

LICENSING SUB COMMITTEE

Tuesday, 4 December 2018 at 6.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
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Public Information

Attendance at meetings.

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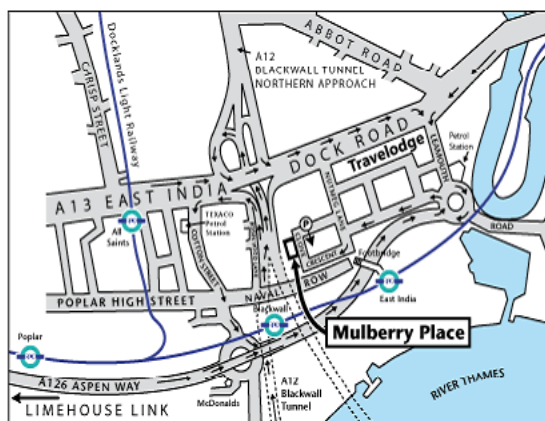
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QR code for smart phone users.

APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 11 - 20)

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

3. MINUTES OF THE PREVIOUS MEETING(S) (Pages 21 - 42)

To confirm as a correct record the minutes of the Licensing Sub-Committees held on 16th & 30th October 2018.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4.1 Application for Variation of a Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL	43 - 104	Lansbury

Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident(s)

**4 .2 Application for Variation of a Premises Licence for
Pizza Union, 25 Sandy's Row, London E1 7HW**

105 - 172

**Spitalfields
&
Banglatown**

Licensing Objectives:

- Public Nuisance
- Crime & Disorder

Representations by:

- Local Resident(s)

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

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

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Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE LICENSING SUB COMMITTEE

HELD AT 6.30 P.M. ON TUESDAY, 16 OCTOBER 2018

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

Members Present:

Councillor Dan Tomlinson (Chair)

Councillor Tarik Khan

Councillor Leema Qureshi

Officers Present:

Kathy Driver

– (Principal Licensing Officer)

Vivienne Walker

– (Senior Prosecution Lawyer)

Corinne Holland

– (Licensing Officer)

Simmi Yesmin

– (Senior Committee Officer, Democratic Services)

Representing Applicants

Item Number

Role

PC Mark Perry

4.2

Metropolitan Police

Pauline Foster

6

Applicant

Everest Wilson-Corp

6

Applicant

Representing Objectors

Item Number

Role

Robert Fitt

4.2

Legal Representative

Rezwan Noor

4.2

Premise Licence Holder

Abdur Rahman

4.2

Designated Premises Supervisor

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 31st July, 30th August and 18th September 2018 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

The Chair varied the order of business at the meeting, however the minutes are set out in the published agenda order for ease of reference.

4.1 Application for Variation of a Premises Licence for Pizza Union, 25 Sandy's Row, London E1 7HW

This application was withdrawn by the Applicant and therefore no longer required consideration by the Licensing Sub Committee.

4.2 Application to Review the Premises Licence for Tanim Superstore, 542 Commercial Road, London E1 0HY

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a review of the premise licence for Tanim Superstores, 542 Commercial Road, London E1 0HY. It was noted that the Police had triggered the review and was supported by the Licensing Authority. Ms Driver highlighted the fact that the current licence had been in place since 2006 and there had been no changes to the Premise Licence Holder and Designated Premises Supervisor since then.

At the request of the Chair, PC Mark Perry, representing the Metropolitan Police explained that the review had been triggered as a result of large amounts of nitrous oxide canisters found at the premises with the intent to sell for human consumption. He stated that there was currently an on-going investigation regarding this.

It was noted that intelligence had been received that the premise was selling nitrous oxide, and following a visit, 13,488 canisters were found at the premises together with boxes of balloons. It was believed that the only reason for these were to sell to people to use as a drug giving a psychoactive effect and therefore undermining the licensing objective of crime and disorder.

PC Perry referred to pages 138 & 153 of the agenda, witness statements from Officers stating that there were bags made up with canisters and balloons ready for sale. There was also a customer who had been given her money back as she was not able to purchase the nitrous oxide due to the visit made by officers at the premises.

It was noted from intelligence reports that there were clear links to nitrous oxide and the premises and clear evidence that they were selling nitrous oxide to people for effects. PC Perry said that it made local residents feel unsafe and this was contributing to anti-social behaviour in the area.

He stated that the Premises Licence Holder had blatant disregard to his responsibilities as a Premises Licence Holder and failed to uphold licensing objectives and therefore not confident he would abide by any licensing conditions.

He concluded that together with the Police, the Licensing Authority and Public Health were also supporting the review. The Premises Licence Holder clearly demonstrates an inability to be trusted to run a licenced premise and to further protect children from harm, therefore PC Perry asked that the premises licence be revoked.

Members then heard from Ms Corinne Holland, representing the Licensing Authority, she explained that the joint visit documented in the Review to the premises on Friday 22 June 2018 clearly showed that nitrous oxide was blatantly being sold to customers, many of these were young persons. The fact that the nitrous oxide was being sold together with balloons was obviously a very clear indicator that the management had full knowledge of what they were being used for. The Police witness reports showed that many young persons were turning up to purchase these and disappointed when turned away.

She explained that the nitrous oxide was known to be harmful and can have serious health risks and it was the responsibility of the retailers not to sell these psychoactive substances for human consumption. It was clear that staff/management were deliberately selling these for that very reason.

Ms Holland stated that there was clear and blatant disregard to laws and regulations and therefore the Licensing Authority supported the review for the revocation of the licence.

At this point Members noted the representation made on behalf of Public Health on pages 202-203 of the agenda pack.

At the request of the Chair, Mr Robert Fitt, Counsel representing Mr Rezwan Noor, Premises Licence Holder, explained that this licence had been in place since 2006 and there had been no breach of the licence or its conditions. He agreed that nitrous oxide had been illegal to sell for human consumption since 2017 however Mr Noor was not aware of this.

Mr Fitt advised Members that their role was not to punish the Premise Licence Holder, but to aide and support the promotion of the Licensing Objectives. He explained that there was an on-going criminal investigation and this matter would be dealt by the courts. He went on to explain the other options available for consideration before considering revocation.

Mr Fitt proposed three conditions that could be imposed on the licence to address the concerns that had been raised;

- 1) Introduction of the Challenge 25 policy
- 2) All staff undertake training on selling alcohol responsibly
- 3) Litter check around the premises whilst the premises operates.

He stated that the visit on 22nd June 2018 was subject to on-going investigation and Mr Noor and his staff were not aware that at the time that it was illegal to sell nitrous oxide. He explained that they no longer sell nitrous oxide, don't stock it at the store and this showed how responsible the licensee was and was abiding by the current licence. He explained that the department of Health and Standards suggested improvement works which had been complied with and therefore this went further to demonstrate that Mr Noor can comply with conditions and therefore there was nothing to suggest that he or his staff couldn't comply with conditions.

It was noted that nitrous oxide was not being sold at the premises now and would not be sold in the future. Mr Fitt explained that the substance didn't cause people to become aggressive or violent, and that it was mainly used by dentists, catering professionals, and midwives. He urged Members not to revoke the licence and to impose conditions they felt necessary and appropriate.

In response to questions the following was noted;

- That the licence has been in place since 2006.
- That this was the first review application for this premise.
- Assurance was given that the premises no longer sold nitrous oxide and that these would not be sold again.
- That the Director of Public Health, in his representation had said that nitrous oxide can cause dizziness or affect judgement, which might make one to act carelessly or dangerously and put one at risk of hurting themselves, particularly in an unsafe environment.
- That the premises licence holder was not aware that it was illegal to sell for human consumption, however once it was brought to their attention they stopped.
- It was questioned if management/staff were unaware that it was illegal to sell these then why were they behind the counter and being sold with balloons.
- That guidance states that revocation should be considered even in the first instance.
- That the revocation of the licence would have a huge impact on the business as the sale of alcohol contributed to a large part of the revenue and therefore the business may not be able to stay open.

In summation, Mr Fitt explained that the position was set out clearly, the nitrous oxide was no longer sold and this issues was subject to prosecution. Mr Fitt said that Mr Noor and his staff were capable of complying with conditions and proposed that imposing further conditions would be reasonable.

PC Mark Perry stated that there was a lack of ability to uphold licensing objectives and this impacted on residents, had health risks and there was no guarantee that they would not continue to sell nitrous oxide and therefore revocation was the only option.

Members adjourned the meeting at 8.20pm for deliberations and reconvened at 8.50pm.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from Officers representing the Metropolitan Police and Licensing Authority and from the Applicant's Legal Representative.

Members expressed grave concerns regarding the crime and disorder and anti-social behaviour linked to the premises. Members noted the evidence provided by the Police and the Licensing Authority.

Members were satisfied that there were no conditions that could be imposed on the licence to promote the licensing objectives as the mismanagement of the premises was evident. Members believed that there was no other course of action that would satisfy and maintain and uphold the licensing objectives as there was a clear lack of confidence in the Premises Licence Holder to uphold the licensing objectives.

Members reached a decision and the decision was unanimous. Whilst making the decision Members had regard to Section 11 of the Guidance Issued by the Home Office under Section 182 of the Licensing Act 2003 in relation to reviews and in particular paragraph 11.28 of the statutory guidance relating to reviews;

"Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to

further crimes, it is expected that revocation of the licence- even in the first instance- should be seriously considered”.

. The Chair stated that it was the Sub Committee’s view that there were clear problems of crime and disorder and issues of the protection of children from harm and therefore felt it was necessary and proportionate to revoke the licence.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a review of the premises licence for, Tanim Superstores, 542 Commercial Road, London E1 0HY be **GRANTED** with the Revocation of the Premises Licence.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

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

Premises	Hearing Date	Decision by
German Doner Kebab, 207 Mile End Road, E1 4AA	30/10	26/09
Preem, 118-122 Brick Lane London E1 6RL	30/10	23/10
Venue 82, 82a Commercial Street, London E1 6LY	13/11	22/10
Cost Price 41 Brick Lane London E1	27/11	13/10
Yummy Pizza, 57 Burdett Rd, London E3 4TN	27/11	28/10
Kays Local, 209 Roman Road, London E2 0QY	04/12	09/11
Wharf Kitchen, Unit 68 Jubilee Place, 45 Bank St, London E14 5NY	04/12	23/10
London Cocktail Club, 253 Paradise Row, London, E2 9LE	08/01	04/12

6. APPLICATION FOR A TEMPORARY EVENT NOTICE FOR THE GEORGE TAVERN, 373 COMMERCIAL ROAD, LONDON E1 0LA

At the request of the Chair, Ms Kathy Driver, Licensing Officer, introduced the report, which detailed the application for a temporary event notice (TEN) for George Tavern, 373 Commercial Road, London E1 0LA. It was noted that an objection had been made by the Police. Ms Driver highlighted that the Premises Licence Holder could apply for a maximum of 15 TENs in a calendar year and they had only applied for one in January 2018.

At the request of the Chair, Ms Pauline Foster, Applicant, explained that she occasionally applies for TENs if she gets requests for parties etc. but this was very rare. She explained that on this occasion they had been asked if they could host a party, customers would be from outside the Borough and would have three live bands playing.

Members then heard from PC Mark Perry, Metropolitan Police who highlighted the fact that since August 2018 there have been four incidents of drunken violence at the premises, he referred to his statement in the supplemental agenda and highlighted the incidents. He explained that the incidents all occurred late at night, and had been the cause of drunken violence and therefore this was an example of management failing to control customers. It was noted that Halloween was a busy period and there would be a high risk that there would be further disorder especially if licensed till 3am and this was a risk the Police could not take.

In response to questions the following was noted:

- That the event would have 2 SIA security staff, 4 bar staff and 1 sound engineer.
- That the Applicant has helped the Police on many occasions by providing their CCTV footage for incidents that have happened on the streets.
- That the main entrance to the pub was through Jubilee Place.
- That a lot of customers have been banned from the premises which will help eliminate any further disturbance.
- That Ms Foster has been running the premises for past 15 years with no complaints.
- Ms Foster stated that they hadn't received any correspondence from the Police to provide information regarding the recent incidents. However, whenever she has been contacted in the past for information it has been provided.
- That there had been four incidents of disorder in the space of the last couple of months
- That PC Perry was meeting with Ms Foster on Thursday this week to discuss the application.
- That there was too much of a risk associated with this application, and an option would be to negotiate reduced hours and should Police be satisfied then there was an option for a late TEN.
- That the event would also be open to the public.
- That two security staff was adequate to cover the size of the venue.

- It was noted not it was not a destination pub and did not have a big footfall of customers.
- That they employed the same two security staff in order to ensure continuity and for them to recognise customers who have been banned and customers that cause disturbance.
- That they had 10 CCTV cameras capturing all areas inside and outside the pub and in the past have helped the police with their investigations that have not related to the premises.

PC Perry stated that there was no doubt, that the applicants were good people and have helped the Police. However he was concerned that it was an outside event and don't know how many people would turn up. There were also risks, as there had been four incidents in such a short space of time.

Mr Everest Wilson-Corp, Ms Foster's son stated that they only had security staff on Fridays and Saturdays and couldn't afford to have them 7 days a week. However for the event would be happy to employ additional security staff.

Members adjourned the meeting at 7.10pm for deliberations and reconvened at 7.30pm

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before them and had heard representation from the Applicants and the Officer representing the Metropolitan Police.

Members noted the number of repeated incidents over the last couple of months and were concerned that these incidents had happened over such a short period of time. Members were of the view that at the moment it was not clear from any evidence that the Premises Licence Holder was upholding the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance.

Members welcomed the dialogue between the Police and the Premise Licence Holder and noted that they had arranged a meeting between themselves to discuss the particular event and other incident related issues. Members encouraged this to continue and were hopeful that a satisfactory decision would be reached between them, possibly via a Late Temporary Event Notice application.

Members reached a decision and the decision was unanimous. Members decided to refuse the application on the basis that on the balance of probability, if the application was granted, it would undermine the licensing objectives.

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the application for a Temporary Event Notice for George Tavern, 373 Commercial Road, London E1 0LA be **REFUSED**.

