

LICENSING SUB COMMITTEE

Tuesday, 5 February 2019 at 6.30 p.m.

**Room C3, 1st Floor, Town Hall, Mulberry Place,
5 Clove Crescent, London, E14 2BG**

This meeting is open to the public to attend.

Contact for further enquiries:

Simmi Yesmin, Senior Democratic Services Officer
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4120
E-mail: simmi.yesmin@towerhamlets.gov.uk
Website: <http://www.towerhamlets.gov.uk/committee>

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agenda



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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 4th & 20th December 2018 and 8th January 2019.

	PAGE NUMBER(S)	WARD(S) AFFECTED
4. ITEMS FOR CONSIDERATION		
4 .1 Application for Variation of a Premises Licence for The Craft Cocktail Club Ltd, Arch 253, Paradise Row, London, E2 9LE	43 - 114	St Peter's

Licensing Objectives:

- Public Nuisance

Representations by:

- Environmental Health

4 .2 Application for a New Premises Licence for (The Town House) 5 Fournier Street, London, E1 6QE

115 - 212

**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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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

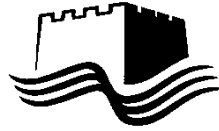
APPENDIX A: Definition of a Disclosable Pecuniary Interest

(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				
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, 4 DECEMBER 2018

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

Members Present:

Councillor Peter Golds (Chair)
Councillor Faroque Ahmed
Councillor Leema Qureshi

Officers Present:

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

Representing applicants	Item Number	Role
Josef Cannon	4.1	(Legal Representative)
Babu Bhattacharjee	4.1	(Applicant)

Representing objectors	Item Number	Role
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None

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

Councillor Peter Golds, declared a personal interest on agenda item 4.1, Application for a Variation of the Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL on the basis that he was a member of the Development Committee and present at the meeting which considered the planning application for this particular premises. However he confirmed that he was considering this application with an open mind and would consider the application in relation to the Licensing Objectives.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. MINUTES OF THE PREVIOUS MEETING(S)

The minutes of the Licensing Sub Committee meetings held on 16th and 30th October 2018 were agreed and approved as a correct record.

4. ITEMS FOR CONSIDERATION

4.1 Application for Variation of a Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL

At the request of the Chair, Mr Mohshin Ali, Licensing Officer, introduced the report which detailed the application for a variation of the premises licence for Poplar Union, 2 Cotall Street, London E14 6TL. It was noted that objections had been received on behalf of local residents. The application was to amend the premise layout plan and amend conditions of the current licence to include the outdoor patio area.

As a point of clarification it was noted that the maps contained in the agenda were the correct maps, however had been descaled down as it was printed on A4 paper.

At the request of the Chair Mr Josef Cannon, Legal Representative on behalf of the Applicant, explained that the objections related to only one of the licensing objectives, the prevention of public nuisance. He gave a brief history of Poplar HARCA Housing Association, and explained that the premises itself was situated on the ground floor of a 10 floor building with residents living on the 9 floors above the premises, the ground floor had the café and part of it was used as a community open space. It was noted that the premises has had a licence since April 2017, however the Applicant was seeking to extend their licence to include the outside patio area.

Mr Cannon explained that it was an extremely popular café and hosted a variety of events (a catalogue of events was included in the supplemental agenda). He explained that the application to include the outdoor patio area was to allow customers to eat and drink outside during good weather conditions. It was noted that Environmental Health had concerns about the application at first, however having consulted with them, conditions and reduced hours were suggested which were agreed and therefore they withdrew their representation.

It was agreed that licensable activities would stop at 8pm, and alcohol would only be served to seated customers and any outdoor furniture would be put away by 8pm.

Mr Cannon further explained that the business has been trading for two years as a responsible operator and has had no complaints. He explained that that there were conditions on the licence which had measures to stop people going beyond the designated licensable area. Mr Cannon drew Members attention to the petition from residents regarding noise nuisance after 11pm and asked Members to treat this with caution as they were not applying for a licence beyond 8pm and therefore it was unlikely there would be noise breakout.

Mr Cannon concluded that it was a modest application and was supported by customers, that there was an agreement with Environmental Health and that the licence would only be effective during the summer. He explained that the Applicant was a well known operator, has had no complaints in the past and was a community asset. It was also noted that no residents living above the premises had made an objection.

In the absence of the objectors, Members noted and considered the written objections contained in the agenda pack.

In response to questions the following was noted;

- That there would be no music speakers outside in the patio area
- There would be 10 tables in the outdoor patio area with 4 seats each.
- That the outdoor patio area was already being used by customers for food and no- alcoholic beverages.
- That Environmental Health had proposed that licensable activities cease at 8pm which the Applicants had agreed to.
- That there haven't been any complaints from residents in the building regarding concerns relating to food smells.

In summation Mr Cannon urged Members to grant the application and any conditions should be proportionate to the type of venue it was. It was noted that no responsible authorities had objected, and meals and drinks would be served to customers seated at a table.

Members adjourned the meeting at 7.20pm for deliberations and reconvened at 7.55pm.

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's Legal Representative and in the absence of the objectors, considered the written representations contained in the agenda pack with particular regard to the licensing objective of the prevention of public nuisance.

The Sub-Committee noted that the premises in question are situated in close proximity to residents, in fact in the same building on the nine floors above the premises.

The Sub-Committee noted the written representations made by objectors regarding the impact of the premises upon nearby residents. The Sub-Committee also noted objectors' concerns relating to the existing levels of noise nuisance and anti-social behaviour; and the concerns about increased noise nuisance, impact upon family environment, and the likely increased noise and disturbance resulting from the use of the outdoor space for eating and drinking. Members were also mindful that if the application was to be granted then there would be an increase in customers wanting to use the outdoor patio area as the consumption of alcohol would then be permissible in that area. If the application were granted, customers in the patio area were more likely to be in high spirits from having consumed alcohol, and thus more likely to cause a disturbance to residents.

Members had considered a comment raised by them with the Applicant at the hearing, that with global warming, Summers are getting hotter and the warmer weather potentially longer, so that residents are more likely to have their windows open, resulting in more exposure to noise disturbance at a late hour coming from the patio area, if the application were granted.

The Sub Committee noted in the Applicant's representations that the impact of the application, if granted, would be mitigated by the new proposed hours of 20:00 hours (sale of alcohol) and conditions agreed with Environmental Health. However, Members were concerned that if the application were granted, it would have led to residents being exposed to noise disturbance at a later hour especially insofar as patrons on the patio were in high spirits from having consumed alcohol. The Sub Committee were also of the view that there would likely be more customers wanting to use the patio area if both food and alcohol could be consumed on the patio, as opposed to just food.

The Sub Committee was therefore not satisfied that the Applicant had demonstrated that were the application granted, there would be no increase in public nuisance arising from noise disturbance to nearby residents in relation to the hours applied for. The Applicant had therefore failed to demonstrate that the application for variation of the premises licence would not undermine the licensing objectives, in particular the prevention of public nuisance.

Accordingly, the Sub Committee unanimously

RESOLVED

That the application for a Variation of the Premises Licence for Poplar Union, 2 Cotall Street, London E14 6TL, be **REFUSED**.

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

This item was resolved prior to the hearing and therefore did not require consideration by the Licensing Sub Committee.

5. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

The Sub Committee agreed to extend the decision deadlines for the following applications;

Premises	Hearing Date
The Tap Room, Railway Arch 162 Malcolm Place, London E2 0EU	08/01
Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ	08/01
Co-Op, 57-63 Chrisp Street, London E14 6LP	08/01
Super Kebab, 240 Cambridge Heath Road, London E2 9DA	22/01
Shell, 445 Wick Lane, London E3	22/01
London Cocktail Club, 253 Paradise Row, London, E2 9LE	05/02
The Town House, 5 Fournier Street, London, E1 6QE	05/02
City Supermarket, 389 Cambridge Health Road, London E2 9RA	27/02
Art Euphoria, 186 Hackney Road, London E2 7QL	27/02
Mudchute Park and Farm, Pier Street, London E14 3HP	05/03
Sketch, 68 Brick Lane, London	05/03

Premises	Hearing Date
E1 6RL	
Cost Price 41 Brick Lane London E1	05/03

The meeting ended at 8.30 p.m.

Chair, Councillor Peter Golds
Licensing Sub Committee

LONDON BOROUGH OF TOWER HAMLETS**MINUTES OF THE LICENSING SUB COMMITTEE****HELD AT 2.00 P.M. ON THURSDAY, 20 DECEMBER 2018****C3, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG****Members Present:**

Councillor Shad Chowdhury (Chair)
Councillor Faroque Ahmed
Councillor Mohammed Ahbab Hossain

Officers Present:

David Wong	– (Legal Services)
Samantha Neale	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants

Jonathan Read

Item Number

3.1

Role

(Applicant)

Representing objectors

Nicola Cadzow

Item Number

3.1

Role

(Environmental Health Officer)

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

There were no declarations of disclosable pecuniary interest made.

2. RULES OF PROCEDURE

The rules of procedure were noted.

3. ITEMS FOR CONSIDERATION

3.1 Application for a Temporary Event Notices (two) for the (Car Park) Tobacco Dock, 50 Porters Walk, London E1 2SF

At the request of the Chair, Ms Samantha Neale, Licensing Officer, introduced the report, which detailed the application for a Temporary Event Notice for Car Park Levels 9,10 & 11, Tobacco Dock, 50 Porters Walk, London E1 2SF. It was noted that an objection had been received from Environmental Health.

At the request of the Chair, Mr Jonathan Read, Applicant briefly explained that the application for the Temporary Event was for New Year's Eve to allow extra hours in order for customers to celebrate into the New Year. He went on the talk about the activities available at the venue, and his experiences to date.

Mr Read informed Members that following mediation with Ms Nicola Cadzow, Environmental Health Officer, an agreement had been reached for the Car Park levels 10 & 11 to cease all activity by 00:30 hours and reduce the hours for Car Park level 9 to 02:00 hours. It was also agreed that all the conditions on their current licence would also apply for this application.

Members then heard from Ms Cadzow, who confirmed the agreement reached with the Applicant.

In response to questions it was noted;

- That there would be adequate sanitation facilities to accommodate the number of guests attending.
- That there would be approximately 400 guests attending for the event.
- That CCTV cameras covered all areas of the venue.
- That it would be a ticketed event.
- That there was disabled access to the venue

The Chair adjourned the meeting at 2.30pm for deliberations and reconvened the meeting at 2.35pm.

The Licensing Objectives

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

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

Consideration

Each application must be considered on its own merits and the Chair stated that the Sub Committee had carefully considered all of the evidence before

them and had heard representation from the Applicant and the Environmental Health Officer present at the meeting.

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

Therefore Members made a decision and the decision was unanimous. Members granted the application subject to the following;

Decision

Accordingly, the Sub-Committee unanimously –

RESOLVED

That the applications for Temporary Event Notices for the Car Park Tobacco Dock, 50 Porters Walk, London E1 2SF be **GRANTED**.

Car Park 9

The Sale by Retail of Alcohol (on sales only)

The Provision of Regulated Entertainment

The Provision of Late Night Refreshment

Tuesday 1st January 2019, from 00:35 hours to 02:00 hours

Car Park 10 & 11

The Sale by Retail of Alcohol (on sales only)

The Provision of Regulated Entertainment

The Provision of Late Night Refreshment

Monday 31st December 2018, from 23:05 to 00:30 hours on Tuesday 1st January 2019

Conditions

All conditions on the existing premises licence for Tobacco Dock, 50 Porters Walk, London E1W 2SF to be applied on the Temporary Event Licence.

3.2 Application for a Temporary Event Notice for (Resident of Paradise Row) Arch 252, Paradise Row, London, E2 9LE

This application was resolved prior to the meeting.

The meeting ended at 2.35 p.m.

Chair, Councillor Shad Chowdhury
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, 8 JANUARY 2019****THE COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG****Members Present:**

Councillor Dan Tomlinson (Chair)
 Councillor Faroque Ahmed
 Councillor Shah Ameen

Other Councillors Present:

Councillor Eve McQuillan

Officers Present:

David Wong	– (Legal Services)
Lavine Miller-Johnson	– (Licensing Officer)
Simmi Yesmin	– (Senior Committee Officer, Democratic Services)

Representing applicants	Item Number	Role
Matthew Phipps	3.1	Legal Representative
Adrian Studd	3.1	Independent Advisor
Steve Moore	3.1	Applicant
Dustin Acton	3.1	Designated Premises Supervisor
Luke Elford	3.1	Solicitor
Stephen Thomas	3.2	Legal Representative
Ross Blake	3.2	Applicant

Representing objectors	Item Number	Role
Nicola Cadzow	3.1	Environmental Health
Robin Moore	3.1	Resident
Chiara Sotis	3.1	Resident
Monjur Ali	3.2	Resident
Faisul Ahmed	3.2	Resident
Shanur Miah	3.2	Resident
Saifur Rahman	3.2	Resident

Apologies

None

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTEREST

No declarations of disclosable pecuniary interests were declared.

2. RULES OF PROCEDURE

The Rules of Procedure were noted by the Sub Committee.

3. ITEMS FOR CONSIDERATION

The order of business was varied at the meeting, however for ease of reference the minutes are in the same order as per the agenda items.

3.1 Application for a New Premises Licence for Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ. It was noted that objections had been received on behalf Environmental Protection and local residents.

At the request of the Chair, Mr Matthew Phipps, Legal Representative on behalf of the Applicant explained that it was a straight forward application and each application should be considered on its own merits. He stated that if the application is granted it would not significantly impact the community.

Mr Phipps explained that it was a positive application and would mean a significant investment is made into the premises. He said it was a first of its kind in the borough, an exceptional and unique social playing experience, electric shuffle, a concept of a 15ft table with discs being shuffled to knock out other players discs, the game is for 6-10 players. He said that there would be a huge investment into the IT infrastructure, a playing experience that would be fun and safe.

Mr Phipps acknowledged that the hours applied for were more extensive than the Council's Framework hours. He stated that they had consulted with resident organisations such as SPIRE and Spitalfields Community Group and as a result they had not objected to the application. He said the premise was previously licensed as Byron Restaurant and was then surrendered, it was noted that the previous licence only had seven conditions which were very liberal and free of control. He referred to the Tower Hamlets Licensing Policy section 14.8 where it states 'to authorise licensable activities outside of the framework hours, and in respect of which relevant representations are made, will be decided on their own merits and with particular regard to the following; 14.8 d) where the premises have been previously licensed, the past operation of the premises'. And 19.8 where examples of factors the Licensing Authority may consider as exceptional may include – 'instances where the applicant

has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area'. He again highlighted that the previous licence had less conditions and this new application proposes 32 new conditions.

Mr Phipps explained that the doors on Gun Street will be closed with no access or egress and only used as a fire exit and that the entrance and exit would be on Steward Street. He acknowledged that residents lived above the premises, however music would be inaudible as per the acoustic report once the works had been undertaken.

It was noted that further conditions had been offered which were set out in the Supplemental Agenda Pack 2. It was also noted that there would be 70 members of staff, working as part of teams such as the floor team, bar team, table service team, reception and booking team etc. He explained that there would be a booking system in place and they envisage that 85% of the game sessions would be booked in advance and each game would last for approximately 2 ½ hours. He explained that the booking timings would be staggered in order to avoid queuing etc. Mr Phipps explained that customers would be greeted within 7 seconds of arrival by a care operator who would meet the customers at the door.

Mr Phipps concluded that the Licensing Authority had withdrawn their representation following the conditions proposed by the Applicant. It was also noted that the Police had not objected and in terms of noise the premises would be inaudible and therefore there should be no issue with noise emanating from the premise.

At the request of the Chair, Ms Nicola Cadzow referred to her statement and stated that had the hours been within the framework hours then she would have withdrawn her representation. She stated that the hours applied for will affect residents, it was in the Cumulative Impact Zone, and there were a number of licensed premises in close proximity. She explained that there were 40 flats above and adjacent to the premises. She believed that premises would be likely to cause public nuisance and she was not convinced that premise would be inaudible. She therefore asked that Members refuse the application.

