tuesday, Wednesday and Thursday from 10:00 hours to 00:30 hours the following day Friday and Saturday from 10:00 hours to 01:30 hours the following day Sunday from 11:00 hours to midnight</p> <p>In addition to the above: Bank Holiday Sundays and Christmas Eve until 01:30 hours the following days</p> <p>Note: New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11 am on New Years Day.</p>
<p>(St. Patrick's Social Club) Dundee Street London E1W 2PH</p>	<p>Supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.</p> <p>Weekdays 20 00 hrs to 23 30 hrs Saturdays 20 00 hrs to 23 30 hrs Sunday 12 noon to 14 00 hrs</p>	<p>These are not restricted</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


25 October 2018

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

Dear Sirs

RE: NOTICE OF APPLICATION FOR A PREMISES LICENSE FOR 81 WAPPING HIGH STREET, LONDON,
E1W 5JN

I am writing to register my concerns over the application filed by Lola Hospitality Limited for the above property. I am a leaseholder of a flat in the block of flats directly above the business premises.

I note that the application has applied for late night refreshment between the hours of 11pm and 12pm Monday to Friday, between 11pm and 00.30am on a Saturday night/Sunday morning and from 11pm to 11.30pm on a Sunday night.

I believe these hours will have a detrimental impact on the residents of Wapping. The premises are in a residential area and therefore any noise related to the premises will affect any nearby residents and particularly those in Sanctuary Court, the residential block above the premises in question. In particular, noise is likely to be generated from clientele leaving the premises, from taxis waiting and collecting clientele when they leave, and also as a result of clientele smoking outside the premises and talking to others outside or on their mobile phones. All of these would be disruptive to local residents, particularly at times when most people would like to be sleeping.

The premises used to house Il Bordello restaurant and I have no objection whatsoever to the application to provide a license for a restaurant and ancillary bar, it is just the extended hours after 11pm that I do not feel are necessary and which I consider would unfairly impact the lives of local residents. Wapping has several public houses and restaurants and I do not think we are in need of one with extended hours, particularly one that is housed in the same block as residential housing.

Yours faithfully



Richard Azoulay


LBTH
TRADING STANDARDS
29 OCT 2018
LICENSING

Appendix 7

Samantha Neale

From: Corinne Holland on behalf of Licensing
Sent: 16 October 2018 16:58
To: Samantha Neale
Subject: FW: Lola Hospitality application @ 81 Wapping High street

Follow Up Flag: Follow up
Flag Status: Flagged

From: Faith Beckingham [REDACTED]
Sent: 16 October 2018 11:17
To: Licensing
Subject: Lola Hospitality application @ 81 Wapping High street

Dear Sir,

We write to oppose the application for the premises to trade until midnight Monday to Friday and until 12.30 on Saturdays.

We own a flat directly above this premises. The operating hours of the previous restaurant owners were bearable but anything later than this will cause considerable nuisance and disruption to us and the other residents of the flats above. There has always been an issue with people loitering around below our windows after closing hours of the previous restaurant and to extend this noise later into the night or early hours of the morning would make living in these flats very unpleasant.

The operators of the Lola Hospitality are the freeholders of the whole building and have minimal experience or track record in the licencing industry to be able to provide any reassurance in terms of how this premises will be operated with minimal disturbance.

We assume that the licence will be for a restaurant and not a bar. If so then there would be no need for a restaurant to trade until midnight or 12.30 am. We request reassurance that there will not be a bar operating out of the premises as this would be inappropriate in such close proximity to flats.

With thanks

Faith Beckingham

BA(hons)DipArch RIBA ARB

Appendix 8

Samantha Neale

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 23 October 2018 14:08
To: Samantha Neale
Subject: FW: LOLA HOSPITALITY LIMITED, 81 WAPPING HIGH STREET E1W

FYI

From: Angela Carlton [REDACTED]
Sent: 23 October 2018 12:01
To: Licensing
Subject: LOLA HOSPITALITY LIMITED, 81 WAPPING HIGH STREET E1W

To the Licensing Committee

I refer to the above premises for which an application for an alcohol licence has been made and which is currently under consideration.

The premises were for many years occupied by the Il Bordello restaurant which has moved to new premises in Wapping Wall. I understand that it is now proposed by the owners that a new restaurant will open on the site but it appears that it is intended that there should be an off-licence as well as service of alcohol on the premises.

The hours proposed are from 10.00 – midnight daily and to 00.30 on Sunday mornings.

This is excessive and quite out of keeping with the residential nature of Wapping. There is more than adequate provision of public houses in Wapping and shops selling alcohol and while a new restaurant might be welcome the proposal as outlined in the notice displayed on the side window (in Reardon Path) is excessive.

I understand that the application will be dealt with at a Hearing in due course and I would like to be kept informed when that Hearing date has been set and to receive any other information as and when it becomes available. I have been unable to access on-line the complete Application so I know only what is set out in the Notice on the window. If it were possible for me to be sent copy of the Application either by e mail or by post I would be grateful.

Yours faithfully
ANGELA CARLTON

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

Appendix 9

From: Sue Carrie [REDACTED]
Sent: 23 October 2018 11:01
To: Licensing
Subject: REF: 31/27874 : Application for late alcohol sales; 81 Wapping High Street, made by Lola Hospitality Ltd

Please see below email from Mr & Mrs Foot. I am forwarding this to you as I am not sure if you will get it at the email address they have used.

I live in the flat next door to Mr and Mrs Foot at [REDACTED] and my bedrooms both overlook Waterside Gardens.

I too wish to object to the extension of licensing hours in respect of 81 Wapping High St on the grounds that the existing hours are adequate and to extend them would almost certainly add to the disruption we experience from customers leaving late at night and congregating in the park under our bedroom window to continue their late night revelries.

The establishment is primarily focussed on the provision of food with alcohol as an accompaniment. To extend the licensing hours would, it seems to me, only encourage customers to stay on to drink after their meal is over and this is not the primary function of the business.

We regularly have to speak to the anti social team at Tower Hamlets about disruption in the park late at night and early in the morning. The noise made by customers leaving the restaurant across the road or exiting for a smoke can be excessive.

We also suffer nuisance from anti social behaviours such as urinating against our bedroom wall and foul language as they sit on the bench-unfortunately strategically placed just under our window.

We have asked that the park be closed at night in keeping with the one opposite but this does not happen and so the likelihood of customers congregating in Waterside Gardens is further enhanced.

To conclude, I object to the extension of licensing hours on the basis that this would cause us undue additional nuisance and that the existing arrangements are sufficient for the type of business being transacted.

Many thanks

Sue Carrie

[REDACTED]

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

Appendix 10

Samantha Neale

From: Damian Doherty on behalf of Licensing
Sent: 01 November 2018 09:42
To: Samantha Neale
Subject: FW: 75/81 Wapping High Street - LOLA Hospitality Ltd to replace Il Bordello - Extension of Licensing Hours application under Licensing Act 2003 PENN-DMS.FID65318502]

FYI

From: Isabell Moessler [REDACTED]
Sent: 31 October 2018 21:23
To: Licensing
Subject: 75/81 Wapping High Street - LOLA Hospitality Ltd to replace Il Bordello - Extension of Licensing Hours application under Licensing Act 2003 PENN-DMS.FID65318502]

Good evening,

As the owner of [REDACTED], I want to voice my strong objection to the application and extension of licensing hours of the former site of Il Bordello.

The grounds for my objections are:

- (1) The building and surrounding area are residential.
- (2) A bar operation is different from the previous restaurant.
- (3) The proposed extension is far later than Il Bordello's closing time.
- (4) Noise from diners leaving the restaurant at midnight and later as proposed/ smoking outside the bedroom.
- (5) Car traffic later at night and diners chatting later at night waiting for cabs.
- (6) A bar will attract a different type of clientele than a family restaurant and we have enough problems with ASB in the area.

I sincerely hope that you will take all the above points into consideration and will not grant the extension of licensing hours.

Please don't hesitate to contact me should you have any questions.

Kind regards,
Isabell Culpan

Appendix 11

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

[REDACTED]
29th October 2018

Dear Sirs,

APPLICATION FOR LATE ALCOHOL SALES

An application has been made for late alcohol sales by Lola Hospitality Ltd. for the restaurant sited at 81 Wapping High Street. We live in [REDACTED] facing on to the road and very close to number 81.

We object to the application for very long and late licensing hours, this is a residential area surrounded by canyon streets and noise travels extensively. When the previous restaurant was operating, there was considerable noise when patrons were leaving the premises or standing outside smoking; a late license would only exacerbate this problem into antisocial hours.

We do not believe a license would need to start so early and continue for so long. We would request the license should start no earlier than 11.00 a.m. and last until 11.00 p.m. at the latest on each day.

Yours sincerely

Kevin Eden (Mr)

[REDACTED]
Patricia C Eden (Mrs)

LBTH
TRADING STANDARDS
30 OCT 2018
LICENSING

Appendix 12

Samantha Neale

Subject: FW: 31/27874 : Application for late alcohol sales; 81 Wapping High Street, made by Lola Hospitality Ltd

From: Julian Foot [REDACTED] >

Date: 21 October 2018 at 12:36:19 BST

To: [REDACTED]

Subject: Application for late alcohol sales; 81 Wapping High Street, made by Lola Hospitality Ltd

Dear Sirs,

I live in [REDACTED] I note there is an application for a late license to sell alcohol at the former premises of Il Bordello at 81 Wapping High Street. This is made by Lola Hospitality Limited.

I note the period for making written representations extends to 01/11/18. Unfortunately, my wife and I are leaving the UK today to travel in Nepal for three weeks and so I am unable to make written representations within this time frame. However, I wish to object to this application. I hope you can take this email into consideration.

Our flat fronts the Waterside Gardens. and is across the street from the application site. As you know, Waterside Gardens is open 24 hours a day and is often the location for groups of people congregating during antisocial hours. This is very disruptive to our amenity. Anything that adds to the encouragement of these congregations will cause impact to local residential amenity.

When in operation, Il Bordello gave rise to considerable noise as groups of people stood smoking outside and, inevitably, made noise as they were leaving the premises. This is an overwhelmingly residential area surrounded by canyon streets and noise travels extensively. We certainly received a lot of noise from the restaurant use.

The extension of the licensing hours will only exacerbate this issue into antisocial hours. Whilst having no issue with the established use, there should be no extension beyond normal licensing hours to protect the amenity of local residents.

As explained, I am unable to set out this objection in writing but I urge you to please take it into account. Furthermore, by copy of this message to my two Ward Councillors, I would respectfully encourage you both to speak up against this application and think of your local residents when being consulted or being asked to vote on this application.

Thank you for your consideration of this matter.

--

Regards,

Julian Foot

Appendix 13

Kathy Driver

From: Dan Goldsack [REDACTED]
Sent: 09 October 2018 20:17
To: Licensing
Subject: Objection to licensing application - Lola Hospitality, 81 Wapping High St, London, E1W 2YN. Ref: 31/27874

Dear Tower Hamlets licensing dept,

I am writing to you to strongly object to the alcohol license request from Lola Hospitality Ltd, 81 Wapping High Street, London, E1W 2YN. Ref: 31/27874.

