

LICENSING SUB COMMITTEE

Tuesday, 25 September 2018 at 2.30 p.m.

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

This meeting is open to the public to attend.

Contact for further enquiries:

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APOLOGIES FOR ABSENCE

To receive any apologies for absence.

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

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

2. RULES OF PROCEDURE (Pages 11 - 20)

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

	PAGE NUMBER(S)	WARD(S) AFFECTED
3. ITEMS FOR CONSIDERATION		
3.1 Application for Variation of a Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS	21 - 124	Canary Wharf

Licensing Objectives:

- Public Nuisance

Representations by:

- Local Resident(s)
- Ward Councillor

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

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

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

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

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

Interests and Disclosable Pecuniary Interests (DPIs)

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

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

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

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

Effect of a Disclosable Pecuniary Interest on participation at meetings

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

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

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

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

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

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

Further advice

For further advice please contact:-

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

APPENDIX A: Definition of a Disclosable Pecuniary Interest

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

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

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TOWER HAMLETS



LICENSING COMMITTEE

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

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

1. Interpretation

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

2. Composition of Sub-Committee

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

3. Procedure

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

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

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

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

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

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

4. Exclusions

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

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

Guidance for Licensing Sub-Committee Meetings.

(1) Attendance at Meetings.

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

(2) Licensing Sub-Committee Role and Membership.

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

Licensing Sub-Committee Webpages

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

The pages include:

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

(3) Access to Committee Papers.

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

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

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

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

(5) What can be circulated?

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

(6) How will the applications be considered?

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

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

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

(8) Queries on reports.

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

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

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

LICENSING SUB COMMITTEE HEARING PROCEDURE

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

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

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

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

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Agenda Item 3.1

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	25 September 2018	Unclassified		

Report of : David Tolley Head of Environmental Health & Trading Standards Originating Officer: Kathy Driver Principal Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Mailinda, 62 Mellish Sreet, London E14 8NS Ward affected: Canary Wharf
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1.0 Summary

Applicant: **Xian Ran Zhao**
Name and **Mailinda**
Address of Premises: **62 Mellish Street**
London E14 8NS

Licence sought: **Licensing Act 2003**
The Sale of Alcohol
Provide Late Night Refreshment
Provide regulated entertainment

Objectors: **Local Residents**
Resident Association

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File
Section 182 Guidance
LBTH Licensing Policy

Kathy Driver
020 7364 5171

3.0 **Background**

- 3.1 This is an application for a new premises licence for Mailinda, 62 Mellish Street, London E14 8NS.
- 3.2 A licence exists for the ground floor, however a new application has been made as the applicant wishes to increase the area to ground floor and first floor premises and having karaoke rooms to the first floor. A transfer and variation of Designated Premises Supervisor was applied on 26th March 2018 to Mr. Xinran Zhao. A copy of the existing licence is enclosed as **Appendix 1**.
- 3.3 A copy of the application is enclosed as **Appendix 2**.
- 3.4 The hours have been amended since making the application through agreement with Environmental health the hours being applied for are as follows:-

Sale of alcohol

Monday to Saturday from 12:00 hours to 23:30 hours

Sunday from 12:00 hours 22:30 hours

From the start of New Years Eve until the terminal New Years Day

The Provision of Regulated Entertainment in the form of (indoors): Films, Live Music, Recorded Music and anything similar

Monday to Saturday 23:00 hours to midnight

From the start of New Years Eve until the terminal New Years Day

Late night refreshment

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

Hours premises is open to the public:

Monday to Saturday from 12:00 hours to midnight

Sunday from 12:00 hours 23:00 hours

From the start of New Years Eve until the terminal New Years Day

4.0 **Location and Nature of the premises**

- 4.1 Photographs of the venue and immediate vicinity will be provided at the hearing.
- 4.2 The site plan of the venue is included as **Appendix 3**.
- 4.3 Maps showing the vicinity are included as **Appendix 4**.
- 4.4 There are no licensed premises in the immediate vicinity of the premises.

5.0 Licensing Policy and Government Advice

- 5.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.
- 5.2 Relevant Sections of the policy are brought to the attention of Members within the Licensing Officers report.
- 5.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in April 2018.
- 5.4 Relevant Sections of this advice are brought to Members attention within the Licensing Officers report. Members should note however, that in some areas Tower Hamlets, after a proper consideration of local circumstances, has not followed the Government's advice, or has developed it further.

6.0 Representations

- 6.1 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.

Appendix 13 includes a petition signed by residents.

	Appendix
Janice Boswell	6
Grace Canavan	7
Kim Carr (Chair of Claire Place & Tiller Road Residents Association)	8
Maureen Clayton	9
Sue Hickin	10
Gerard McMahon	11
David Stackable	12
Lee Tanswell	13
Cllr Andrew Wood	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 from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot

- Disturbance from patrons leaving the premises by car
- Lack of adequate car parking facilities
- Close proximity to residential properties
- Close to residential home for the elderly

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

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

7.0 **Conditions consistent with Operating Schedule**

7.1 A list of conditions has been provided of which some duplicate the mandatory conditions. See **Appendix 15**.

8.0 **Conditions Agreed**

8.1 Environmental Health and the applicant has agreed a change in hours and a condition to install a sound limiter. They have attempted to contact the applicants to arrange the setting of the limiter but no response has been received at the time of writing this report. See **Appendix 16**

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 17-21** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

10.0 **Legal Comments**

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

11.0 **Finance Comments**

- 11.1 There are no financial implications in this report.

12.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Site Plan
Appendix 4	Maps of the surrounding area
Appendix 5	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 6-14	Representations of local residents
Appendix 15	List of conditions offered by applicant
Appendix 16	Environmental Health agreed hours/ conditions
Appendix 17	Licensing officer comments on anti-social behaviour patrons leaving the premises
Appendix 18	Licensing officer comments on Access and egress problems
Appendix 19	Licensing officer comments on Noise when the premises is in use
Appendix 20	Planning
Appendix 21	Licensing Policy relating to hours of trading.