The meeting ended at 9.00 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee

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LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 6.30 P.M. ON TUESDAY, 30TH OCTOBER 2018****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Dan Tomlinson (Chair)

Councillor Faroque Ahmed

Councillor Victoria Obaze

Officers Present:

Mohshin Ali	–	(Principal Licensing Officer)
Nicola Cadzow	–	(Environmental Health Officer)
Kathy Driver	–	(Principal Licensing Officer)
Corinne Holland	–	(Licensing Officer)
David Wong	–	(Legal Services)
PC Mark Perry	–	Metropolitan Police
Farhana Zia	–	Senior Committee Services Officer

Representing applicants	Item Number	Role
Mr Anthony Edwards	3.1	Applicant's Solicitor
Mr Azmal Hussain	3.1	Applicant
Mr Anthony Edwards	3.2	Applicant's Solicitor
Suhelur Rahman	3.2	Applicant
Amanur Rahman	3.2	Applicant's Brother
Mr Anthony Edwards	3.3	Applicant's Solicitor
Mr Catalin Loan Lonita	3.3	Applicant

Representing objectors	Item Number	Role
Kathy Driver	3.1	Principal Licensing Officer
Nicola Cadzow	3.1	Environmental Health Officer
PC Mark Perry	3.1	Metropolitan Police
Kathy Driver	3.2	Principal Licensing Officer
Kathy Driver	3.3	Principal Licensing Officer

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared by members.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION**3.1 Licensing Act 2003 Application for a variation of a premises licence for Preem Restaurant, 118-122 Brick Lane, London E1 6RL**

At the request of the Chair, Mr Mohshin Ali, Principal Licensing Officer introduced the application stating that the Applicant was seeking to extend the hours of operation plus remove some of the conditions on the licence. Mr Ali referred Members to page 22 of the agenda which stated the current opening hours and the new hours being applied for. Mr Ali referred Members to the site plan appended at Appendix 3 and the representations of the Responsible Authorities. Mr Ali said these could be found at pages 75 to 84 of the agenda. Several objections had also been received from local residents and Housing Associations in the vicinity and these were documented on pages 86 to 111 in the agenda pack.

Members heard from the Applicant's Solicitor, Mr Anthony Edwards who stated his Client had been operating in Brick Lane for more than 20 years and, in a tough trading environment, was seeking an extension of opening hours and a relaxation of the condition to have SIA accredited door supervisors throughout the week. Mr Edwards referred Members to the supplementary agenda and the proposed amendment to the extension of hours, seeking extended hours to 02:00 hours in respect of only 120-122 Brick Lane rather than for the whole restaurant, so as not to add to the cumulative impact. Mr Edwards referred to the objections raised by residents, and said these were not specific to the restaurant, but complaints in relation to the general neighbourhood. Mr Edwards referred to the objections of the Responsible Authorities and said that whilst it is clear there are issues with touting in Brick Lane, his client would ask all employees to sign the restaurant's customer service policy, which states that they will not engage in touting or offer reductions or special deals.

Mr Edwards continued, stating that the need to have SIA accredited door supervisors for the whole week was excessive and expensive, and his Client was seeking variation of the related condition to apply only to Thursday to Saturday.

The Members also considered the objections of the Responsible Authorities who said touting had been a significant issue in Brick Lane and there had been on-going and historic breaches. Kathy Driver referred Members to page

76 of the agenda, paragraph 5, stating that as recently as the 22nd July 2018, Mr Hussain's employees were touting for business. PC Mark Perry added that it was a question of trust when considering the application which sought more than what was provided in the existing premises licence: could Mr Hussain be trusted to abide by the variations sought given the history of compliance at the premises showed issues had arisen regarding compliance with what was already required in the premises licence as it stood? PC Perry said that the restaurant's history showed a flagrant abuse of licensing requirements, which did not uphold the licensing objectives. PC Perry said anti-touting requirements had been contravened, and there was an increased risk of anti-social behaviour and public nuisance as a result.

PC Perry acknowledged that the condition to have SIA accredited door supervisors on duty from 18:00 hours Monday to Sunday was perhaps onerous, and consideration should be given to relaxing this condition.

In response to questions from Members the following was noted:

- Information provided by the Licensing Authority on pages 76-77 provided information of the complaint history against Preem Restaurant and the recorded incidents of touting. It was at its peak in 2012 -13. However, the issue of aggressive behaviour and touting in Brick Lane continues to this day.
- The Applicant assured Members that steps had been taken to remedy against touting and complying with the licensing conditions. Mr Hussain said his employees had been warned against touting and would only be offering the menu rather than any special deals.
- In reference to page 69 and why some restaurants are open until 3:00 a.m. PC Mark Perry explained that one other set of premises, Jasmine had been subject to a review, when touting in the area was at a peak. He said extra CCTV and SIA accredited door supervisors had resulted in a reduction of complaints, but the issue of touting still remained.
- Mr Anthony Edwards stated that the vast majority of the objections received were from residents of Spitalfields and not Brick Lane itself. When Members enquired what the Applicant had done to alleviate noise and public nuisance caused by drunken patrons leaving the premises, he said his client had not received any direct complaints from his neighbours.
- In response to Members enquiring how busy the restaurant is, Mr Hussain confirmed that the restaurant would be at full capacity at 12:30 a.m. on a Friday night. Mr Edwards further explained the extension of hours to 02:00 a.m. would apply to only half of the restaurant.
- Mr Azmal Hussain gave assurances to the Members that he would no longer tout for business.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from the applicant, the Licensing Authority and the objectors with particular regard to the licensing objectives of the prevention of public nuisance, the protection of children from harm and prevention of crime and disorder.

In reaching their decision, Members noted the application was for varying of opening hours for Preem Restaurant from 12:00 (midday) to 01:30 hours (following day) Monday to Sunday to 11:00 a.m. to 02:30 hours (following day) Monday to Sunday. The application was also seeking to remove the condition to have SIA accredited door supervisors on duty on Monday to Sunday from 18:00 hours. In addition Preem Restaurant was seeking an extension in the hours for the sale of alcohol and provision of late night refreshment. Members of the Sub-Committee heard from the Applicants Solicitor Mr Anthony Edwards who stated his Client had been operating in Brick Lane for more than 20 years and, as per the supplementary agenda, was proposing an amendment to the extension of hours, in that the extended hours be granted in respect of 120-122 Brick Lane rather than the whole restaurant to 02:00 hours, in order to reduce the cumulative impact. Mr Edwards referred to the objections raised by residents and said these were not specific to the restaurant but general complaints in relation to the neighbourhood. Mr Edwards referred to the objections of the Responsible Authorities and said that whilst it is clear there are issues with touting in Brick Lane his client would ask all employees to sign the restaurant's customer service policy, which states that they will not engage in touting or offer reductions or special deals.

The Members also considered the objections of the Responsible Authorities who said touting had been a significant issue in Brick Lane and there had been on-going and historic breaches. Kathy Driver referred Members to page 76 of the agenda, paragraph 5, stating that as late as the 22nd July 2018, Mr Hussain's employees were touting for business. PC Mark Perry added that it was a question of trust. In seeking extensions to the terms of the premises licence, could Mr Hussain be trusted to abide by the licensing conditions given what had previously happened? PC Perry said that the restaurant's history

showed a flagrant abuse of the conditions, which did not uphold the licensing objectives. PC Perry said anti-touting requirements had been contravened, and there was an increased risk of anti-social behaviour and public nuisance as a result.

PC Perry acknowledged that the condition to have SIA accredited door supervisors on duty from 18:00 hours Monday to Sunday was perhaps onerous, and consideration should be given to relaxing this condition.

Upon considering the application, Members were not satisfied that the Applicant had shown he could be trusted to uphold the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance in light of the written and oral evidence provided by the Responsible Authorities. However Members agreed that part of the condition to have SIA accredited door supervisors on duty could be relaxed. Members had heard from Mr Edwards that residents' complaints were not specific to the premises and related to issues in the neighbourhood generally.

In reaching their decision, the Members took into account that the premises are situated in the Cumulative Impact Zone, and the applicant's written and oral representations failed to satisfy the Members that if extended hours were granted and late night refreshment permitted, that would not add to the cumulative impact of public nuisance and / or crime and disorder in the Cumulative Impact Zone.

The Members also took into account that the Secretary of State's statutory guidance and the Council's Licensing Policy meant that where there is any application for a premises licence or a variation of such licence under the Licensing Act 2003 relating to premises in a Cumulative Impact Zone, the presumption must be to refuse such application unless the applicant can show evidence that granting such application would not add to the cumulative impact in the area.

Members felt there was no evidence that removal of the condition requiring SIA accredited door supervisors to be on duty would add to that cumulative impact.

Members reached a majority decision. Members agreed by a majority to refuse the application in part as to the extension of hours and provision of late night refreshment.

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

RESOLVED

That the application for a variation of a premise licence for Preem Restaurant, 118 – 122 Brick Lane, London E1 6RL be **REFUSED in all respects** aside from removal of the licensing condition to have SIA accredited door supervisors on duty on Thursday to Saturday from 20:00 hours.

3.2 Licensing Act 2003 Application for New Premises Licence for German Doner Kebab, 207 Mile End Road, London E1 4AA

Before hearing this application, the Members of the Sub-Committee having noted there were two apparently conflicting applications in respect of the same premises, sought to establish who the Applicant was in each instance and the respective relation to the business of each applicant in relation to these premises – Mr Suhelur Rahman and Mr. Catalin Lonita.

The Chair of the Sub-Committee asked Mr Anthony Edwards who appeared as solicitor for both applicants, whether he wanted to withdraw one of the two applications before the Sub-Committee. Mr Edwards was reluctant to withdraw either application, and said he would prefer if the Members heard both applications before deciding on which should be granted. Mr Edwards explained that one Applicant, Mr Suhelur Rahman was applying for a premises licence on behalf of Interlagos Holdings Limited. Interlagos Holdings Limited had won the franchise rights to operate a German Doner Kebab in Tower Hamlets. Interlagos Holdings Limited was a family run company, who had several business interests in Tower Hamlets but who had never run a food business before. The Company Director for Interlagos Holdings Limited is not the Applicant, but his father, Khalisur Rahman, whilst the Applicant is the leaseholder of the premises.

Mr Edwards said the breaches cited by the Responsible Authorities on page 181-183, were due to the Applicant's brother, Amanur Rahman who was responsible for the day to day running of the shop at 207 Mile End Road, London E1 4AA. Due to the family having never run a food business before, they were ignorant of the fact that a late night refreshment licence would be required. Mr Edwards said Amanur Rahman acknowledged the mistakes were his responsibility. However since becoming aware that a licence is needed the business has traded for five weekends under a Temporary Events Notice Licence (TENS) with no issues whatsoever.

In response to questions from Members the following was noted:

- It was stated Mr Suhelur Rahman was the leaseholder of the premises, and Mr Catalin Loan Lonita was the manager employed to manage the business.
- In response to why the company was applying for the licence, Mr Edwards stated it was a family run business.
- Mr Suhelur Rehman was asked if he was a manager or employee of the company or was he one of the directors of the Company? Mr Suhelur Rahman said he was a salaried employee of Interlagos Holdings Ltd.
- Mr Mohshin Ali, Senior Licensing Officer confirmed the Company House search did not show Mr Suhelur Rahman as a Director of the company.

- Mr Suhelur Rahman reiterated he was a leaseholder of the building and his father was the director of the company. Mr Suhelur Rahman stated that he was responsible for the day to day decisions in relation to the business and Mr Lonita was employed to oversee the operation of the business.

The Members of the Sub-Committee heard from their legal advisor that it was a concern that two apparently conflicting applications relating to the same premises, by two applicants whose respective roles regarding the business were unclear, meant there was no clear indication as to who was accountable for compliance with licensing requirements in the business. In the event of either application being granted, it was unsatisfactory that there was ambiguity as to who was responsible for compliance. In response to Members' questions, their legal advisor clarified that a limited company is a distinct artificial person at law from any human party, so it was unclear how Mr. Suhelur Rahman was in any legal position to apply for a premises licence on behalf of a company of which he was not an officer such as a director or company secretary.

The Members of the Sub-Committee heard from their legal advisor that they could adjourn to a later date, and invite Mr Edwards and the applicants in the meantime to reconsider the respective applications, in light of the above concern.

Mr Edwards indicated that if that happened, the same two applications could be presented at that later date without modification.

The Members of the Sub-Committee decided not to adjourn to a later date. However, they would adjourn for a short period today to consider the confusion caused by having two apparently conflicting applications, and two applicants, neither of whom were officers of Interlagos Holdings Limited, the company on whose behalf Mr Suhelur Rahman was making one of the applications.

After the Members of the Sub-Committee returned, Mr Edwards conceded that running the two applications concurrently was confusing, and the role of Mr Suhelur Rahman within the company was unclear. Mr Edwards withdrew Mr. Suhelur Rahman's application for this reason.

3.3 Licensing Act 2003 Application for New Premises Licence for German Doner Kebab, 207 Mile End Road, London E1 4AA

At the request of the Chair, Mr Mohshin Ali, Principal Licensing Officer introduced the application, stating that the Applicant was seeking a late night refreshment licence for German Doner Kebab, 207 Mile End Road, London E1 1AA. Mr Ali stated a copy of the application was appended at Appendix 1, the site plan at Appendix 2 and the Home Office guidelines at Appendix 5. Mr

Ali said the representations against the application could be found in Appendices 6 and 7.

Members of the Sub-Committee heard from the Applicant's Solicitor Mr Anthony Edwards, who confirmed that the Applicant was Mr Catalin Loan Lonita and that German Doner Kebab was a franchise business looking to operate in the United Kingdom. Mr Edwards stated Mr Lonita had no responsibility for previous failings in relation to the premises having previously sold hot food during hours in which it was unlawful to do so without a late night refreshment licence. Mr Edwards also said Mr Lonita was an experienced business manager, and had been a manager since March 2018. The business had previously successfully operated late night refreshments under Temporary Events Notices (TEN's) on five weekends without problems at all. Mr Edwards said the licence sought was essential if the business was to ensure its longevity and success, as profit was being lost by the business being unable to serve late night refreshment.

The Members considered the objections of the Licensing Authority, and Kathy Driver referred Members to page 242 of the agenda. Ms Driver said the main cause of concern was who was responsible for the business and who would be making day to day decisions.

It was unclear from discussion between the applicant, Mr Edwards, and the Members as to who was in charge of the business. Mr. Lonita presented as a manager, but one of his party who attended the Sub-Committee hearing presented as the owner/leaseholder yet was not the applicant, and there was a limited company, Interlagos Limited involved in the business, but Mr. Lonita was not an officer of that company. There were inconsistencies between the application of Mr. Lonita and the application regarding the same premises which comprised item 3.2 of the agenda.

Following an adjournment at 20:35 p.m. for members to consider this confused state of affairs, the Members returned at 20:53 p.m., after which the other application in respect of the same premises (item 3.2 of the agenda above) was withdrawn by Mr Edwards, and the Members continued proceedings by proceeding to hear the application by Mr. Lonita. Members had considered during their adjournment whether both applications comprising agenda items 3.2 and 3.3 ought to be deferred in light of the confusion as to who was responsible for the business, to give the applicants and their solicitor time to reconsider and revise the respective applications regarding the same premises. However, this was no longer necessary when Mr Edwards withdrew the application comprising agenda item 3.2.

Kathy Driver, Senior Licensing Officer stated an adjournment would not have benefitted the Applicant, and in light of only one application now remaining in relation to this business, in the event of a grant of Mr. Lonita's application, anyone else who transpired to be the owner of the business could apply for a transfer of licence, if required.

Members enquired of the Applicant if he had a Food Hygiene Certificate and what steps would be taken to mitigate against breaches of the licence. The

Chair asked Mr Lonita if he was aware that if a licence were granted, he would be responsible if the conditions of the licence were not adhered to. Mr Lonita responded positively stating he was aware of the undertaking he was taking on if granted his application.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merit. The Sub Committee had carefully considered all of the evidence before them and considered written and verbal representation from the applicant, the Licensing Authority and the objectors with particular regard to the licensing objectives of the prevention of public nuisance, the protection of children from harm and the prevention of crime and disorder.