The premises are located on a quiet residential street and in a Conservation area. There are residential flats above the premises within the same building and residential flats adjacent on both sides of the premises.

I live within 30 seconds walk of the premises on Wapping High Street. My bedroom faces the street so I am raising an objection to the late night noise and potential ASB from inebriated customers the late night licensing hours would create.

I would welcome the same licensing hours as the previous occupier of 81 Wapping High Street, which was Il Bordello restaurant. I understand they served alcohol until 2300 on weekdays and weekends, which is in line with the local pubs.

Il Bordello ran a hugely successful restaurant business and occupied the site for 20 years. There can be no argument from Lola Hospitality that a reduction in the licensing hours they have requested would damage their business.

Thank you for considering my strong objection to this licensing application.

Kind regards,

Dan Goldsack

[REDACTED]

E: [REDACTED]

Appendix 14

From: Cameron Grant [REDACTED]
Sent: 29 October 2018 22:17
To: Licensing
Cc: 'MOORE, Sharon'; Cameron Grant
Subject: Lola Hospitality Limited: 75/81 Wapping High Street, London, E1W 5JN - Sale of alcohol by retail and provision of late night refreshment

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

Dear Sirs

RE: Lola Hospitality Limited: extension of licencing hours application under Licencing Act 2003
75/81 Wapping High Street, London, E1W 5JN - Sale of alcohol by retail and provision of late night refreshment

I am writing in response to the above application and wish to make representations as a leaseholder of the above the premises, and on behalf of our tenants. I am the owner of [REDACTED] which is on the first floor, one floor adjacent to the subject premises.

Until late August, the premises operated as Il Bordello and their licencing hours were Monday to Saturday 6:00 pm to 11:00 pm and Sunday 1:00 pm to 10:30 pm.

I have been advised by other residents/tenants of the Sanctuary, that since Il Bordello closed, the area has been quieter with less noise from traffic and parking outside the premises and the front and side pavements outside the restaurant have been less busy.

When Il Bordello operated (and having attended their restaurant on many occasions over a number of years), they generally took care to ensure that their diners did not cause disturbance when leaving the restaurant, but nevertheless, there was some disturbance as follows:

- the noise and car fumes from cars parking and leaving, car doors being slammed;
- taxis/Ubers arriving and waiting for their customers and the noise of diners talking outside the restaurant waiting for their transport;
- diners standing outside the restaurant smoking, causing some inconvenience particularly in the summer months when windows are open.

Whilst the above caused some disruption and disturbance, it was on the whole tolerable because of Il Bordello's trading hours. However, at "closing time", there could be up to a 45/60 minute window when there was more noise directly outside Il Bordello with restaurant diners chatting and smoking whilst they said their 'goodbyes' or stood waiting for taxis. This generally occurred from around 10:30 pm to 11:30pm when the restaurant closed at 11:00 pm during the week and 10:30 on a Sunday evening.

I am very concerned by the application by Lola Hospitality Limited, on the basis of the request by Lola for the premises to be open until midnight throughout the week and 12:30 am on a Saturday evening. This will in all likelihood, push back any similar disturbance as noted above, too much later in the evening.

Even when Il Bordello was reasonably well managed, there was still some disturbance. However, if Lola is going to be trading up to midnight during the week and 12:30 am on a Saturday, this pushes back the time when there might be disturbance at the end of the licencing period when many residents living above the restaurant might reasonably be in bed. The additional extension of the licencing hours would have greater impact out of all proportion to the extra time requested, given that any disturbance is likely to be taking place later in the evening.

A further concern is that Lola is wanting to trade as a bar rather than predominantly as a restaurant, with the result that of more drunk people moving outside during the course of the evening to smoke and talk (shout) on the pavement.

The area is entirely residential apart from two public houses both over 200 hundred metres away and a parade of shops some 400m away.

My objections can be summarised as follows:

1. a bar operation will cause more disturbance (drunk and disorderly), than premises which are run predominantly as a restaurant;
2. more people may be moving outside during the course of the evening to smoke and talk on the pavement on the basis that the venue will function predominantly as a bar
3. if the hours are extended, there is a heightened risk of disturbance much later in at the evening (midnight during the week and 12:30 am on a Saturday), when most people will have gone to bed;
4. the additional noise and disturbance that generally arise from car traffic late at night (Uber/cabs) and from the bar patrons talking whilst waiting outside for said Uber/cabs.
5. may put at risk our ability to rent out the flat based on the extended trading hours of the proposed bar (for all the points noted)

This building is located within a quiet area of Wapping, something that is highly valued by residents of The Sanctuary. Residents have coexisted well with the management of the premises previously operated as Il Bordello, based on operating hours that have existed for many years. I strongly object to any extension to the operating hours beyond those that were in operation for Il Bordello. These new proposed hours will greatly impede on the residents quiet enjoyment and I should be grateful if you would take these objections into account when considering the application by Lola.

Yours faithfully

Cameron Grant

Cameron Grant
[REDACTED]
[REDACTED]
[REDACTED]

Please consider the environment before printing this email

If you don't want to continue to receive emails from Perpetual Limited ABN 86 000 431 827, including its wholly owned subsidiaries, please notify the sender of this message and we will update our records.

The following Perpetual Limited wholly owned subsidiaries hold AFSL and RSE licences: Perpetual Investment Management Limited AFSL 234426; Perpetual Corporate Trust Limited AFSL 392673; Perpetual Trustee Company Limited AFSL 236643; Perpetual Trust Services Limited AFSL 236648; The Trust Company Limited AFSL 235148, The Trust Company (Australia) Limited AFSL 235145, The Trust Company (Nominees) Limited AFSL 235140, The Trust Company (PTAL) Limited AFSL 235128, The Trust Company (RE Services) Limited AFSL 235150, The Trust Company (Sydney Airport Limited) AFSL 301162; and Perpetual Superannuation Limited AFSL 225246 RSE L0003315.

PRIVILEGED AND CONFIDENTIAL This email and any attachments may contain copyright material or confidential information. The confidential information may be subject to legal professional privilege. It should not be distributed, disclosed or copied to anyone without the approval of the sender. Legal professional privilege is not waived or lost by inadvertent disclosure or communication in this email and attachments. If you receive this email and you are not the intended addressee (or responsible for delivery of the email to the addressee), please disregard the contents of the email, delete the email and notify the sender immediately.

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

Appendix 15

Samantha Neale

From: Damian Doherty on behalf of Licensing
Sent: 01 November 2018 09:43
To: Samantha Neale
Subject: FW: Wapping Lola hospitality Ltd consultation

FYI

From: hollygreer [REDACTED]
Sent: 31 October 2018 22:38
To: Licensing
Subject: Wapping Lola hospitality Ltd consultation

Dear Tower Hamlets Licensing,

I have just discovered the planning application for the old Il Bordello site to turn it into somewhere that sells alcohol with a licence till midnight.

As a resident just a few doors down on Wapping High Street I strongly object to the proposed licensing times (in fact the idea of a bar at all!) We regularly have drunks walking down the road, I believe they're coming from St Katherine's docks (not the local pubs). The street's architecture means noise reverberates incredibly loudly into the flats. In summer with the window open I was often jolted awake until midnight by people noisily passing by. Even with the windows closed they're thin single glazed windows so noise can easily be heard.

My partner and I go to bed at 10 and will be prevented from sleeping. I work as a doctor in north London with a long commute and this will be really detrimental to my sleep. We were hoping a restaurant or shop would open, but if it has to be a bar PLEASE only grant a license till 10 or 10.30 (people often hang around for taxis after closing time so will be there till 11). We specifically moved here to escape the noise of bars.

Having voted for Labour in the last local election I would hope the interests of the people will be fairly balanced with the interests of the business owners and common sense prevails.

Thank you for your time.

Holly Greer

Sent from my Samsung Galaxy smartphone.

Appendix 16

Samantha Neale

From: kengling koay [REDACTED]
Sent: 23 October 2018 21:47
To: Licensing
Subject: Objecting application of the extension of licensing hours

Dear Tower Hamlets Licensing dept.,

I am the owner and resident of flat [REDACTED], opposite [81 Wapping High Street](#).

I am writing to object the application by Lola Hospitality Ltd to an extension to licensing hours for the sale of alcohol.

Aberdeen Wharf is situated next to Waterside Gardens which fronts the river. Unfortunately It has no gates. I am struggling with noise when people congregate late nights in Waterside Gardens. The noise echoes around the square with amplification by the close proximity of the other tall buildings. The windows to both my bedrooms faces out into the park, I am frequently kept awake by noise even with my double glazing windows closed.

I believe that an extension of the licensing hours will only encourage more people to congregate in Waterside Gardens later into the night, and as a doctor and a mother to a 5 years old, we cannot afford further disruptions.

The primary purpose of this business is to serve food. By extending drinking hours alters the establishment of late night drinking and potentially causing anti-social behaviour well into the night in this quiet residential area.

I hope my seriously considered my objection to the application.

Yours sincerely

Dr Keng Ling Koay

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

Sent from my iPhone

Appendix 17

Samantha Neale

From: Corinne Holland on behalf of Licensing
Sent: 22 October 2018 16:17
To: Samantha Neale
Subject: FW: 75/81 Wapping High Street, London, E1W 5JN - Sale of alcohol by retail and provision of late night refreshment [PENN-DMS.FID65318501]

From: David Masters [REDACTED]
Sent: 22 October 2018 15:42
To: Licensing
Subject: FW: 75/81 Wapping High Street, London, E1W 5JN - Sale of alcohol by retail and provision of late night refreshment [PENN-DMS.FID65318501]

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

Dear Sirs

RE: Lola Hospitality Limited: extension of licencing hours application under Licencing Act 2003
75/81 Wapping High Street, London, E1W 5JN - Sale of alcohol by retail and provision of late night refreshment

I am writing in response to the above application and wish to make representations as a leaseholder and local resident above the premises. I have a lease of [REDACTED] [REDACTED] which is on the second floor, two floors directly above the subject premises.

Until late August, the premises operated as Il Bordello and their licencing hours were Monday to Saturday 6:00 pm to 11:00 pm and Sunday 1:00 pm to 10:30 pm.

It is noticeable that since Il Bordello closed, the area has been quieter in that there has been less noise from traffic and parking outside the premises and the front and side pavements outside the restaurant have been less busy.

When Il Bordello operated, they generally took care to ensure that their diners did not cause disturbance when leaving the restaurant but nevertheless, there was some disturbance as follows:

- the noise and car fumes from cars parking and leaving, car doors being slammed;
- taxis arriving and waiting for their customers and the noise of diners chatting outside the restaurant waiting for their taxis;
- diners standing outside the restaurant smoking, causing some inconvenience particularly in the summer months when windows are open.

Whilst the above caused some disruption and disturbance, it was on the whole tolerable because of Il Bordello's trading hours. However, at "closing time", there could be up to a 45/60 minute window when there was more noise directly outside Il Bordello with restaurant diners chatting and smoking whilst they said their 'goodbyes' or stood waiting for taxis. This generally occurred from around 10:30 pm to 11:30pm when the restaurant closed at 11:00 pm during the week and 10:30 on a Sunday evening.