Appendix 1

(Mailinda)
62 Mellish Street
London
E14 8NS

Licensable Activities authorised by the licence

The sale by retail of alcohol

See the attached licence for the licence conditions

Signed by

David Tolley 
Head of Environmental Health & Trading Standards

Date: 6th July 2012



Part A - Format of premises licence

Premises licence number

26849

Part 1 - Premises details

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

(Mailinda)

62 Mellish street

Post town

London

Post code

E14 8NS

Telephone number

0207 987 0277

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:

Monday to Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday 12:00 hours to 23:00 hours

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

Mr Xinran Zhao
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Not applicable

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

Mr Xinran Zhao
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

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

Issuing Authority: Darford
Personal Licence Number: DH/PER/1450/2018

Annex 1 - Mandatory conditions

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

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

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

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

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

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

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

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

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. No nudity or semi nudity permitted.
2. A CCTV camera system is to be installed.
3. The CCTV recordings are to be maintained for 31 days and to be provided upon request to either a Police officer or an officer of any other responsible Authority. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity.

4. At all times the premises is open, a person who can operate the CCTV system must be present on the premises, who can download the images and present them immediately on request by a Police officer or other responsible authority.
5. Use of Challenge 25 trading initiative and acceptance of accredited proof of age cards bearing the PASS logo, an EU photocard, full photocard driving licence or a passport bearing the photograph and date of birth of bearer.
6. Delivery sales will also require proof of age identification at the point of delivery and alcohol shall only be delivered to a residential or business address where the customer is clearly a resident inside the building. No alcohol will be delivered to a person in a public place.
7. Alcohol will only be sold to and consumed by persons ancillary to a meal being consumed at a table.
8. Alcohol will only be supplied with a takeaway food order and will not be served or supplied to a customer waiting for a meal to be prepared.
9. A refusals book must be kept on the premises and must record date, time and circumstances surrounding an attempted purchase by an under age customer and to be provided upon request to either a Police officer or an officer of any other responsible Authority.

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:

10th May2012/3540Mailinda.dgn



Part B - Premises licence summary

Premises licence number

26849

Premises details

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

(Mailinda)
62 Mellish Street

Post town

London

Post code

E14 8NS

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

The sale by retail of alcohol:
Monday to Sunday 12:00 hours to 23:00 hours

The opening hours of the premises

Monday to Sunday 12:00 hours to 23:00 hours

Name, (registered) address of holder of premises licence

Mr Xinran Zhao
[REDACTED]
Dartford
DA1 2XF

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

Mr Xinran Zhao

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

No restrictions

Appendix 2

SOLICITORS
COMMISSIONERS FOR OATHS

Your Ref:

Our Ref:

Date:

┌

┐

DS/f/Zhou/8116

18 June 2018

Premises Licensing Section
Tower Hamlets Council

Town Hall
Mulberry Place
5 Clove Crescent
London E14 2PG

┌

┐

Dear Sirs,

RE: Application for a New Premises Licence No: 16096 –
Property: Mailinda, 62 Mellish Street, London E14 8NS

We act on behalf of Xin Ran Zhou who is applying for a new Premises Licence for the above property.

The premises are currently licensed as "Mailinda" under Premises Licence No: 16096. Our client has lodged an Application for Transfer of that Licence and we understand this is in the queue waiting to be dealt with. The application was sent into your office at the end March.

The proposed alterations to the premises are such that it is necessary to apply for a new Premises Licence as they involve use of the premises at First Floor level for a number of rooms for karaoke.

In addition, the current Licence terminates as at 23:00hrs, and the current application is that premises may continue to be used until 24:00hrs.

We therefore attach Notice of Application to which are attached the steps that our client would propose to take to ensure that all Licensing requirements are met. In addition, we are attaching draft Licensing Conditions which our client will be prepared to comply with and they would comply with any other Conditions required by the Court or other Licensing Authorities.

The application will be advertised in due course in the local newspaper and a copy will be sent to you.

We therefore attach:-

- 1) Application Form.
- 2) A Plan of premises.

Partners: David Sparrow M.A. Oxon Therese Trieu

Email: [REDACTED]

3) Draft Licence Conditions.

4) Passport of the Applicant.

5) A cheque in the sum of ~~£355~~ 190

We would be grateful if you could please acknowledge receipt.

Yours sincerely



SPARROW & TRIEU
Solicitors

Encs

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **XIAN RAN ZHAO**

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description "MAILINDA" 62 MELLISH STREET LONDON E14 8NS				
Post town		LONDON	Postcode	E14 8NS

Telephone number at premises (if any)	██████████
Non-domestic rateable value of premises	£13,000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as Please tick as appropriate

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

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

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname ZHAO			First names XINRAN		
Date of birth		I am 18 years old or over <input checked="" type="checkbox"/> Please tick yes			
Nationality CHINESE					
Current residential address if different from premises address		<div style="background-color: black; width: 150px; height: 15px; margin-bottom: 5px;"></div> DARTFORD KENT DA1 2XF			
Post town	DARTFORD			Postcode	DA1 2XF
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current residential address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

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

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
A	S	A P

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
THE PREMISES CONSIST OF A CHINESE RESTAURANT AT GROUND FLOOR LEVEL IN A PURPOSE BUILT SHOP UNIT WHICH IS SEPARATE AND APART FROM ADJOINING BUILDINGS.

THE FIRST FLOOR OF THE PREMISES HAS BEEN ALTERED TO ALLOW THE CONSTRUCTION OF 4 PURPOSE BUILT ROOMS FOR KARAOKE.