Members then heard from Ms Chiara Sotis, local resident who expressed concerns about the safety of residents, noise associated with the number of customers arriving and leaving the premises and general public nuisance that may arise as a result of a licence being granted.

Members lastly heard from Mr Robin Moore, local residents and landlord for properties on Gun Street, he read through a statement and highlighted that he shared a party wall with no. 50 Gun Street, he believed that they had not considered sufficient measures they will need to put into place to prevent noise breakout from their premises at no. 50 Gun Street. He referred to the Acoustic report and highlighted the potential noise nuisance that would be caused.

He stated that the premises would have a night club type of environment in terms of noise and this was right next door to his property and taking place below 40 residential flats. He queried whether the glass currently installed in the former gym which had previously operated from the same premises as the Applicant's at Gun Street would be sufficient to limit noise breakout, and that the doors would need to be refitted as currently there were several gaps. He stated that no mention was made of how the noise breakout will be prevented from travelling through the party wall to number 51/52 and 53 Gun Street.

Mr Moore stated that he had visited the branch in Shoreditch, where he was greeted by a member of staff, who then promoted the sale of alcohol by informing him that it cost only £4.60 for a pint. He concluded that the licence for Byron restaurant was not a suitable comparison to this application as it was serving wine at the table compared to this premises where alcohol would be readily available.

In response to questions the following was noted;

1. The other branches of Electric Shuffle varied between 1am and 2am closing times.
2. It was noted that the other premises operated by Electric Shuffle were in relatively more commercial areas and did not have residents living directly above or next to the premises.
3. That 85% of customers would be booking games in advance.
4. That booking times would be staggered in order to prevent large groups of customers arriving or leaving at the same time.
5. The capacity of the premises was for 300 plus.
6. That there was one entrance which would be used for access and egress.
7. That the landlord was the same for the premises and for the residents living above the premises.
8. There were concerns that Police had not objected to the application.
9. That SPIRE and the Spitalfields Community Group had been consulted.
10. That alcohol was a fundamental part of the service.
11. Concerns were raised about the Applicant's interpretation of the Cumulative Impact Zone policy of the London Borough of Tower Hamlets, given that the premises relating to the application lay within such zone.
12. Noted that according to the Cumulative Impact Zone policy of the London Borough of Tower Hamlets, anything that adds to the burden to/cumulative impact upon residents with regard to any of the licensing objectives, in particular in this case, public nuisance through noise disturbance including noise from customers arriving and leaving premises situated below and adjacent to residential accommodation is reason to refuse the application, and it was for the Applicant to demonstrate how they would rebut this presumption against granting a premises licence application for premises in a Cumulative Impact Zone.
13. That the branches in Bloomsbury and Shoreditch were also in Cumulative Impact Zones.

At that point the Legal Officer in accordance with the London Borough of Tower Hamlets Constitution extended the meeting by one hour as the Applicant's presentation and objectors' representations needed more time.

In summation, the objectors stated that the premises was within the Cumulative Impact Zone, the hours applied for were outside the Council's Framework Hours, the premises would be attracting more people into area and have customers spilling into residential streets potentially causing public nuisance.

Mr Phipps referred to the Council's Licensing Policy sections 14.7 and 14.8 and suggested that these should be considered. He stated that they were applying for 6 hours less each day by choosing to open at 12:00 hours (midday) then 06:00 hours, as per the Council's Framework Hours. He also offered that the hours for late night refreshments and regulated entertainment to be reduced in line with the same hours for sale of alcohol and also offered 32 conditions.

Members adjourned the meeting at 9.45pm to deliberate and reconvened at 9.55pm.

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 has carefully considered all of the evidence before them and considered written and verbal representation from both the Applicant's Legal Representative and the Objectors with particular regard to the licensing objectives of the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

The Sub-Committee noted that the premises in question are situated in the cumulative impact zone (CIZ). With reference to the Council's Statement of Licensing Policy, the effect of premises subject to a licensing application being in a CIZ is that there is a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons objecting to the application, the application will be refused.

The Sub-Committee noted that under the Council's Statement of Licensing Policy, the Applicant can rebut the above presumption if they can demonstrate that their application for a premises licence would not add to the cumulative impact of licensed premises already in the CIZ.

The Sub-Committee considered that the onus lay upon the Applicant to show this through the operating schedule, with appropriate supporting evidence that the operation of the premises, if licensed, would not add to the cumulative impact already being experienced in the CIZ in terms of eg. public nuisance in terms of noise disturbance including increased footfall in the CIZ arising from having an additional licensed premises in the CIZ .

The Sub-Committee noted that the cumulative impact of the number, type and the density of licensed premises in the area may lead to problems of public nuisance and crime and disorder; and that the premises being in the CIZ did not act as an absolute prohibition on granting or varying new licences within that zone.

That said, the Sub-Committee also took into account the Council's Statement of Licensing Policy saying that the policy regarding applications for premises within a CIZ will be strictly applied, and where relevant representations are received, it is the view of the Council that the application will be refused, and applicants will need to demonstrate that there are exceptional circumstances, such that granting the application would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives.

The Sub-Committee noted the written representations made by Objectors and also heard oral representations from Objectors regarding the impact of the premises on the CIZ. The Sub-Committee noted Objectors' concerns relating to public nuisance, public safety and anti-social behaviour; and noted objectors' concerns about increased noise nuisance, impact upon family environment, and the likely increased numbers of clientele in the area if the application were to be granted, and thereby the likely impact on the CIZ.

The Sub Committee noted the Applicant's representation that the impact of the premises licence would not be significant and if granted, would be mitigated by the proposed conditions agreed and offered. However, the Sub Committee considered that they had not heard sufficient evidence to demonstrate that there are exceptional circumstances, such that granting the application would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to the licensing objectives. Whilst the Sub-Committee heard extensively from the Applicant's legal representative with reference to the Council's Statement of Licensing Policy and the Secretary of State's Statutory Guidance, the Sub-Committee considered that the Applicant and its legal representative had missed the point in the Council's Statement of Licensing Policy that where a premises licence is sought for premises within a CIZ, if an applicant does not demonstrate that there are exceptional circumstances, such that granting the application would not add to the cumulative effect of having more licensed premises in the CIZ, with regard to

the licensing objectives, the application will be refused. The Sub-Committee were concerned that the Applicant did not appear to sufficiently address what is a very high bar to cross in terms of premises licence applications for premises in a CIZ.

The Sub-Committee acknowledged that the Applicant had explained how the Applicant would manage the activities within the premises. However, the Sub-Committee felt that the Applicant was unable to demonstrate how they would manage the noise from groups of patrons leaving the premises. The Sub-Committee noted that a large number of people would be attending and leaving the premises at similar times and noted that, although the Applicant's dispersal policy covered the people leaving the premises, there were not sufficient measures in place for when patrons leaving would be spilling into adjacent residential streets in the CIZ.

The Sub-Committee was also concerned about the impact of importing a significant increase in footfall into the CIZ (300 plus people was talked about) who would also then be leaving through the CIZ, which already experiences a high volume of crime and disorder, public nuisance and anti-social behaviour, these issues being factors behind the creating of the CIZ in the first place. The potential increased footfall arising from any grant of the application in this instance requires a particularly robust operating schedule, which should demonstrate particular measures at the premises to address the likely impact of increased clientele and potential alcohol fuelled disorder and/or alcohol fuelled noise arising therefrom. The Sub-Committee was not satisfied that the operating schedule as presented at the Sub-Committee meeting met that very high bar.

The Sub Committee was therefore not satisfied that the Applicant had successfully demonstrated enough to rebut the presumption against granting a premises licence for a premises situated in a CIZ, in that the Sub-Committee were of the view that on the balance of probabilities, the premises was more likely than not to negatively add to the CIZ. The Sub-Committee was particularly mindful of the licensing objective of preventing public nuisance.

Accordingly, the Sub Committee unanimously;

RESOLVED

That the application for a New Premises Licence for Electric Shuffle, 3-6 Steward Street & 50 Gun Street, London E1 6FQ be **REFUSED**.

3.2 Application for a New Premises Licence for (The Tap Room) Railway Arch 162, Malcolm Place, London E2 0EU

At the request of the Chair, Ms Lavine Miller-Johnson, Licensing Officer, introduced the report which detailed the application for a new premises licence for The Tap Room, Railway Arch 162, Malcolm Place, London E2 0EU. It was noted that objections had been received on behalf of the Ward

Councillor and local residents including a petition. It was noted that conditions had been agreed with the Police and Environmental Health.

At the request of the Chair, Mr Stephen Thomas, Applicant's Legal Representative explained that the Applicant Mr Ross Blake runs four other licensed premises which were well managed with no problems/complaints. He worked with the local community and wished to do so with this community too. It was noted that the Applicant had spoken to Cllr Sirajul Islam the Ward Councillor and residents however has had no response from the local mosque.

He explained that the area was redundant and therefore the introduction of this premises would be helping regenerate the area. He said that the hours applied for were modest hours between the hours of 11am-11pm and therefore within the Council's Framework hours. He highlighted the training manual which was an integral part of the day to day running of the premises. It was noted that conditions had been agreed with the Police and Environmental Health and therefore no representations have been made from any Responsible Authorities.

It was noted that the outside drinking area was a concern for the residents, however they would be closing at 11pm and would have the tables and chairs rendered unusable after 11pm. Mr Thomas informed Members that the Applicant wishes to work with the local community and highlighted conditions that been offered since the application, such as no off sales, food to be available throughout the trading period, to be a part of the PubWatch Scheme and to introduce the Challenge 25 policy. He then urged Members to grant the application.

Members then heard from Cllr Eve McQuillan, who spoke on behalf of Cllr Sirajul Islam and local residents. She stated that they did not have concerns regarding the management or experience the Applicant had, but more so serious concerns over the area the premises was in, she said it was not appropriate for such an establishment. She explained that the area was redundant, poorly lit, dark and dingy. She highlighted the crime and disorder in the area and the daily drug dealing that takes place in and around that part of the area. She said that the park opposite the premises was now included in the new Cumulative Impact Zone in Bethnal Green, that the premises was very close to the local community mosque which the community had been fundraising for years for a peaceful area to worship in.

Cllr McQuillan stated that there would be public nuisance arising from noise from people entering and leaving the premises, and when customers would be drinking or congregating outside the premises, all of which would impact on the nearby mosque. Cllr McQuillan suggested that there should be no drinking outside the premises and reduced hours should be considered during Ramadan and the Summer period. It was noted that the area was poorly lit and very dark in places and a prime location for drug dealing and therefore serious concerns/issues of public safety and crime and disorder.

She concluded by asking Members to refuse the application on the basis that it would affect all four of the licensing objectives.

In response to questions the following was noted:

1. That the hours applied for were within the Council's Framework hours.
2. That the Applicant was happy to apply the Council's Framework hours on Sundays.
3. That the premises was not appropriate for the area, it was dark and unsafe and requires a lot of works.
4. That this particular area was known for drug dealing and if a licence was granted it would heighten the problem.
5. That the Applicant would be investing into the area, which already has a number of units which will help brighten and open up the area.
6. The new lighting would discourage drug dealing
7. That according to the Applicant, a premises licence of this nature would not cause a problem or pose a threat to children.
8. The Applicant confirmed that he would like to work with the local mosque and local residents.
9. That the Applicant had agreed with the Police that there would be one SIA accredited door supervisor on duty on Fridays and Saturdays.
10. That the premises would be selling specialist craft beer with food offerings throughout the trading period.
11. That the Applicant would be improving the street, taking over derelict arches, landscaping the area, introducing cycle stands, better lighting, remove hoardings etc.

In summing up, Cllr Eve McQuillan stated that the area was dark and dingy, opening a Bar would increase drug use in the area. She stated that it was unfair that there would be tables and chairs outside the premises to encourage people to congregate outside. She explained that there was a similar set of premises in the area causing nuisance, and residents have been complaining about those similar premises in the same area having a negative impact on the area; so that if this licence application were granted, there would be further issues of public nuisance and public safety.

Mr Thomas stated that if there were concerns of crime and disorder and noise nuisance, then the Police and Environmental Health would have objected to the application. However, there have been conditions agreed and therefore there had been no objections from those two authorities. He acknowledged that there were appropriate concerns and the Applicant was happy to invest in the area, brighten up the place, discourage drug users and put a derelict area into good use.

Members adjourned the meeting at 7.25pm to deliberate and reconvened at 8.10pm.

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 has carefully considered all of the evidence before them and considered written and verbal representation from both the Applicant and his representative and from Councillor Eve McQuillan, Ward Councillor who spoke on behalf of the objectors with particular regard to all four licensing objectives of the prevention of public nuisance, the prevention of crime and disorder, the protection of children from harm and public safety.

The Sub-Committee noted that the premises in question are situated in a derelict and poorly lit area that attracts crime and disorder especially drug dealing and drug use. However, Members noted the fact that the Applicant had acquired a number of units in the area and noted the substantial investment the Applicant would be investing to improve the area, through better lighting, CCTV, removing hoardings, landscaping outside the units etc. and were of the view that these changes will help deter crime and disorder in this particular area.

Members did note the concerns raised by Objectors and in particular the potential public nuisance that licensed premises may cause in an area which was in close proximity to faith buildings and in particular at times during late evenings where customers of the proposed licensed premises would be likely to cause noise nuisance. Therefore Members felt that a conditions to not allow alcoholic drinks to be consumed outside the premises and a restriction on the number of smokers outside the premises together with the conditions agreed with the Responsible Authorities and conditions offered by the Applicant such as no off sales of alcohol and food to be available throughout the trading period would help alleviate concerns raised and help promote the licensing objectives.

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

Accordingly, the Sub Committee unanimously:-

RESOLVED

That the application for a New Premises Licence for The Tap Room, Railway Arch, 162, Malcolm Place, London E2 0EU be **GRANTED** with conditions.

Sale of Alcohol (on sales only)

Monday to Saturday 11:00 hrs to 23:00 hrs
Sunday from 11:00 hrs to 22:00 hrs

Hours premises open to the public

Monday to Saturday from 11:00 hrs to 23:30 hrs
Sunday from 11:00 hrs to 22:30 hrs

Non-Standard Timings

News Year's Eve, from 11:00 hrs to 01:30 hrs the following day.

Conditions

1. There shall be no off sales
2. Food will be available throughout the trading period.
3. No alcohol to be consumed outside the premises.
4. No more than four smokers to be allowed to smoke outside the premises at any one time.
5. All staff will be trained in licensing and records kept for inspection by the licensing authority and the police
6. The applicant will be a member of the local pub watch scheme or any similar scheme operating in the area of the Licensing Authority.
7. A Challenge 25 proof of age scheme shall be operated at the premises.
8. A CCTV system to be put in place, the cameras are to be of sufficient quality so that people are clearly identifiable from the footage. The cameras are to be placed in such a way as they cover both the internal areas any external area, with a camera to cover the entrance so that it captures images of people's faces as they enter the premises. The system is to record the footage and to keep it for a minimum of 28 days and a copy off CCTV footage is to be made available to Police or the Local Authority upon request While the premises are open to the public a member of staff must be on duty who can operate the CCTV system.
9. On Friday and Saturday one SIA accredited door supervisor will be employed from 8pm until the premises has closed.
10. A refusals book shall be maintained documenting people refused the sale of alcohol.

11. A incident book shall be maintained that records all incidents of note, including but not limited to, crimes that take place at the premises, people removed from or refused entry to the premises, incidents of anti-social behaviour
12. Notices shall be prominently displayed at all exists requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
13. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises which gives rises to a nuisance (including music from outside speakers).
14. No waste or recyclable materials, including bottles, shall be moved, removed from or placed in outside areas between 23:00 hours and 08:00 hours on the following day.
15. No collections of waste or recycling materials (including bottles) from the premises shall take place between 23:00 hours and 08:00 hours on the following day.

Suggestion from the Sub Committee

The Sub Committee strongly suggested that the Applicant meets and works with the local mosque, Islamic school and local residents to discuss the hours and how they can be adjusted to benefit the community and in particular during prayer times.