A concern caused by the application by Lola Hospitality Limited is that Lola will want to be open until midnight throughout the week and 12:30 am on a Saturday evening, potentially putting back any similar disturbance to later in the evening.

Even when Il Bordello was reasonably well managed, there was still some disturbance. However, if Lola is going to be trading up to midnight during the week and 12:30 am on a Saturday, this pushes back the time when there might be disturbance at the end of the licencing period when many residents living above the restaurant might reasonably be in bed. The additional extension of the licencing hours would have greater impact out of all proportion to the extra time, given that any disturbance is likely to be taking place later in the evening.

A further concern is that Lola may be wanting to trade more as a bar than predominantly as a restaurant with the result that more people may be popping outside during the course of the evening to smoke on the pavement.

As will be apparent, the area is entirely residential apart from two public houses both over 200 hundred metres away and a parade of shops some 400m away.

My objections can be summarised as follows:

1. a bar operation may cause more disturbance than premises which are run predominantly as a restaurant;
2. if the hours are extended, the risk is that any disturbance is likely to be caused at the end of the evening, midnight during the week and 12:30 am

on a Saturday when many people might by that stage reasonably have gone to bed;

3. the noise and disturbance that generally arises is not from the premises themselves but from car traffic late at night and diners chatting and waiting outside for cabs.

I should be grateful if you would take these into account when considering the application by Lola.

Yours faithfully

David Masters

David Masters

[REDACTED]
[REDACTED]
[REDACTED],
[REDACTED]

Penningtons Manches LLP is a limited liability partnership registered in England and Wales with registered number OC311575. It is authorised and regulated by the SRA. A list of the members is open to inspection at its registered office, 125 Wood Street, London, EC2V 7AW. In relation to Penningtons Manches LLP, any reference to a partner means a member of the LLP. San Francisco is an office of Penningtons Manches (California) LLP, a California registered limited liability partnership with number 202016025001. www.penningtons.co.uk

This e-mail and any attachments are confidential and may contain information that is privileged. If you are not the named recipient, or responsible for delivering the message to the named recipient, you must not use this e-mail or its attachments in any manner. If you have received this communication in error, please inform the sender and immediately delete this message. Our Privacy Policy explains our commitment to respecting data protection laws. You can read the full text about your rights as a data subject and our data privacy statement on our website at www.penningtons.co.uk/privacy-policy/

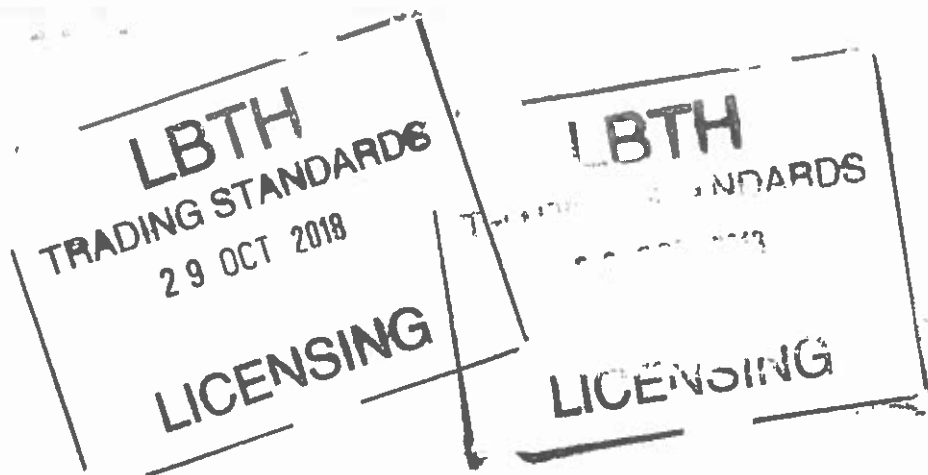
Although this e-mail and its attachments have been checked by an up-to-date virus-checking program before transmission, it is your responsibility as recipient to ensure they are actually virus free when received.

We are aware of an attempted fraud involving our firm's name. If you have any doubts about whether a communication is genuinely from us, please call +44 (0)1256 407100.



Penningtons Manches LLP is a member of Multilaw and the European Law Group, two international networks of independent law firms.

Appendix 18



Phung Pham

22 October 2018

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

Dear Sir or Madam,

RE: OBJECTION TO APPLICATION FOR A PREMISES LICENCE
PREMISES: 81 WAPPING HIGH STREET, LONDON E1W 5JN

My family and I are residents and leasehold owners at [REDACTED]
[REDACTED] I currently live there with my wife and two young children (a 2 year old and a 1 month old). We have lived in the building since 2010, and our flat is in the same block / development (ie. directly above) the premises in question.

We are writing to express our **strong objections** to the granting of any licence (to Lola Hospitality Limited or otherwise) to extend the hours of alcohol sales at this premises.

The premises was formally the site of Il Bordello, an Italian restaurant. While we are obviously very aware that there have been intermittent issues with noise and anti-social behaviour from customers of Il Bordello in the past, we have in the past accepted these incidents to a certain extent as a part of living in London.

However, the proposed licence application seeks to extend the alcohol sales hours past what is acceptable, in our view, for a residential street, and more importantly, for a residential premises which has 15 flats directly above it.

The previous Il Bordello restaurant closed at 11pm, and its customers were obviously also patrons of the restaurant, so were having alcohol as part of their meal.

The current licensing application to extend these hours to 12am everyday (and to 12.30am on Saturdays), as well as to provide "late night refreshments" would attract an altogether different type of customer (eg. drinking only, rather than part of a meal), which is likely to dramatically increase the noise and instances of anti-social behaviour, literally on our doorsteps.

It's probably also fair to say that late night drinking would also increase the instances of cigarette smoking just outside the premises. The windows to most of the flats in the property

are directly above the premises, so any increase in cigarette smoking by customers would increase the passive smoking harm on us.

The increase in noise, disruption and secondary smoke would have an extremely detrimental affect on our family's health and enjoyment of our home, particularly on our two young children. We therefore urge you to please reject the application for a premises licence.

Please do not hesitate to get in touch should you require any further submission from me.

Kind regards,

[Redacted signature]

[Redacted address]

Appendix 19

28 October 2018

Alex Rafalowicz-Campbell

To whom it may concern,

Application for Licencing by LOLA Hospitality Limited for the premises 81 Wapping High Street, London, E1W 5JN

I am writing to you with regards to the Application for Licencing by LOLA Hospitality Limited for the premises 81 Wapping High Street, London, E1W 5JN. I am making representations as a resident of [REDACTED] to oppose the granting of the premises licence for provision of late night refreshment to 24:00 Sunday – Friday, and to 24:30 on Saturday.

My reasons for my representation is as follows:

- 1) The area is residential and the late opening of this establishment will ensure that there is a large amount of noise late at night. I personally need to rise early during the week (pre 6.00am) and it will be intolerable to be kept awake late at night due to noise emanating from the downstairs establishment.
- 2) The proposed extension of the licence is far in excess of the previous licence granted to Il Bordello. There are families with young children within the building and having experienced the noise from Il Bordello at night (admittedly not as late at night), I can attest that this will cause a large amount of disruption to the young children within the building.
- 3) Whilst the previous incumbent, Il Bordello did cause noise late at night, the bar element of the new establishment is a different and potentially more disruptive operation than the previous incumbent, with increased amount of intoxicated behaviour – which in itself creates a risk of causing greater financial strain to Tower Hamlets Council due to potential damage to the local area, such as the local parks.
- 4) The noise will be exacerbated late at night by patrons leaving late at night, and the downstairs smoking. Despite residing on the 4th floor, with Il Bordello, we were impacted as people smoking downstairs travelled into our flat, often rendering our flat reeking of smoke. This particular issue is exacerbated in the summer months when we require leaving our windows open.
- 5) There will be increased late night traffic in the area due to people travelling from the restaurant late at night, including increased numbers of cabs. This will cause both noise, and greater air pollution in the area.

For the reasons detailed above, I feel that this late licence will therefore contravene the following objectives of the Licencing Act 2003: **7c) the prevention of public nuisance** and **7d) the protection of children from harm**.

Per Section 4, point 36 of the act, the activities will incur an unacceptable impact on the local population.

I consequently feel that it is unacceptable for LOLA hospitality to be granted a premises licence for late night refreshment.

Thank you for your consideration, and I await the outcome of the premises licence application.

Yours Sincerely,

[REDACTED]

Alex Rafalowicz-Campbell

LBTH
TRADING STANDARDS
30 OCT 2018
LICENSING

Appendix 20

Samantha Neale

From: Peter Talbot [REDACTED]
Sent: 01 November 2018 16:19
To: Samantha Neale
Subject: Re: FW: Notice in writing against Lola Hospitality Limited
Attachments: image001.jpg

Sorry, but I'm really struggling to understand what I have to put to have my objections approved.

I felt my comments were very specific towards a late licensed premises opening up opposite my home in this specific part of Wapping High Street.

I don't feel a late licensed premise is suitable in a very quiet residential street, it's naturally going to attract people drinking / smoking and being unsocial and load at unsuitable times of the night / morning.

Peter

On Thu, 1 Nov 2018 at 16:03, Samantha Neale [REDACTED] wrote:

Good Afternoon Mr Talbot,

Thank you again for your email. I am not able to accept this email either as it does not reach the requirements as set out within the Licensing Act 2003.

Representations made by the public have to meet such requirements as to ensure they are relevant to the four Licensing Objectives and the application in consultation, and my role as a Licensing Officer requires me to distinguish between valid representations and those which are 'frivolous' and 'vexatious'.

Though you have begun to make comments relating to the Prevention of public nuisance, your comments should be about the likely effect of the grant of the premises licence on the promotion of the licensing objectives as opposed to generalised comments.

As stated within the Licensing Act 2003, each application must be considered on its own merit.

I hope this has been helpful.

I will be in the office until 16.30 tonight, so please feel free to respond to myself, however any comments which I receive after my departure from the office, I shall pick up tomorrow.

Kindest regards,

Samantha Neale - Licensing Officer

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

[REDACTED]



From: Peter Talbot [REDACTED]
Sent: 01 November 2018 15:42
To: Samantha Neale
Subject: Re: FW: Notice in writing against Lola Hospitality Limited

Good afternoon Samantha,

Thank you for your email and help. I've never objected to anything in the past, but now I've lived in Tower Hamlets for over 8 years, 6 in Wapping and a home owners for nearly 3 years (plus a born and bred Londoner) I feel I now have a right to an opinion.

My objection would be based on the following

- *the prevention of public nuisance*

As previously mentioned, it's a very quiet residential part of Wapping High Street with very narrow walk ways and I don't like the idea of a late license premise opposite my home where people are hanging out on the street drinking, smoking ordering loud taxi's late at night and generally making unnecessary noise.

I hope this fits within the requirements of an objection and than kyou for your help and advice again.

Peter

Peter Talbot

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

On Thu, 1 Nov 2018 at 15:12, Samantha Neale [REDACTED] wrote:

Dear Mr Talbot,

Apologies for the email. I have been collating my documents regarding this application and have come to realise that I have inaccurately advised you of the consultation end date.