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

NOT APPLICABLE

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

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

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



In all cases complete boxes K, L and M

A

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

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3) INDOORS ONLY	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4) THERE ARE FOUR KARAOKE ROOMS ON THE FIRST FLOOR OF THE PREMISES. THESE ARE EQUIPPED WITH TV SCREENS, SPEAKERS AND MICROPHONES. THE SCREENS SHOW LYRICS THAT THE CUSTOMERS CAN SING ALONG TO.		
Mon	23.00	24.00			
Tue	23.00	24.00			
Wed	23.00	24.00	<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL NEW YEARS DAY		
Thur	23.00	24.00			
Fri	23.00	24.00	<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 6)		
Sat	23.00	24.00			
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon	N/A		
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	N/A		<u>Please give further details here</u> (please read guidance note 4)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed			<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 6)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 3) INDOORS ONLY	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 4) THERE ARE FOUR PURPOSE BUILT KARAOKE ROOMS ON THE 1 st FLOOR OF THE PREMISES. THESE ARE EQUIPPED WITH TV SCREENS, SPEAKERS AND MICROPHONES. THE SCREENS SHOW LYRICS THAT THE CUSTOMERS SING ALONG TO. State any seasonal variations for the performance of live music (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Mon	23.00	24.00			
Tue	23.00	24.00			
Wed	23.00	24.00			
Thur	23.00	24.00			
Fri	23.00	24.00			
Sat	23.00	24.00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23.00	24.00	<u>Please give further details here</u> (please read guidance note 4) THERE ARE FOUR PURPOSE BUILT KARAOKE ROOMS ON THE 1 ST FLOOR OF THE PREMISES. THESE ARE EQUIPPED WITH TV SCREENS, SPEALERS AND MICROPHONES. THE SCREENS SHOW LYRICS THAT THE CUSTOMERS CAN SING ALONG TO. RECORDED MUSIC WILL BE LIMITED TO SUCH USE		
Tue	23.00	24.00			
Wed	23.00	24.00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY		
Thur	23.00	24.00			
Fri	23.00	24.00	<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</u> (please read guidance note 6)		
Sat	23.00	24.00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	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 4)		
Mon	N/A				
Tue					
			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
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 6)		
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 7)			Please give a description of the type of entertainment you will be providing KARAOKE WILL BE AVAILALE TO CUSTOMERS IN THE FOUR ROOMS ON THE FIRST FLOOR EQUIPPED FOR THAT PURPOSE		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon	23.00	24.00		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue	23.00	24.00	<u>Please give further details here</u> (please read guidance note 4) PLEASE SEE DESCRIPTIONS AT B,E and F BEFORE		
Wed	23.00	24.00			
Thur	23.00	24.00	<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5) FROM THE START TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY		
Fri	23.00	24.00			
Sat	23.00	24.00	<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 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23.00	24.00			
Tue	23.00	24.00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Wed	23.00	24.00			
Thur	23.00	24.00	<u>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</u> (please read guidance note 6)		
Fri	23.00	24.00			
Sat	23.00	24.00			
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption – please tick (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 5) FROM THE START OF TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY		
Mon	12.00	24.00			
Tue	12.00	24.00			
Wed	12.00	24.00			
Thur	12.00	24.00			
Fri	12.00	24.00			
Sat	12.00	24.00			
Sun	12.00	23.00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 6)		

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name XINRAN ZHAO	
Date of birth [REDACTED]	
Address [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) DH/PER/1450/2018	
Issuing licensing authority (if known) DARTFORD	

□□□□

K

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

NONE

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5) FROM THE STRAT OF TIME ON NEW YEARS EVE TO THE TERMINAL HOUR FOR NEW YEARS DAY
Day	Start	Finish	
Mon	12.00	24.00	
Tue	12.00	24.00	
Wed	12.00	24.00	
Thur	12.00	24.00	<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 6)
Fri	12.00	24.00	
Sat	12.00	24.00	
Sun	12.00	23.00	

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

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

PLEASE SEE ATTACHED

b) The prevention of crime and disorder

PLEASE SEE ATTACHED

c) Public safety

PLEASE SEE ATTACHED

d) The prevention of public nuisance

PLEASE SEE ATTACHED

e) The protection of children from harm

M - Describe the step you intend to take to promote the full licensing objectives

A) General – all four licensing objectives

The Applicant will ensure full compliance with all general licensing requirements, and existing Health & Safety and Fire Safety requirements.

The Applicant refers to the specific steps which are set out below at items B, C, D & E in relation to the general licensing objectives.

B) The prevention of crime and disorder

1) In the event that crime or serious disorder is, or appears to have been, committed on the premises, the manager will immediately ensure that:-

a) The Police, and where appropriate, the London Ambulance Service, are called immediately.

b) As far as is safe and reasonably practicable, all measures will be taken to apprehend any identified suspect pending the arrival of the police.

c) As far as is safe and reasonably practicable, all measures will be taken to preserve any identified crime scene pending the arrival of the police.

d) Any and all appropriate measures, are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

2) An incident log shall be kept at the premises and made available on request to the police or an authorised officer, which will record

a) Any and all allegations of crime or disorder reported at the venue;

b) Any and all complaints received by any party;

c) Any fault in the CCTV system;

d) Any visit by a relevant authority or emergency service;

e) Any ejections of patrons;

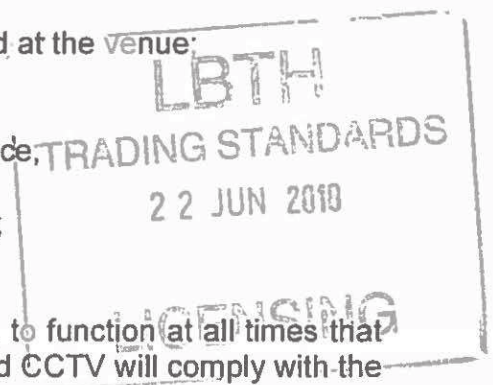
f) Any and/or seizures of drugs or offensive weapons;

g) Any refusal of the sale of alcohol.

3) CCTV shall be installed, operated and maintained, to function at all times that the premises is open for licensable activities. The said CCTV will comply with the following criteria :-

a) The Licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct;

b) A Record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;



- c) The police will be informed if the system will not be operating for longer than 1 day of business for any reason;
- d) One camera will show a close up of the entrance to the premises to capture a clear, full length in each of anyone entering;
- e) The system will provide full coverage of the interior of the premises both on the ground floor and the first floor premises including each of the rooms to be utilised for purposes of karaoke. They will also provide coverage of any exterior part of the premises accessible to the public;
- f) The system will record in real time and recordings will be date and time stamped
- g) At all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow the police or any authorised council officer to view footage on request;
- h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or any other authorised officers on request (subject to the Data Protection Act 1998) within 24 hours of any requests.

C) Public Safety

The Applicant repeats the steps set out at B above, and D and E below.