4. EXTENSION OF DECISION DEADLINE: LICENSING ACT 2003

There were no applications that required deadline extensions.

The meeting ended at 10.00 p.m.

Chair, Councillor Dan Tomlinson
Licensing Sub Committee

Agenda Item 4.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05 February 2019	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 The Craft Cocktail Club Ltd, Arch 253, Paradise Row, London, E2 9LE Ward affected: St. Peter's
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1.0 Summary

Applicant: **The Craft Cocktail Company Ltd**
Name and **London Cocktail Club**
Address of Premises: **Arch 253**
Paradise Row
London
E2 9LE

Licence sought: **Licensing Act 2003**
Variation to Premises Licence (Vary condition 11 to extend outside seating area from 21:00 to 23:00 hours)

Objectors: **Environmental Protection team**

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

Section 182 guidance
Licensing Policy
File

Corinne Holland
020 7364 3986

3.0 Background

- 3.1 This is an application for a variation of the premises licence for The London Cocktail Club, Arch 253, Paradise Row, London, E2 9LE
- 3.2 This premises falls inside the Bethnal Green CIZ. At the time of this application being received by the Licensing Authority (9th October 2018) the Bethnal Green CIZ was not in force. The CIZ came into force on 1st November 2018.
- 3.3 A copy of the existing licence is enclosed as **Appendix 1**.
- 3.4 The timings of the existing licence are detailed below for information only:-

Supply of Alcohol (both on and off sales):

- Sunday to Wednesday from 11:00hrs to 23:00hrs
- Thursday to Saturday from 11:00hrs to 23:45hrs

The Provision of Late Night Refreshment (both indoors and outdoors):

- Monday to Wednesday from 23:00hrs to 23:30hrs
- Thursday to Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of Recorded and Live Music (both indoors and outdoors) and Films (indoors):

- Monday to Wednesday from 11:00hrs to 23:30hrs
- Thursday to Saturday from 11:00hrs to 00:00hrs (midnight)
- Sunday from 11:00hrs to 23:00hrs

The opening hours of the premises

- Monday to Wednesday from 08:00hrs to 23:30hrs
- Thursday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 08:00hrs to 23:00hrs

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

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

To vary condition 11 to read:

The forecourt between the eastern elevation and Paradise Row should not be used for sitting out, eating or drinking outside the hours of 8:00hrs and 23:00hrs Mondays to Sundays

The current condition 11 states:

The forecourt between the eastern elevation and Paradise Row should not be used for sitting out, eating or drinking outside the hours of 8:00hrs and 21:00hrs Mondays to Sundays.

- 3.7 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 relevant representations have been made by the following responsible authorities:
- Environmental Protection – Nicola Cadzow (**Appendix 6**)
- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Public Health
- 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
- Public nuisance
 - Noise when premises in use

- 6.12 There are strict time limits to any representations. The time limits are contained in The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.
- 6.13 The applicant has offered measures in the operating schedule of the application that address the promotion of the Licensing Objectives. If there were no representations, the Licensing Authority would grant the licence, with conditions consistent with the operating schedule, which are relevant, proportionate and enforceable. Members are asked to consider the schedule and incorporate any conditions as necessary to address the licensing objectives.

7.0 Conditions on existing Premises Licence

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised Officer throughout the preceding 31 day period. There shall be a minimum of 1 CCTV camera covering the exterior of the premises
2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised council Officer at all times whilst the premises are open.
4. Substantial food and non-intoxicating beverages including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices will be prominently displayed at all exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.

7. Deliveries and servicing to take place between 08:00hrs and 18:00hrs Monday to Friday and between 08:00hrs and 13:00hrs Saturdays.
8. No music or other amplified sound shall be played within the premises or the forecourt so as to be audible from the nearest residential properties.
9. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times.
11. The forecourt between the eastern elevation and Paradise Row should not be used for sitting out, eating or drinking outside the hours of 8:00hrs and 21:00hrs Mondays to Sundays.

8.0 Conditions consistent with Operating Schedule

No further conditions than already on licence

9.0 Conditions agreed in consultation with the responsible authorities

Conditions agreed with Trading Standards –

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

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 7 - 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.

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 EP
Appendix 7	Noise when premises in Use
Appendix 8	S182 Advice on public nuisance
Appendix 9	Licensing Policy advice on public nuisance
Appendix 10	CIZ
Appendix 11	Framework Hours

Appendix 1

**(The Craft Cocktail Company)
Arch 253
Paradise Row
London
E2 9LE**

Licensable Activities authorised by the licence

**The sale by retail of alcohol
The provision of regulated entertainment**

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 8th January 2014

Minor Variation 8th July 2016



Part A - Format of premises licence

Premises licence number



Part 1 - Premises details

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

Arch 253
Paradise Row

Post town

London

Post code

E2 9LE

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol
- The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol (both on and off sales):

- Sunday to Wednesday from 11:00hrs to 23:00hrs
- Thursday to Saturday from 11:00hrs to 23:45hrs

The Provision of Late Night Refreshment (both indoors and outdoors):

- Monday to Wednesday from 23:00hrs to 23:30hrs
- Thursday to Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of Recorded and Live Music (both indoors and outdoors) and Films (indoors):

- Monday to Wednesday from 11:00hrs to 23:30hrs
- Thursday to Saturday from 11:00hrs to 00:00hrs (midnight)
- Sunday from 11:00hrs to 23:00hrs

The opening hours of the premises

- Monday to Wednesday from 08:00hrs to 23:30hrs
- Thursday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 08:00hrs to 23:00hrs

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

On and off sales

Part 2

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

The Craft Cocktail Company Ltd

[REDACTED]

[REDACTED]n

[REDACTED]

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

[REDACTED]

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

John James Goodman

[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

Licence Number: [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

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

Where the exhibition of films is authorised, the admission of children to the exhibition of any film must be to be restricted as follows: If the London Borough of Tower Hamlets Licensing Section has issued a particular notification of restriction to the licence holder, that restriction must be adhered. Otherwise the recommendation of the film classification body must be followed. Children means persons aged under 18 and “film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (currently the British Board of Film Classification)

Annex 2 - Conditions consistent with the operating Schedule

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV

system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised Officer throughout the preceding 31 day period. There shall be a minimum of 1 CCTV camera covering the exterior of the premises

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
3. A log shall be kept detailing all refused sales of alcohol. The log should include the date and time of the refused sale and the name of the member of staff who refused the sale. The log shall be available for inspection at the premises by the Police or an authorised council Officer at all times whilst the premises are open.
4. Substantial food and non-intoxicating beverages including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.
5. Notices will be prominently displayed at all exits requesting the public to respect the need of local residents and to leave the premises and the area quietly.
6. Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly.
7. Deliveries and servicing to take place between 08:00hrs and 18:00hrs Monday to Friday and between 08:00hrs and 13:00hrs Saturdays.
8. No music or other amplified sound shall be played within the premises or the forecourt so as to be audible from the nearest residential properties.
9. The area immediately outside the premises, shall be swept and or washed, and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.
10. There shall be no striptease or nudity, and all persons shall be decently attired at all times.

11. The forecourt between the eastern elevation and Paradise Row should not be used for sitting out, eating or drinking outside the hours of 8:00hrs and 21:00hrs Mondays to Sundays.

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:

17th June 2016 – Ground and Mezzanine Floors incl exterior.



Licensing Act 2003

Part B - Premises licence summary

Premises licence number

[REDACTED]

Premises details

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

Arch 253
Paradise Row

Post town

London

Post code

E2 9LE

Telephone number

None

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

- The sale by retail of alcohol
- The provision of regulated entertainment

The times the licence authorises the carrying out of licensable activities

Supply of Alcohol (both on and off sales):

- Sunday to Wednesday from 11:00hrs to 23:00hrs
- Thursday to Saturday from 11:00hrs to 23:45hrs

The Provision of Late Night Refreshment (both indoors and outdoors):

- Monday to Wednesday from 23:00hrs to 23:30hrs
- Thursday to Saturday from 23:00hrs to 00:00hrs (midnight)

The Provision of Regulated Entertainment in the form of Recorded and Live Music (both indoors and outdoors) and Films (indoors):

- Monday to Wednesday from 11:00hrs to 23:30hrs
- Thursday to Saturday from 11:00hrs to 00:00hrs (midnight)
- Sunday from 11:00hrs to 23:00hrs

The opening hours of the premises

- Monday to Wednesday from 08:00hrs to 23:30hrs
- Thursday to Saturday from 08:00hrs to 00:00hrs (midnight)
- Sunday from 08:00hrs to 23:00hrs

Name, (registered) address of holder of premises licence

The Craft Cocktail Company Ltd

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

On and off sales

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

Not applicable

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

John James Goodman

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

No restrictions

Appendix 2

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We The Craft Cocktail Company Ltd

(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

██████████

Part 1 – Premises Details

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

London Cocktail Club
Arch 253
Paradise Row

Post town London

Postcode E2 9LE

Telephone number at premises (if any)

Non-domestic rateable value of premises £ Band C

Part 2 – Applicant details

Daytime contact
telephone number

c/o ██████████

E-mail address (optional)

██████████

Current postal address if
different from premises
address

Lana Tricker
LT Law
18 Soho Square

Post town London

Postcode W1D 3QL

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			
0	7	1	1	2	0	1	8

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

To vary condition 11 which reads:

The forecourt between the eastern elevation and Paradise Row should not be used for sitting out, eating or drinking outside the hours of 8:00hrs and 21:00 hrs Mondays to Sundays

To:

The forecourt between the eastern elevation and Paradise Row should not be used for sitting out, eating or drinking outside the hours of 8:00hrs and 23:00 hrs Mondays to Sundays

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 see guidance note 3) 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) ☐

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

In all cases complete boxes K, L and M

A

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

B

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

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			State any seasonal variations for indoor sporting events (please read guidance note 6)
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 7)
Fri			
Sat			
Sun			

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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
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</u> (please read guidance note 7)		
Sat					
Sun					

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	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri					
Sat					
Sun					

F

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

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)		
Mon					
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
Wed					
Thur					
			<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</u> (please read guidance note 7)		
Fri					
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	<u>Will this entertainment take place indoors or outdoors or both -- please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6)		
Fri					
Sat			<u>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</u> (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 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 provision of late night refreshment (please read guidance note 6)		
Wed					
Thur					
			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)		
Fri					
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 (please read guidance note 9)		On the premises	<input type="checkbox"/>
					Off the premises	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 6)			
Mon						
Tue						
Wed						
Thur						
Fri						
			<u>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</u> (please read guidance note 7)			
Sat						
Sun						

K

<p>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 10).</p> <p>nil</p>

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			<u>State any seasonal variations</u> (please read guidance note 6)
Day	Start	Finish	
Mon	08:00	23:30	
Tue	08:00	23:30	<u>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</u> (please read guidance note 7)
Wed	08:00	23:30	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	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.

Condition 11

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.
The original licence was provided to the council as part an earlier version of this application.

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 11)

We believe that the existing conditions on the licence promote the licensing objectives. We do not believe any further conditions are required for the purposes of this variation.

b) The prevention of crime and disorder

As above

c) Public safety

As above

d) The prevention of public nuisance

As above

e) The protection of children from harm

As above

Checklist:


Please tick to indicate agreement

- 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	09.10.18
Capacity	Solicitor for 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)

Lana Tricker
LT Law
18 Soho Square

Post town	London	Post code	W1D 3QL
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) lana@ltlaw.co.uk			

Notes for Guidance

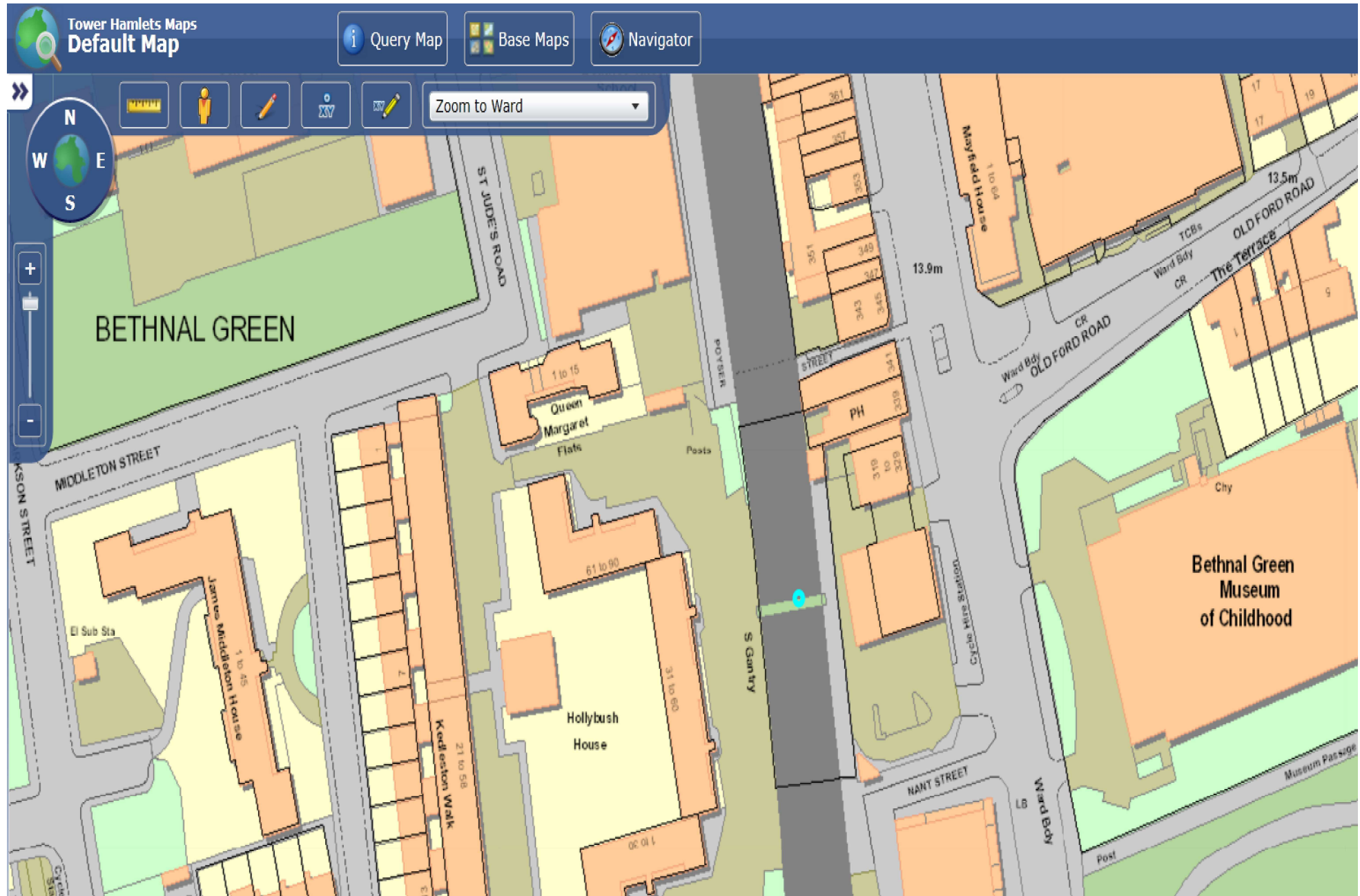
This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section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