It is by midnight tonight (01.11.18) as opposed to 02.11.18 in my previous email.

I hope that this hasn't hindered any comments that you wish to make.

Kind Regards,

Samantha Neale - Licensing Officer

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

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

From: Samantha Neale
Sent: 31 October 2018 14:05
To: [REDACTED]
Subject: RE: Notice in writing against Lola Hospitality Limited

Dear Mr Talbot,

Thank you for your email. Unfortunately, your email does not meet the legal criteria to be valid and it does not contain enough information. Please can you expand on your reasons regarding your objection.

Under the Licensing Act 2003, all representations must be about the likely effect of the grant of the premises licence on the promotion of one or more the following licensing objectives:

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

Another requirement for your representation to be valid is that we require your full address.

If the representations are not resolved then the matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. If you do make a valid representation, the council's Democratic Services will write to you and invite you to the hearing. Also, please note that your representation will become a public document (address redacted) and the applicant is entitled to a full, un-redacted copy of your representation

Please note that the last date for the Licensing Authority to receive representations is Friday 2nd November 2018 . Representations should be sent to licensing@towerhamlets.gov.uk . In the meantime, you can find further information on our website: <http://www.towerhamlets.gov.uk/representation>

If I can be of any further help, do not hesitate to contact me.

Regards,

Samantha Neale - Licensing Officer

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

[REDACTED]

From: Peter Talbot [REDACTED]
Sent: 30 October 2018 15:01
To: Licensing
Subject: Notice in writing against Lola Hospitality Limited

With regards to site 81 Wapping High Street, London E1W 5JN

I'd like to object against their late license, it's a very residential quite part of street which I live opposite.

There used to always be people outside smoking, making lots of noise. I think there's enough place selling alcohol in wapping, and if it's a late license it should be restricted to the busy Wapping lane.

Peter Talbot

[REDACTED]

[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

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

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 21

Samantha Neale

From: Damian Doherty on behalf of Licensing
Sent: 02 November 2018 09:55
To: Samantha Neale
Subject: FW: Former Il Bordello - Wapping High St.

Importance: High

FYI

From: Richard and Sally Unwin [REDACTED]
Sent: 01 November 2018 17:15
To: Licensing
Subject: Former Il Bordello - Wapping High St.
Importance: High

I wish to object to the proposed licensing hours for the restaurant premises previously occupied by Il Bordello on Wapping High Street.

The application by LOLO Hospitality is seeking the permission to sell alcohol, both retail (i.e. I assume sales to go) and also for consumption in house.

I object to the need to sell Alcohol from 10am in the morning. No Public House is allowed to open those hours, so why should a Restaurant want to.

My concern is for the local residents. The restaurant is under a Residential block of flats with other premises all around it. The Park opposite already causes significant problems with late night partying, drug taking and noise issues. This is not the vicinity to increase the opportunity for unruly behaviour by extending licensing laws.

Only, provided the Restaurant serves food throughout the day without closing after lunch, would I support the alcohol license to be granted from 11:30am – 11:30pm, with no extension at weekends, for the sake of the local residents.

Sally Unwin
Resident of Wapping for 23 years.

Appendix 22

Samantha Neale

From: Damian Doherty on behalf of Licensing
Sent: 01 November 2018 09:44
To: Samantha Neale
Subject: FW: 81 Wapping high street objection

FYI

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

From: Nicola Veall [REDACTED]
Sent: 31 October 2018 22:46
To: Licensing
Subject: 81 Wapping high street objection

This is a quiet residential area and also has people walking through late at night on way home from work. I object to the proposal to sell alcohol every evening until midnight. This will encourage anti social behaviour which is already a problem in this area.

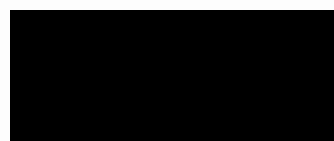
Nicola Veall
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 23

30 October 2018



Montine Walters



To whom it may concern,

Application for Licencing by LOLA Hospitality Limited for the premises 81 Wapping High Street, London, E1W 5JN

Many thanks for providing us with the opportunity to contest against the Application for Licensing by LOLA Hospitality Limited for the premises 81 Wapping High Street, London, E1W 5JN. I am making representations as a resident of [REDACTED] to oppose the granting of the premises license for provision of late night refreshment to 24:00 Sunday – Friday, and to 00:30 on Saturday night.

My reasons for my representation is as follows:

- 1) This is a residential area and the later opening hours of the establishment will result in a large amount of noise pollution of an evening. For work purposes I am required to leave on a daily basis by 06:30 am, therefore with late night noise pollution this will impact my ability to sleep soundly and get the required rest for my employment, which due to its risk nature, requires concentration.
- 2) The proposed extension of the licence is far in excess of the previous licence granted to Il Bordello. There are families with young children within the building and having experienced the noise from Il Bordello at night, I can attest that this will cause a large amount of disruption to the residents of the property. Furthermore, with plans for starting a young family of my own, this level of noise will prove increasingly challenging.
- 3) Whilst the previous incumbent, Il Bordello was a restaurant, this new establishment with the plan to include a bar element will definitely be more disruptive, not only due to the type of clientele it will attract but also their behaviour once leaving the establishment. This is a quiet residential neighbourhood with lots of young families and elderly residents – by permitting a bar, an increase in intoxicated behaviour in this quiet neighbourhood will make the environment unsafe and frightening of an evening, whereby previously a family restaurant did not have this impact.
- 4) The potential increase of intoxicated clientele in itself creates a risk of causing greater financial strain to Tower Hamlets Council due to potential damage to the local area, such as the local parks.
- 5) A further concern with the increase in late night patrons visiting the establishment will also exacerbate an issue we have previously had with Il Bordello with patrons smoking outside. Despite residing on the 4th floor, with Il Bordello, we were impacted as people smoking outside the restaurant, including the staff, meant that the smoke travelled up into our apartment, often making our flat stink of smoke as well as any soft furnishings and washing we had hanging. This will only be exacerbated with the current proposal, particularly in the summer months when we require leaving our windows open.
- 6) Finally, as a direct result of the hours proposed, there will be increased late night traffic in the area due to people travelling from the restaurant late at night, including increased numbers of cabs. This will cause both noise, and greater air pollution in the area as well as result in further limitation of parking spaces for residents in the area who have paid for Tower Hamlets council permits.

For the reasons detailed above, I feel that this late licence will therefore contravene the following objectives of the Licencing Act 2003: **7c) the prevention of public nuisance** and **7d) the protection of children from harm**.

Per Section 4, point 36 of the act, the activities will incur an unacceptable impact on the local population.

I consequently feel that it is unacceptable for LOLA hospitality to be granted a premises licence for late night refreshment.

Thank you for your consideration, and I await the outcome of the premises licence application.

Yours Faithfully,

A black rectangular box redacting the signature of Montine Walters.

Montine Walters

Appendix 24

Dear Sir / Madam,

I am writing as a representation in relation to the application for a late night refreshment licence by Loka Hospitality Ltd. at 81. Wapping High Street.

I am a resident in [REDACTED] & have been for the past 14 years.

[REDACTED] Bordellos had been on the corner of 81. Wapping High Street - while we have been there and their licence was only till 11pm.

As there are now more residents in the area, I feel very strongly that a licence on a daily basis up until midnight is unacceptable. Particularly during the week, and on Sunday evenings when the local pubs only have a licence till 10.30pm.

Residents have to work and we know that a midnight licence means there will be more cars & voices - after midnight.

Yours faithfully



Appendix 25

LBTH
TRADING STANDARDS
09 OCT 2018
LICENSING

Premises and Alcohol Licencing Section
Tower Hamlets Council,
John Onslow House
1 Ewart Place
London E3 5EQ

Dear Sirs,

LICENSING ACT 2003 - APPLICATION BY LOLA HOSPITALITY LTD, 81 Wapping High Street, E1W 5JN

I wish to register objection to the above referenced Licence Application on the grounds of the lateness of the hours proposed. The application seeks permission to sell alcohol to midnight, seven days per week, in a residential area.

In addition to unavoidable noise issues, I wish to highlight the following problems associated with extended hours licences.

1. **Smokers.** A designated area, at least 5m away from the entrance, with appropriate signage and enforcement, is a legal requirement and should be enforced as part of any grant;
2. **Engine Idling.** Taxis ferrying customers to and from the restaurant should be discouraged from idling engines in the local vicinity via appropriate signage and enforcement;
3. **Illegal Parking.** Appropriate road markings, signage and enforcement is required.

I do not oppose a restaurant in a residential area. I merely seek to limit the late-night operating hours to times that consider local residents. Like other establishments in residential areas, the new licence should insist on the employment and deployment of an independent security presence to enforce quiet conduct, the law and TH licence policies to help mitigate the issues highlighted above.

I leave this matter in your expert and capable hands to rule on in keeping with Tower Hamlets' policies and the law.

Yours faithfully,


Trevor Witton


Appendix 26

From: Nicola Cadzow
Sent: 10 October 2018 14:10
To: Licensing
Cc: [REDACTED]
Subject: New Premise License Application for Lola Hospitality Limited 81 Wapping High Street London - ref M/111616

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

Having considered the new premise licence application for Lola Hospitality Limited 81 Wapping High Street London - ref M/111616 and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, the proposed hours are beyond the Council's framework hours,

It must be noted that the Council's framework hours (i.e. when premises are open) are:

- **Monday to Thursday 0600 hours to 2330 hours; and**
- **Friday & Saturday 0600 hours to midnight**
- **Sunday 0600 hours to 2230 hours.**

The applicant is proposing the hours as follows:

- **Monday to Friday 10:00 hours to 00:30 hours (an extension of an hour)**
- **Saturday 11:00 hours to 00:30 hours (an extension of half an hour)**
- **Sunday 12:00 hours to 00:30 hours (an extension of an hours)**

We are proposing:-

Licensable activities: Late Night refreshment, Sale of Alcohol:-

- **Monday to Friday until 23:00 hours, with premises closing 30 minutes later at 23:30 hours (Late Night Refreshment will not apply)**
- **Saturday 11:00 hours to 23:30 hours , with premises closing 30 minutes later at Midnight**
- **Sunday 12:00 hours to 22:00 hours, with premises closing 30 minutes later at 22:30 hours (late night refreshment will not apply)**

Noise Sensitive premises: residential premises in close proximity, 81 Wapping High Street London, including 17 residential premises above in 79-81 Wapping High Street in Sanctuary Court and 6 residential premises in adjacent building Morocco Wharf, 77 Wapping High Street.

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

- Noise breakout from the venue affecting neighbouring residents.
- The hours of operation (inclusive of proposals)

CONCLUSION

Environmental Protection **does not** support the application for 81 Wapping High Street London, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought. However I am willing to withdraw my objection if the applicant agrees to framework hours.

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

Appendix 27

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 28

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 29

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 30

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 31

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 32

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

Updated April 2018

Protection of children from harm

- 2.22 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated directly with alcohol consumption but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment). Licensing authorities must also consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 2.23 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
 - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
 - it is known that unaccompanied children have been allowed access;
 - there is a known association with drug taking or dealing; or
 - in some cases, the premises are used exclusively or primarily for the sale of alcohol for consumption on the premises.
- 2.24 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. It is not possible to give an exhaustive list of what amounts to entertainment or services of an adult or sexual nature. Applicants, responsible authorities and licensing authorities will need to consider this point carefully. This would broadly include topless bar staff, striptease, lap-, table- or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language.