D) The Prevention of Public Nuisance

- 1) Alcohol shall not be sold or supplied on the premises otherwise than persons who are taking a table meal there and for consumption by such person as an ancillary to his / her meal.
- 2) No vertical drinking
- 3) Refuse such as bottles shall be placed in receptacles outside the premises at times that will minimise the disturbance to nearby properties.
- 4) The exhibition of films and the provision of facilities for making music by way of karaoke shall be limited to the first floor rooms only.
- 5) A sound limiting device, which shall be located in a separate and remote lockable cabinet from the volume control, must be fitted to the musical application system to be set at a level, determined by and to the satisfaction of an authorised officer of the Environmental Health Services Community Protection Department to ensure that no noise nuisance is caused to local residents. The operational panel of the Noise Limiter shall then be secured to the satisfaction of the officer from the Environmental Health Services. The keys securing the noise limiter cabinet shall be held by the Applicant only and shall not be accessed by any other person. The Limiter shall not be altered without the prior agreement of the Environmental Health Service.

PLEASE SEE ATTACHED

Checklist:

Please tick to indicate agreement


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

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

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



Part 4 – Signatures (please read guidance note 11)

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

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	 DAVID SPARROW
Date	18/06/2018
Capacity	APPLICANT'S SOLICITOR

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

Signature	
Date	
Capacity	SOLICITOR FOR APPLICANT

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)			
MR SPARROW SPARROW AND TRIEU SOLICITORS 76 SHAFTESBURY LONDON			
Post town	LONDON	Postcode	W1D 6ND
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			
			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:

Appendix 3

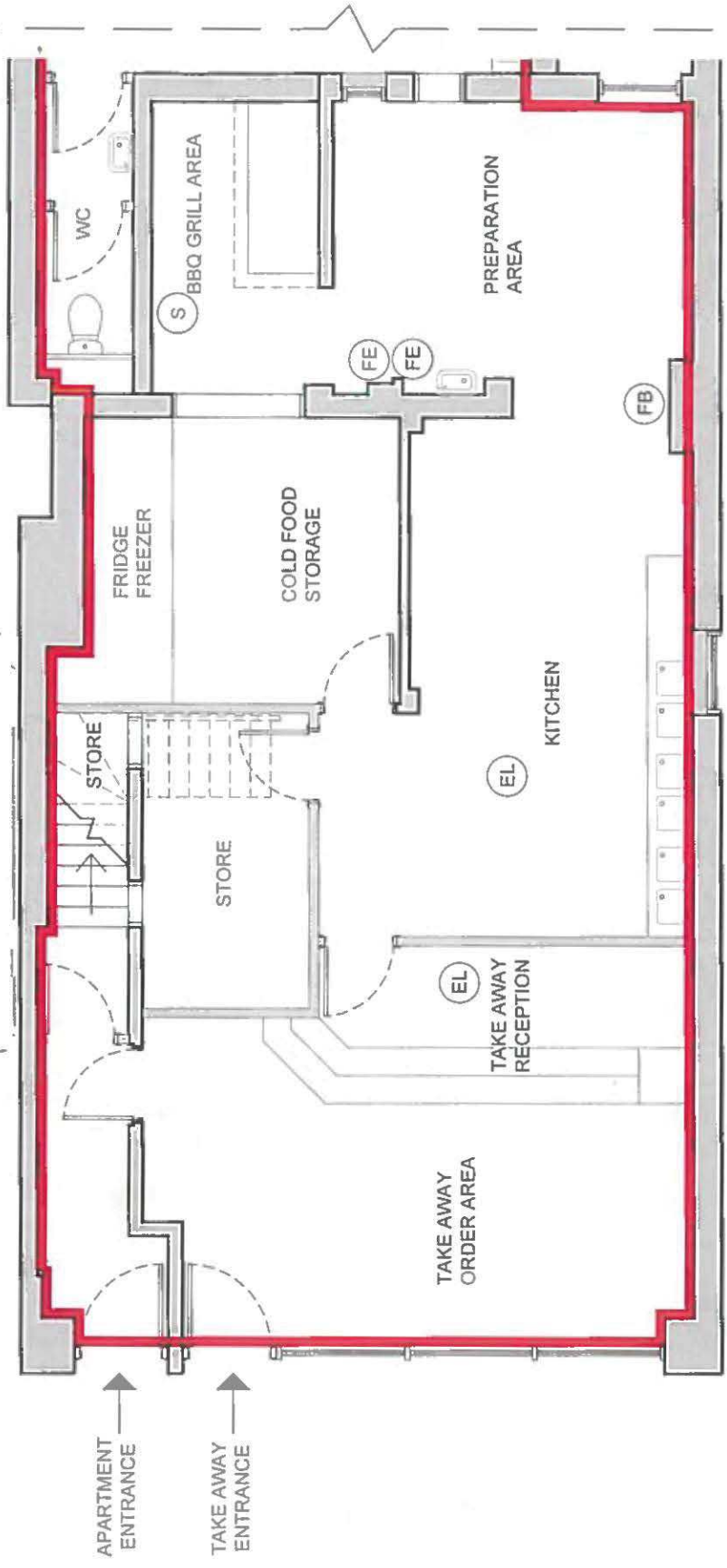
LICENSING

22 JUN 2018

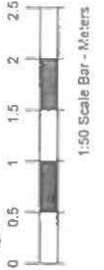
TRADING STANDARDS

LBTH

Notes:
 Do not alter the drawings without the approval of the Licencing Authority.
 All dimensions are to be checked on site prior to construction of the works.
 All work must be carried out in accordance with the relevant standards and regulations.
 All work must be carried out in accordance with the manufacturer's instructions.



- LEGEND**
- Survey Area
 - Smoke Detector (S)
 - Emergency Light (EL)
 - Fire Extinguisher (FE)
 - Fire Blanket (FB)



NO	REV	DATE	DESCRIPTION	INITIALS
62 MELLISH STREET				
LICENCE APPLICATION				
62 MELLISH STREET ISLE OF DOGS, LONDON E14 6NS				
Measured Survey				
Existing Ground Floor Plan - 1 of 2				
JAN 2018	001	001	1:50@A3	A
BG	BG	PLANNING		

Do not alter this drawing
 This drawing is to be used in conjunction with all safety & escape route
 signs and notices. It is not to be used as a guide to the location of any
 fire alarm or other fire fighting equipment. All dimensions are to be checked on site prior to commencement of
 work and any discrepancies reported to the Project Architect.
 This drawing is the property of the Architect and is not to be reproduced, stored in a retrieval system, or
 transmitted in any form or by any means, electronic, mechanical, photocopying, recording, or by any information
 technology, without the prior written permission of the Architect.