In reaching their decision, Members noted the application was for provision of Late Night Refreshment from 23:00 hours to 23:55 hours Sunday to Wednesday and 23:00 hours to 00:55 hours the following day Thursday to Sunday. Members of the Sub-Committee heard from the Applicant's Solicitor Mr Anthony Edwards, who confirmed that the Applicant was Mr Catalin Loan Lonita and that German Doner Kebab was a franchise business looking to operate in the United Kingdom. Mr Edwards stated Mr Lonita had no responsibility for previous failings in relation to the premises having previously sold hot food during hours in which it was unlawful to do so without a late night refreshment licence. Mr Edwards also said Mr Lonita was an experienced business manager, and had been a manager since March 2018. The business had previously successfully operated late night refreshments under Temporary Events Notices (TEN's) on five weekends and incurred no problems at all. Mr Edwards said the licence was essential if the business was to ensure its longevity and success, as profit was being lost by the business being unable to serve late night refreshment.

The Members considered the objections of the Licensing Authority and Kathy Driver referred Members to page 242 of the agenda. Ms Driver said the main cause of concern was who was responsible for the business and who would be making day to day decisions.

It was unclear from discussion between the applicant, Mr Edwards, and the Members as to who was in charge of the business. Mr. Lonita presented as a manager, but one of his party who attended the Sub-Committee hearing presented as the owner/leaseholder yet was not the applicant, and there was a limited company, Interlagos Limited involved in the business, but Mr. Lonita was not an officer of that company. There were inconsistencies between the application of Mr. Lonita and the application regarding the same premises which comprised item 3.2 of the agenda.

Following an adjournment at 20:35 p.m. for members to consider this confused state of affairs, the Members returned at 20:53 p.m., after which the other application in respect of the same premises (item 3.2 of the agenda above) was withdrawn by Mr Edwards, and the Members continued proceedings by proceeding to hear the application by Mr. Lonita. Members had considered during their adjournment whether both applications comprising agenda items 3.2 and 3.3 ought to be deferred in light of the confusion as to who was responsible for the business, to give the applicants and their solicitor time to reconsider and revise the respective applications regarding the same premises. However, this was no longer necessary when Mr Edwards withdrew the application comprising agenda item 3.2.

Kathy Driver, Senior Licensing Officer stated an adjournment would not have benefitted the Applicant, and in light of only one application now remaining in relation to this business, in the event of a grant of Mr. Lonita's application, anyone else who transpired to be the owner of the business could apply for a transfer of licence, if required.

Members enquired of the Applicant if he had a Food Hygiene Certificate and what steps would be taken to mitigate against breaches of the licence. The Chair asked Mr Lonita if he was aware that if a licence were granted, he would be responsible if the conditions of the licence were not adhered to. Mr Lonita responded positively stating he was aware of the undertaking he was taking on if granted his application.

Members reached a majority decision to grant the application.

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

RESOLVED

That the application for a New Premises Licence application for German Doner Kebab, 207 Mile End Road, London E1 4AA be **GRANTED** with conditions consistent with the operating schedule and the conditions agreed with the Metropolitan Police.

The provision of late night refreshment- indoors

Sunday to Thursday from 23:00 hours to 23:45 hours

Friday to Saturday, from 23:00 hours to 00:45 hours the following day

Non-standard timings

Bank Holidays and the preceding night, from 23:00 hours to 00:45 hours the following day

The opening hours of the premises

Sunday to Thursday, from 10:00 hours to 00:00 hours (midnight)

Friday to Saturday, from 10:00 hours to 01:00 hours the following day

Non-Standard timings

Bank Holidays and the preceding night, from 10:00 hours to 01:00 hours the following day

Conditions consistent with Operating Schedule (as offered by the applicant)

1. No Music or Amplified Sound shall be generated on the premises to give rise to a nuisance to neighbouring residents
2. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
3. Notices shall be clearly displayed requesting patrons to leave the premises quietly

Conditions in consultation with the Responsible Authorities

Conditions agreed with Met Police Licensing

1. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover areas of the premises specified by the Police. The system is to record the footage and to keep it for a minimum of 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.

Additional Conditions:

1. That there should be an extra waste disposal bin for the rubbish; and
2. That there should be visible signage stating that Patrons and Riders should park legally and should not leave their engines idling.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications requiring extensions.

The meeting ended at 21.35 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	4 th December 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards	Title: Licensing Act 2003 Application for variation of a Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL
Originating Officer: Mohshin Ali Senior Licensing Officer	Ward affected: Lansbury

1.0 Summary

Applicant: **Poplar Housing & Regeneration Community Association Ltd**
Name and Address of Premises: **Poplar Union**
2 Cotall Street
London E14 6TL

Licence sought: **Licensing Act 2003**
To amend the Plan and amend conditions of the current licence (sale of alcohol and regulated entertainment)

Objectors: **Local Residents**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 Background

3.1 This is an application for a variation of the premises licence for Poplar Union, 2 Cotall Street. London E14 6TL

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

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

3.4 The applicant has described the nature of the variation as:

Amendment to the current Plan

Amendment to conditions 8, 9, 11 and 18

Addition of a condition

3.5 The application is seeking to amend the following:

- The plan of the current licensed area to increase the licensed area to include patio area (Hatched in green)
- Amend condition 8 to read “Alcohol will only be consumed with the red line shown on the plan. Customers will not be permitted at any time to take alcoholic drinks either in a drinking vessel or unopened beyond the red line shown on the plan and includes the park”
- Amend condition 9 to read “The premises licence holder will risk assess at all times the requirement for additional staff to be employed so as to prevent customers taking alcohol beyond the red line, and in particular into the park. Staff will at all times ensure that customers do not take alcohol beyond the red line licensed area.”
- Amend condition 11 to read “No customer will be permitted to be beyond the red line licensed area after 21:00 hours except for those customers who wish to smoke in the managed area on the patio and the premises licence holder will ensure compliance with this condition. Customers who go outside to smoke will not be permitted to take any drinks with them. A maximum of 15 people shall be permitted to smoke at any one time”
- Amend condition 18 to read “When the area hatched red is being used for non-licensable activities or by vulnerable persons or persons under the age of 16 it will be separated from the area hatched blue by a floor to ceiling screen with the adjoining door kept shut and alcohol will not be permitted in that area during those times”
- Addition of condition “ In the area hatched green, the hours for the sale and consumption of alcohol will be Monday to Saturday 12:00 hours to 22:00 hours and Sunday from 12:00 hours to 20:30 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 current site plan of the venue is included as **Appendix 3**. The proposed plan is included as **Appendix 4**.
- 4.3 Maps showing the vicinity are included as **Appendix 5**.
- 4.4 There are no licensed venues in this area.

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 6**.
- 6.7 All the representations in this report have been considered by the relevant officer (Team Leader Licensing & Safety) and determined to have met the requirements of the Licensing Act 2003.
- 6.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by the following local residents.

See **Appendix 7 Local resident T. Portacio**
Appendix 8 Local resident Petition

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of
- Noise while the premise is in use
 - Disturbance from patrons leaving the premises by car
 - Lack of adequate car parking facilities
 - Close proximity to residential properties

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 Alcohol will only be consumed with the red line shown on the plan. Customers will not be permitted at any time to take alcoholic drinks either in a drinking vessel or unopened beyond the red line shown on the plan and includes the park.

7.2 The premises licence holder will risk assess at all times the requirement for additional staff to be employed so as to prevent customers taking alcohol beyond the red line, and in particular into the park. Staff will at all times ensure that customers do not take alcohol beyond the red line licensed area.

7.3 No customer will be permitted to be beyond the red line licensed area after 21:00 hours except for those customers who wish to smoke in the managed area on the patio and the premises licence holder will ensure compliance with this condition. Customers who go outside to smoke will not be permitted to take any drinks with them. A maximum of 15 people shall be permitted to smoke at any one time.

7.4 When the area hatched red is being used for non-licensable activities or by vulnerable persons or persons under the age of 16 it will be separated from the area hatched blue by a floor to ceiling screen with the adjoining door kept shut and alcohol will not be permitted in that area during those times.

7.5 In the area hatched green, the hours for the sale and consumption of alcohol will be Monday to Saturday 12:00 hours to 22:00 hours and Sunday from 12:00 hours to 20:30 hours.

8.0 Conditions Agreed with Environmental Health

8.1 Alcohol consumed outside the premises shall only be consumed by patrons seated at tables.

8.2 All outside tables and chairs shall be rendered unusable by 20:00 hours each day.

8.3 All tables and chairs shall be removed from the outside area by 20:00 hours each day.

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 9-11** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 Legal Comments

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

11.0 Finance Comments

11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Current Site Plan
Appendix 4	Proposed Site Plan
Appendix 5	Maps of the surrounding area
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representation of T. Portacio
Appendix 8	Local Resident Petition
Appendix 9	Licensing officer comments on Noise when the premises is in use
Appendix 10	Planning
Appendix 11	Licensing Policy relating to hours of trading.

Appendix 1

**(Poplar Union)
2 Cotal Street
London
E14 6TL**

Licensable Activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment consisting of live and recorded music

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Trading Standards & Environmental Health

Date: 25th April 2017



Part A - Format of premises licence

Premises licence number

26292

Part 1 - Premises details

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

2 Cotall Street

Post town

London

Post code

E14 6TL

Telephone number

0203 039 3333

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The provision of regulated entertainment consisting of live and recorded music

The provision of plays, films, performances of dance and anything of similar description

The times the licence authorises the carrying out of licensable activities

- **Hours for supply of alcohol (on sales only) in red hatched area on plan**
- Monday to Friday 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs
-
- **Hours for supply of alcohol (on sales only) in blue hatched area on plan**
- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for provision of live/recorded music in red hatched area on plan**
- Monday to Friday 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for provision of live/recorded music in blue hatched area on plan**
- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for provision of plays, films, performances of dance and anything of a similar description in the red hatched area on plan**
- Monday to Friday 17:00 to 22:30
- Saturday 12:00 to 22:30
- Sunday 12:00 to 20:30

- **Hours for provision of plays, films, performances of dance and anything of a similar description in the blue hatched area on plan**
- Monday to Saturday 12:00 to 22:30
- Sunday 12:00 to 20:30

The opening hours of the premises

- Monday to Saturday from 08:00hrs to 23:00hrs
- Sunday from 09:00hrs to 21:00hrs

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

On sales only

Part 2

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

Poplar Housing & Regeneration Community Association Limited
167a East India Dock Road
Poplar
London
E14 0EA
Tel: [REDACTED]

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

Company number 03249344

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

Asim Iftikhar
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Personal licence number: LAPERS/17/55968
Issuing Authority: London Borough of Barnet

Annex 1 - Mandatory conditions

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

- a) at a time where there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended
- 1.
- (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
 - (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises;
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

$$P = D + (D \times V)$$
 where —
 - (i) **P** is the permitted price
 - (ii) **D** is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

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

Annex 2 - Conditions consistent with the operating Schedule

N/A

**Annex 3 - Conditions attached after a hearing by the licensing authority
(25/4/17)**

Conditions

1. CCTV system to be in place with the cameras of sufficient quality so that people's faces are clearly identifiable from the footage. The cameras are to be placed in such ways they cover areas of the inside of the venue and the entrance. The system is to record the footage and to keep it for a minimum of thirty one days, a copy of the CCTV footage is to be made available to the Police or the Local Authority upon request and supplied within 24 hours. Within 24 hours of being requested to do so by the Licensing Authority or a Responsible Authority a member of staff who can operate the CCTV system will be on site and able to operate the CCTV system.
2. The premises will operate a Challenge 25 policy and all those who look under 25 years of age will be asked for proof of age.
3. An incident book will be kept at the premises which will record all refusals of the sale of alcohol, all disorder and crimes that occur either in the premises or involve the premises' customers or any other incident of note.
4. Loud speakers shall not be located in the entrance lobby or outside the premises' building.
5. All windows and external doors shall be kept closed after 21:00 hours OR at any time when regulated entertainment takes place except for the immediate access and egress of persons.
6. No unaccompanied persons under the age of 16 shall be permitted on the licensed premises after 21:00 hours.

7. Staff training will include training on the protection of the vulnerable which will include persons under the age of 16 at the premises.
8. Alcohol will only be consumed inside the premises and within the red line shown on the plan. Customers will not be permitted at any time to take alcoholic drinks either in a drinking vessel or unopened outside the premises (this includes the patio area and the park).
9. The premises licence holder will risk assess at all times the requirement for additional staff to be employed so as to prevent customers taking alcohol off the premises (and in particular onto the patio area and the park). Staff will at all times ensure that customers do not take alcohol outside the premises.
10. The premises licence holder will risk assess the requirement to employ SIA licensed door supervisors to be on duty at certain events and certain times so as to ensure compliance with all conditions.
11. No customer will be permitted to be outside the premises (red line area) after 21:00 hours except for those customers who wish to smoke in a managed area on the patio and the premises licence holder will ensure compliance with this condition. Customers who go outside to smoke will not be permitted to take any drinks with them. A maximum of 15 people shall be permitted to smoke on the patio at any one time.
12. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. (a) A direct telephone number for an operations manager at the premises shall be publically available and operational (capable of being answered / any message left returned quickly) at all times the premises are open. The

telephone number is to be made available to residents and businesses in the vicinity.

(b) An e mail address for an operations manager at the premises shall be publically available to residents and local businesses and operational at all times.

(c) Quarterly meetings with be held with local businesses and residents with details of the time and date of the meeting posted on a public notice board at the premises.