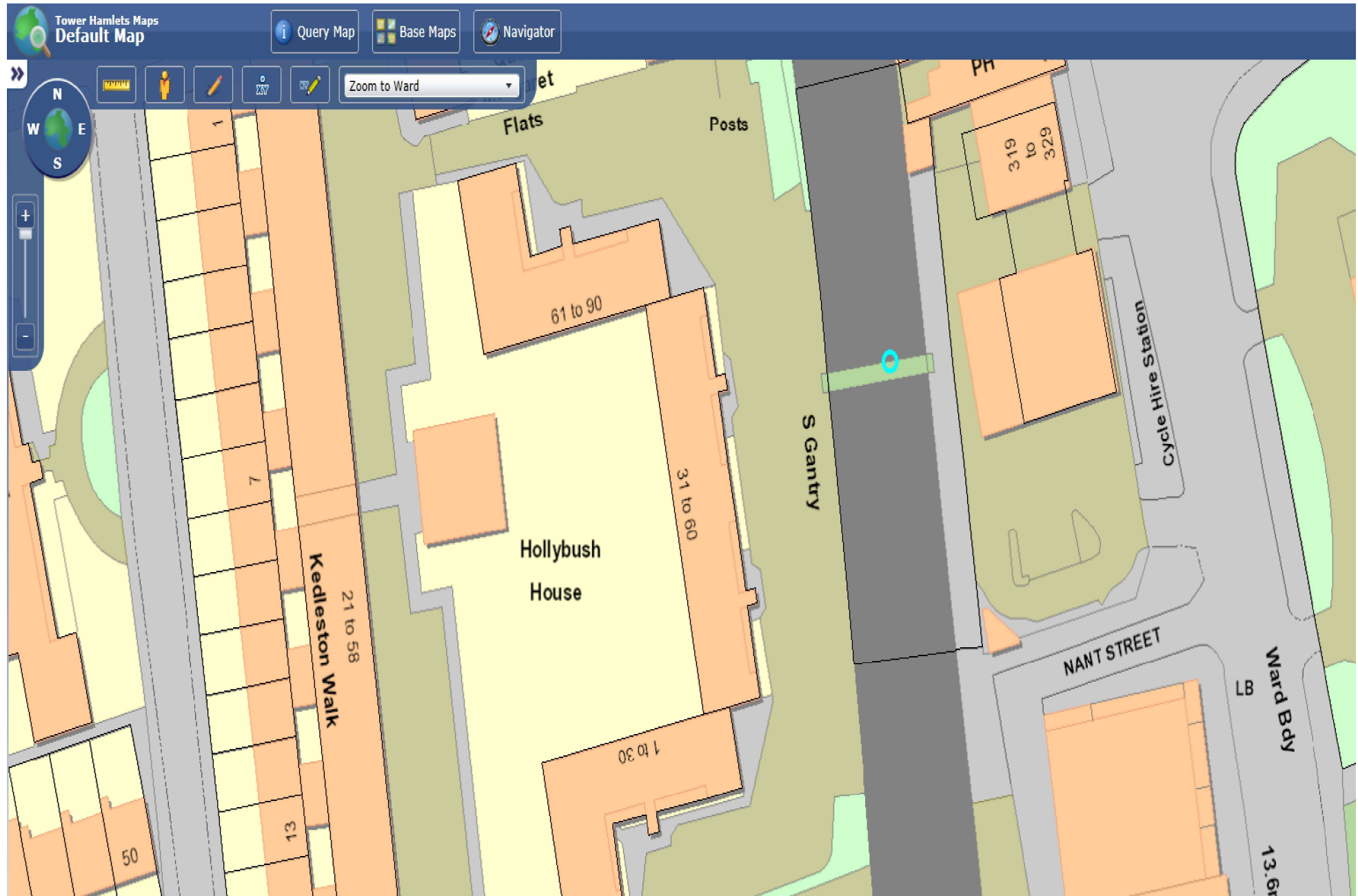
1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, 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 the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
 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, each of the 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





Appendix 4

Name and address	Licensable activities	Opening times
(The Japanese Canteen) Arch 255 Paradise Row	<u>The sale by retail of alcohol</u> Monday to Sunday, 11.30am to 22.30pm	<u>Monday to Sunday</u> 11.00am to 23.00pm
(Sager & Wilde Restaurant) Arch 250 Paradise Row	<u>The sale by retail of alcohol (both on and off premises)</u> <ul style="list-style-type: none"> Monday to Saturday from 10:00hrs to 00:00hrs (midnight) Sunday from 12:00hrs (midday) to 23:00hrs <u>Late night refreshment (indoors)</u> <ul style="list-style-type: none"> Monday to Saturday from 23:00hrs to 00:00hrs (midnight) <u>Regulated Entertainment in the form of recorded music (indoors)</u> <ul style="list-style-type: none"> Monday to Saturday from 10:00hrs to 00:00hrs (midnight) Sunday from 12:00hrs (midday) to 23:00hrs 	<u>Monday to Saturday</u> 10:00hrs to 00:30hrs (the following day) <u>Sunday</u> 12:00hrs (midday) to 23:30hrs
(Bottle Shop and Tap Room) Arch 251 Paradise Row	<u>Sale of Alcohol (on and off sales)</u> Monday to Saturday from 10:00hrs to 00:00hrs (midnight) Sunday from 12:00hrs to 23:00hrs <u>The Provision of Late Night Refreshment (indoors):</u> Monday to Saturday from 23:00hrs to 00:00hrs (midnight) <u>The Provision of Regulated Entertainment in the form of recorded music (indoors):</u> Monday to Saturday from 10:00hrs to 00:00hrs (midnight) Sunday from 12:00hrs to 23:00hrs	<u>Monday to Saturday</u> 10:00hrs to 00:30hrs (the following day) <u>Sunday</u> 12:00hrs to 23:30hrs
(Resident) Arch 252 Paradise Row	<u>Supply of Alcohol (on premises only)</u> <ul style="list-style-type: none"> Monday to Thursday from 11:00hrs to 23:30hrs Friday to Saturday from 11:00hrs to 00:00hrs (midnight) Sunday from 10:30hrs to 23:30hrs 	<u>Monday to Thursday</u> 09:30hrs to 00:00hrs (midnight) <u>Friday to Saturday</u> 09:30hrs to 00:30hrs (the following day)

	<p><u>Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 23:00hrs to 23:30hrs <p><u>The provision of regulated entertainment in the form of live music (both indoors and outdoors)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 11:00hrs to 23:00hrs <p><u>The provision of regulated entertainment in the form of recorded music (indoors)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 09:30hrs to 23:30hrs 	<p><u>Sunday</u> 09:30hrs to 23:00hrs</p>
<p>(Arepa & Co) Arch 254 Paradise Row</p>	<p><u>The Supply of Alcohol (on sales only)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 10:00 hours to 23:30 hours <p><u>The provision of Late Night Refreshment (indoors)</u></p> <ul style="list-style-type: none"> Monday to Sunday from 23:00hrs to 23:30hrs 	<p><u>Monday to Sunday</u> 08:00 hours to 23:30 hours</p> <p><u>Non-Standard Hours</u> From the end of authorised hours on New Year's Eve to the start of the authorised hours on the following day</p>

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

Appendix 6

Corinne Holland

From: Nicola Cadzow
Sent: 11 October 2018 15:32
To: Licensing; Corinne Holland
Cc: Mark Perry; 'Thomas.Ratican@[REDACTED]' (Thomas.Ratican@[REDACTED])
Subject: FW: Variation of Licence application London Cocktail Club Railway Arches, 253 Paradise Row, London E2 9LE - ref M/111611 (now 111726)

Dear Licensing,

Please take this as my objection to the application under 111611, to be carried forward to current application 111726.

Kind regards

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

From: Nicola Cadzow
Sent: 08 October 2018 13:57
To: Licensing
Cc: 'MARK.J.Perry@met[REDACTED]'; 'Thomas.Ratican@[REDACTED]' ([Thomas.Ratican@\[REDACTED\]](mailto:Thomas.Ratican@[REDACTED])); 'Iana'
Subject: Variation of Licence application London Cocktail Club Railway Arches, 253 Paradise Row, London E2 9LE - ref M/11611

Dear Licensing,

Having considered the variation of premises license application for London Cocktail Club Railway Arches, 253 Paradise Row, London E2 9LE - ref M/11611 I have to consider the impact of the licensing objectives, particular for Environmental Protection the prevention of public nuisance and the prevention of noise generated from within the premises or outside to be causing disturbance to people in the vicinity.

The applicant is proposing to extend the permitted opening hours for the forecourt between the eastern elevation and Paradise Row from:-

Monday to Sunday from 21:00 hours until 23:00 hours (an extension of two hours)

Noise Sensitive premises: residential premises in close proximity to 253 Paradise Row, London E2 9LE.

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

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

CONCLUSION

Environmental Protection **does not** support the application for 253 Paradise Row, London E2 9LE , as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought for the use of the external forecourt.

Kind regards

Nicola Cadzow

Environmental Health Technical Officer

Place Directorate

Public Realm, Environmental Health & Trading Standards

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

Appendix 7

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 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 Public Nuisance

- 9.1 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.
- 9.2 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.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

Appendix 10

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 19.1 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 for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area 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.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is 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 Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues.

19.8 **This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.**

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

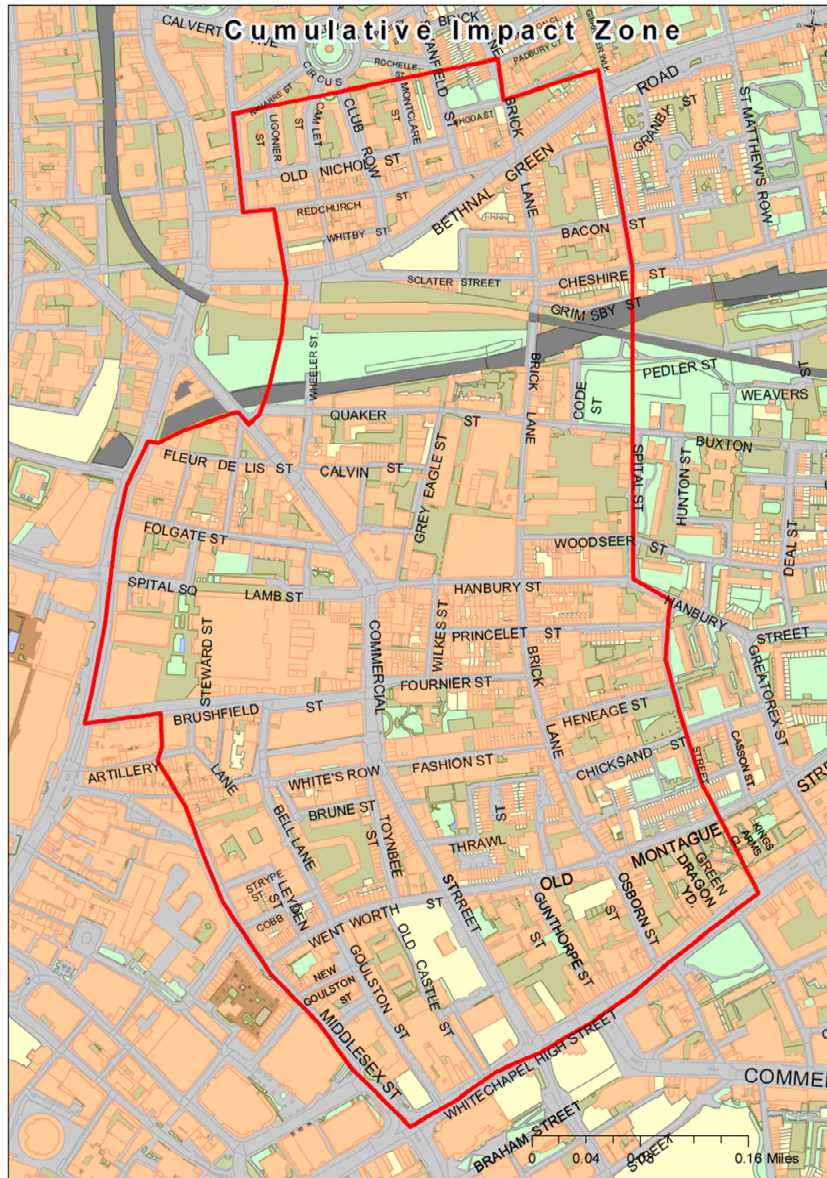
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

19.9 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.

The Cumulative Impact Zones:

Figure One

Brick Lane area:



Bethnal Green Area



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 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 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

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Agenda Item 4.2

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	05 February 2019	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Samantha Neale Licensing Officer	Title: Licensing Act 2003 Application for a New Premises Licence for (The Town House) 5 Fournier Street, London, E1 6QE Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Fiona Atkins (t/as John Jackson)**
Name and **The Town House**
Address of Premises: **5 Fournier Street**
London
E1 6QE

Licence sought: **Licensing Act 2003 – Premises Licence**
• The Sale by retail of alcohol

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

Samantha Neale
020 7364 3873

3.0 Background

3.1 This is an application for a new premises licence for **(The Town House) 5 Fournier Street, London, E1 6QE**. The applicant has stated the following: *“The premises operate as a long established antiques, paintings and coffee shop and will continue to do so; the sale of alcohol is intended to be a small part only of the current business and to be complimentary to the existing business. The focus will be on the sale of craft cider and other similar craft products which are consistent with the ethos of the shop (which focusses on small producers of individual or limited range products) and are likely to appeal to the existing clientele of the shop.”*

3.2 A copy of the premises licence application form is enclosed as **Appendix 1**.

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

Sale of Alcohol (Both on and off sales)

- Monday to Saturday, from 11:00 hours until 18:00 hours
- Sunday, from 11:30 hours until 17:30 hours

Hours premises is open to the public:

- Monday to Saturday, from 11:00 hours until 18:00 hours
- Sunday, from 11:30 hours until 17:30 hours

4.0 Location and Nature of the premises

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

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

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

4.4 Details of other licensed venues in the immediate vicinity are included as **Appendix 4**.

5.0 Licensing Policy and Government Advice

5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2018.

5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.

5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.

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

6.0 Representations

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

Other persons (residents)	Appendix
Alex Gordon Shute	6
Greg Cripps and Julia Stegemann	7
Selina and Glen Mifsud	8
Matt and Vikki Piper	9
Barra Little	10
Charles Gledhill and Marianna Kennedy	11
James Isola	12
Ben Adler	13
Jonathan Stebbins (SMRA)	14

- 6.9 All of the responsible authorities have been consulted about this application. They are as follows:
- The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)
 - Trading Standards
 - Child Protection
 - Primary Care Trust (Public Health England)
 - Home office Immigration Enforcement
- 6.10 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:
- the prevention of crime and disorder
 - public safety
 - the prevention of public nuisance
 - the protection of children from harm
- 6.11 The objections cover allegations of:
- Anti-social behaviour on the premises
 - Anti social behaviour from patrons leaving the premises
 - Noise while the premise is in use
 - Disturbance from patrons leaving the premises on foot
 - Close proximity to residential properties
 - The LBTH Cumulative Impact Zone
 - Late operational hours having detrimental effect on welfare of residents (those with early rise professions, families with children etc.)
- 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**
- A written notice of 'authority' record for all staff who sell alcohol.

- Adequate training for staff and records kept for inspection.
- Contact details of the Designated Premises Supervisor available to staff and the authorities.
- Staffing levels maintained appropriately to ensure adequate security.
- High value items stored securely.
- Alcohol will not be allowed to leave the premises in open bottles or containers.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk, appear to be drunk or are suspected to be dependent drinkers.
- A policy of zero-tolerance to drugs at the premises.
- An incident log shall be kept at the premises and made available on request to an authorised officer of the local authority or the Police, which will record the following:
 - (a) All crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received regarding crime and disorder
 - (d) any incidents of disorder
 - (e) all seizures of drugs or offensive weapons
 - (f) any refusal of the sale of alcohol
 - (g) any visit by a responsible authority or emergency service
- Ensuring that the entrance, the outside area and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff.
- The premises and public areas nearby are kept free from litter associated with the operation of the business.
- Noise, vibrations, smells, light pollution and any other potential nuisance is monitored and kept to an acceptable level.
- Deliveries and waste removal are undertaken at a time and in a manner that does not cause disturbance.

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being sold alcohol.
- Appropriate ID will be a valid passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.