LBTH
TRADING STANDARDS
22 JUN 2018
LICENSING

LEGEND

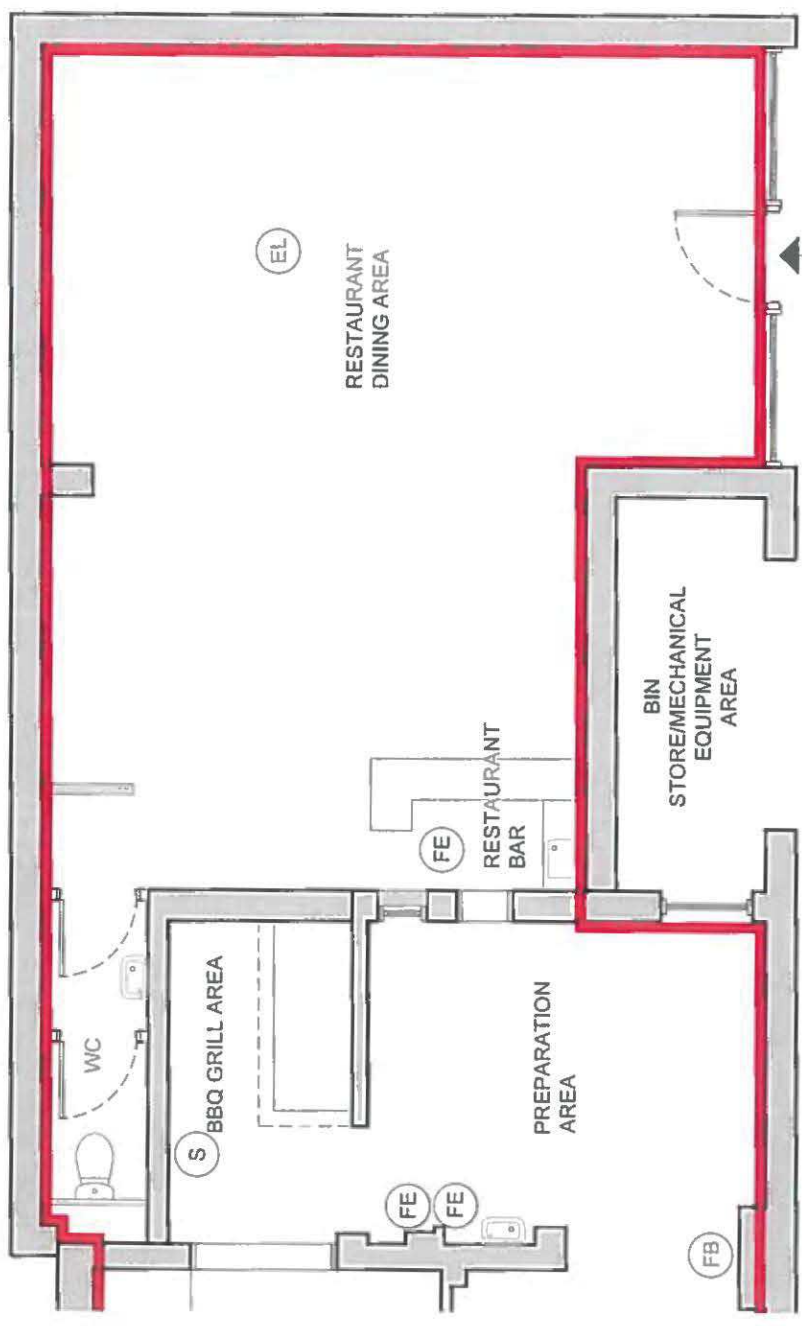
- Survey Area
- S Smoke Detector
- EL Emergency Light
- FE Fire Extinguisher
- FB Fire Blanket

0 0.5 1 1.5 2 2.5
 1:50 Scale Bar - Meters



REV	DATE	DESCRIPTION	BY	CHKD

62 MELLISH STREET	
LICENCE APPLICATION	
62 MELLISH STREET ISLE OF DOGS, LONDON E14 6NS	
Measured Survey	
Existing Ground Floor Plan - 2 of 2	
JAN 2018	1:5000 A3
001	002
001	A
001	PLANNING

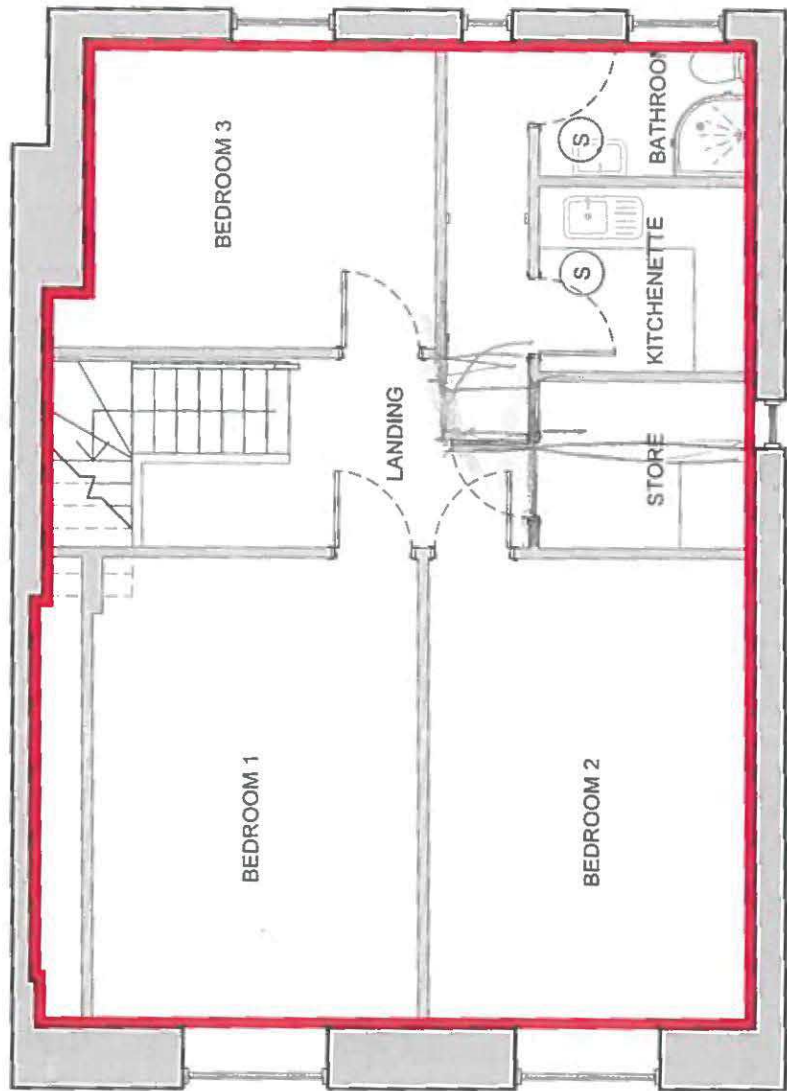
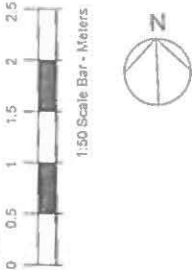