- 2.25 Applicants must be clear in their operating schedules about the activities and times at which the events would take place to help determine when it is not appropriate for children to enter the premises. Consideration should also be given to the proximity of premises to schools and youth clubs so that applicants take appropriate steps to ensure that advertising relating to their premises, or relating to events at their premises, is not displayed at a time when children are likely to be near the premises.
- 2.26 Licensing authorities and responsible authorities should expect applicants, when preparing an operating schedule or club operating schedule, to set out the steps to be taken to protect children from harm when on the premises.
- 2.27 Conditions, where they are appropriate, should reflect the licensable activities taking place on the premises. In addition to the mandatory condition regarding age verification, other conditions relating to the protection of children from harm can include:
- restrictions on the hours when children may be present;
 - restrictions or exclusions on the presence of children under certain ages when particular specified activities are taking place;
 - restrictions on the parts of the premises to which children may have access;
 - age restrictions (below 18);
 - restrictions or exclusions when certain activities are taking place;
 - requirements for an accompanying adult (including for example, a combination of requirements which provide that children under a particular age must be accompanied by an adult); and full exclusion of people under 18 from the premises when any licensable activities are taking place.
- 2.28 Please see also Chapter 10 for details about the Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

- 2.29 Licensing authorities should give considerable weight to representations about child protection matters. In addition to the responsible authority whose functions relate directly to child protection, the Director of Public Health may also have access to relevant evidence to inform such representations. These representations may include, amongst other things, the use of health data about the harms that alcohol can cause to underage drinkers. Where a responsible authority, or other person, presents evidence to the licensing authority linking specific premises with harms to children (such as ambulance data or emergency department attendances by persons under 18 years old with alcohol-related illnesses or injuries) this evidence should be considered, and the licensing authority should also consider what action is appropriate to ensure this licensing objective is effectively enforced. In relation to applications for the grant of a licence in areas where evidence is presented on high levels of alcohol-related harms in persons aged under 18, it is recommended that the licensing authority considers what conditions may be appropriate to ensure that this objective is promoted effectively.
- 2.30 The 2003 Act provides that, where a premises licence or club premises certificate authorises the exhibition of a film, it must include a condition requiring the admission of children to films to be restricted in accordance with recommendations given either by a body designated under section 4 of the Video Recordings Act 1984 specified in the licence (the British Board of Film Classification is currently the only body which has been so designated) or by the licensing authority itself. Further details are given in Chapter 10.
- 2.31 Theatres may present a range of diverse activities and entertainment including, for example, variety shows incorporating adult entertainment. It is appropriate in these cases for a licensing authority to consider restricting the admission of children in such circumstances. Entertainments may also be presented at theatres specifically for children. It will be appropriate to consider whether a condition should be attached to a premises licence or club premises certificate which requires the presence of a sufficient number of adult staff on the premises to ensure the wellbeing of the children during any emergency.

Offences relating to the sale and supply of alcohol to children

2.32 Licensing authorities are expected to maintain close contact with the police, young offenders' teams and trading standards officers (who can carry out test purchases under section 154 of the 2003 Act) about the extent of unlawful sales and consumption of alcohol by minors and to be involved in the development of any strategies to control or prevent these unlawful activities and to pursue prosecutions. Licensing authorities, alongside the police, are prosecuting authorities for the purposes of these offences, except for the offences under section 147A (persistently selling alcohol to children). Where, as a matter of policy, warnings are given to retailers prior to any decision to prosecute in respect of an offence, it is important that each of the enforcement arms should be aware of the warnings each of them has given.

Table of relevant offences under the 2003 Act Section	Offence	Prosecuting Authority
Section 145	Unaccompanied children prohibited from certain premises	Police and/or Licensing Authority
Section 146	Sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147	Allowing the sale of alcohol to children	Police, Licensing Authority and/or Local Weights and Measures Authority
Section 147A	Persistently selling alcohol to children	Police and/or Local Weights and Measures Authority
Section 148	Sale of liqueur confectionery to children under 16. (This offence will be repealed by the Deregulation Act 2015 on 26 May 2015).	Police and/or Licensing Authority
Section 149	Purchase of alcohol by or on behalf of children	Police and/or Licensing Authority
Section 150	Consumption of alcohol by children	Police and/or Licensing Authority
Section 151	Delivering alcohol to children	Police and/or Licensing Authority
Section 152	Sending a child to obtain alcohol	Police and/or Licensing Authority
Section 153	Prohibition of unsupervised sales by children	Police and/or Licensing Authority

Appendix 33

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 or 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 34

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 3.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub-Committee	27 November 2018	Unclassified		

Report of: David Tolley Head of Environmental Health & Trading Standards Originating Officer: Mohshin Ali Senior Licensing Officer	Title: Licensing Act 2003 Application for a Premises Licence for (Sketch), 68 Brick Lane, London E1 6RL Ward affected: Spitalfields and Banglatown
--	--

1.0 Summary

Applicant:	Sketch Limited
Name and	Sketch
Address of Premises:	68 Brick Lane London E1 6RL
Licence sought:	Licensing Act 2003 – premises licence <ul style="list-style-type: none">• The sale by retail of alcohol (on sales)
Representations:	Environmental Health Noise Team 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

- Guidance Issued under Section 182 of the Licensing Act 2003
- Tower Hamlets Licensing Policy
- File

Mohshin Ali
020 7364 5498

3.0 **Background**

- 3.1 This is an application for a premises licence for (Sketch), 68 Brick Lane, London E1 6RL.
- 3.2 A copy of the premises licence application form is enclosed as **Appendix 1**.
- 3.3 The applicant has applied for the following licensable activities and timings:

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

- Monday to Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 12:00 hours to 22:30 hours

The opening hours of the premises

- Monday to Saturday, from 11:00 hours to 23:00 hours
- Sunday, from 12:00 hours to 22:30 hours

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 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 2018.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 6.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 6.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 6.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 6.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 6.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 5**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the Licensing Authority (RA) and residents:

Responsible Authority / Other persons	Appendix
Environmental Health Noise (Nicola Cadzow)	6
Alex Gordon Shute	7
Jon Shapiro	8
Sian Phillips	9

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
 - Home Secretary (Home Office Immigration Enforcement)
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only 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
- 6.11 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.
- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions consistent with Operating Schedule

- 7.1 No enforceable conditions offered in the application form.

8.0 Conditions in consultation with the Responsible Authorities

- 8.1 The applicant has agreed the following with Police Licensing (Please see **Appendix 10**):

8.1.□.1. *A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage. The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation).*

8.1.□.2. *While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.*

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

- 8.2 It is not clear what has been agreed with the opening hours so the applicant may wish to clarify this.

- 8.3 The applicant has agreed the following with Police Licensing (Please see **Appendix 11**):

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

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 12 - 18** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy of the application
Appendix 2	Site Plan
Appendix 3	Maps of the surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Guidance by the Home Office
Appendix 6	Representations of Environmental Health Noise Team
Appendices 7 - 9	Representations of residents
Appendix 10	Conditions agreed with Police Licensing
Appendix 11	Conditions agreed with Trading Standards
Appendix 12	Licensing Officer comments on noise while the premise is in use
Appendix 13	Licensing Officer comments on access/egress Problems
Appendix 14	Licensing Officer comments on crime and disorder on the premises
Appendix 15	Licensing Officer comments on crime and disorder from patrons leaving the premises
Appendix 16	Planning
Appendix 17	Licensing Policy relating to hours of trading
Appendix 18	Tower Hamlets Cumulative Impact Zone

Appendix 1



LICENSING ACT 2003

FOR OFFICE USE

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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We (Insert name(s) of applicant) SKETCH LIMITED

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
68 Brick Lane	
Post town	London
Post code	E1 6RL

Telephone number at premises (if any)

None

Non-domestic rateable value of premises

£ 30,250

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

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

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

Please tick as appropriate

- | | |
|---|-------------------------------------|
| ▪ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or | <input checked="" type="checkbox"/> |
| ▪ I am making the application pursuant to a | <input type="checkbox"/> |
| ▪ statutory function or | |
| ▪ a function discharged by virtue of Her Majesty's prerogative | |

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

First names

Date of Birth

I am 18 years old or over

Please tick yes ☐

Nationality

**Current residential
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

SECOND INDIVIDUAL APPLICANT (if applicable)

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

Surname

First names

Date of Birth

I am 18 years old or over

Please tick yes ☐

Nationality

**Current residential
address if different
from premises
address**

Post Town

Postcode

Daytime contact telephone number

**E-mail address
(optional)**

B) OTHER APPLICANTS

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

Name SKETCH LIMITED
Address 274 High Road Loughton, Essex IG10 1RB
Registered number (where applicable) 10158958
Description of applicant (for example partnership, company, unincorporated association etc) Private Limited Company
Telephone number, if any
E-mail (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	2	1	1	2	0	1	8

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

Day		Month		Year			

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

--

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

Restaurant over ground floor with basement for storage.

What licensable activities do you intend to carry on from the premises?
(Please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (see guidance Note 2)

Please tick all that apply

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

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

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

In all cases complete boxes K, L and M

A

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

B

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

E

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

F

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

G

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

H

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

--	--	--	--

I

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 8)	On the premises	[Y]
				Off the premises	
				Both	
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	12:00	22:30			

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

Name

Gulam Ahmed

Date of Birth

[REDACTED]

Address

[REDACTED]

Postcode

[REDACTED]

Personal Licence number(if known)

[REDACTED]

Issuing licensing authority (if known)

[REDACTED]

K

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

None

L

Hours premises are open to the public Standard timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	11:00	23:00	
Tue	11:00	23:00	
Wed	11:00	23:00	
Thur	11:00	23:00	
Fri	11:00	23:00	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 6)
Sat	11:00	23:00	
Sun	12:00	22:30	

M

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

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

Compliance with requirements and the Mandatory Licensing Conditions. Training of staff.
--

b) The prevention of crime and disorder

Compliance with requirements.

c) Public safety

Compliance with requirements.

d) The prevention of public nuisance

Compliance with requirements.

e) The protection of children from harm

Compliance with requirements.

Age verification policy and acceptable identification.

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

CHECKLIST:

Please tick to indicate agreement

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

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

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

WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	11/10/2018
Capacity	Managing Director of SKETCH LIMITED

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)	
Post town	Post code
Telephone number (if any)	

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08:00 and 23:00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08:00 and 23:00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08:00 and 23:00 on any day, on any premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08:00 and 23:00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08:00 and 23:00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08:00 and 23:00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from:

(i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
 10. Please list here steps you will take to promote all four licensing objectives together.
 11. The application form must be signed.
 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
 14. This is the address which we shall use to correspond with you about this application.

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

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

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

Any premises licence issued in respect of an application made on or after 6 April 2017 will

become invalid if the holder ceases to be entitled to work in the UK.

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

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].
- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.