8.0 Conditions in consultation with the Responsible Authorities

Conditions agreed with Environmental Health Noise Team (see **Appendix 15**)

- 8.1 *No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.*
- 8.2 *Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.*

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 16-x** 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	Site Plan
Appendix 3	Maps of surrounding area
Appendix 4	Other licensed venues in the area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6 - 14	Representations of local residents
Appendix 15	Conditions agreed with Environmental Health Noise Team
Appendix 16	Licensing Officer comments on Anti-Social Behaviour on

the premises

Appendix 17	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 18	Licensing officer comments on Noise when the premises is in use
Appendix 19	Licensing officer comments on Access and egress problems
Appendix 20	Licensing officer comments on Prevention of Public Nuisance
Appendix 21	Licensing officer comments on Prevention of children from harm
Appendix 22	Licensing Policy relating to hours of trading.
Appendix 23	Planning
Appendix 24	CIZ

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Appendix 1

Section 1 of 21

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

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

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

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

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

Applicant Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Is the applicant:

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

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

Applicant Business

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

Is the applicant's business registered outside the UK? ☐ Yes ☒ No

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

Business name

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

VAT number

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

Continued from previous page...

Legal status

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Applicant Business Address

If the applicant has one, this should be the applicant's official address - that is an address required of the applicant by law for receiving communications.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

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

Are you:

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

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

Agent Business

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

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

Registration number

Business name

If your business is registered, use its registered name.

VAT number

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

Legal status

Continued from previous page...

Your position in the business

Home country

The country where the headquarters of your business is located.

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 21

PREMISES DETAILS

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

Premises Address

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

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 21

APPLICATION DETAILS

In what capacity are you applying for the premises licence?

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

Confirm The Following

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

Section 4 of 21

INDIVIDUAL APPLICANT DETAILS

Applicant Name

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

- ☒ Yes ☐ No

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

First name

Fiona

Family name

Atkins

Is the applicant 18 years of age or older?

- ☒ Yes ☐ No

Continued from previous page...

Current Residential Address

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

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

☒ Yes

☐ No

Building number or name

7

Street

St Paul's Place

District

City or town

London

County or administrative area

Postcode

N1 2QE

Country

United Kingdom

Applicant Contact Details

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

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

☒ Yes

☐ No

E-mail

Telephone number

Other telephone number

* Date of birth

/

/

dd

mm

yyyy

* Nationality

Documents that demonstrate entitlement to work in the UK

Add another applicant

Section 5 of 21

OPERATING SCHEDULE

When do you want the premises licence to start?

20

/

11

/

2018

dd

mm

yyyy

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

/

/

dd

mm

yyyy

Provide a general description of the premises

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

- A new premises licence to allow the retail sale of alcohol for consumption ON & OFF the premises.

Continued from previous page...

- The premises operate as a long established antiques, paintings and coffee shop and will continue to do so; the sale of alcohol is intended to be a small part only of the current business and to be complimentary to the existing business. The focus will be on the sale of craft cider and other similar craft products which are consistent with the ethos of the shop (which focuses on small producers of individual or limited range products) and are likely to appeal to the existing clientele of the shop. On sales are anticipated to be largely people sampling the products for the purposes of off sales.
- The property at 5 Fournier Street will be operated for licensed activities only at basement level.

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

Section 6 of 21

PROVISION OF PLAYS

[See guidance on regulated entertainment](#)

Will you be providing plays?

☐ Yes ☒ No

Section 7 of 21

PROVISION OF FILMS

[See guidance on regulated entertainment](#)

Will you be providing films?

☐ Yes ☒ No

Section 8 of 21

PROVISION OF INDOOR SPORTING EVENTS

[See guidance on regulated entertainment](#)

Will you be providing indoor sporting events?

☐ Yes ☒ No

Section 9 of 21

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

[See guidance on regulated entertainment](#)

Will you be providing boxing or wrestling entertainments?

☐ Yes ☒ No

Section 10 of 21

PROVISION OF LIVE MUSIC

[See guidance on regulated entertainment](#)

Will you be providing live music?

☐ Yes ☒ No

Section 11 of 21

PROVISION OF RECORDED MUSIC

[See guidance on regulated entertainment](#)

Will you be providing recorded music?

Continued from previous page...

Section 12 of 21

PROVISION OF PERFORMANCES OF DANCE

[See guidance on regulated entertainment](#)

Will you be providing performances of dance?

☐ Yes ☒ No

Section 13 of 21

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

[See guidance on regulated entertainment](#)

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

☐ Yes ☒ No

Section 14 of 21

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☐ Yes ☒ No

Section 15 of 21

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start

End

Start

End

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

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

Continued from previous page...

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

Will the sale of alcohol be for consumption:

☐ On the premises ☐ Off the premises ☒ Both

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

State any seasonal variations

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

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

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

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

Name

First name

Family name

Date of birth
dd / mm / yyyy

Continued from previous page...

Enter the contact's address

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

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

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

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

Reference number for consent form (if known)

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

Section 16 of 21

ADULT ENTERTAINMENT

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

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

none

Section 17 of 21

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

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

Continued from previous page...

TUESDAY

Start End

Start End

WEDNESDAY

Start End

Start End

THURSDAY

Start End

Start End

FRIDAY

Start End

Start End

SATURDAY

Start End

Start End

SUNDAY

Start End

Start End

State any seasonal variations

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

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

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

Section 18 of 21

LICENSING OBJECTIVES

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

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

Continued from previous page...

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

The premises licence holder, DPS, management and staff are fully aware of the Cumulative Impact restrictions and concerns for this part of the borough. They will constantly assess any risks to the licensing objectives. They will work in partnership with the authorities and local people alike in this respect. The staff will be properly authorised, equipped, trained and motivated in this task. There will be:

- A written notice of 'authority' record for all staff who sell alcohol
- Adequate training for staff and records kept for inspection
- Contact details of the Designated Premises Supervisor available to staff and the authorities

b) The prevention of crime and disorder

The management and staff will take all necessary steps to ensure that the premises remain free from crime and disorder. The policy will include:

- Staffing levels maintained appropriately to ensure adequate security.
- High value items stored securely
- Alcohol will not be allowed to leave the premises in open bottles or containers.
- Staff being trained on all security issues including how to identify and refuse service to customers that are drunk, appear to be drunk or are suspected to be dependent drinkers.
- A policy of zero-tolerance to drugs at the premises
- An incident log shall be kept at the premises and made available on request to an authorised officer of the local authority or the Police, which will record the following: (a) All crimes reported to the venue (b) all ejections of patrons (c) any complaints received regarding crime and disorder (d) any incidents of disorder (e) all seizures of drugs or offensive weapons (f) any refusal of the sale of alcohol (g) any visit by a responsible authority or emergency service

c) Public safety

The management and staff will have an effective policy to maintain a safe venue for customers and staff. Any risk to safety will be assessed before the premises are opened to the public each day and throughout the hours of operation. The DPS will liaise with the authorities to ensure that all aspects of public safety are adhered to. The policy will include:

- Ensuring that the entrance, the outside area and any walkways within the premises are kept free from obstruction
- Appropriate fire fighting equipment being installed and maintained at the premises and staff trained in its use.
- Fire risk assessments being undertaken and acted upon in accordance with current recommendations and requirements.
- Effective lighting maintained and operated to ensure the safety of the public and staff

d) The prevention of public nuisance

The DPS and staff are mindful of the need to reduce the impact of any nuisance caused by the operation of the premises, will constantly assess the risk of public nuisance and take immediate steps to eliminate the problem. Staff will ensure:

- The premises and public areas nearby are kept free from litter associated with the operation of the business
- Noise, vibrations, smells, light pollution and any other potential nuisance is monitored and kept to an acceptable level
- Deliveries and waste removal are undertaken at a time and in a manner that does not cause disturbance

e) The protection of children from harm

The premises will be promoted as family friendly and suitable for all ages. There will be no inappropriate entertainment, promotions, activities or behaviour tolerated at the premises that might put children at risk. There will be an effective age verification policy in accordance with the mandatory code. This policy will be one of Challenge 25 for age-restricted products and include:

- The appropriate display of notices relating to the policy within the premises.
- These notices will indicate that any customer not appearing to have reached the age of 25 will be required to produce appropriate identification proving that they have turned 18 before being sold alcohol.
- Appropriate ID will be a valid passport, photo driving licence, PASS accredited proof of age card or other reliable photo-ID that is recommended and approved for acceptance by the police or other authorities.

Continued from previous page...

- Staff shall be trained in aspects of responsible alcohol retailing and in particular the Protection of Children including the Challenge 25 policy.
- Staff training will occur before a staff member is authorised to sell alcohol within the premises.
- Staff training records will be available for inspection by the police or other responsible authority upon request

Section 19 of 21

NOTES ON DEMONSTRATING ENTITLEMENT TO WORK IN THE UK

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

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

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

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

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

Documents which demonstrate entitlement to work in the UK

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

Continued from previous page...

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

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

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

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

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

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

Section 20 of 21

NOTES ON REGULATED ENTERTAINMENT

Continued from previous page...

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

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

Continued from previous page...

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

Section 21 of 21

PAYMENT DETAILS

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

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

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

Band A - No RV to £4,300 = £100.00

Band B - £4,301 to £33,000 = £190.00

Band C - £33,001 to £8700 = 315.00

Band D - £87001 to £12500 = £450.00*

Band E - £125001 and over = 635.00*

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

Band D - £7001 to £12500 = £900.00

Band E - £125001 and over £1,905.00

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

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

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

Capacity 5000-9999 = £1,000.00

Capacity 10000 -14999 = £2,000.00

Capacity 15000-19999 = £4,000.00

Capacity 20000-29999 = £8,000.00

Capacity 30000-39000 = £16,000.00

Capacity 40000-49999 = £24,000.00

Capacity 50000-59999 = £32,000.00

Capacity 60000-69999 = £40,000.00

Capacity 70000-79999 = £48,000.00

Capacity 80000-89999 = £56,000.00

Capacity 90000 and over = £64,000.00

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

Continued from previous page...

* Fee amount (£) 190.00

DECLARATION

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

[APPLICABLE TO INDIVIDUAL APPLICANTS ONLY, INCLUDING THOSE IN A PARTNERSHIP WHICH IS NOT A LIMITED LIABILITY PARTNERSHIP] I UNDERSTAND I AM NOT ENTITLED TO BE ISSUED WITH A LICENCE IF I DO NOT HAVE THE ENTITLEMENT TO LIVE AND WORK IN THE UK (OR IF I AM SUBJECT TO A CONDITION PREVENTING ME FROM DOING WORK RELATING TO THE CARRYING ON OF A LICENSABLE ACTIVITY) AND THAT MY LICENCE WILL BECOME INVALID IF I CEASE TO

* BE ENTITLED TO LIVE AND WORK IN THE UK (PLEASE READ GUIDANCE NOTE 15). THE DPS NAMED IN THIS APPLICATION FORM IS ENTITLED TO WORK IN THE UK (AND IS NOT SUBJECT TO CONDITIONS PREVENTING HIM OR HER FROM DOING WORK RELATING TO A LICENSABLE ACTIVITY) AND I HAVE SEEN A COPY OF HIS OR HER PROOF OF ENTITLEMENT TO WORK, IF APPROPRIATE (PLEASE SEE NOTE 15).

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

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

* Full name Michael Nickson

* Capacity Authorised Agent for Applicant

* Date 22 / 10 / 2018
dd mm yyyy

Add another signatory

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

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

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

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

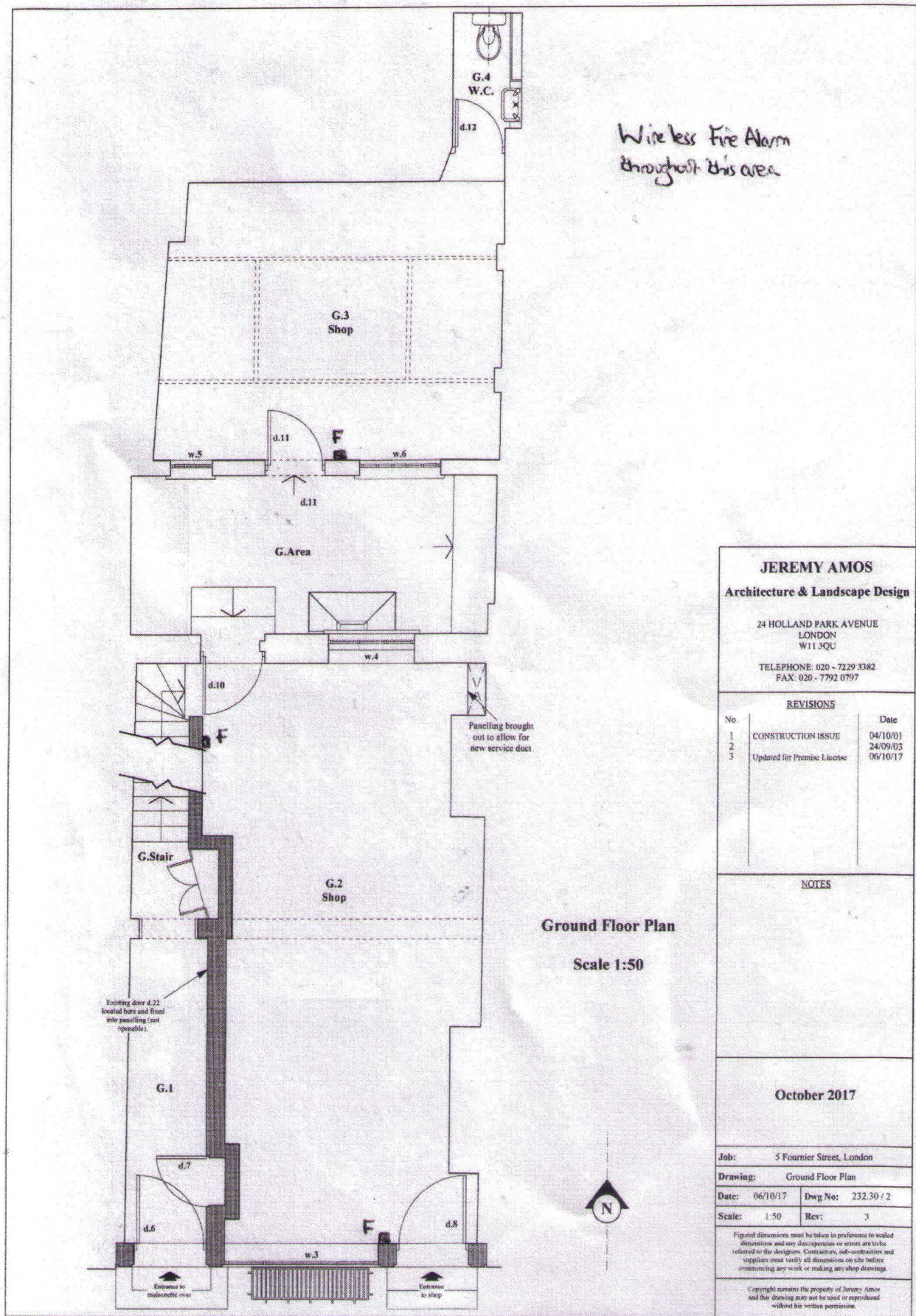
IT IS AN OFFENCE LIABLE TO SUMMARY CONVICTION TO A FINE OF ANY AMOUNT UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