01 Existing Ground Floor Plan - 2 of 2
 Scale 1:50

Do not scale from this drawing.
 This drawing is to be used in conjunction with all other drawings.
 All dimensions are to be checked on site prior to commencement of work.
 All materials and workmanship are to be in accordance with the Building Regulations and all applicable standards and specifications.
 The contractor is responsible for ensuring that the work is carried out in accordance with the Building Regulations and all applicable standards and specifications.

LBTH
TRADING STANDARDS
22 JUN 2018
LICENSING

- LEGEND**
- Survey Area
 - S Smoke Detector
 - EL Emergency Light
 - FE Fire Extinguisher
 - FB Fire Blanket



NO	REV	DATE	DESCRIPTION	INITIALS
1				

62 MELLISH STREET	
LICENCE APPLICATION	
62 MELLISH STREET ISLE OF DOGS LONDON E14 6NS	
Measured Survey	
Existing First Floor Plan	
JAN 2018	1:5000 A3
001	003
BG	PLANNING

01 Existing First Floor Plan
 Scale 1:50

Appendix 4





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

Kathy Driver

From: [REDACTED]
Sent: 05 July 2018 13:46
To: Licensing
Subject: 62 Mellish Street E14 8ns Mr Xin Ran Zhou Application for music license

Follow Up Flag: Follow up
Flag Status: Completed

Good Morning

I oppose the granting of this licence as this is a mainly residential area, and this restaurant is situated next to a Sheltered Housing Accommodation. The houses and flats in this area are far back off the main road, and this restaurant is nestled in amongst these low level flats and houses.

There is seldom any parking available for even the local residents in this part of the island, therefore any visitors to the restaurant will not be able to park without taking up valuable local parking spaces needed for working residents which may be some distance from the restaurant, resulting in late night disturbance in nearby streets and roads.

Jan Boswell
[REDACTED]

Appendix 7

Kathy Driver

From: Grace CANAVAN <[REDACTED]>
Sent: 09 July 2018 18:36
To: Licensing

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir or madam,

I would again like to give my objection to MaiLinda being given the license which they have applied for. Myself and my family live opposite the restaurant [REDACTED]. I also have elderly relatives that live in John Tucker House next to the restaurant. The late night noise of cars and people coming to and from the restaurant is already a nuisance. This is why myself and my family object to them having the opportunity to make more noise and disturb us even more. I hope this time you take our objection as a valid reason against MaiLinda being giving this license.

Grace Canavan of [REDACTED]

Appendix 8

Kathy Driver

From: Kim Carr [REDACTED]
Sent: 05 July 2018 11:48
To: Licensing
Subject: Re: LICENSING 62 MELLISH STREET LONDON E14

Follow Up Flag: Follow up
Flag Status: Completed

Kim Carr.
[REDACTED]
[REDACTED]
[REDACTED]
E14 8NJ

The reason for me asking you to reject the license is down to noise nuisance.

When people are leaving the restaurant late at night now, there is a large amount of noise and shouting.

Music and Karaoke is only going to exasperate the noise level.

If there is a one off party in that area, the noise carries.
The restaurant are looking at doing this 7 days a week.
How are people meant to sleep to go to work the following day.

This will effect the residential old peoples home next door.

I hope you take this into account

On 5 July 2018 at 10:44, Licensing <Licensing@towerhamlets.gov.uk> wrote:

- > Kim
- >
- > You will need to expand on your representation as detailed below (I've
- > highlighted the objective you are complaining under) and include your
- > full address. Can you describe in detail the Noise issues anticipated?
- >
- > Regards
- >
- > Licensing
- >
- > Representation
- >
- > Please note that representations must be in writing and that anonymous
- > correspondence will not be taken into consideration. In order to make
- > a representation to a premises licence application, you must be one of
- > the
- > following:
- >
- > Responsible authority (i.e. Police, Environmental Protection, Trading
- > Standards etc) Other persons (i.e any individual, body or business
- > entitled to make representations).
- >

> In order for us to consider your representation, you must make it
> clear how granting this application will have an impact and is
> "relevant" to one or more of the following licensing objectives:
>
> the prevention of crime and disorder
> the prevention of public nuisance
> public safety
> the protection of children from harm.
>
> Please note that we require your full address in order to consider
> your representation and it will become a public document. Also, copies
> of all representations will be supplied in full to the applicant.
>
> Vexatious/frivolous representations
>
> Please note that we cannot accept vexatious or frivolous representations.
>
> Vexatious circumstances may arise because of disputes between rival
> businesses and frivolous representations would be essentially
> categorised by a lack of seriousness.
>
> Also, we cannot accept representations on moral grounds or the lack of
> 'need' for the premises.
>
>
>
>
>
> From: [REDACTED] On Behalf Of
> Claire Place & Tiller Road Residents & Tenants Association
> Sent: 05 July 2018 10:26
> To: Licensing
> Subject: LICENSING 62 MELLISH STREET LONDON E14
>
>
>
> Dear Sirs,
>
>
>
> I write to you as Chair of our residents Association to show my
> concern with the above applyinh for a music licence.
>
>
>
> Firstly it is next door to an Old Peoples Home.
>
> There is flats and houses all around them.
>
>
>
> Being on the Docklands, noise echos and travels.
>
> This would not be fair to residents.
>
>
>
> Thanking you
>
>
>