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

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

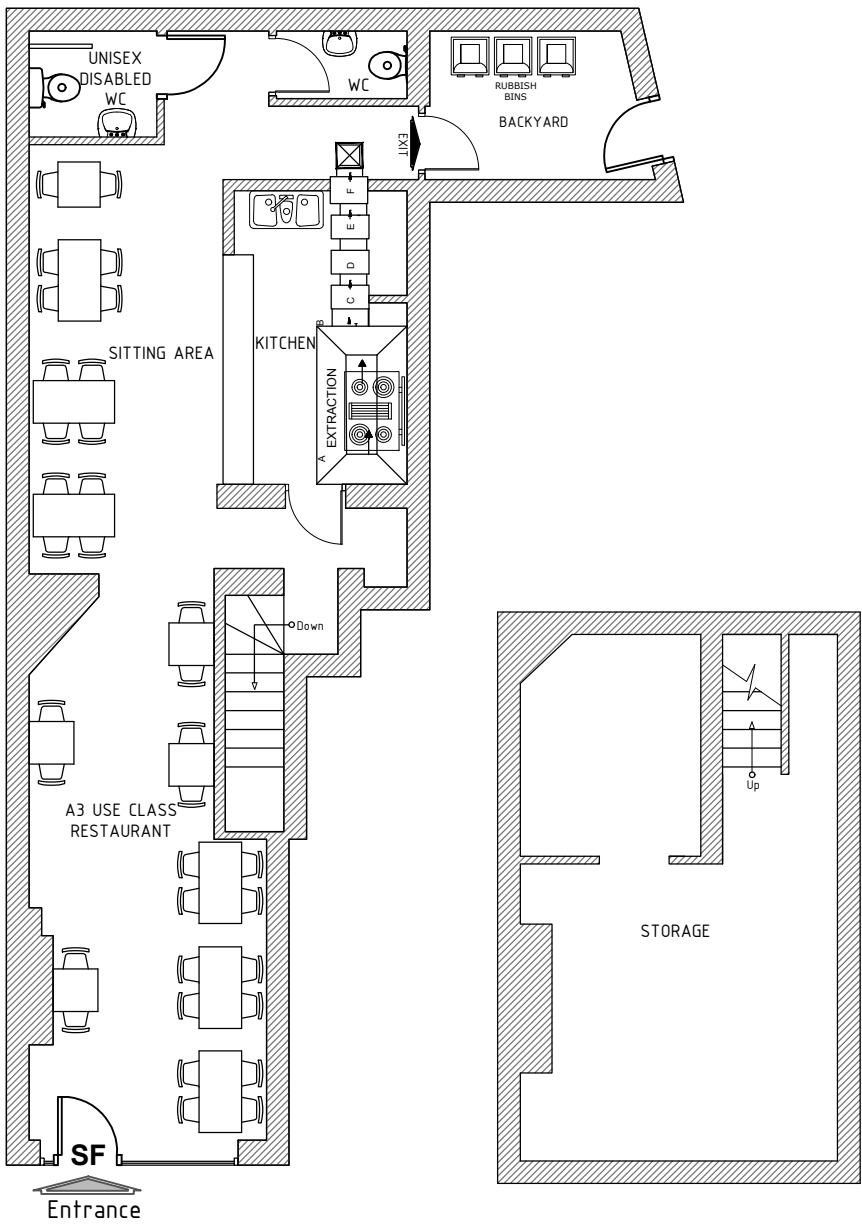
Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

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

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

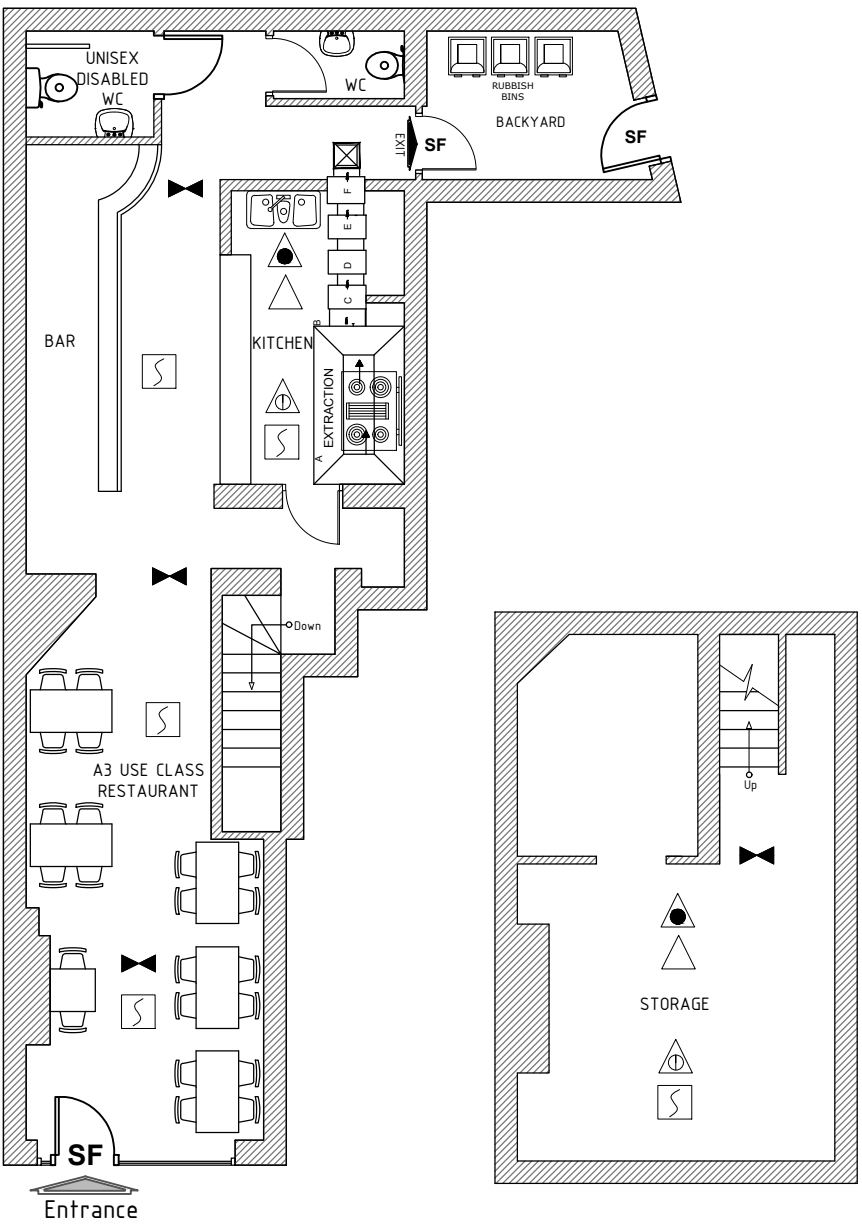
Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.

Appendix 2



EXISTING GROUND FLOOR PLAN
Scale: 1:100

EXISTING BASEMENT FLOOR PLAN
Scale: 1:100



PROPOSED GROUND FLOOR PLAN
Scale: 1:100

PROPOSED BASEMENT FLOOR PLAN
Scale: 1:100

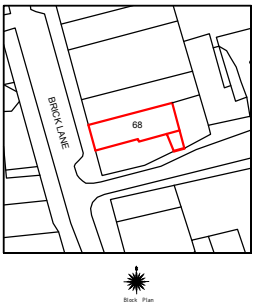
KEY LEGEND

- Automatic smoke detector
- Fire extinguisher
- Foam fire extinguisher
- Escape lighting
- Water fire extinguisher
- SF** Easily and immediately openable door



29A Waterloo Road
Epsom , Surrey KT19 8EX

Mobile: (0750) 781 17 01
E-Mail: kablandesign@hotmail.co.uk



NOTES

- This drawing to be read in conjunction with all relevant drawings. Any discrepancies found to be notified to the Supervising Officer Immediately
- Only figured dimensions to be used for constructional purposes
- All works to be carried with all relevant local authority approvals and to the satisfaction of the building control inspector, existing structure to be opened for inspection if required. All dimensions are to be checked on site prior to commencement of works.
- This drawing is copyright of KABLAN DESIGN and can not be reproduced without KABLAN DESIGN's approval

THIS IS A PLANNING DRAWING ONLY

Client: Sketch Limited

Address: 68 Brick Lane, London, E1 6RL

Drawing Title

Existing Basement Floor Plan
Existing Ground Floor Plan
Proposed Basement Floor Plan
Proposed Ground Floor Plan

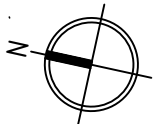
Scale 1:100

DRAWING NUMBER : 09.1018.01

Revision: OCT 2018 Scale: 1:100 @ A3

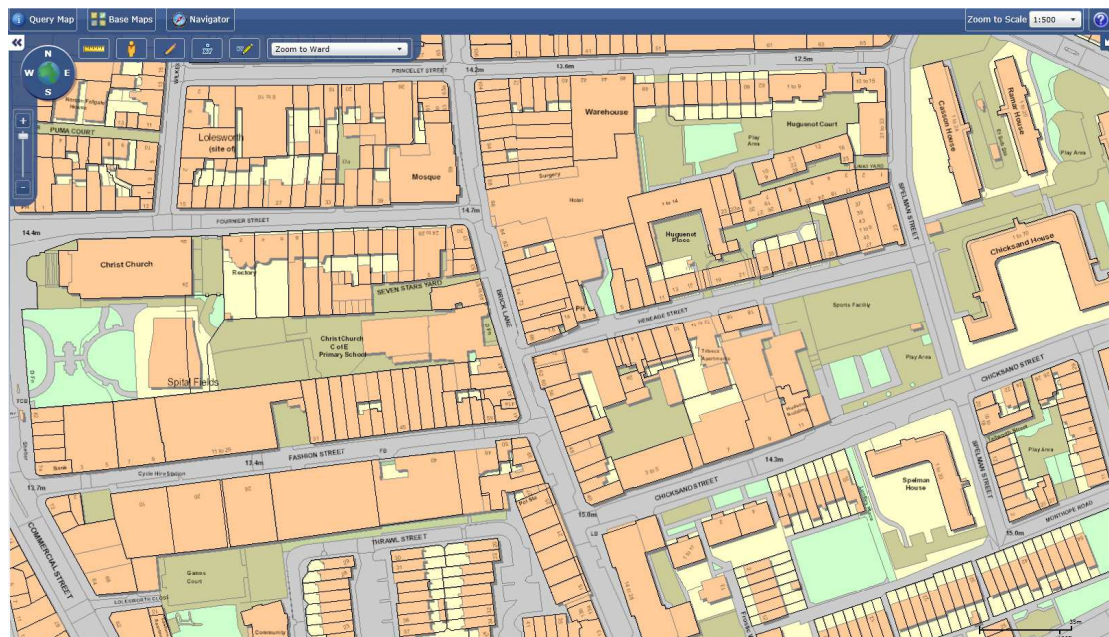
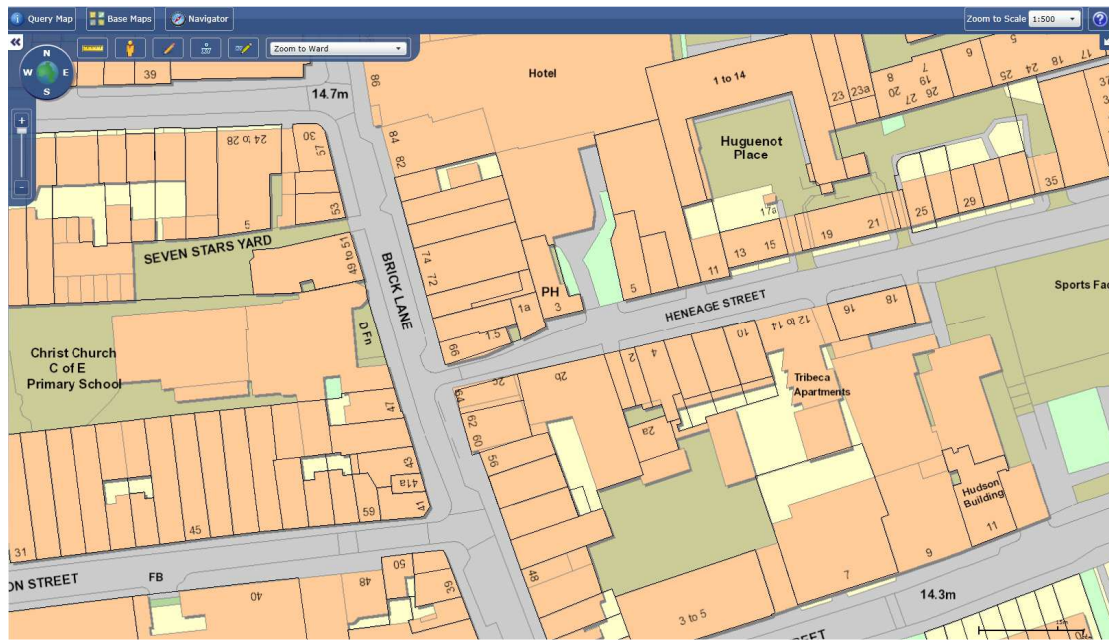
ALL DIMENSIONS TO BE VERIFIED ON SITE