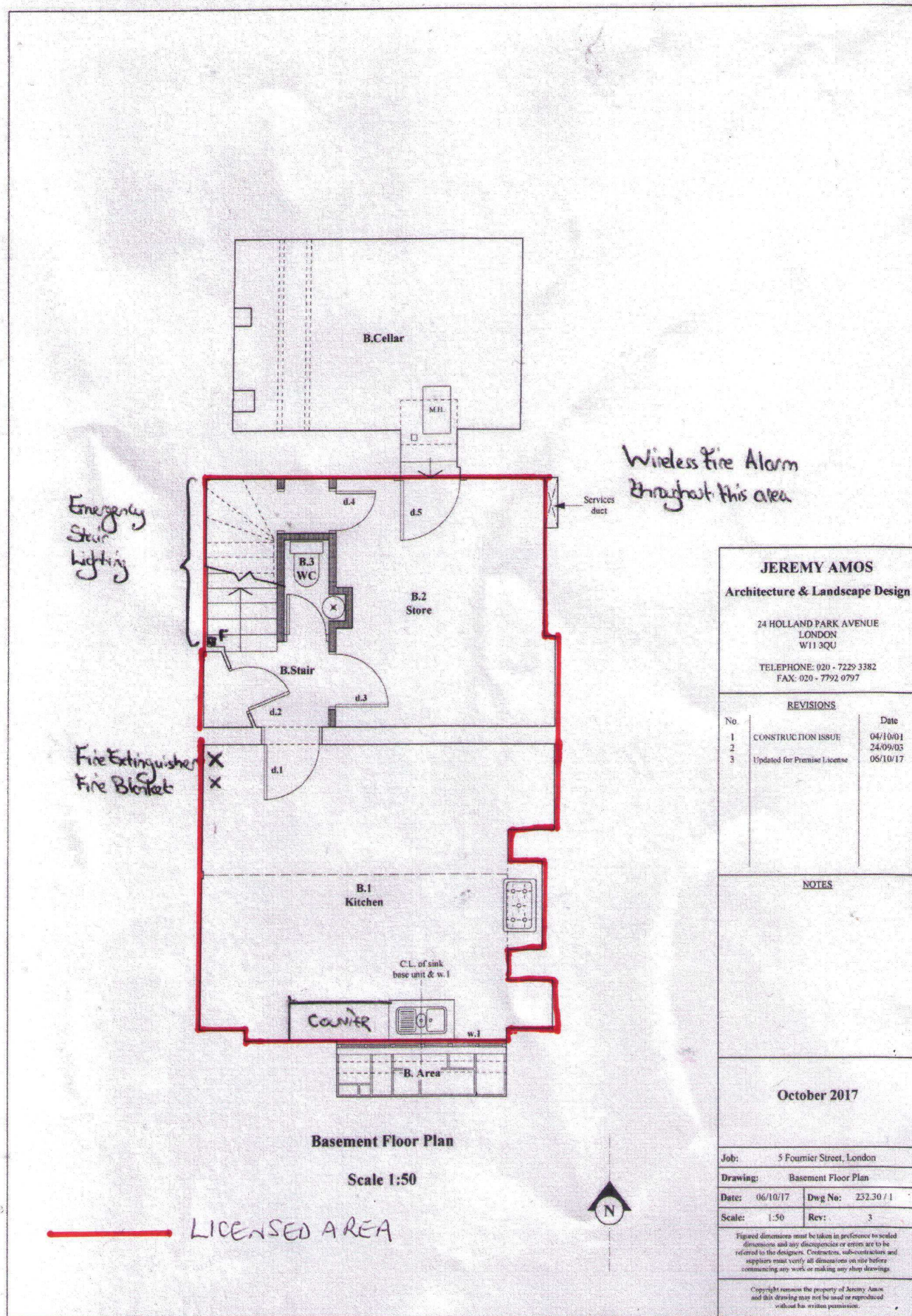
OFFICE USE ONLY

Applicant reference number	<input type="text" value="Townhouse"/>
Fee paid	<input type="text"/>
Payment provider reference	<input type="text"/>
ELMS Payment Reference	<input type="text"/>
Payment status	<input type="text"/>
Payment authorisation code	<input type="text"/>
Payment authorisation date	<input type="text"/>
Date and time submitted	<input type="text"/>
Approval deadline	<input type="text"/>
Error message	<input type="text"/>
Is Digitally signed	<input type="checkbox"/>

Appendix 2

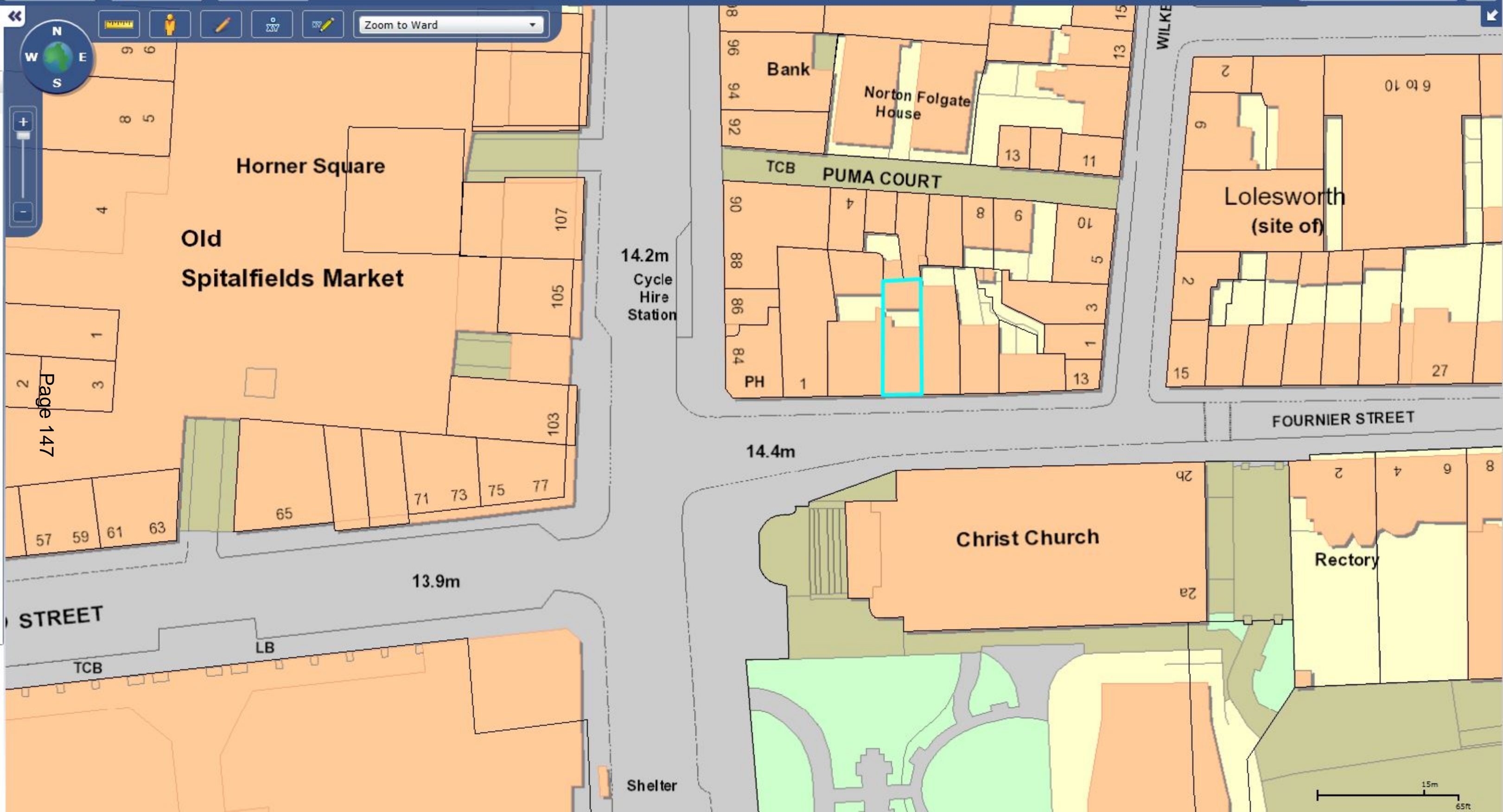


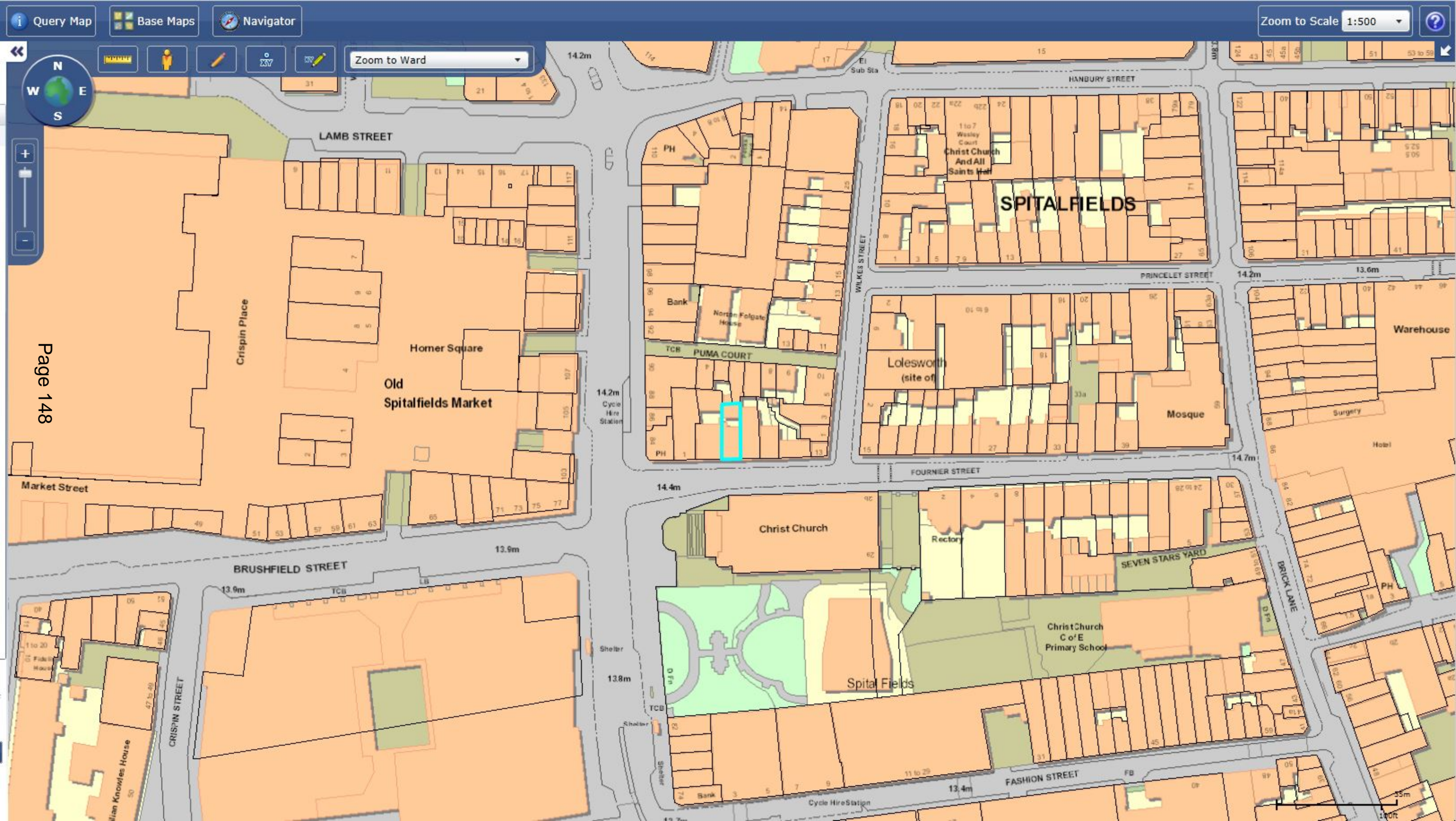
JEREMY AMOS Architecture & Landscape Design 24 HOLLAND PARK AVENUE LONDON W11 3QU TELEPHONE: 020 - 7229 3382 FAX: 020 - 7792 0797		
REVISIONS		
No.		Date
1	CONSTRUCTION ISSUE	04/10/01
2		24/09/03
3	Updated for Premise License	06/10/17
NOTES		
October 2017 Job: 5 Fournier Street, London Drawing: Ground Floor Plan Date: 06/10/17 Dwg No: 232.30 / 2 Scale: 1:50 Rev: 3 <small>Figured dimensions must be taken in preference to scaled dimensions and any discrepancies or errors are to be referred to the designer. Contractors, sub-contractors and suppliers must verify all dimensions on site before commencing any work or making any shop drawings.</small> <small>Copyright remains the property of Jeremy Amos and this drawing may not be used or reproduced without his written permission.</small>		



F Fire Alarm Button

Appendix 3





Appendix 4

The Townhouse, 5 Fournier Street – Nearby licensed premises

Name and Address	Licensable Activities	Opening Times
(The Crypt and Gardens) Christ Church Spitalfields Fournier Street London E1 6QE	<u>Sale of Alcohol (on and off sales)</u> <ul style="list-style-type: none"> Monday to Sunday from 09:00hrs to 22:30hrs <u>Non-standard Hours</u> On no more than 12 occasions per annum, the premises shall be permitted to open until midnight.	<ul style="list-style-type: none"> Monday to Sunday from 09:00hrs to 23:00hrs <u>Non-standard Hours</u> On no more than 12 occasions per annum, the premises shall be permitted to open until midnight.
(Ten Bells) 84 Commercial St London E1 6LY	<u>Sale of Alcohol by retail.</u> Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day. Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day. <u>Late Night Refreshment</u> Sunday to Wednesday 23.00 hours until midnight. Thursday to Saturday 23.00 until 01.00 hours the next day. <u>Regulated Entertainment</u> Sunday to Wednesday 06.00 hours - midnight next day. Thursday to Saturday 06:00 hours – 01:00 hours the following day.	Sunday to Wednesday 06.00 hours – midnight. Thursday to Saturday 06.00 until 01.00 hours the next day.
(PizzaExpress) 88-90 Commercial Street London E1 6LY	The sale by retail of alcohol <ul style="list-style-type: none"> Monday to Saturday 10 00 hrs to midnight Sunday 10 00 hrs to 23 30 hrs The provision of regulated entertainment <ul style="list-style-type: none"> Monday to Saturday 10 00 hrs to midnight Sunday 10 00 hrs to 23 30 hrs The provision of late night refreshment <ul style="list-style-type: none"> Monday to Saturday until midnight Sunday 10 00 hrs until 23 30 hrs Non-standard times <ul style="list-style-type: none"> New Years Eve/Day open from normal closure on New Years Eve to normal opening on New Years Day 	<ul style="list-style-type: none"> Saturday 10 00 hrs to 00 30 hrs Sunday 10 00 hrs to 00. 00 hrs Non-standard times <ul style="list-style-type: none"> New Years Eve/Day open from normal closure on New Years Eve to normal opening on New Years Day Monday to
(Taberna do Mercado) 107b Commercial Street London E1 6BG	The sale by retail of alcohol Monday to Saturday 10:00 hours – 23:00 hours Sunday 10:00 hours – 21:00 hours	Monday to Saturday 08:00 hours – 23:00 hours Sunday 08:00 hours – 21:00 hours

(Open Market Space) Old Spitalfields Market London E1 6BG	The sale by retail of alcohol: Monday to Friday from 09:00 hrs to 19:00 hrs Regulated entertainment consisting of: Plays, Films, Indoor sports, boxing or wrestling, live music, recorded music, performance of dance. Provision of facilities for making music and facilities for dancing. Monday to Friday from 09:00 hrs to 19:00 hrs	Monday to Friday from 09:00 hrs to 19:00 hrs
(Bleecker St. Burger) Unit B, SP4 Pavilion Building Lamb Street Old Spitalfields Market London E1 6BG	The sale by retail of alcohol (on sales) <ul style="list-style-type: none"> Monday to Sunday from 11:30hrs to 19:00hrs 	<ul style="list-style-type: none"> Monday to Sunday from 11:30hrs to 21:00hrs
(St John Bread & Wine) 94-96 Commercial Street London E1 6LZ	Alcohol shall not be sold or supplied except during permitted hours. In this condition, permitted hours means: a. On weekdays, other than Christmas Day, Good Friday or New Year's Eve, 10 a.m. to 11 p.m. b. On Sundays, other than Christmas Day or New Year's Eve, 12 noon to 10.30 p.m. c. On Good Friday, 12 noon to 10.30 p.m. d. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m. e. On New Year's Eve, except on a Sunday, 11 a.m. to 11 p.m. f. On New Year's Eve on a Sunday, 12 noon to 10.30 p.m. g. On New Year's Eve from the end of permitted hours 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).	There are no restrictions on the hours during which this premises is open to the public
Bottles & Battles 67 Brushfield Street London E1 6AA	The sale by retail of alcohol (both on and off premises) <ul style="list-style-type: none"> Monday to Saturday from 10:00hrs to 23:00hrs Sunday from 10:00hrs to 22:00hrs The provision of late night refreshment (both indoors and outdoors) <ul style="list-style-type: none"> Monday to Saturday from 23:00hrs to 23:30hrs 	<ul style="list-style-type: none"> Monday to Saturday from 08:00hrs to 23:30hrs Sunday from 08:00hrs to 22:30hrs

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

Samantha Neale

From: Alex Gordon Shute <[REDACTED]>
Sent: 06 November 2018 16:00
To: Samantha Neale
Subject: RE: The Town House 5 Fournier Street E1 6QE

Dear Samantha

Thank you for coming back to me with your advice on how to make my objection more useful. Could I revise my objection to be the following please:

The likely effect of the Town House having an 'off sales' licence as well as an 'on sales' licence is an increase in anti-social behaviour in the immediate vicinity of the restaurant. Public nuisance and crime are already at high levels in Spitalfields, especially around Brick Lane. The street the restaurant is in, is also a particularly residential street (most other streets in the area are 'mixed use' but Fournier St is almost entirely residential) which means there is more likely to be a detrimental on children and families from increased alcohol from these premises.