> --
>
> Kim Carr
>
> Chair Person
>
> [REDACTED]
> [REDACTED]
>
>
> *****
> ***** Working Together for a Better Tower Hamlets Web site :
> <http://www.towerhamlets.gov.uk>
>
> London Borough of Tower Hamlets E-Mail Disclaimer.
>
> This communication and any attachments are intended for the addressee
> only and may be confidential. It may contain privileged and
> confidential information and if you are not the intended recipient,
> you must not copy, distribute or take any action in reliance on it. If
> you have received this E-Mail in error please notify us as soon as
> possible and delete this E-Mail and any attachments. This message has
> been checked for viruses, however we cannot guarantee that this
> message or any attachment is virus free or has not been intercepted or
> amended. The information contained in this E-Mail may be subject to
> public disclosure under the Freedom of Information Act 2000. Unless
> the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot
> be guaranteed.
>
> If your request relates to a Freedom of Information enquiry, please
> resend this to foi@towerhamlets.gov.uk
> *****
> *****
>
> Please consider your environmental responsibility: Before printing
> this e-mail or any other document , ask yourself whether you need a hard copy.

Appendix 9

Kathy Driver

From: MAUREEN CLAYTON [REDACTED]
Sent: 05 July 2018 10:45
To: Licensing
Subject: 62 Mellish St London E14 8NS

Follow Up Flag: Follow up
Flag Status: Completed

Dear Sirs,

I have seen in the window of Mailinda Chinese takeaway/restaurant that Mr Xin Ran Zhou has applied for an alcohol and music licence.

I object in the strongest possible terms and ask that you reject this application, the premises of 62 Mellish st are situated in a very dense residential area and directly next door to John Tucker House which is a residential care home for the elderly.

I don't believe that Mr Xin Ran Zhou would be able to enforce the necessary controls for an alcohol licence and that the premises would attract a very unsavoury element to this area, the live Music and recorded music late at night would be intolerable to the residents living close especially in this hot weather when people have to keep their windows open.

I thank you for you attention.

Kind Regards,

Maureen Clayton
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Appendix 10

Complaint details

Received on 17/07/2018
Source Received directly
Receipt method Email
Contact involvement Contact is the complainant
Reference
Subject Contact us enquiry regarding Complaints

Complaint details

Details:

Title
First name(s)
Last name
Phone number
Email
Mrs
Susan
Hickin



Are you a Tower Hamlets resident?: Yes

postcode lookup:

Postcode
Select your address



Type of query: Complaints

Comment or question: I am trying to contact licensing regarding the application for live and recorded entertainment at 62 Mellish Street, E14 8NS. Although our address is not immediately next to this address there are many residential properties including sheltered accommodation very close to this address. The times seem to be very unreasonable as the request is for Monday to Saturday 23:00 to 24:00 for recorded and live music. The opening hours for the premises are stated as being Monday to Saturday 12:00 to 24:00 and Sunday 12:00 to 23:00. All a bit too much for a residential area.

Complaint details

 Working Together for a Better Tower Hamlets
 Web site : <http://www.towerhamlets.gov.uk>
 London Borough of Tower Hamlets E-Mail Disclaimer.
 This communication and any attachments are intended for the addressee only and may be confidential. It may contain privileged and confidential information and if you are not the intended recipient, you must not copy, distribute or take any action in reliance on it. If you have received this E-Mail in error please notify us as soon as possible and delete this E-Mail and any attachments. This message has been checked for viruses, however we cannot guarantee that this message or any attachment is virus free or has not been intercepted or amended. The information contained in this E-Mail may be subject to public disclosure under the Freedom of Information Act 2000. Unless the information is legally exempt from disclosure, the Confidentiality of this E-Mail and your reply cannot be guaranteed.
 If your request relates to a Freedom of Information enquiry, please resend this to foi@towerhamlets.gov.uk

Please consider your environmental responsibility:
 Before printing this e-mail or any other document , ask yourself whether you need a hard copy.

Classification

Root cause

Has the issue been resolved? No

Action requested

Contact

Title Mrs

Forename 1 Susan

Surname Hickin

Address

Contact

Town

County

Postcode

Preferred contact method Email

Email address [REDACTED]

Phone

Mobile

Organisation

Category Resident

Date of birth

Property type

Ownership

Documents attached

[Email \(original message\) from corporate.complaints@towerhamlets.gov.uk received on 17/07/2018](#)

[Email from corporate.complaints@towerhamlets.gov.uk received on 17/07/2018](#)

About this transaction

Customer reference [REDACTED]

Status Submitted on 17/07/2018 14:22

Contact method Email

Entered by [REDACTED]

Request reference [REDACTED]

Appendix 11

Kathy Driver

From: Vincent Fajilagmago on behalf of Licensing
Sent: 16 July 2018 12:39
To: Kathy Driver
Subject: FW: Contact us enquiry regarding Planning

fyi

From: Planning & Building LBTH
Sent: 16 July 2018 10:56
To: Licensing
Subject: FW: Contact us enquiry regarding Planning

Dear licensing team

Please see objection below

Kind regards

Manpreet Soor
020 7364 5009
Directorate Management Systems
Place Directorate
London Borough of Tower Hamlets

From: Gerard McMahon [REDACTED]
Sent: 14 July 2018 11:01
To: Planning & Building LBTH
Cc: Planning Enforcement; PlanningPolicy
Subject: Contact us enquiry regarding Planning

Details:

Title	First name(s)	Last name	Phone number	Email
Mr	Gerard	McMahon		[REDACTED]

Are you a Tower Hamlets resident?: Yes

postcode lookup:

Postcode	Select your address
[REDACTED]	[REDACTED]

Type of query: Planning

Comment or question: Dear Sir/Madam,

I am writing in connection with the application for a Premises Licence for live music and karaoke at 62 Mellish Street.

The premises in question are situated in the heart of a residential area.

If permission is granted, the noise generated would be a severe noise nuisance to local residents.

The impact would be felt firstly by the site's immediate neighbours :

1 The premises is situated next door to John Tucker House which is a retirement home.

2 62 Mellish Street backs onto a four-storey block of flats in Janet Street.

3 The premises are situated on a corner site, therefore houses and flats in Mellish Street and Alpha Grove directly opposite the premises would be impacted by late night noise.

In addition :

4 There are many houses and flats close by in Janet Street, Alpha Grove and Mellish Street whose residents' quality of life would be severely affected by the noise such use of 62 Mellish Street would generate.