14. No super strength beer, lagers, ciders of 5.5% ABV or above shall be sold at the premises.
15. Substantial food including drinking water shall be available in all parts of the premises where alcohol is available.
16. In the area hatched red on the attached plan the hours for licensable activities will be Monday to Friday 17:00 - 22:30, Saturday 12:00 – 22:30 and Sunday 12:00 - 20:30.
17. In the area hatched blue the hours for licensable activities will be Monday to Saturday 12:00 (midday) - 22:30 and Sunday 12:00 (midday) - 20:30.
18. When the area hatched red is being used for non-licensable activities or by vulnerable persons or persons under the age of 16 it will be separated from the area hatched blue by a floor to ceiling screen with the adjoining door locked and alcohol will not be permitted in that area during those times.
19. The Premises Licence Holder will at all times Risk Assess all activities and events at the premises in particular with regard to the protection of children

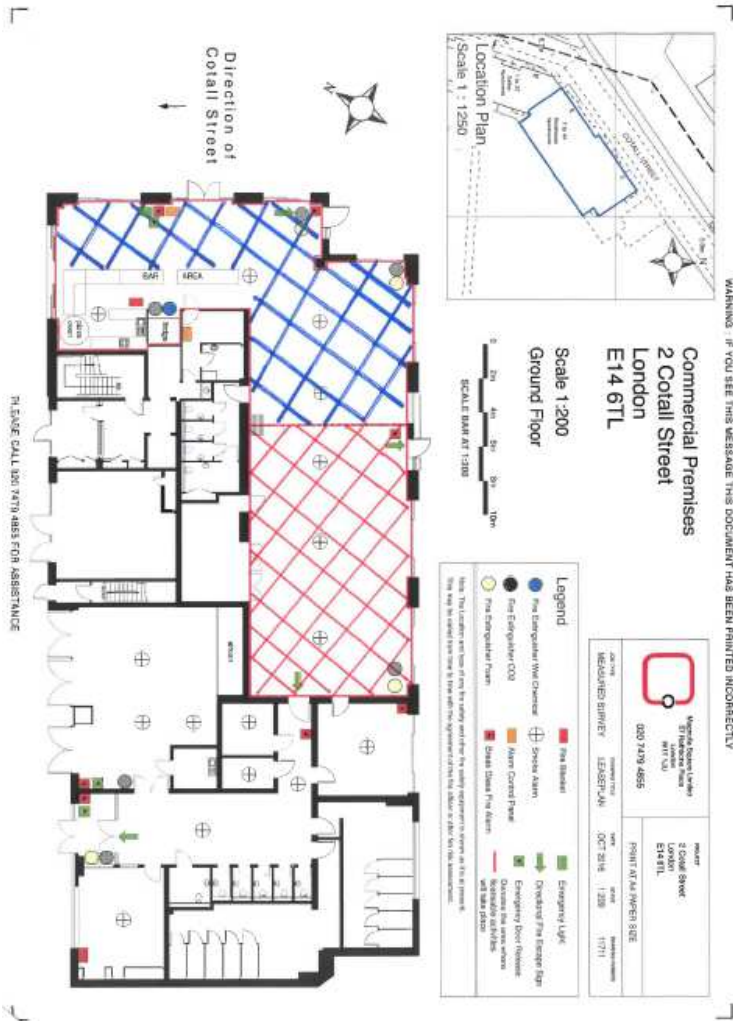
and the vulnerable and not permit the sale of alcohol if it does not promote the Licensing Objectives. The Premises Licence Holder will Risk Assess whether it is appropriate to allow children on the premises when alcohol is being sold to customers.

20. The floor plan showing the hours of use for the different areas of the premises shall be displayed

Annex 4 - Plans

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

20/03/17 Plan No. 11711





Part B - Premises licence summary

Premises licence number

26292

Premises details

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

2 Cotall Street

Post town

London

Post code

E14 6TL

Telephone number

0203 039 3333

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol
The provision of regulated entertainment consisting of live and recorded music
The provision of plays, films, performances of dance and anything of similar description

The times the licence authorises the carrying out of licensable activities

- **Hours for supply of alcohol (on sales only) in red hatched area on plan**
- Monday to Friday 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for supply of alcohol (on sales only) in blue hatched area on plan**
- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for provision of live/recorded music in red hatched area on plan**
- Monday to Friday 17:00hrs to 22:30hrs
- Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for provision of live/recorded music in blue hatched area on plan**
- Monday to Saturday from 12:00hrs (noon) to 22:30hrs
- Sunday from 12:00hrs (noon) to 20:30hrs

- **Hours for provision of plays, films, performances of dance and anything of a similar description in the red hatched area on plan**
- Monday to Friday 17:00 to 22:30
- Saturday 12:00 to 22:30
- Sunday 12:00 to 20:30

- **Hours for provision of plays, films, performances of dance and anything of a similar description in the blue hatched area on plan**
- Monday to Saturday 12:00 to 22:30
- Sunday 12:00 to 20:30

The opening hours of the premises

- Monday to Saturday from 08:00hrs to 23:00hrs
- Sunday from 09:00hrs to 21:00hrs

Name, (registered) address of holder of premises licence

Poplar Housing & Regeneration
Community Association Limited
167a East India Dock Road
Poplar, London, E14 0EA

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

On sales only

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

Company number 03249344

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

Asim Iftikhar

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

No restrictions

Appendix 2

London Borough of Tower Hamlets

LBTH
TRADING STANDARDS
09 OCT 2018

Application to vary a premises licence under the Licensing Act 2003

LICENSING

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 Poplar Housing & Regeneration Community Association Limited

(Insert name(s) of applicant)

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

Premises licence number 26292

Part 1 – Premises Details

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

Poplar Union
2 Cotall Street

Post town

London

Postcode

E14 6TL

Telephone number at premises (if any)

Non-domestic rateable value of premises

£50,000

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address (optional)

Current postal address if different
from premises address

167a East India Dock Road
Poplar

Post town

London

Postcode

E14 0EA

Part 3 - Variation

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy?
(Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

The proposed variation is to seek approval of the plan submitted with the application to increase the licensed area to include the patio area hatched in green on the plan.

To amend Condition 8 of Annex 3 which currently reads "Alcohol will only be consumed inside the premises and within the red line shown on the plan. Customers will not be permitted at any time to take alcoholic drinks either in a drinking vessel or unopened outside the premises (this includes the patio area and the park)" to read "Alcohol will only be consumed within the red line shown on the plan. Customers will not be permitted at any time to take alcoholic drinks either in a drinking vessel or unopened beyond the red line shown on the plan and this includes the park".

To amend Condition 9 of Annex 3 which currently reads "The premises licence holder will risk assess at all times the requirement for additional staff to be employed so as to prevent customers taking alcohol off the premises (and in particular onto the patio and the park). Staff will at all times ensure that customers do not take alcohol outside the premises" to read "The premises licence holder will risk assess at all times, the requirement for additional staff to be employed so as to prevent customers from taking alcohol beyond the red line, and in particular into the park. Staff will at all times ensure that customers do not take alcohol beyond the red lined licensed area".

To amend Condition 11 of Annex 3 which currently reads "No customer will be permitted to be outside the premises (red line area) after 21:00 hours except for those customers who wish to smoke in a managed area on the patio and the premises licence holder will ensure compliance with this condition. Customers who go outside to smoke will not be permitted to take any drinks with them. A maximum of 15 people shall be permitted to smoke on the patio at any one time" to read "No customer will be permitted to be beyond the red lined licensed area after 22:00 hours, except for those customers who wish to smoke in the managed area on the patio and the premises licence holder will ensure compliance with this condition. Customers who go outside to smoke will not be permitted to take any drinks with them. A maximum of 15 people shall be permitted to smoke at any time".

To amend Condition 18 of Annex 3 which currently reads "When the area hatched red is being used for non-licensable activities or by vulnerable persons or persons under the age of 16 it will be seperated from the area hatched blue by a floor to ceiling screen with the adjoining door locked and alcohol will not be permitted in that area during those times" to read "When the area hatched red is being used for non-licensable activities or by vulnerable persons or persons under the age 16, it will be separated from the area hatched blue by a floor to ceiling screen with the adjoining door kept shut and alcohol will not be permitted in that area during those times".

To add the following condition to the Premises Licence:

"In the area hatched green, the hours for the sale and consumption of alcohol will be Monday to Saturday 12:00 to 22:00 and Sunday 12:00 to 20:30".

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

Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick all that apply

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

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

Sale by retail of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						

Tue			
Wed			<u>State any seasonal variations for performing plays</u> (please read guidance note 4)
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Sat			
Sun			

B

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Thur					

Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			
			
			
			

E

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

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)</u>	Indoors	<input type="checkbox"/>		
Day				Start	Finish	Outdoors	<input type="checkbox"/>
Mon				Please give further details here (please read guidance note 3)			

Tue			
Wed			<u>State any seasonal variations for the playing of recorded music (please read guidance note 4)</u>
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)</u>
Sat			
Sun			

G

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

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed					
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Fri					
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
Day	Start	Finish			Outdoors	<input type="checkbox"/>
Mon					Both	<input type="checkbox"/>
Tue					Please give further details here (please read guidance note 3)	

Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)
Thur			
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7) Only in the area hatched green on the plan. All other hours and areas remain the same.	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)					
Mon	12:00	22:00						
Tue	12:00	22:00						
Wed	12:00	22:00						
Thur	12:00	22:00				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 5)		
Fri	12:00	22:00						
Sat	12:00	22:00						
Sun	12:00	20:30						

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)			

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

Amendments to Conditions 8, 9, 11 & 18 of Annex 3 as above.

Please tick as appropriate

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

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

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M

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

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

The style and operation of the premises will not change and all policies, procedures and conditions of the premises licence will be complied with.

b) The prevention of crime and disorder

Please see a) above.

c) Public safety

Please see a) above.

d) The prevention of public nuisance

Please see a) above.

e) The protection of children from harm

Please see a) above.

Checklist:

Please tick to indicate agreement

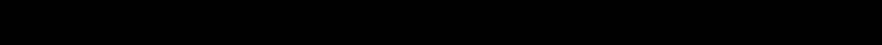
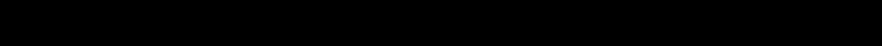
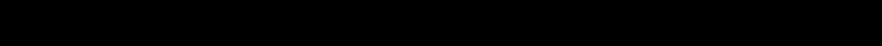
- I have made or enclosed payment of the fee.
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be

rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION.

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	
Capacity	

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

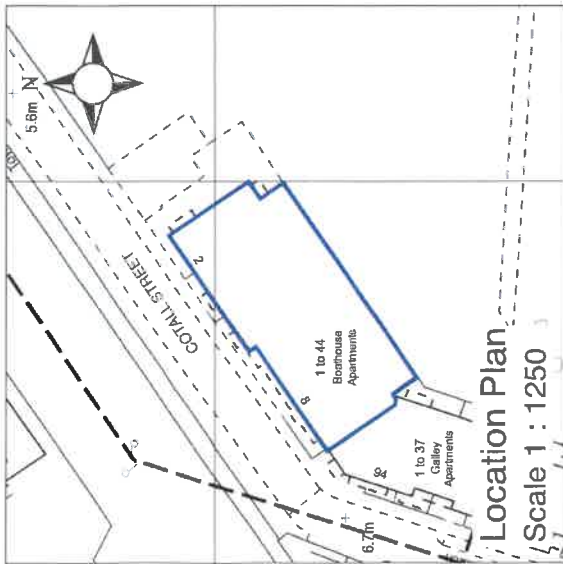
Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

	
Postcode	
Telephone number	
If you are a company, please provide the name of the company	

Appendix 3

Commercial Premises
2 Cotall Street
London
E14 6TL



PROJECT 2 Cotall Street London E14 6TL		PRINT AT A4 PAPER SIZE	
Magnolia Square Limited 57 Rathbone Place London W1T 1JU 020 7479 4855		DATE OCT 2016	DRAWING NUMBER 11711
JOB TYPE MEASURED SURVEY	DRAWING TITLE LEASEPLAN	SCALE 1:200	

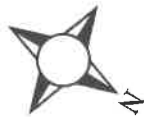
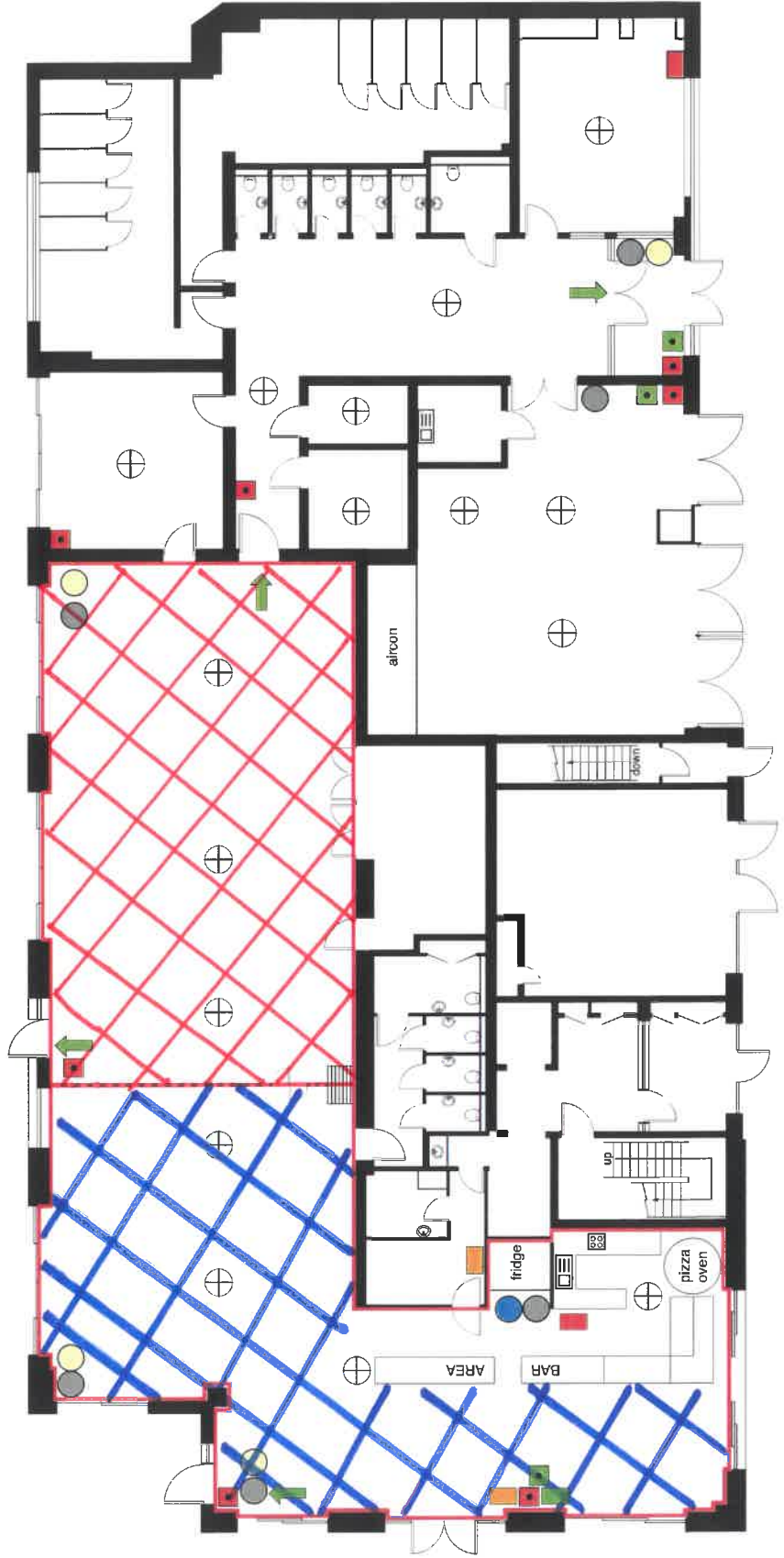
Scale 1:200
Ground Floor



SCALE BAR AT 1:200

	Fire Blanket		Emergency Light
	Fire Extinguisher Wet Chemical		Directional Fire Escape Sign
	Fire Extinguisher CO2		Emergency Door Release
	Fire Extinguisher Foam		Denotes the area where licensable activities will take place
	Break Glass Fire Alarm		

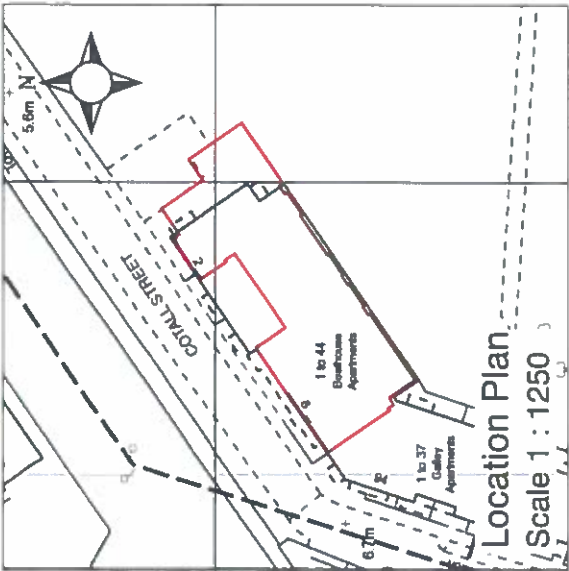
Note: The Location and type of any fire safety and other fire safety equipment is shown as it is at present. This may be varied from time to time with the agreement of the fire officer or after fire risk assessment.