Best wishes

Alex Gordon Shute
Resident
[REDACTED]
[REDACTED]

Alex Gordon Shute
[REDACTED]
[REDACTED]

www.ithacapartners.co.uk

IthacaPartners

From: Samantha Neale <[REDACTED]>
Sent: 06 November 2018 11:09
To: Alex Gordon Shute <[REDACTED]>
Subject: RE: The Town House 5 Fournier Street E1 6QE

Good Morning Ms Shute,

Thank you for your comments. Having read through your email, you have started to make comments with reference to the Licensing Objectives, which the Licensing Authority must work to when processing premises licence applications. However, I don't feel that the comments which you have made fully meet the legal requirement. You have made some comments regarding the area, and I must remind you that the Licensing Act requires the Licensing Authority to "treat each application on its own merit".

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

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

Therefore, I urge you, if you still wish to make comments regarding this application, to provide more details as to why you believe that the granting of this licence will effect those Licensing objectives. I feel that that you have started to make valid points however I would be happier if you provided more detail.

Please note that the last date for the Licensing Authority to receive representations is 19th November 2018 . Representations should be sent to licensing@towerhamlets.gov.uk . In the meantime, you can find further information on our website: <http://www.towerhamlets.gov.uk/representation>

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

Regards,

Samantha Neale - Licensing Officer

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

  Licensing@towerhamlets.gov.uk

From: Alex Gordon Shute [REDACTED]

Sent: 03 November 2018 13:28

To: Licensing

Subject: The Town House 5 Fournier Street E1 6QE

Dear Licensing Team

Fournier Street is one of the prime residential streets in Spitalfields with many historic and beautiful houses on it. It would be strongly inappropriate to such a residential area for a restaurant to be given a licence for off sales as well as on sales, for long hours, in the area. In addition to the ASB and public nuisance which the oversupply of alcohol creates around Brick Lane (as evidenced by the need for the CIZ), the very historic and residential nature of this street makes this licence entirely unsuitable.

Best wishes

Alex Gordon Shute
(resident)

[REDACTED]
[REDACTED]

Alex Gordon Shute

[REDACTED]
[REDACTED]

www.ithacapartners.co.uk

IthacaPartners

Working Together for a Better Tower Hamlets

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

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If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Appendix 7

Samantha Neale

From: Corinne Holland on behalf of Licensing
Sent: 12 November 2018 13:49
To: Samantha Neale
Subject: FW: Objection to the License Application by the Town House at 5 Fournier Street E1 6QE

From: Greg Cripps [REDACTED]
Sent: 11 November 2018 12:28
To: Licensing
Cc: Greg Cripps; [REDACTED]
Subject: Objection to the License Application by the Town House at 5 Fournier Street E1 6QE

Ref: CLC/EHTS/LIC/111998

Dear Sir or Madam,

We wish to object to the license application for the Town House on 5 Fournier Street E1 6QE for sales of alcohol. We live at [REDACTED], within a block that is primarily a quiet residential area.

The Town House has, over the past few years, been having dining events in their ground floor shop and backyard area. Patrons have often been unacceptably noisy in the back of the property, which we directly overlook, often until very late in the evening. They are singularly the noisiest part of our block and allowing them the license to sell alcohol will only exacerbate this problem in our opinion.

The Town House is within the Spitalfield's Cumulative Impact Zone (CIZ) which was introduced to help reduce the problems of anti-social behaviour, including high levels of noise, public urination, etc., endured by the local residents at all times of the day and night. Allowing the Town House to sell alcohol, either for consumption on or off-premises, will negatively impact my community and we respectfully request that the Licensing department rejects this application.

Regards, Greg Cripps and Julia Stegemann

Appendix 8

Samantha Neale

From: Corinne Holland on behalf of Licensing
Sent: 12 November 2018 13:50
To: Samantha Neale
Subject: FW: Licensing application 5 Fournier Street E1 6QE

Follow Up Flag: Follow up
Flag Status: Completed

From: Selina [REDACTED]
Sent: 11 November 2018 14:21
To: Licensing
Cc: Mark Perry
Subject: Licensing application 5 Fournier Street E1 6QE

We wish to OBJECT to the application submitted by the Town House, [5 Fournier Street E1 6QE](#) for on and off sales of alcohol 1100-1800 [Mon- Sat](#) and 1130-1730 Sun.

We have lived with our family at [REDACTED]
[REDACTED]

[5 Fournier Street](#) is within the CIZ and the application should be refused on this basis alone. The negative impact of the excessive number of licensed premises in the neighbourhood is well documented and recognised. It is wholly inappropriate to create another licensed premises in a residential street. Fournier Street is used as a main pedestrian route between Brick Lane and the City, and as such is subject to noise and ASB from visitors consuming alcohol in the Spitalfields area.

The application states that the Town House is primarily a shop selling antiques and paintings with a coffee shop in the basement. They have also regularly hosted a supper club and various promotional events involving the consumption of alcohol onsite which have caused problems for neighbouring residents. These events spilled out into the rear courtyard garden and the pavement outside on Fournier Street, resulting in noise nuisance and disturbance. Evening leisure time was interrupted and our daughters' sleep jeopardised. We were obliged on occasion to intervene directly with patrons causing a nuisance, and liaise regularly with the Town House itself to try to address these issues. Although the current application is not proposing similar events, they demonstrated the unsuitability of a licensed premises in a densely inhabited residential neighbourhood. We remain concerned about their plans for similar future activities.

We do welcome the reduction in scale and ambition of the Town House's current licensing application, but are unable to overcome reservations at the precedent set by the addition of a licensed premises to a residential street under pressure from the licensed economy in the area. For this reason we wish to OBJECT to this application.

Selina and Glen Mifsud
[REDACTED]
[REDACTED]

Appendix 9

Samantha Neale

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 12 November 2018 13:52
To: Samantha Neale
Subject: FW: licence application by the Town House, 5 Fournier St, E1 6QE

Follow Up Flag: Follow up
Flag Status: Completed

From: Matt Piper [REDACTED]
Sent: 10 November 2018 13:10
To: Licensing
Cc: vikki piper
Subject: licence application by the Town House, 5 Fournier St, E1 6QE

Dear Sir/Madam,

We wish to object to the above licence application.

Fournier Street is a terraced residential street. The Town House is something of an anomaly - a single commercial premises surrounded by family homes. It is totally unsuited to licensed activities.

The Town House is in the heart of the CIZ, introduced by LBTH as recognition of the problems faces by residents and caused by alcohol-fueled anti-social behaviour. An additional licensed premises can only exacerbate this. A major caused of the ASB is off-sales and the resultant drinking in the street. People come to Spitalfields, buy alcohol from an off licence, and drink it on residents' doorsteps, including our own. They are noisy and find there are no public toilets in the area. We regularly have to clean up after street drinkers urinate against our house and even against our kitchen window. An additional premises making off-sales can only make this problem worse. Indeed, there is even a bench outside the Town House on which people might be tempted to sit after making their off-sales inside.

The Town House has, over the past few years, run Supper Club events in the shop. These have regularly caused a disturbance to our family [REDACTED]. Patrons congregate on the pavement outside the shop, or into the rear courtyard, either upon leaving or to smoke. After consuming alcohol, these patrons are noisy, and the disturbance is clearly audible on our house. The applicant assured us that there would be provision made for smokers - I can see none in the application. Indeed, I saw smokers standing outside the premises at a Supper Club (or similar) event very recently. Many people like to smoke while drinking. Granting an alcohol licence will exacerbate the noise problems and may lead to blockages on the narrow Fournier St pavement.

For these reasons we urge you to reject the application.

Should you be minded to grant the application, we ask that you consider rejecting the off-sales element, and imposing a condition that both the rear courtyard and Fournier St should not be used by patrons, for smoking or for any other reasons.

Many thanks for your help in this matter.

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

Appendix 10

Samantha Neale

From: Mohshin Ali on behalf of Licensing
Sent: 13 November 2018 13:32
To: Samantha Neale
Subject: FW: Representation in relation to Town House

From: Little, Barra [REDACTED]
Sent: 12 November 2018 20:12
To: Licensing
Cc: [REDACTED]
Subject: Representation in relation to Town House

Dear All,

This is my representation against the proposed licensing application in relation to Town House, 5 Fournier Street E16QE.

[REDACTED] I was not consulted in any way prior to the application being submitted.

I am completely opposed to any license being granted to this premises. There is no way that a license can serve the council's licensing objectives: it risks increasing ASB, noise, and other social risks.

Fournier Street is at the centre of the CIZ. The CIZ recognises the impact of alcohol consumption on the neighbourhood and imposes a very high bar for any new licenses. The CIZ requires that licensing disregard any commitments about running a venue conscientiously, precisely because these commitments cannot be guaranteed into the future. No steps have been taken to soundproof or otherwise adapt the building for use as a licensed premises, and nor should they be, given it is a grade II listed domestic house in a conservation area. As a result it is not an appropriate location for a licensed premises.

Fournier Street is overwhelmingly a residential street and is already under huge pressure from ASB, noise, and criminal activity originating from licensed premises outside the immediate area.

There is no history of a licensed premises at all on Fournier Street, or Wilkes Street or Puma Court, which adjoin the premises. Even the premises in question is predominantly a residential building. Any introduction of a license onto the street would be hugely deleterious to residents, and once it is granted there is the risk that it is much harder to control ASB and other impacts as well as the risk that the license will follow the building should it ever be sold to anyone who is less conscientious.

The proposal limits consumption to one floor, but proposes that alcohol be available for offsales. In both cases this risks serious antisocial behaviour. The price point and approach of the current operators of the premises, per the CIZ policy, must be irrelevant in the licensing determination.

Fournier Street is an incredibly sensitive historical group of family homes. Introducing a licensed premises into this residential street would be simply intolerable. There are no conditions that would effectively manage the risks I have highlighted.

I urge you to reject this proposal.

Please also accept this as my notice of my request to speak at the licensing hearing in relation to this application.

Kind regards

[REDACTED]

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

Appendix 11

Samantha Neale

From: Charles Gledhill [REDACTED]
Sent: 16 November 2018 14:34
To: Samantha Neale
Subject: Re: Licence Application for Town House, 5 Fournier Street E16QE.

Apologies, our address is [REDACTED]

Charles Gledhill

From: Samantha Neale [REDACTED]
Date: Friday, 16 November 2018 at 13:39
To: 'Charles Gledhill' [REDACTED]
Subject: RE: Licence Application for Town House, 5 Fournier Street E16QE.

Dear Mr Gledhill/Ms Kennedy,

Thank you for your email, however under the Licensing Act 2003, we require your full address in order for your comments to be valid.

Please can you respond with this.

Kindest Regards,

Samantha Neale - Licensing Officer

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

 [REDACTED]  [REDACTED]  [REDACTED]  Licensing@towerhamlets.gov.uk

From: Charles Gledhill [REDACTED]
Sent: 16 November 2018 11:44
To: Licensing
Subject: Licence Application for Town House, 5 Fournier Street E16QE.

Town House, 5 Fournier Street E16QE.

We are writing with regard to the licence application at the above address.

[REDACTED], for the past eighteen years, moving in April 2018, so we are well aware of the particularities of this location and its vicinity. In our view 5 Fournier St is unsuitable for an alcohol licence of any kind.

The network of streets to the North of Christ Church, Spitalfields within the Fournier St conservation area, is very clearly laid out as to use. The streets that mark out the edge of the block – Commercial St, Hanbury St and Brick Lane – house commercial premises, some of which have licences. The streets within the block – Wilkes St, Princelet St and Fournier St – are residential and have always been carefully protected from the encroachments of commercial activity. Consequently, for example, the Ten Bells pub has a clause in its licence allowing outdoor drinking on Commercial St. but very specifically prohibiting it on Fournier St.

This proposal is to grant a licence further down Fournier St in a property, an eighteenth century family house, three stories of which remain residential, and which is adjoined on both sides by residential houses. It would run counter to present policies and unnecessarily introduce all the well-known hazards associated with the sale, and particularly the off-sale, of alcohol.

It is because of these hazards that the CIZ was introduced and our own experience, living on Fournier St, was that we were constantly besieged by ASB, drinking on the street, rowdy behaviour, drug dealing and noise of various kinds, an overwhelming part of which was directly associated with alcohol consumption. It is vitally important for the Council to play its part in helping residents protect their quality of life against these encroachments and, where this has happened, it has been greatly appreciated.

Whatever assurances may be given by the applicants, who happen to own this building at the present moment, there can be absolutely no guarantee for the future once the precedent of the introduction of alcohol has been set. The commercial streets on the edge of this block might provide a suitable location for this kind of business. Fournier St very definitely does not and we would ask you, please, to reject this licence application.

Yours,

Charles Gledhill and Marianna Kennedy.

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

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Appendix 12

Samantha Neale

From: Corinne Holland on behalf of Licensing
Sent: 19 November 2018 13:30
To: Samantha Neale
Subject: FW: License Application for Town House, 5 Fournier Street

From: James Isola [REDACTED]
Sent: 19 November 2018 13:01
To: Licensing
Subject: License Application for Town House, 5 Fournier Street

I wish to strenuously object to the license application for Town House, 5 Fournier Street, E1 6QE

[REDACTED] feel it should not get an alcohol license for these reasons

- Fournier Street is a residential street
- There is no history of licensed premises on Fournier St, Puma Court or Wilkes St
- Granting an alcohol license will attract more noise & more anti-social behaviour
- It will have a negative impact on our safety, peace and quiet

Selling alcohol for consumption on site and off site means that there will inevitably be additional noise, anti-social behaviour and other nuisance caused by customers.

Fournier Street is in the middle of the Tower Hamlets Cumulative Impact Zone. This means there is a legal presumption against new licenses except in exceptional circumstances. The CIZ recognises that the cumulative impact of so many licensed premises in the Spitalfields area is having an impact on the wellbeing and safety of residents.

The council often seeks to impose conditions such as early closing hours to reduce the impact of premises. In this case we feel no conditions will mitigate the risk of further harm to the neighbourhood. There is a natural boundary around the residential part of Spitalfields. Introducing alcohol sales within that boundary, even during the day, will impact our safety, peace and quiet. I object to this application and ask that you turn it down.

James Isola

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 13

Corinne Holland

From: Ben Adler [REDACTED]
Sent: 15 November 2018 14:21
To: Licensing
Subject: License application for Townhouse, 5 Fournier Street

Dear Sir/Madam

I live at [REDACTED]

I write in support of the application for an alcohol license at Townhouse, 5 Fournier Street.

I think the shop being able to sell drinks to customers on site, and drinks to take home, is a good idea, and I think they should be given a licence for this.

As you know, there's already a pub (The Ten Bells) on the corner of Fournier Street, and the church crypt on Fournier Street has a license too, so giving Townhouse a license isn't in any way exceptional.

Giving Townhouse a license won't affect the CIZ as it's just to sell drinks in the basement during the shop's limited opening hours. And their customers are really not the sort of people who are going to cause any sort of nuisance or anti social behaviour.

I support the application without any hesitation.