SCALE 1:100 0 0.5m 1 1.5 2 2.5 3 3.5 4 4.5 5 5.5 6 6.5 7 7.5 8 8.5 9 9.5 10 m



Appendix 3

Sketch, 68 Brick Lane, London E1 6RL



Appendix 4

Sketch, 68 Brick Lane – Nearby licensed premises

Name and address	Licensing activities	Opening times
(Kill the Cat) 43 Brick Lane London E1 6PU	<u>Supply of alcohol – on and off sales</u> Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 21:00hrs	Monday to Wednesday from 12:00hrs (midday) to 22:00hrs Thursday to Saturday from 11:00hrs to 23:00hrs Sunday from 11:00hrs to 21:00hrs
(Cost Price) 41 Brick Lane London E1 6PU	<u>The sale by retail of alcohol (off sales only)</u> Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)	Sunday to Thursday, from 11:00hrs to 00:00hrs (midnight) Friday and Saturday, from 11:00hrs to 01:00hrs (the following day)
(Chez Elles) 45 Brick Lane London E1 6PU	Alcohol may be sold or supplied: On sales only (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 11am to 12pm. (2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm (3) On Christmas Day: 12 noon to 11:30pm; (4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight; (5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.	There are no restrictions on the hours during which this premises is open to the public
(Saffron Restaurant) 53 Brick Lane London E1 6PU	For the sale by retail of alcohol: (On sales only) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight Late Night Refreshment: Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 01:00 hours the following day Sunday until midnight	Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours to 01:00 hours the following day Sunday from 11:00 hours to midnight Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.

Sketch, 68 Brick Lane – Nearby licensed premises

<p>(Seven Stars) Basement and Ground Floor 49 Brick Lane London E1 6PU</p>	<p>The sale by retail of alcohol (On sales) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 00 hrs the following morning Sunday 10 00 hrs to midnight</p> <p>Late Night Refreshment Monday, Tuesday, Wednesday, Thursday, Friday and Saturday until 02 00 hrs the following morning Sunday until midnight</p> <p>The provision of regulated entertainment Live Music and the Provision of Facilities for Making Music (Karaoke only) Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 19 00 hrs to 02 00 hrs the following morning Sunday 19 00 hrs to midnight</p> <p>Recorded Music Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hrs to 02:00 hrs the following morning Sunday 11 00 hrs to midnight</p>	<p>Monday, Tuesday, Wednesday, Thursday, Friday and Saturday 10 00 hrs to 02 30 hrs the following morning Sunday 10 00 hrs to 00 30 hrs the following morning</p>
<p>(Vegan Yes) 64 Brick Lane Whitechapel London E1 6RF</p>	<p><u>The supply of alcohol (on sales only)</u> Monday to Sunday, from 12:00 hours to 21:30 hours</p>	<p>Monday to Sunday, from 11:30 hours to 21:30 hours</p>
<p>(Shawarma) 84 Brick Lane London E1 6RL</p>	<p>The provision of late night refreshment: Monday to Wednesday 23:00 hours to 00:00 hours (midnight) Thursday to Saturday 23:00 hours to 02:00 hours Sunday 23:00 hours to 23:30 hours</p> <p>Non Standard Timings: From the end of permitted hours on New Years Eve until 02:00 hours New Years Day Sundays preceding a Bank Holiday Monday until 02:00 hours.</p>	<p>Monday to Wednesday 10:00 hours to 00:30 hours Thursday to Saturday 10:00 hours to 02:30 hours Sunday 10:00 hours to 00:00 hours (midnight)</p> <p>Non Standard Timings: From the end of permitted hours on New Years Eve until 02:00 hours New Years Day Sundays preceding a Bank Holiday Monday until 02:00 hours.</p>

Sketch, 68 Brick Lane – Nearby licensed premises

<p>(Pride of Spitalfields) 3 Heneage Street London E1 5LJ</p>	<p>The sale by retail of alcohol (On sales only): Monday, Tuesday, Wednesday and Thursday from 10:30 hours to 01:00 hours the following day Friday and Saturday from 10:30 hours to 02:00 hours the following day Sunday from 10:30 hours to midnight</p> <p>Regulated Entertainment consisting of Provision of Recorded Music Monday, Tuesday, Wednesday and Thursday from 10:30 hours to 01:00 hours the following day Friday and Saturday from 10:30 hours to 02:00 hours the following day Sunday from 10:30 hours to midnight</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>	<p>Monday, Tuesday, Wednesday and Thursday from 10:30 hours to 01:00 hours the following day Friday and Saturday from 10:30 hours to 02:00 hours the following day Sunday from 10:30 hours to midnight</p> <p>Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.</p>
--	---	---

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

Mohshin Ali

From: Corinne Holland on behalf of Licensing
Sent: 16 October 2018 16:56
To: Mohshin Ali
Subject: FW: MAU REPRESENTATION 110709 New premise license application for Sketch Limited 68 Brick Lane London E1 6RL

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nicola Cadzow
Sent: 16 October 2018 13:21
To: Licensing
Cc: 'MARK.J.Perry'; 'Thomas.Raticar' ([Thomas.Raticar](#))
Subject: MAU REPRESENTATION 110709 New premise license application for Sketch Limited 68 Brick Lane London E1 6RL

Dear Licensing,

Having considered the application for Sketch Limited 68 Brick Lane London E1 6RL for a new premises license and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, consideration has to be given to the fact the premise is in the Cumulative Impact Zone.

The applicant has failed to provide information in their licence application to demonstrate that by operating their premise they will not be accumulating to the crime and disorder and nuisance, as a result of customers from their licenced premises.

Noise Sensitive premises: residential and commercial premises in close proximity to 68 Brick Lane, London E1 6RL

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and

CONCLUSION

Environmental Protection **does not** support the application for Sketch Limited 68 Brick Lane London E1 6RL due to the potential noise disturbance to residential premises. However I am willing to reconsider the application if the applicant can demonstrate to the satisfaction of Environmental Protection how they are going to adhere to the four licensing objectives, in particularly the licensing objective for the prevention of public.

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

Appendix 7

Mohshin Ali

From: Alex Gordon Shute [REDACTED]
Sent: 03 November 2018 13:20
To: Licensing
Subject: Sketch 68 Brick Lane, E1 6RL

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing team

This restaurant is in the centre of the Brick Lane CIZ. The application seems to make no mention of the restaurant's awareness that they should stop selling alcohol half an hour before closing time which implies that they have no regard for their responsibilities in the categories of 'prevention of crime and disorder' or 'prevention of public nuisance'. The CIZ is already at saturation point with alcohol being sold, and there is no reason why this restaurant should be an exception to the usual rules on alcohol sales, given that CIZ problem. I object to the granting of any extension to their alcohol licence.

Best wishes

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

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

Appendix 8

Mohshin Ali

From: Jon Shapiro [REDACTED]
Sent: 10 November 2018 00:02
To: Licensing
Cc: Mark Perry
Subject: Licensing Application by "Sketch", 68 Brick Lane, E1 6RL

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sir or Madam,

I would like to request that the hours of this Licence Application should be reduced, and consideration given to imposing additional conditions, on the grounds of:

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

as I believe any licence granted should be restricted to core hours and any relevant conditions should be explicitly stated.

The premises are at the heart of the Brick Lane "Cumulative Impact Zone" (CIZ) but the applicant's response to the four licensing objectives is effectively just to say "Compliance with requirements". This suggests that the applicant has given no real thought to the issues of operating a restaurant within the CIZ, which hardly indicates a responsible and thoughtful operator.

The applicant is also asking for identical hours for both the sale of alcohol and opening the premises, whereas of course sale of alcohol should finish 30 minutes prior to closure of the premises. This error again suggests the applicant has given no real thought to the community safety aspects of running of a restaurant – let alone one at the heart of the Brick lane area CIZ.

The Brick Lane area has always been stated by our Borough Police Commanders to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that new license applicants should be restricted to core hours until and unless they can demonstrate a track record of successfully understanding and operating a licensed premises within the CIZ.

The Brick Lane area is plagued by ASB and hospital admissions to A&E, and I believe that the Licensing Committee must assist the Police by rigorously ensuring proper attention to community safety by applicants for licences within the CIZ.

For all the above reasons I request that any licence granted should:

- Restrict opening hours to "core hours"
- End sale of alcohol 30 minutes prior to closure of the premises
- Explicitly list the relevant conditions to be observed by the licensee.

Yours faithfully,
Jon Shapiro.

Resident at:

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

Appendix 9

Mohshin Ali

From: Sian Phillips [REDACTED]
Sent: 25 October 2018 14:32
To: Licensing
Subject: CLC/EHTS/LIC/111760 Sketch , 68 Brick Lane.

Dear Kathy Driver

We spend so much time objecting to licensing applications in what is a neighbourhood that is "protected" and which is also at saturation point with drinking establishments that I can hardly believe I am now faced with a drinking venue eight feet on a diagonal from my bed head. The noise outside my apartment on [REDACTED] Brick Lane (Front door on [REDACTED]) is already horrendous at 2 and 3 in the morning - for some reason this corner on Brick Lane is a stopping place for drunks, drug dealers and party goers and the thought of having yet another venue for drinking on a street with dozens of existing licensed premises is deeply depressing.