Direction of Cotall Street



Appendix 4



Commercial Premises
2 Cotall Street
 London
 E14 6TL

LBTH

TRADING STANDARDS

09 OCT 2018


Scale 1:200
 Ground Floor

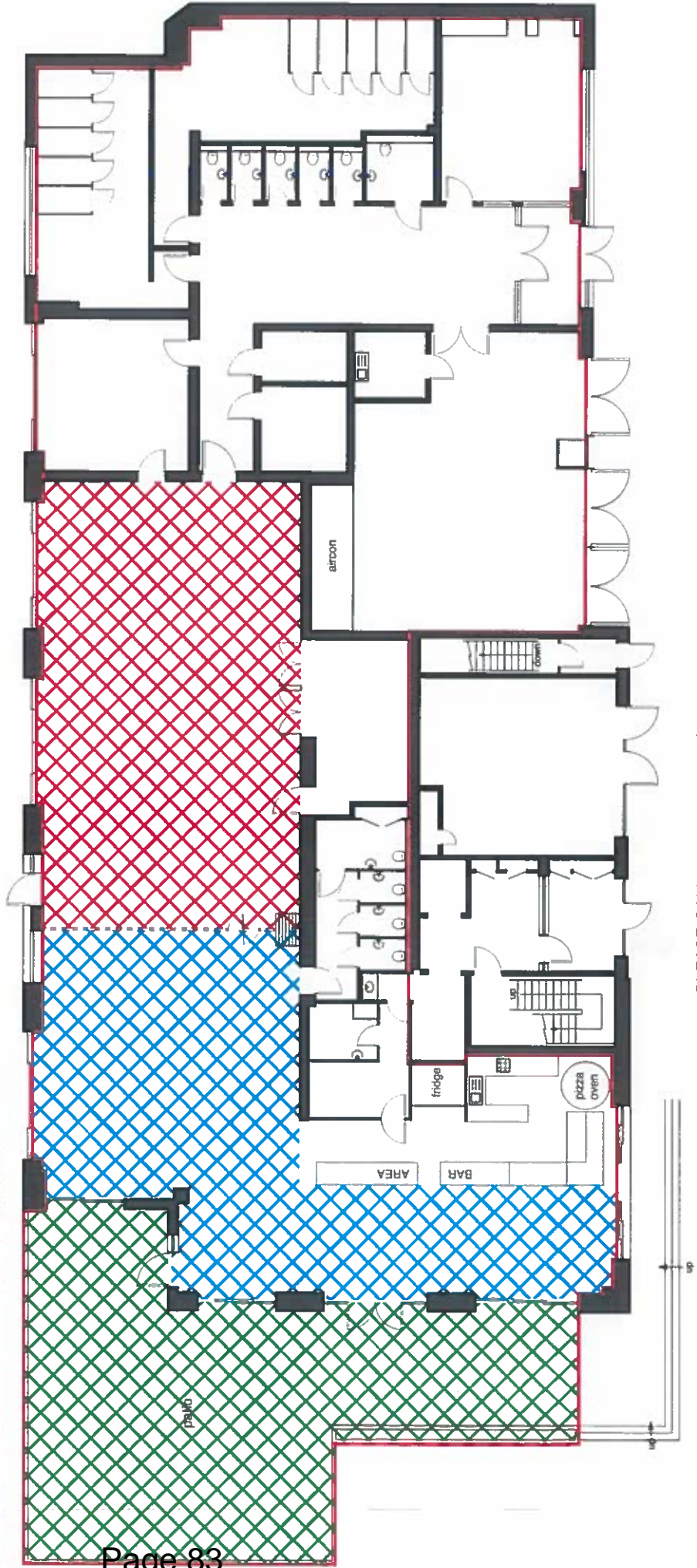
LICENSING



SCALE BAR AT 1:200

Direction of
 Cotall Street
 ↓

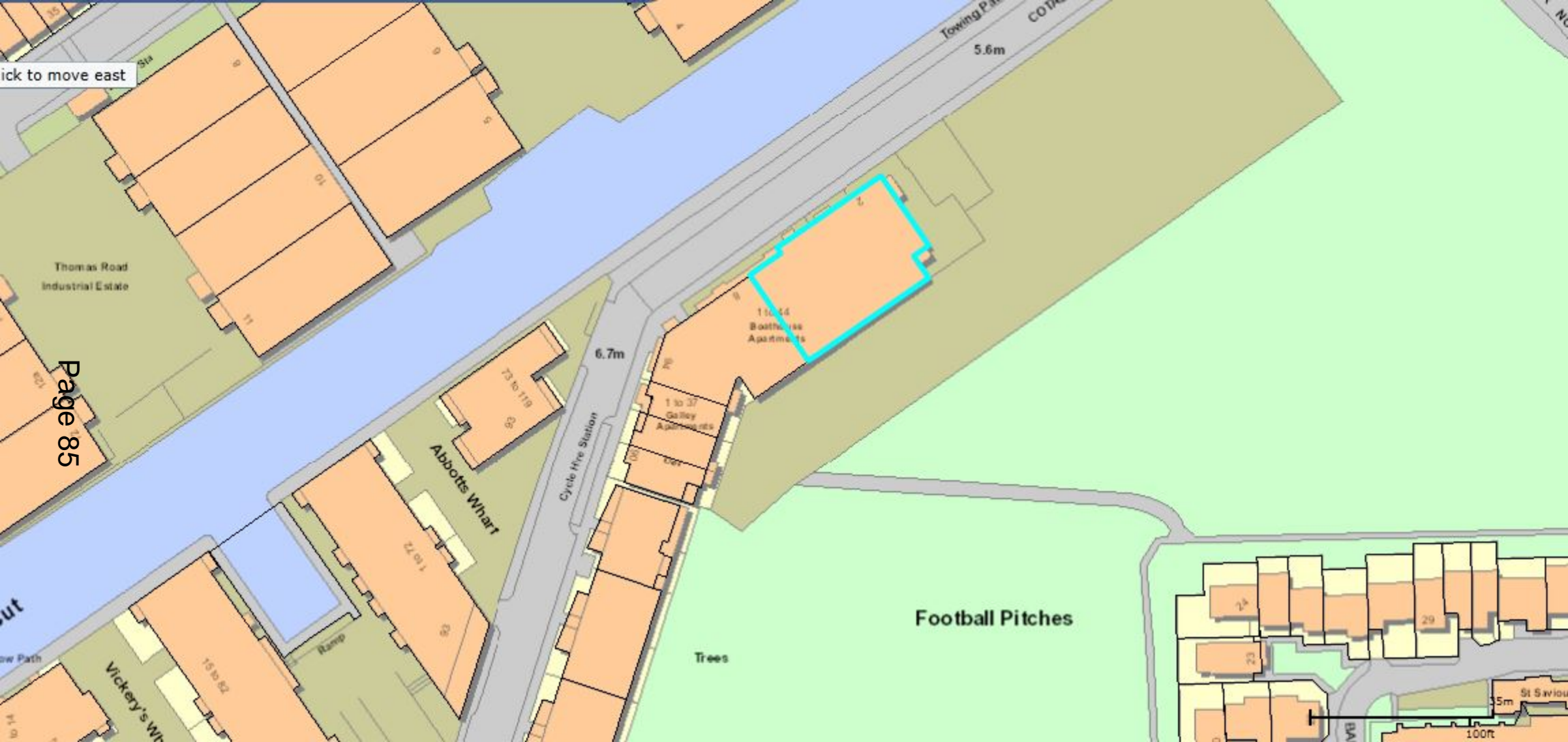
 Magnolia Square Limited 57 Rathbone Place London W1T 1JU 020 7479 4855	PROJECT 2 Cotall Street London E14 6TL	PRINT AT A4 PAPER SIZE
	DRAWING TITLE LICENCE PLAN	DATE SEP 2018
MEASURED SURVEY	JOB TYPE LICENCE PLAN	DRAWING NUMBER 18510



Appendix 5

Click to move east

Page 85



Thomas Road Industrial Estate

Abbots Wharf

130-14 Bathhouse Apartments

Football Pitches

Trees

Cycle Hire Station

Towing Path
5.6m

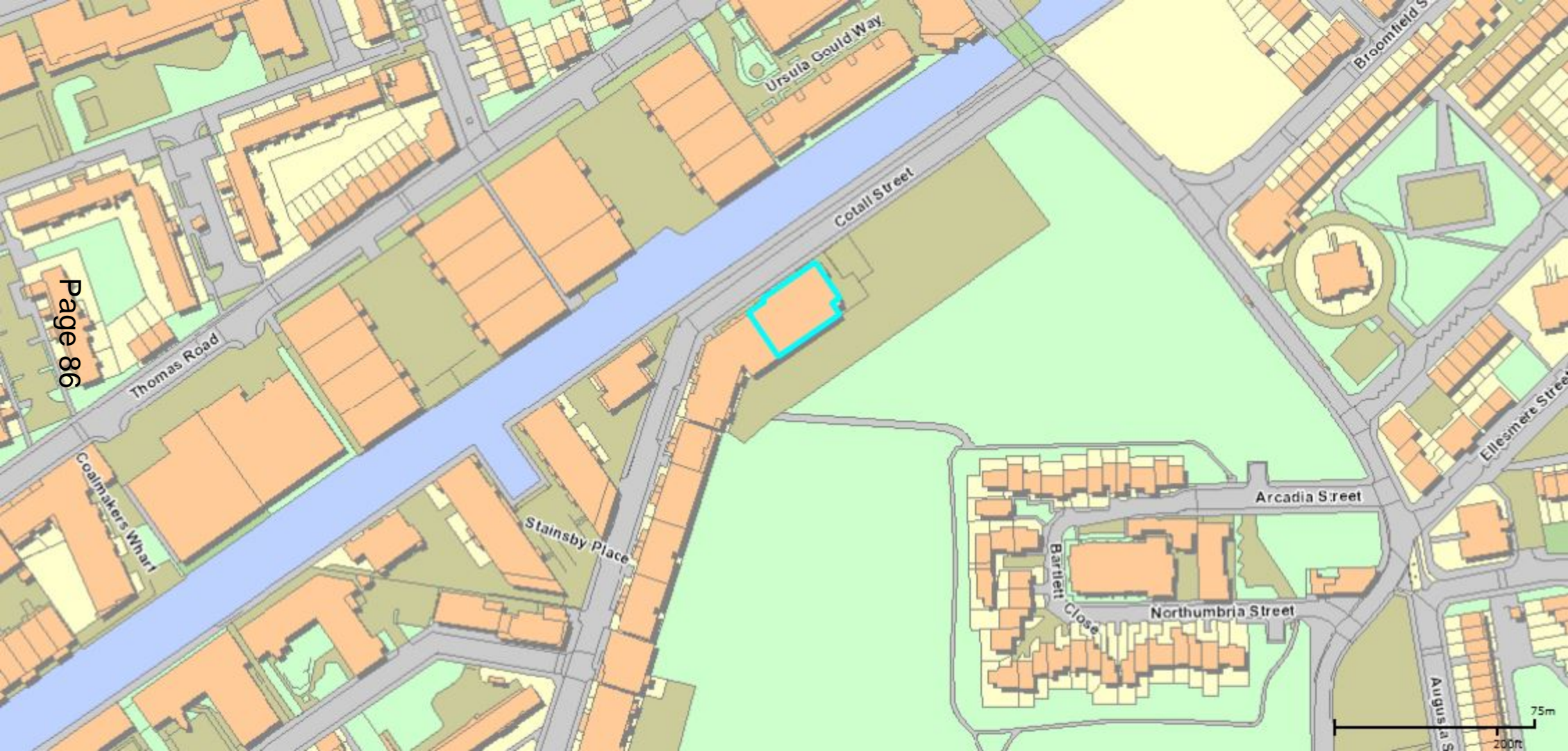
6.7m

Vickery's Wharf

St Saviour

100ft

5m



Appendix 6

**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 7

Mohshin Ali

From: [REDACTED]
Sent: 19 October 2018 11:04
To: Licensing
Subject: Ammendment to alcohol license POPLAR UNION

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern.
Regarding Amendments to alcohol license Number 26292
Poplar Union
2 Cotall Street
Poplar E14

Please note that as a resident that lives close to the above premises I am concerned that drinking alcohol in the external areas of the Poplar Union may have an adverse effect on the peace and quiet of the neighbourhood.

The building is located between a canal and a park. We are fearful that alcoholic drinking will not be restricted to the area proposed but may well spill onto the park. Outdoor drinking may be a catalyst for anti-social behaviour particularly late at night in the park. Also the external area is soon to be part of a newly pedestrianized Cotall Street which will have a direct unobstructed link to the Limehouse Cut Canal.

We would be grateful if you could put our concerns to the appropriate department.

thanks,
Tony Portacio
Yvonne Portacio

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

Appendix 8

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 06 November 2018 13:06
To: Mohshin Ali
Subject: FW: Response for Licensing proposal of Poplar Union, 2 Cotall Street
Attachments: Response on Licensing Proposal of Poplar Union, 2 Cotall Street.pdf

From: mohammad rashid [REDACTED]
Sent: 06 November 2018 13:01
To: Licensing
Cc: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Response for Licensing proposal of Poplar Union, 2 Cotall Street

Dear Tower Hamlets Planning permission Officer,

Planning permission Ref no: CLC/EHTS/LIC/111734

We are the residents of 94 Stainsby Road , Galley Apartment. E14 6TJ .

We are writing you with our respond regarding above planning permission reference details.

Please find the attached letter and signature from the Galley Apartment Residents where we have highlighted our "Reservations and Reason" for opposing/rejecting this planning permission to sell Hot food, late entertainment and Selling Alcohol after 11.00pm.

We hope you would consider our reservations and help us to protect and save the community as Stainsby Road and Cottal Street are highly occupied by "Working Class and Family people" who require, safety, privacy and peaceful environment.