Yours sincerely

Ben Adler

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

Appendix 14

Kathy Driver

From: Sophie Stebbins [REDACTED]
Sent: 18 November 2018 15:41
To: Licensing
Subject: Re: Licence application: Town House, 5 Fournier Street, London E1 6QE

Spitalfields Members Residents Association (SMRA)
[REDACTED]
[REDACTED]

London Borough of Tower Hamlets
Licensing Committee
licensing@towerhamlets.gov.uk

November 17th, 2018

Dear Sir,

Re: Licence application: Town House, 5 Fournier Street, London E1 6QE

The SMRA on behalf of its members, [REDACTED] directly onto Fournier Street, writes to object to the application for off-sales of alcohol made by Mrs Fiona Atkins, owner of Town House.

The Brick Lane area has been designated a Cumulative Impact Zone (CIZ) because there are already over 200 licensed premises within the small area and cumulatively, causing problems of crime, disorder, anti-social behaviour and nuisance to residents and businesses.

We are concerned that off-sales of alcohol will increase drinking on Fournier Street which is entirely a residential street. As a precedent it could generate more request for licence premises in a small residential area of Spitalfields so far preserved from licenced establishments.

This application is entirely contrary to current licensing policy in the area. We therefore respectfully request that the application is refused.

Yours sincerely.

Jonathan Stebbins
Treasurer and Vice President
Spitalfields Members Residents Association.

Sent from [Mail](#) for Windows 10

Appendix 15

Samantha Neale

From: Corinne Holland on behalf of Licensing
Sent: 12 November 2018 14:10
To: Samantha Neale
Subject: FW: New premise licence application for The Town House 5 Fournier Street London - ref M/111998

From: Nicola Cadzow
Sent: 12 November 2018 13:57
To: Licensing
Cc: M [REDACTED]
Subject: FW: New premise licence application for The Town House 5 Fournier Street London - ref M/111998

Dear Licensing,

I have no objections to the new premise licence application for The Town House 5 Fournier Street London - ref M/111998, further to confirmation by the applicant (see email trail below) to the following conditions:

4. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

Kind regards

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

From: Clifford Atkins [REDACTED]
Sent: 12 November 2018 13:22
To: Nicola Cadzow
Cc: [REDACTED]
[REDACTED] New premise licence application for The Town House 5 Fournier Street London - ref M/

Dear Ms Cadzow, those conditions would be absolutely fine.

Regards.

Clifford aTKINS

On 12 Nov 2018, at 13:19, Nicola Cadzow <[REDACTED]> wrote:

Dear Mr Atkins,

Fournier Street is within the Cumulative Impact Zone, and as such there is a greater emphasis on the applicant for a premises license to show that when their premise is operating it will not have an increased impact on the four licensing objectives. For me in particular the licensing objective for the prevention of public nuisance.

I thank you for your response and confirmation to the conditions in my email. Can I confirm from your email your agreement to the following noise conditions to apply:-

4. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

I await your response.

Kind regards

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

From: Clifford Atkins [REDACTED]

Sent: 12 November 2018 12:35

To: Nicola Cadzow

Cc: [REDACTED]

Subject: Re: New premise licence application for The Town House 5 Fournier Street London

Dear Ms Cadzow,

thankyou for your email. In response to your questions:

1. We do not have a music licence for playing recorded music, so we do not have a sound system in the shop. There are therefore no loudspeakers and we do not intend to install loudspeakers.
2. We do not envisage that the noise levels will change from those currently applicable at the shop. As mentioned above we do not play recorded music in the shop and currently have no intention that this will change. The area to which the licence applies is in the basement and is quite small; it is currently used as a cafe and this use is intended to continue; the activities the subject of the licence application are intended to be ancillary to the current use.
3. Collection of waste will remain as currently during the day time so there will be no waste or recycling collection between 22.00 hours and 08.00 hours on the following day.
4. There will be no deliveries between 22.00 hours and 08.00 hours on the next day.

5. The activities for which the licence applies finish at 18.00 hours on all days except Sunday when they finish at 17.30 hours. We are not therefore anticipating that exiting from the shop will be any different from people exiting the cafe currently. However we will be happy to put up a sign at the exit from the proposed licensed area stating that people exiting the building should respect the needs of local residents and businesses and leave quietly.

Please let me know if you have any further questions.

Yours sincerely,

Clifford Atkins

On 12 Nov 2018, at 12:16, Nicola Cadzow [REDACTED] wrote:

Dear Ms Atkins,

I have consider you new premise licence application for The Town House 5 Fournier Street London and would ask that the following noise conditions would apply:-

1. Loudspeakers shall not be located in the entrance lobby or outside the premise building.
2. The premises license holder shall ensure that noise or vibration is not audible at the nearest noise sensitive premises.
3. No collections of waste or recycling materials (including bottles) from the premises shall take place between 22:00 hours and 08:00 hours on the following day.
4. No deliveries to the premises shall take place between 22:00 hours and 08:00 hours the following day.
5. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.

I await your response at your earliest convenience, nearing in mind that the last date for representation is the 19th November 2018.

Kind regards

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

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Appendix 16

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 17

Anti-Social Behaviour from Patrons Leaving the Premises

General Advice

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

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

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

Licensing Policy

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

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

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

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

Cumulative Impact

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

Other Legislation

Crime and Disorder Act 1998

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

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

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

Appendix 18

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 19

Access and Egress Problems

Such as:

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

Comment

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

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

General Advice

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

The hours of operation also need to be considered.

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

Licensing Policy

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

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

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

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

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

Appendix 20

Prevention of Public Nuisance

- 9.1 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.
- 9.2 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.
- 9.3 The Licensing Authority, where its discretion is engaged, will consider, where appropriate, attaching conditions to licences and permissions to prevent the problems identified in Section 18 of this Policy (Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area), and these may include conditions drawn from the Model Pool of Conditions found in the Secretary of States Guidance.
- 9.4 **Street Furniture** – placing of street furniture, which includes advertising boards, on the highway can cause a public nuisance by way of obstruction, or encourage consumption of alcohol on an unlicensed area. The Licensing Authority expects applicants to have ensured that they fully comply with the Council's rules relating to authorisation of obstructions on the highway, and that the required authorisations are obtained prior to submitting a licence application. Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose conditions in relation to street furniture, including on private land.
- 9.5 **Fly Posting** – The Council has experienced problems with "fly posting" in relation to venues that offer entertainment. Fly posting is the unauthorised posting of posters / advertisements etc. Where it considers it proportionate and appropriate, and its discretion is engaged, the Licensing Authority will attach conditions relating to the control of fly posting to ensure that venues clearly prohibit all fly posting in their contract terms with others and they effectively enforce this control.

Appendix 21

Protection of children from harm

- 10.1 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. 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). Home Office Guidance also expects Licensing authorities to consider the need to protect children from sexual exploitation when undertaking licensing functions.
- 10.2 Tackling Child Sexual Exploitation (CSE) is a key target both locally and nationally as such the Licensing Authority expects Licence Holders to:
- Understand that there are criminal offences in relation to sexual exploitation of a child,
 - Ensure that they and their employees have a basic awareness of the signs of CSE and how to report it;
 - Report any concerns to the appropriate authorities or to the Licensing Authority can advise them of the appropriate authority to report concerns to.
- 10.3 Applicants are to consult with the Responsible Authority designated for Child Protection listed in appendix 1 - List of Responsible Authorities of this who this Licensing Authority recognises to be competent body to advise on the protection of children from harm.
- 10.4 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.
- 10.5 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, Fixed Penalty Notices (FPNs) or formal cautions 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.
- 10.6 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 the premises when any licensable activities are taking place.
- 10.7 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.
- 10.8 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.
- 10.9 All licence holders will be expected to comply the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin by which the Portman Group informs licensed retailers, which products have been found to be in breach of the code, and should be removed from sale.
- 10.10 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. This will require operating plans to specify these measures and management controls taking into account paragraph 10.1 and 10.2 above. Where appropriate a written childcare policy should be available and be incorporated in the induction of staff.

- 10.11 The Licensing Authority will take appropriate and proportionate action where there are serious concerns in relation to the safe guarding of children in connection with a licensed premises, which may include consideration of applying for a review of the licence where there is significant evidence of undermining the licensing objective of the protection of children from harm.
- 10.12 The sale of alcohol to a minor is a criminal offence and Trading Standards will conduct appropriate covert test purchasing exercises and will take account of any complaints and intelligence received. The Act permits the use of children under the age of 18 to undertake test purchases.
- 10.13 Where there are age restrictions imposed by the Act on the licensable activities in respect of children below a certain age, then the licensee will be required to demonstrate that they have age verification systems in place. This Licensing Authority believes that that Licensed Premises should have age verification policies to require individuals who appear to the person serving alcohol to be under the age of 25 years of age to produce on request appropriate identification. This is commonly referred to as the "Challenge 25 Scheme". The rationale for this is because it can often be difficult to judge how old teenagers are and "Challenge 25 age verification system" would provide licensed premises with margin of error to prevent underage sales. Thus Challenge 25 can help to empower staff to challenge customers where there is doubt about their age. In turn this is likely to reduce the risk of the owner, or the seller of the alcohol, committing an offence.
- 10.14 Training in age verification systems should be given to all persons who might be in a position to serve or refuse the sale of alcohol to children. The training should include a basic understanding of the law, seeking proof of age, verifying the authenticity of proof of age cards and handling and recording refusals.
- 10.15 Where proportionate and appropriate, and its discretion is engaged, the Licensing Authority will impose the following standard conditions in relation to age verification systems:
- 1) All tills shall automatically prompt staff to ask for age verification identification when presented with an alcohol sale.
 - 2) A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
 - 3) A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record

shall be available for inspection at the premises by the police or an authorised officer at all times whilst the premises is open.

- 4) All staff whose duties include the serving of alcohol must be trained in the requirements of this scheme including the importance of recording any refusals.

11 Access to Cinemas

- 11.1 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.
- 11.2 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.
- 11.3 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.

12 Children and Public Entertainment

- 12.1 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.
- 12.2 Where 10.1 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.

- 12.3 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.

- 12.4 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 that can be found in the Secretary of State's Guidance.

Appendix 22

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 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 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

Appendix 23

Planning

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

Appendix 24

Special Cumulative Impact Policy for the Brick Lane and Bethnal Green Area

- 19.1 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 for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area 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.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

Further to the CIZ in the Brick Lane Area shown in Figure One below, data from 999/101 calls to Police in 2016/17 showed a large number of incidents linked to licensed premises within the area shown in Figure Two below (Bethnal Green Area). In light of this evidence and following consultation mentioned above the Council has decided to adopt a second CIZ in the Bethnal Green Area.

- 19.4 The Licensing Authority is 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 Figures One and Two is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone within these areas. The Brick Lane and Bethnal Green CIZ aims to manage the negative cumulative impact of the concentration of licensed premises in these areas and the stresses that the saturation of licensed premises has had on local amenity, environmental degradation and emergency and regulatory services in managing this impact.
- 19.5 The effect of this Special Cumulative Impact Policy will affect applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for the following:

- New Premises Licences applications,
- New Club Premises Certificates applications
- Provisional Statements,
- Variation of Premises Licences and Club Premises Certificate applications (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity).

The Licensing Authority expects such applications to have regard for and make reference to the CIZ.

19.6 The Special Cumulative Impact policy creates a rebuttable presumption that where relevant representations are received by one or more of the responsible authorities and/or other persons against applications within the CIZ zones the application will be refused.

19.7 Where representations have been received in respect to applications within the CIZ zones the onus is on applicants to adequately rebut the presumption. Applicants will need to demonstrate in their applications why the granting of their application will not negatively add to the cumulative already experience within the CIZ Zones. Applicants may wish to address the following in their applications:

- Genuinely exceptional circumstances,
- Relevant good practices they employ (for example, this could include details of membership of local Pubwatch/other trade groups,
- Accreditation of Award Schemes (as applicable), and any participation in Police/Council initiatives),
- Other good operational/practice arrangements in respect of any outside drinking and smoking to control potential impact in the area,
- Measures used to promote the licensing objectives (for example, any relevant conditions to control noise, dispersal, litter and other anti-social issues.

19.8 **This Policy will be strictly applied and where relevant representations are received it is the view of the Council that the application will be refused. Applicants will need to demonstrate that there are exceptional circumstances and that granting their application will not negatively add to the cumulative effect on the Licensing Objectives within the Brick Lane and Bethnal Green CIZ if they wish to rebut this presumption.**

Examples of factors the Licensing Authority may consider as exceptional may include, though are not limited to:

- small premises with a capacity of fifty persons or less who only intend to operate during Framework Hours,
- premises which are not alcohol led and operate only within Framework Hours, such as coffee shops,

- instances where the applicant has recently surrendered a licence for another premises of a similar size and providing similar licensable activities in the same Special Policy Area.

Examples of factors the Licensing Authority will **not** consider as exceptional include:

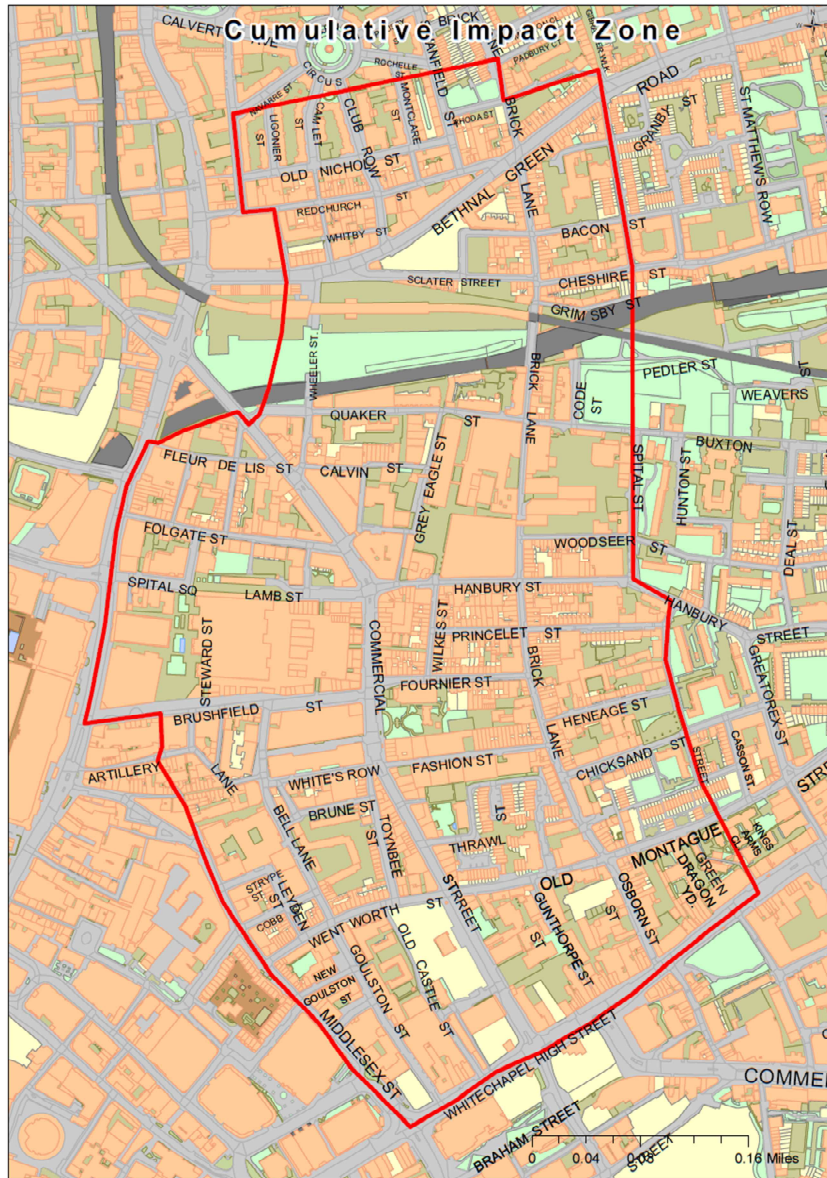
- that the premises will be well managed and run,
- that the premises will be constructed to a high standard,
- that the applicant operates similar premises elsewhere without complaint.

19.9 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.

The Cumulative Impact Zones:

Figure One

Brick Lane area:



Bethnal Green Area