I need not mention to you the daily morning fight against the tide of vomit and spit and urine on this particular part of Brick Lane,

Needless to say, like all of us who have to try and sleep here I object to granting yet another liquor license.

Thank you for your consideration.

Sian Phillips (Dame)

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

Appendix 10

Mohshin Ali

From: Thomas.Ratican [REDACTED]
Sent: 12 October 2018 12:54
To: Licensing
Cc: MARK.J.Perry [REDACTED]
Subject: FW: New Premises License - 68 Brick Lane, London, E1 6RL

Follow Up Flag: Follow up
Flag Status: Completed

Dear All,

For your attention.

Thanks

Tom

PC Tom Ratican
Tower Hamlets Police Licensing
Bethnal Green Police Station
12 Victoria Park Square
E2 8NZ
[REDACTED]

From: Gulam Ahmed [REDACTED] >
Sent: 12 October 2018 11:26
To: Ratican Tom - CE-CU [REDACTED]
Subject: Re: New Premises License - 68 Brick Lane, London, E1 6RL

Dear PC Tom Ratican,

Thank you for your email.

We are happy to accept your conditions and instructions that you have set out, so that you can then support our premises license application. If there is anything we are required to do now, please inform us.

Kindest Regards,

Tanvir
Sketch Limited

On Thursday, 11 October 2018, <[Thomas.Ratican](#) [REDACTED]> wrote:

Good afternoon,

Thank you for notifying Tower Hamlets Police Licensing of your application for a Premises Licence for [68 Brick Lane, E1 6RL](#).

Having read it you have not specified in Section M how you would intend to uphold the Licensing Objectives in subsections a), b), c), and d.

In addition, Tower Hamlets Police would also request the following conditions to be included in subsection b (prevention of crime and disorder):

1) A CCTV system to be put in place, the cameras are to be of sufficient quality so that peoples faces are clearly identifiable from the footage.

The system is to record the footage and to keep it for a minimum of 30 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request (subject to data protection legislation).

While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.

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

You have also requested the sale of alcohol from Monday – Saturday; 1100 – 2300 and Sunday from 1200 – 2200, with the proposed closing times being the same; this would not provide for the usual ½ hour drinking up time.

Tower Hamlets police could not support this application as it currently stands.

Regards

PC Tom Ratican

Tower Hamlets Police Licensing

Bethnal Green Police Station

12 Victoria Park Square

E2 8NZ

From: Gulam Ahmed <[REDACTED]>

Sent: 11 October 2018 11:56

To: HT - Licensing Office <HT-LicensingOffice@met.police.uk>; FSR-AdminSupport@london-fire.gov.uk; Healthand.Safety@towerhamlets.gov.uk; Trading.Standards@towerhamlets.gov.uk; Development.Control@towerhamlets.gov.uk; Environmental.Health@towerhamlets.gov.uk; mash@towerhamlets.gov.uk; Somen.banerjee@towerhamlets.gov.uk; alcohol@homeoffice.gsi.gov.uk

Subject: New Premises License - [68 Brick Lane, London, E1 6RL](#)

Dear Sir/Madam & Responsible Authorities,

Please see attached files regarding the application of a new premises license.

The three attached files are:

- Premises License Form
- DPS Consent Form
- Premises Plan

Property: [68 Brick Lane, London, E1 6RL](#).

Application has been sent and paid for online, reference: **tower-hamlets-696004**

Thank you and kind regards,

SKETCH LIMITED

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in

Appendix 11

Mohshin Ali

From: Kevin Maple
Sent: 17 October 2018 11:13
To: 'Gulam Ahmed'
Subject: RE: FW: New Premises License - 68 Brick Lane, London, E1 6RL - Ref: M/111760

Dear Gulam,

Thank you for agreeing to adopt the 'Challenge 25 policy' and to have it included as part of your voluntary Licensing conditions.

Many thanks.

Kevin

Kevin Maple
Consumer Services Officer
Tower Hamlets Trading Standards

Environmental Health & Trading Standards | John Onslow House | 1 Ewart Place | London | E3 5EQ

For help or advice or to make a complaint about a trader, please call the national Citizens Advice consumer helpline on 03454 04 05 06

To report fraud, attempted fraud or cyber crime & receive a police crime reference number call Action Fraud on 0300 123 2040

From: Gulam Ahmed [REDACTED]
Sent: 17 October 2018 10:11
To: Kevin Maple
Subject: Re: FW: New Premises License - 68 Brick Lane, London, E1 6RL - Ref: M/111760

Dear Kevin Maple,

We are happy to adopt the 'Challenge 25' policy as a voluntary condition.

Thank you and kindest regards,

Tanvir Ahmed
Sketch Limited

On Tuesday, 16 October 2018, Kevin Maple <[Kevin.Maple@towerhamlets.gov.uk](#)> wrote:

Dear Mr Ahmed,

As part of the consultation process, I have received a copy of your application for a premises licence under the Licensing Act 2003.

Trading Standards is one of the “responsible authorities” and as such we can make representations to the licensing authority in relation to this application.

Should we make representations it must be about the likely effect of granting the application on the promotion of the licensing objectives. One of the licensing objectives concerns the '*the protection of children from harm*' including preventing the sale and supply of alcohol to children. Trading Standards has responsibility for enforcing legislation in relation to this.

I have therefore considered section M of your application in which you describe the additional steps you will take to promote the Licensing objectives. Your comments that relate to the ‘protection of children from harm’ are stated as follows:

<i>Age verification policy and acceptable identification.</i>

I regret to inform you that I do not consider this gives me sufficient information about your policy to prevent underage sales. Accordingly, I would be grateful if you could provide me with further details of your policy.

Please may I take this opportunity to inform you that many premises have adopted a ‘Challenge 25’ policy so that they have a robust procedure in place to prevent underage sales.

I would therefore be grateful if you would consider adopting the ‘Challenge 25’ policy. Please find further details of ‘Challenge 25’ attached.

Please let me know if you are willing to adopt this policy and if so if you are willing for the ‘Challenge 25’ policy to be made a voluntary condition of your licence if your application is successful. The condition would be as follows:

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.

Resources are available to assist you in adopting ‘Challenge 25’ and these can be found at www.wtsa.co.uk

I look forward to hearing from you.

Best regards,

Kevin Maple

Consumer Services Officer

Tower Hamlets Trading Standards

[REDACTED]

[REDACTED]

Environmental Health & Trading Standards | John Onslow House | 1 Ewart Place|London | E3 5EQ

For help or advice or to make a complaint about a trader, please call the national Citizens Advice consumer helpline on 03454 04 05 06

To report fraud, attempted fraud or cyber crime & receive a police crime reference number call Action Fraud on 0300 123 2040

Working Together for a Better Tower Hamlets

Web site : <http://www.towerhamlets.gov.uk>

London Borough of Tower Hamlets E-Mail Disclaimer.

This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.

Appendix 12

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 13

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 14

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 15

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 16

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 or 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 17

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

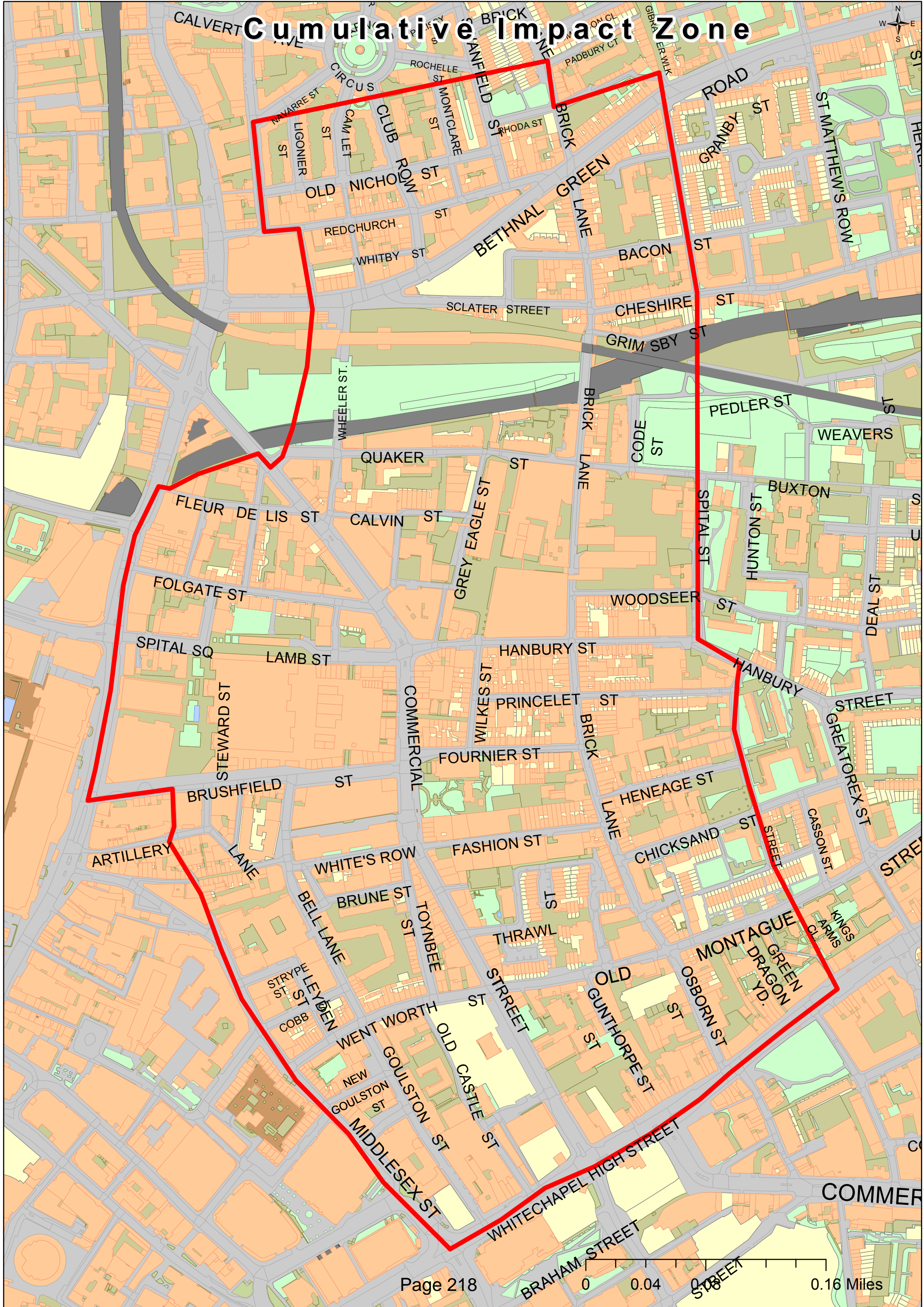
- Location
- Proposed hours of regulated activities, and the proposed hours the premises are open to the public
- The adequacy of the applicant's proposals to deal with issues of crime and disorder and public nuisance
- Previous history
- Access to public transport
- Proximity to other licensed premises, 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 18



Cumulative Impact Zone