We have copied our local Honorable Mayor, and Councillor with this mail and we would look forward to hearing your favourable decision.

With best regards,
Residents of Galley Apartment
94 Stainsby Road

Ref: CLC/EHTS/LIC/111734

Email: licensing@towerhamlets.gov.uk

Dear Licensing Team / David Tolley,

We are the residents of 94 Stainsby Road, Galley Apartments writing you on above subject reference.

Regarding your letter dated 10th October, we the residents of 94 Stainsby Road had our own consultation regarding the above subject matter and we regret to let you know that we strongly Disagree with "Sale of alcohol; regulated entertainment or late-night refreshments (supply of hot food after 11pm).

Stainsby Road is fully residential area where predominantly working class and professional people live with their family with children. Late night refreshments and sale of alcohol would invite non-residents of Stainsby Road and invite unexpected and uninvited people from various other locations, unnecessary noise/traffic and other nuisances which would not only be detrimental for residents that would affect the living standards of local community but also create a detrimental effect on local environment. I.e. Noise and Environment pollution by the vehicle of the non-resident visitors to the place (Poplar Union, 2 Cotall Street)

So far to date, we already facing various traffic/road issues/parking issues and various foul / unsocial people in the nearest park-Bartlett Park.

Negative effects on amenity (neighbours and community) - particularly due to the followings;

- Adequacy of parking/loading/turning
- Traffic generation
- Food Smells
- Noise and Disturbance resulting from use
- Overlooking & loss of privacy
- Nuisance
- Visual amenity (but not loss of private view)
- Adequacy of parking/loading/turning.
- Road safety. (Already there were plenty of accidents the residents' cars are facing)
- Noise and disturbance resulting from use.
- Hazardous materials.

(All of the above should be accompanied by detailed evidence where at all possible - planning officers take a very dim view of speculation and hearsay!)

This proposal reduces the amount of legitimate car parking on the site to an unacceptable level.

Insufficient parking space will adversely affect the amenity of surrounding properties through roadside parking on this narrow lane/busy junction etc.

The site is located in a predominantly residential area where occupiers could reasonably expect a level of amenity concurrent with the property. The use of the property as a Sale of Alcohol; late night refreshments, introduces a diverse element that by reason of the use is likely to result in noise, disturbance and nuisance to the detriment of neighbour's residential amenity

Poplar High Street, Burdett Estate Road and Canary Wharf is less than 15-20 minutes' walk from Stainsby Road and if you grant a planning permission for the above subject then it not creates an undue pressure on local residents.

We would cordially request you not to grant this planning permission and let the Stainsby Road Residents live in a peaceful and quality living standard.

Should you consider to go ahead with your planning permission then we would no choice to raise a petition against your decision and escalate this matter to appropriate channels.

We would look forward for your kind consideration and consider the local Community.

With best regards,

Residents of Galley Apartments, 94 Stainsby Road, London. E14 6TJ

Flat No.	Name	Contacts	Signature	Any other comments
3	Xiaorui Mao			
4	Sunyu Arshad			
7	Hadiha			
13	Shibu			
12	Khalida Uddin			
11	Alessandro			
	XXXXXXXXXX			
10	Husnefa Khadun			
21	SALIR AMMAD			
23	Rashid			
22	Marcos			
20	MARCO			
18	E Anderson			
19	Umma			
31	Bosic			

Flat No.	Name	Contacts	Signature	Any other comments
29	MIGUEL	[REDACTED]	[REDACTED]	
33	Shahan	[REDACTED]	[REDACTED]	
34	Rahima	[REDACTED]	[REDACTED]	
36	Charzell	[REDACTED]	[REDACTED]	

Appendix 9

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 9.1 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 14.10**).

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 9.2 of the Licensing Policy**).

The Licensing Authority will consider attaching conditions to prevent nuisance. 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 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 10

Planning

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

Appendix 11

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

In considering the applicability of framework 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 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	4th December 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Corinne Holland Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Pizza Union, 25 Sandy's Row, London E1 7HW Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Pizza Union Ltd**

Name and Address of Premises: **Pizza Union
25 Sandy's Row
London
E1 7HW**

Licence sought: **Licensing Act 2003
Variation to Premises Licence (add 'off sales')**

Objectors: **Resident**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Corinne Holland
020 7364 3986

3.0 **Background**

- 3.1 This is an application for a variation of the premises licence for Pizza Union, 25 Sandy's Row, London, E1 7HW
- 3.2 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 The timings of the existing licence are detailed below for information only:-

The Sale of alcohol (on sales only):

- Monday to Saturday 07:00 hours - 23:00 hours
- Sunday 07:00 hours – 22:30 hours

The opening hours of the premises:

- Monday to Saturday 07:00 hours – 23:30 hours
- Sunday 07:00 hours – 23:00 hours

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

- 3.5 The applicant has described the nature of the variation as follows:

To add off-sales between Monday to Saturday 07:00 – 23:00 and Sunday 07:00 to 22:30 hours. To add conditions in relation to the off-sale activity.

- 3.6 The times for the licensable activities and opening hours have not been varied:

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 Maps showing the vicinity are included as **Appendix 3**.
- 4.3 Nearby Licensed Premises are shown in **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 a relevant representation has been made by a resident:
- Alex Shute (**Appendix 6**)
- 6.9 Applicants proposed reduction in Sunday hours to address representation (**Appendix 7**)

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
- Public Health

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

- Public nuisance
- Protection of children from harm
- Contrary to the CIZ

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 on existing Premises Licence

1. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and

all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

2. Notices will be displayed requesting customers leave quietly and respect the local residential amenity.
3. A till prompt system for all alcohol will be installed at the premises and used during all transactions.

8.0 Conditions consistent with Operating Schedule

1. Sales of alcohol for consumption off the premises shall only be supplied with a meal.
2. Alcohol for delivery will only be delivered to a residential or business address and not to a public place.

9.0 Conditions agreed in consultation with the responsible authorities

None

10.0 Licensing Officer Comments

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

10.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent application and promoting fairness equal treatment and proportionality (1.7).
- ❖ Also "as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons

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

- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ It is not acceptable for licensing authorities to simply replicate the wording from an applicant’s operating schedule. A condition should be interpreted in accordance with the applicant’s intention (10.5)
- ❖ The Licensing Authority may only impose such conditions as are necessary for meeting the licensing objectives.
- ❖ The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions regarding licensed opening hours as part of the implementation of its licensing policy statement and licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities.” (10.11)
- ❖ 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)
- ❖ 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. This may be unlawful under current law. However, it is important to note that the mandatory conditions made under sections 19A and 73B of the 2003 Act prohibit a number of types of drinks promotions where they give rise to a significant risk to any one of the four licensing objectives (10.21).
- ❖ 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)

10.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.

10.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”

10.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.

10.6 The Government has advised that “Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.” (2.21)

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

10.8 In **Appendices 8 – 13** Members are given general advice, and also have explanations of the Council's Licensing Policy, Government advice and other legislation relating to the matters previously identified.

11.0 **Legal Comments**

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

12.0 **Finance Comments**

12.1 There are no financial implications in this report.

13.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Maps of the surrounding area
Appendix 4	Nearby licensed premises
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6	Representations of Ms Alex Shute
Appendix 7	Applicants proposed reduction in hours
Appendix 8	S182 Advice on public nuisance
Appendix 9	Licensing Policy advice on public nuisance
Appendix 10	S182 Advice on protection of children from harm
Appendix 11	Licensing Policy advice on protection of children from harm
Appendix 12	CIZ
Appendix 13	Framework hours

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Appendix 1

(Pizza Union)
25 Sandy's Row
London
E1 7HW

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

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

Date: 29th July 2010

Minor Variation: 16th November 2016
Detail change 27/2/17



TOWER HAMLETS

LICENSING ACT 2003

Part A - Format of premises licence

Premises licence number

21842

Part 1 - Premises details

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

(Pizza Union)
25 Sandy's Row

Post town

London

Post code

E1 7HW

Telephone number

020 7247 5116

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Monday to Saturday 07:00 hours – 23:00 hours

Sunday 07:00 hours – 22:30 hours

The opening hours of the premises

Monday to Saturday 07:00 hours – 23:30 hours

Sunday 07:00 hours – 23:00 hours

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

Part 2

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

Pizza Union Ltd
25 Sandy's Row
(corner of Middlesex Street)
London
E1 7HW
020 7247 5116
[REDACTED]

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

8185139

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

Mr Aaron Gonzalez Leal
[REDACTED]
[REDACTED]

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

Licence No: [REDACTED]

Issuing Authority: [REDACTED]

Annex 1 - Mandatory conditions

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

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

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

1.

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

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

3.
 - (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

5.
 1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

 2. For the purposes of the condition set out in paragraph 1—
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) “permitted price” is the price found by applying the formula —

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. The CCTV system shall incorporate a recording facility and any recordings shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity. There must also be someone on the premises, who can download the images and present them immediately on request by a police officer or other responsible authority.

2. Notices will be displayed requesting customers leave quietly and respect the local residential amenity.
3. A till prompt system for all alcohol will be installed at the premises and used during all transactions.

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

Not applicable

Annex 4 - Plans

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

27th June 2013 – Mezzanine Floor for information
First floor licensed (DWG No: J78_107, Dated 20.06.2013)



Part B - Premises licence summary

Premises licence number

21842

Premises details

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

(Pizza Union)
25 Sandy's Row

Post town

London

Post code

E1 7HW

Telephone number

020 7247 5116

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Sale of alcohol

Monday to Saturday 07:00 hrs – 23:00 hrs
Sunday 07:00 hrs – 22:30 hrs

The opening hours of the premises

Monday to Saturday 07:00 hrs – 23:30 hrs
Sunday 07:00 hrs – 23:00 hrs

Name, (registered) address of holder of premises licence

Pizza Union Ltd
25 Sandy's Row
(corner of Middlesex Street)
London
E1 7HW

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

On sales only

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

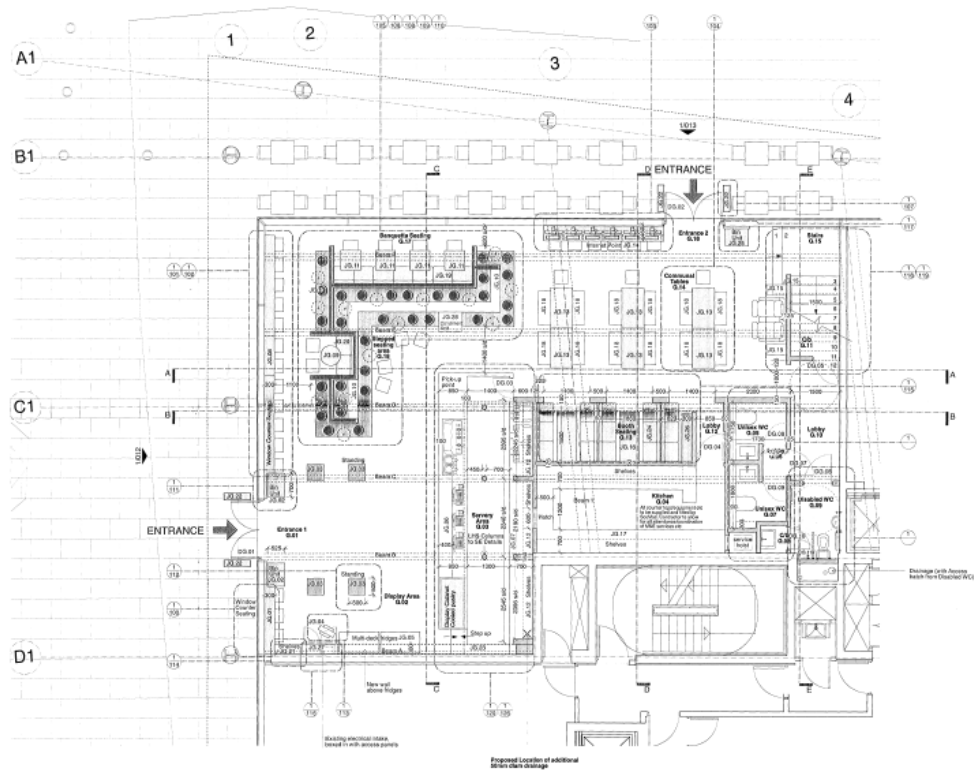
8185139

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

Mr Aaron Gonzalez Leal

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

No restrictions

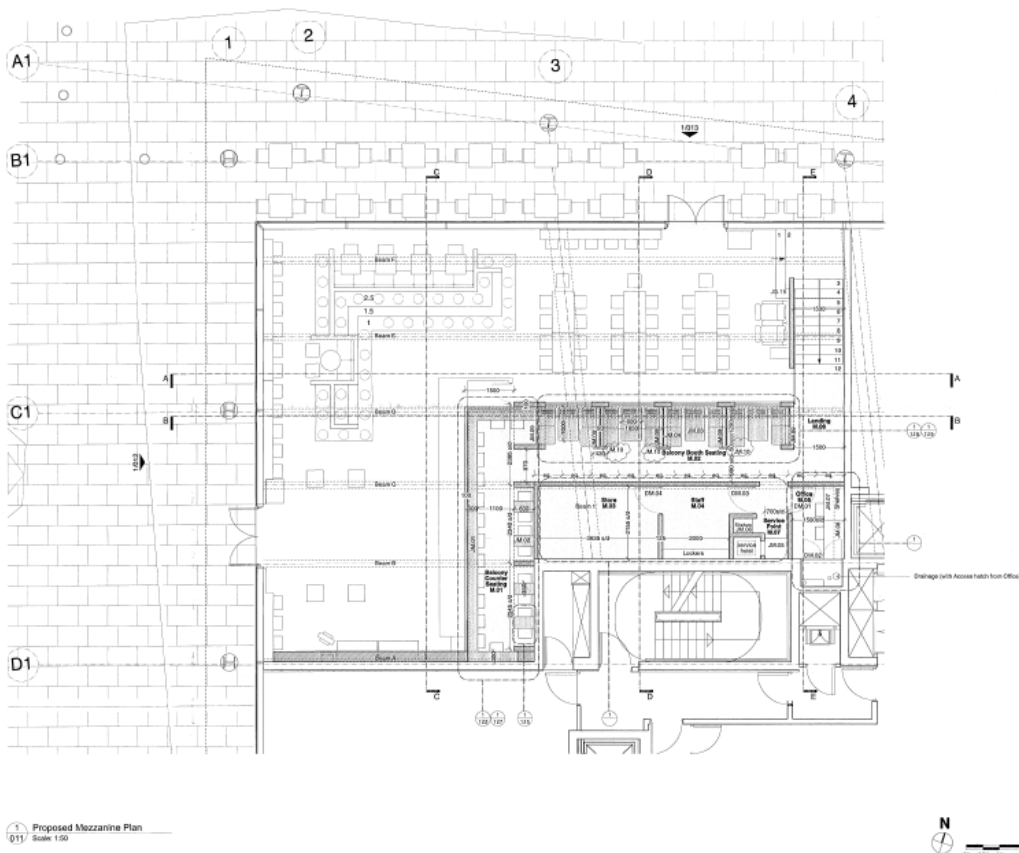


Proposed Ground Floor Plan
Scale: 1:50



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JONATHAN CLARK ARCHITECTS
Architects
100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



DO NOT SCALE OFF THIS DRAWING.
 ALL DIMENSIONS TO BE GIVEN AS TO ALL UNLESS SPECIFIED TO ARCHITECT.
 THIS DRAWING IS TO BE READ IN CONJUNCTION WITH ALL RELEVANT CONTRACT DOCUMENTS, INCLUDING BUT NOT LIMITED TO, THE CONTRACT AND ALL APPROPRIATE SCHEDULES AND SPECIFICATIONS.
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NOTES:

Revision		
Date:	Rev:	Details:
JONATHAN CLARK ARCHITECTS		
Jonathan Clark Architects 115-117 Spitalfields Lane London EC2A 3DF Tel: +44 (0)20 7375 3000 Email: jonathan@jonathanclark.com Website: www.jonathanclark.com		
Tinderbox - Unit 2 Nido, Spitalfields		
Drawing No: Proposed Mezzanine Plan		
Date:	Scale:	Sheet:
1:50 (G4)	MAY	Info
1:50 (G4)	2010	
122	L011	

Appendix 2

London Borough of Tower Hamlets

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

We Pizza Union Ltd

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

Premises licence number 21842

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Pizza Union 25 Sandy's Row			
Post town	London	Post code	E1 7HW

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£61,500.00

Part 2 – Applicant details

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

Part 3 - Variation

Please tick yes

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

If not, from what date do you want the variation to take effect?

Day Month Year		

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please read guidance note 2)

To add Alcohol off-sales Monday to Saturday 07:00hrs to 23:00hrs and Sunday 07:00hrs to 22:30hrs.

To add conditions in relation to the off-sale activity

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment (Please read guidance note 3)

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

Please tick all that apply

-
-
-
-
-
-
-
-

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

Sale by retail 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 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the exhibition of films (please read guidance note 6)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)	
Day	Start	Finish	 State any seasonal variations for indoor sporting events (please read guidance note 6) 	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)	

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)		Indoors	<input type="checkbox"/>
Day	Start	Finish	 Please give further details here (please read guidance note 5) 		Outdoors	<input type="checkbox"/>
Mon						
Tue						
Wed						
Thur						
Fri						
Sat						
Sun						
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		Both	<input type="checkbox"/>
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7)			

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the performance of live music (please read guidance note 6)		
Wed					
Thur			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 (please read guidance note 7)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon					
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish		
Mon			Please give further details here (please read guidance note 5)	
Tue				
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)	
Thur				
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sat				
Sun				

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			Please give a description of the type of entertainment you will be providing	
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors <input type="checkbox"/>
Mon				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 5)	
Wed				
Thur			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 6)	
Fri				
Sat			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 7)	
Sun				

I

Late night refreshment Standard days and timings (please read guidance note 8)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			Please give further details here (please read guidance note 5)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 6)		
Thur					
Fri			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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 9)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input checked="" type="checkbox"/>		
Mon	07:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 6)		
Tue	07:00	23:00			
Wed	07:00	23:00			
Thur	07:00	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 7) From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Fri	07:00	23:00			
Sat	07:00	23:00			
Sun	07:00	22:30			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8) None

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	07:00	23:30	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</p> <p>From the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Tue	07:00	23:30	
Wed	07:00	23:30	
Thur	07:00	23:30	
Fri	07:00	23:30	
Sat	07:00	23:30	
Sun	07:00	23:00	

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

None

Please tick yes

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

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

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

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 11)

We have considered the Cumulative Impact Area and with the additional conditions we are offering we feel the provision of alcohol off-sales will not impact on the licensing objectives.

b) The prevention of crime and disorder

As in box a) and d)

c) Public safety

As in box a) and d)

d) The prevention of public nuisance

- | |
|---|
| 1. Sales of alcohol for consumption off the premises shall only be supplied with a meal.
2. Alcohol for delivery will only be delivered to a residential or business address not a public place. |
|---|

e) The protection of children from harm

As in box a) and d)


Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, 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.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	18 October 2018
Capacity	Poppleston Allen – Solicitors for & on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15) Angela Gardner Poppleston Allen Solicitors 37 Stoney Street The Lace Market			
Post town	Nottingham	Post code	NG1 1LS
Telephone number (if any)	[REDACTED]		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) [REDACTED]			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. 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.
3. 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

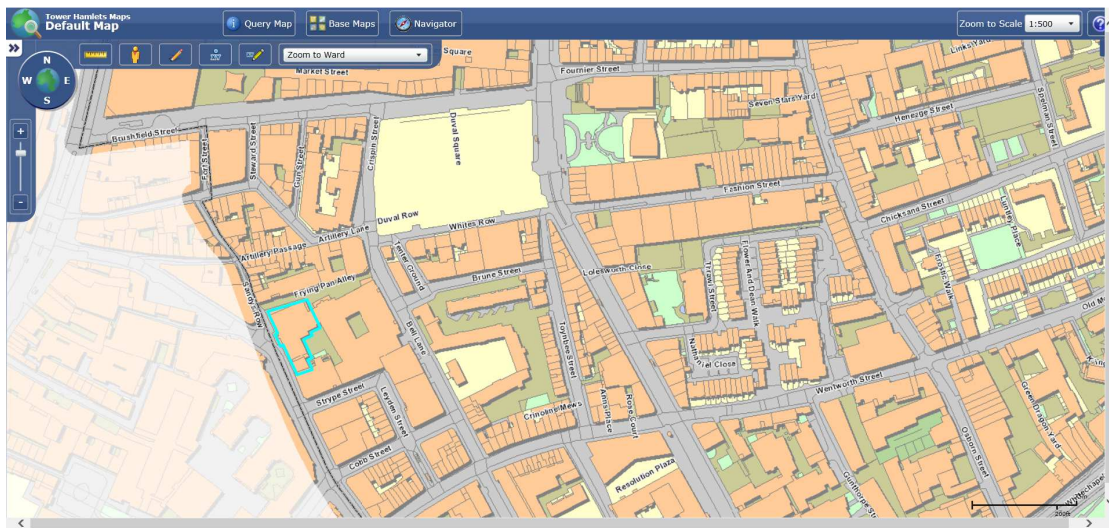
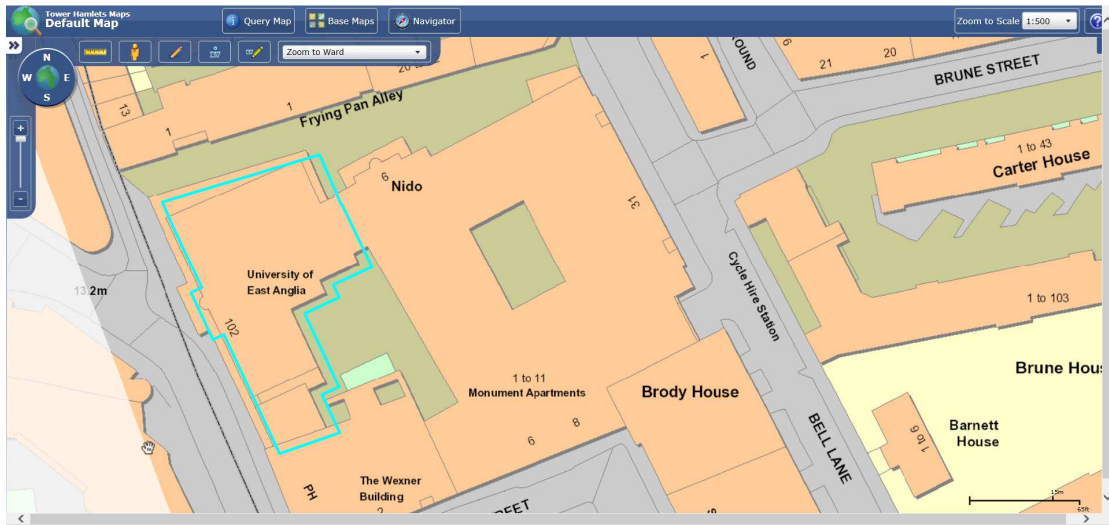
organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.

- 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.
4. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
 5. For example 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.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
 8. 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.
 9. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
 10. 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.
 11. Please list here steps you will take to promote all four licensing objectives together.
 12. The application form must be signed.
 13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

14. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

Appendix 3

PIZZA UNION 25 SANDYS ROW



Appendix 4

Pizza Union, 25 Sandy's Row

Name and address	Licensable activities and hours	Opening hours
<p>Gulshan Restaurant/La Tagliata 11-13 Sandys Row</p>	<p>Alcohol may be sold or supplied: (1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am 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. (6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
<p>(INTO University of East Anglia London 102 Middlesex Street</p>	<p>Sale of Alcohol</p> <ul style="list-style-type: none"> • Sunday to Friday from 17:00 hours to 00:00 hours (midnight) • Saturday from 17:00 hours to 23:00 hours <p>The Provision of Late Night Refreshments</p> <ul style="list-style-type: none"> • Sunday to Friday from 23:00 hours to 00:00 hours (midnight) <p>The Provision of Regulated Entertainment (<u>Recorded music and provision of facilities for making music</u>)</p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00 hours to 21:00 hours • Friday and Saturday from 12:00 hours to 23:00 hours <p><u>Plays</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 17:00 hours to 21:00 hours • Saturday from 12:00 hours to 21:00 hours <p><u>Films</u></p> <ul style="list-style-type: none"> • Monday to Saturday from 12:00 hours to 21:00 hours <p><u>Live Music</u></p> <ul style="list-style-type: none"> • Monday to Thursday from 12:00 hours to 23:00 hours • Friday from 12:00 hours to 00:00 hours (midnight) • Saturday from 12:00 hours to 23:00 hours 	<p>Monday to Sunday from 12:00 hours to 00:30 hours (the following day)</p>
<p>(Japanese Restaurant) Unit 1, 100 Middlesex Street</p>	<p><u>Sale of alcohol by retail</u> Monday to Friday 11:30 hours – 23:00 hours Saturday 12:00 noon – 23:00 hours Sunday 12:00 noon – 22:30 hours</p>	<p>Mon to Fri 11:30 hours – 23:30 hours Saturday 12:00 noon – 23:30 hours</p>

Pizza Union, 25 Sandy's Row

		Sunday 12:00 noon – 23:00 hours
(The Holy Birds/ Tracks & Records) 94 - 98 Middlesex Street	<p><u>Alcohol and Regulated Entertainment</u> (indoor sporting event, live music, performance of dance, facilities for dancing) <u>Live music may be performed in the basement area only.</u></p> <ul style="list-style-type: none"> Monday to Wednesday from 10:00hrs to 00:00hrs (midnight) Thursday and Friday from 10:00 hrs to 01:00hrs (the following day) Saturday from 08:00hrs to 01:00hrs (the following day) Sunday, 07:00hrs to 00:00hrs <p><u>Recorded music</u> Background amplified music ancillary to the sale of alcohol.</p> <ul style="list-style-type: none"> Monday to Wednesday from 10:00hrs to 00:30hrs (the following day) Thursday and Friday from 10:00hrs to 01:30hrs (the following day) Saturday from 08:00hrs to 01:30hrs (the following day) Sunday from 07:00hrs to 00:30hrs (the following day) <p><u>Late Night Refreshment</u></p> <ul style="list-style-type: none"> Monday to Wednesday from 23:00hrs to 00:00hrs (midnight) Thursday to Saturday from 23:00hrs to 01:00hrs (the following day) Sunday from 23:00hrs to 00:00hrs (midnight) 	<p>Monday to Wednesday from 10:00hrs to 00:30hrs (the following day)</p> <p>Thursday and Friday from 10:00hrs to 01:30hrs (the following day)</p> <p>Saturday from 08:00hrs to 01:30hrs (the following day)</p> <p>Sunday from 07:00hrs to 00:30hrs (the following day)</p>
(Thai Buddha) 88-90 Middlesex Street	<p>The times the licence authorises the carrying out of licensable activities</p> <p>Alcohol may be sold or supplied:</p> <p>(1) On weekdays, other than Christmas Day, Good Friday or New Year's Eve from 10am to 12pm.</p> <p>(2) On Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12 noon to 11:30pm</p> <p>(3) On Christmas Day: 12 noon to 11:30pm;</p> <p>(4) On New Year's Eve, except on a Sunday, 11 a.m. to midnight;</p> <p>(5) On New Year's Eve on a Sunday, 12 noon to 11.30 p.m.</p> <p>(6) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>	<p>There are no restrictions on the hours during which this premises is open to the public</p>
	THE OTHER SIDE OF THE ROAD IS THE CITY OF LONDON	

Appendix 5

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

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 6

Corinne Holland

From: Alex Gordon Shute [REDACTED]
Sent: 05 November 2018 11:46
To: Corinne Holland
Subject: RE: Pizza Union, 25 Sandys Row, E1 7EX (RESENT WITH MY DETAILS IN FULL AT THE BOTTOM)

Dear Corinne (please call me Alex, and I'm a Ms rather than a Mr – Alex is short for Alexandra)

Thank you for the clarification and sorry I had misunderstood the application.

I'm afraid that 7am on a Sunday morning seems far too early to be selling alcohol. If they have a licence to currently sell alcohol that early from their premises, as 'on sales' then I guess some of the damage is done. But I do not believe that should be extended to off sales. So, please register me as an objector on the grounds of public nuisance and the threat of harm to children and families.

Many thanks

Best wishes

Alex

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

From: Corinne Holland [REDACTED]
Sent: 05 November 2018 09:39
To: Alex Gordon Shute [REDACTED]
Subject: FW: Pizza Union, 25 Sandys Row, E1 7EX (RESENT WITH MY DETAILS IN FULL AT THE BOTTOM)

Dear Mr Shute

I would like to clarify that this premises already has these hours below:

Monday to Saturday 07:00 hours – 23:00 hours
Sunday 07:00 hours – 22:30 hours

They are not applying to extend their hours at all but to add 'off sales' of alcohol so they can sell the alcohol with take aways and deliveries. They currently only have 'on sales'. They are applying for off sales to be in line with their current hours.

Please could you confirm your position and whether you still want to make a representation.

Kind regards

Corinne Holland - Licensing Officer

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

[REDACTED] | ☎:020 7364 5008 | 💻: [REDACTED] |

✉: Licensing@towerhamlets.gov.uk

From: Alex Gordon Shute [mailto: [REDACTED]]
Sent: 03 November 2018 13:25
To: Licensing
Subject: Pizza Union, 25 Sandys Row, E1 7EX (RESENT WITH MY DETAILS IN FULL AT THE BOTTOM)

Dear Licensing Team

The length of the hours that Pizza Union wishes to sell alcohol under their latest licence application makes no sense for the local community. The issues around crime, disorder and public nuisance are already very clear in the area close to Pizza Union, and the threat of harm to children and families (of which there are an increasing in this area) is high if the licence grants such long hours as being able to sell alcohol at 7am on a Sunday morning. If they really do only sell 'off sales' with a meal or delivery to a local address, then I am ok with that – but the hours which they've applied for are far too long to be compatible with a mixed use area (including residential with families living close by) such as the one around their restaurant.

Warmest wishes

Alex Gordon Shute
(resident)

[REDACTED]
[REDACTED]

Alex Gordon Shute

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

Working Together for a Better Tower Hamlets
Web site : <http://www.towerhamlets.gov.uk>

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Appendix 7

Corinne Holland

From: Alex Gordon Shute <[REDACTED]>
Sent: 19 November 2018 12:36
To: Corinne Holland
Subject: RE: Pizza Union, 25 Sandys Row, E1 7EX (RESENT WITH MY DETAILS IN FULL AT THE BOTTOM)

Dear Corinne

Many thanks for passing on the response from the solicitor. I'm afraid the solicitor's suggestion of reducing the hours would help a little, but fundamentally I would still oppose the off sales licence given that the premises are in the CIZ and I do not believe they have 'exceptional' circumstances, which should be the only reason for a new licence in the CIZ.

Best wishes

Alex

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

From: Corinne Holland <[REDACTED]>
Sent: 19 November 2018 12:20
To: Alex Gordon Shute [REDACTED]
Subject: RE: Pizza Union, 25 Sandys Row, E1 7EX (RESENT WITH MY DETAILS IN FULL AT THE BOTTOM)

Dear Alex

I have had the solicitor for the applicant respond to your representation and wish to propose reducing the hours for 'off sales' to 10.00am on a Sunday morning to address your concerns.

Would you be happy with this? If you are could you let me know ASAP please so that I can have this application taken out of the Licensing Sub- Committee hearing list.

Kind regards

Corinne Holland - Licensing Officer

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

 [REDACTED] |  :020 7364 5008 |  [REDACTED]

 :Licensing@towerhamlets.gov.uk

From: Alex Gordon Shute [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: 05 November 2018 11:46
To: Corinne Holland
Subject: RE: Pizza Union, 25 Sandys Row, E1 7EX (RESENT WITH MY DETAILS IN FULL AT THE BOTTOM)

Dear Corinne (please call me Alex, and I'm a Ms rather than a Mr – Alex is short for Alexandra)

Thank you for the clarification and sorry I had misunderstood the application.

From: Craig Barwell [mailto: [REDACTED]]
Sent: 19 November 2018 12:05
To: Corinne Holland
Subject: RE: Premises Licence variation - Pizza Union 25 Sandys Row REF M/111956

Good morning Corinne,

Hope you had a good weekend.

I've spoken to my client and they are happy to reduce the off sale hours to start at 10:00hrs on Sundays.

Could you e-mail the objector, Mr Shute, and ask if he would be happy with this and withdraw his representation if we reduced the starting hours of the off sales of alcohol to 10:00hrs on a Sunday.

Many thanks
Craig

Craig Barwell | Paralegal

Poppleston Allen

[REDACTED]
Nottingham Office: 37 Stoney Street, The Lace Market, Nottingham, NG1 1LS



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From: Corinne Holland [mailto: [REDACTED]]
Sent: 16 November 2018 11:32
To: Craig Barwell
Cc: Angie Gardner
Subject: Premises Licence variation - Pizza Union 25 Sandys Row REF M/111956

Dear Craig/Angie

I am obliged to tell you that objections to the granting of this premises licence have been received from a local resident.

Please see the attached representations to your application.

The matter will be dealt with by way of a public hearing by the Tower Hamlets Licensing Sub-Committee. The objections will be put into a committee report and forwarded to the Democratic Services section who will arrange a date for the hearing. You will be sent a copy of the report which will include details of the representations; you will also be notified at this point of the date and time of the Licensing subcommittee hearing.

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

Kind regards

Corinne Holland - Licensing Officer

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

Appendix 8

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

Updated April 2018

Public nuisance

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

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

Appendix 9

Prevention of Nuisance – Licensing Policy, updated March 2015

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

Appendix 10

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 11

Protection of children from harm – Licensing Policy Updated March 2015

11 Prevention of Harm to Children

- 11.1 The wide range of premises that require licensing means that children can be expected to visit many of these, often on their own, for food and/or entertainment.
- 11.2 The Act does not prohibit children from having access to any licensed premises; the Council recognises that limitations may have to be considered where it appears necessary to protect children from harm.
- 11.3 Applicants are recommended to consult with the Area Child Protection Committee or such other body, as the Licensing Authority considers appropriate.
- 11.4 The Licensing Authority will judge the merits of each separate application before deciding whether to impose conditions limiting the access of children to individual premises. The following are examples of premises that will raise concern:-
- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted.
- 11.5 Where its discretion is engaged, the Licensing Authority will consider any of the following options when dealing with a licence application where limiting the access of children is considered necessary to prevent harm to children:
- Limitations on the hours when children may be present
 - Limitations on ages below 18
 - Limitations or exclusion when certain activities are taking place
 - Requirements for an accompanying adult
 - Full exclusion of people under 18 from
- 11.6 No conditions will be imposed requiring that children must be admitted to any premises and, where no limitation is imposed, this will be left to the discretion of the individual licensee.
- 11.7 The Act details a number of offences designed to protect children in licensed premises and the Licensing Authority will work closely with the police to ensure the appropriate enforcement of the law, especially relating to the sale and supply of alcohol to children.
- 11.8 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin.

- 11.9 The Licensing Authority expects all licensed suppliers of alcohol to have robust measures, effectively managed and monitored, in place to ensure that minors are fully protected from harm.

12 Access to Cinemas

- 12.1 Films cover a vast range of subjects, some of which deal with adult themes and / or contain, for example, scenes of horror or violence that may be considered unsuitable for children within certain age groups.
- 12.2 In order to prevent children from seeing such films, the Licensing Authority will impose conditions requiring licensees to restrict children from viewing age restricted films classified according to the recommendations of the BBFC, or the Council itself. The Licensing Authority will not consider reclassifying any films already classified by the BBFC. The Council will charge for classifying films, on a full cost recovery basis.
- 12.3 The Licensing Authority will classify films itself where it is satisfied that no BBFC classification exists. It will inform relevant licensee and require such classifications to be clearly contained in any advertising or informative material relating to such films.

13 Children and Public Entertainment

- 13.1 Many children go to see and / or take part in an entertainment arranged substantially for them. Consequently additional arrangements are required to safeguard them at such times.
- 13.2 Where 11.1 applies, and its discretion is engaged, the Licensing Authority will require the following arrangements in order to control their access and egress and to assure their safety:-
- An adult member of staff to be stationed in the vicinity of each of the exits from any level, subject to there being a minimum of one member of staff per 50 children or part thereof
 - No child unless accompanied by an adult to be permitted in the front row of any balcony
 - No standing to be permitted in any part of the auditorium during the Performance
- 13.3 Where children are taking part in any regulated entertainment, and its discretion is engaged, the Licensing Authority will require the operating schedule to clearly state the steps taken to assure their safety.
- 13.4 Where its authority is engaged, the Licensing Authority will consider attaching conditions to licences and permissions to prevent harm to children, and these may include conditions drawn from the Model Pool of Conditions in Appendix 2.

Appendix 12

Licensing Policy

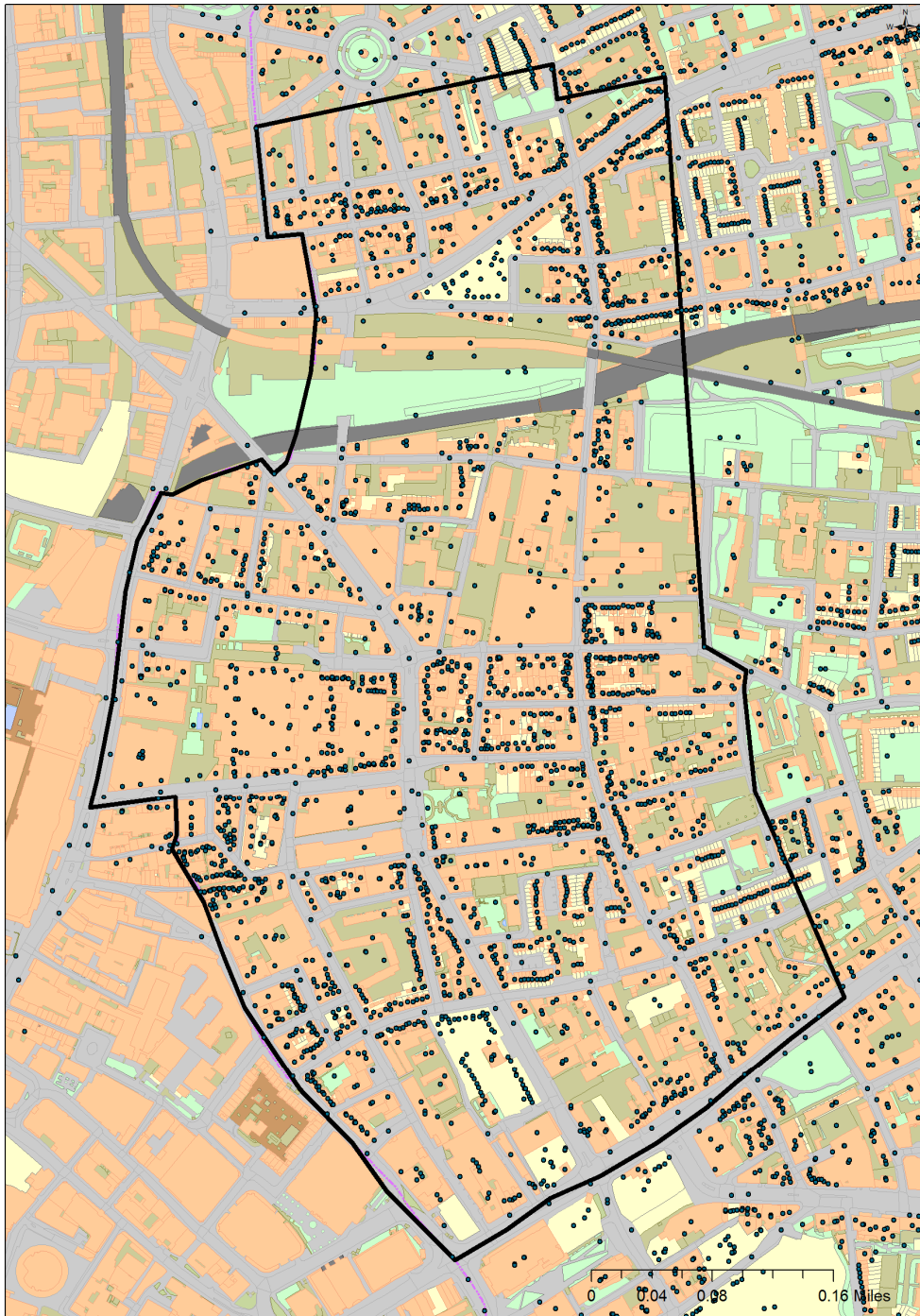
8 Special Cumulative Impact Policy for the Brick Lane Area

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

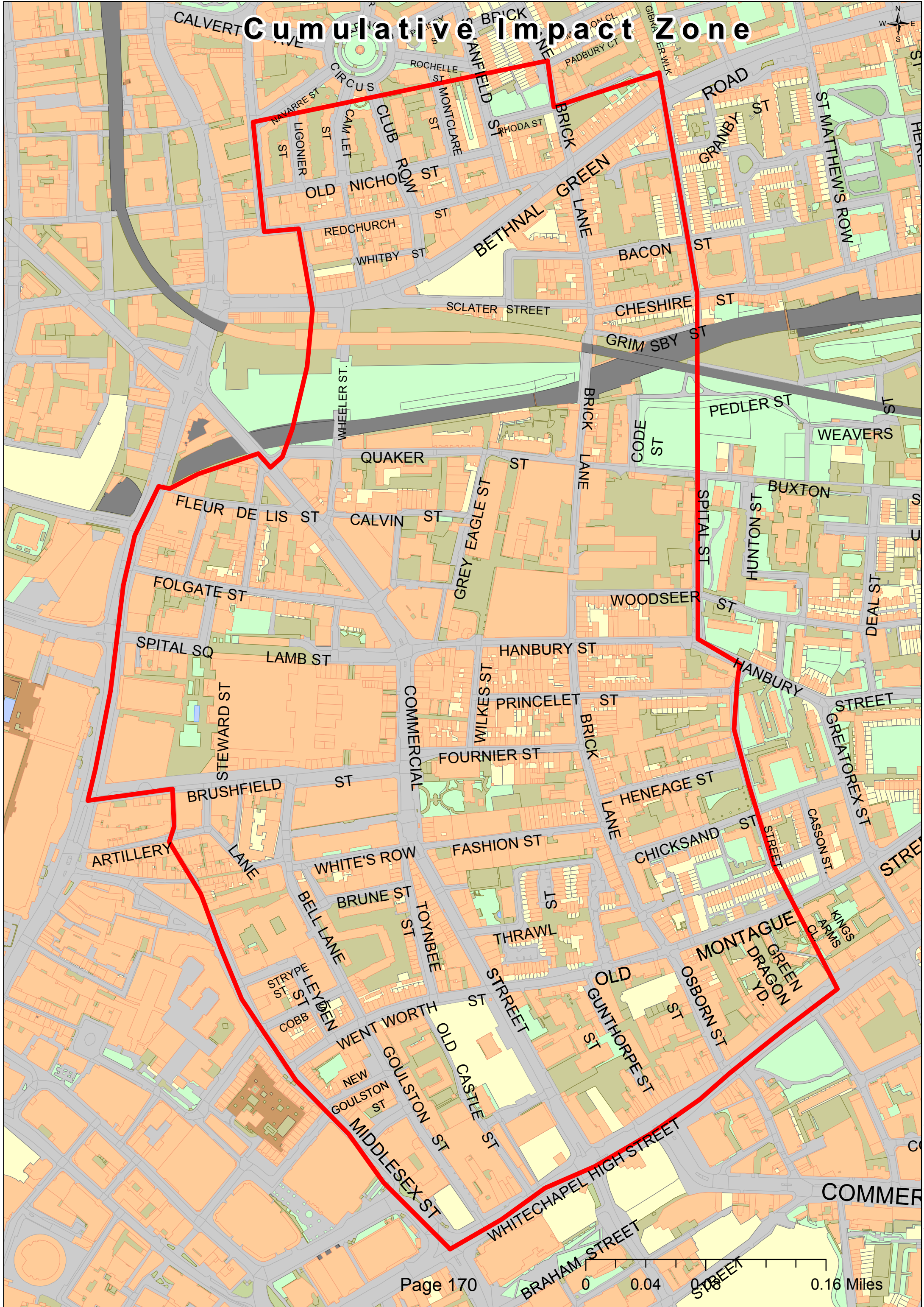
Figure One

The Cumulative Impact Zone in the Brick Lane area

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



Cumulative Impact Zone



Appendix 13

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