5 The proposed change of use at 62 Mellish Street has the potential to exacerbate even further the current parking problems in the area.

In the light of the above issues I wish to formally object to the requested Premises Licence application.

Yours faithfully

Gerard McMahon

Appendix 12

Kathy Driver

From: David Stackable [REDACTED]
Sent: 05 July 2018 18:09
To: Licensing
Subject: Dear sir or Madam

Follow Up Flag: Follow up
Flag Status: Completed

I live at [REDACTED] What is Shelter Housing .
We are suffering with the smell coming from 62 mellish street and the delivery driver and staff sitting outside the shop up to 11pm at night.
with the application for a late drink's licence and keroke music it will cause more suffering and ill health to all in the shelter housing at john tucker house and other local residents . Please do not grant them this licence.

Best Regards
Mr David Stackable

Kathy Driver

From: catherine stackable [REDACTED]
Sent: 05 July 2018 15:20
To: Licensing
Cc: david
Subject: Premises licence

Follow Up Flag: Follow up
Flag Status: Completed

Dear sir or madam

I'm writing on behalf of my father who lives in John Tucker House. He has been suffering like other residents with the late noise and smell coming from 62 mellish st. They cannot have there windows open at certain times due to this. The new application which they are applying for will cause more suffering and ill health to him and the other residents.

Please do not grant them this.

Regards

Catherine Stackable on behalf of David Stackable

Sent from my Samsung Galaxy smartphone.

Kathy Driver

From: STACKABLE, Mary [REDACTED]
Sent: 05 July 2018 15:23
To: Licensing
Subject: objection
Follow Up Flag: Follow up
Flag Status: Completed

Dear Team

I want my objection noted to the application of 62 Mellish Street London E14 8NS.

This property is located in a residential area and my dad lives right next to it. He lives in [REDACTED] next door and he is constantly being woken by the noise there and the smell and now they want a license for this. I think this will be a bad decision on Tower hamlets part if they let this thru.

Kind regards

Mary Newman-Stackable
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

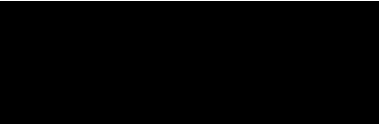
This message may contain confidential information. If you are not the intended recipient please inform the sender that you have received the message in error before deleting it. Please do not disclose, copy or distribute information in this e-mail or take any action in relation to its contents. To do so is strictly prohibited and may be unlawful. Thank you for your co-operation.

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Application –
62 Mellish Street
London E14 8NS

Mr David stackable



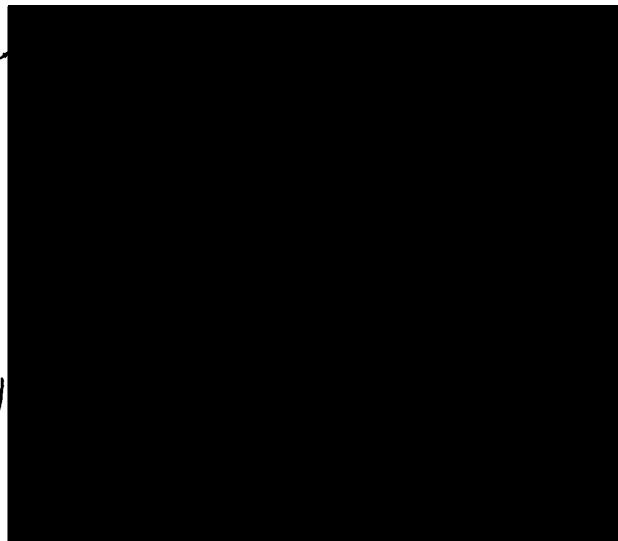
06/07/18

Dear Kath Driver

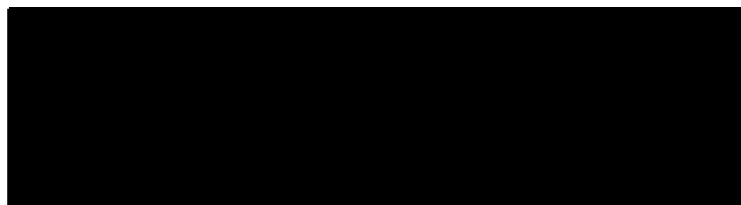
I OBJECT to this application as I live right next door to this property and already kept awake from the noise and smell from property. This property is in a residential area and next to a warden controlled home for over 55's. I myself am 72 years old and I have older neighbours. We already struggle with the noise and smell and cars waiting outside for food deliveries and taking people home. They already leave late at night and have no consideration for the residents. I struggle as to have my windows opened because of this. The residents in the building suffer from all sorts of illness and then to add this with all the noises that will happen I think the planning team need to really consider the residents of John Tucker house.

I have some of the residents signatures attached to this letter.

- ① Donis Gadea
- ② Betty de Heper
- ③ Marika Gabin
- ④ Patricia HANSMAN
- ⑤ RITA MASON
- ⑥ J. Brennan
- ⑦ R. WATSON



Adams -



Yours Sincerely



Mr David Stackable

Appendix 13

Kathy Driver

From: Lee Tanswell [REDACTED]
Sent: 08 July 2018 16:51
To: Licensing
Subject: 62 Mellish Street Isle of Dogs E14 8NS

Importance: High

Dear Sir/Madam

Re: Application for Music and Alcohol License - 62 Mellish Street

I understand the above property has made an application for a music and alcohol license.

I am concerned about 'Live Music' and recorded music going on until 24.00 hours. Alpha Grove, Mellish Street and Tiller Road are already noisy from the ASB of youths hanging around in cars playing loud music and doing their gas balloons at night.

The granting of this license will only continue to contribute to the problems in that area. Please also note the premises is located in a heavily densely populated residential area, so I ask you to please consider the neighbors in reviewing this application. They already put up with the smell of dirty old cooking oil fumes being dispensed from the chimneys of the premises, without the need for a music license to keep them awake at night.

In my opinion I feel this application should not be approved to proceed.

Thank you in advance.

Lee Tanswell
[REDACTED]
[REDACTED]

Appendix 14

Kathy Driver

From: Corinne Holland on behalf of Licensing
Sent: 16 July 2018 10:11
To: Kathy Driver
Subject: FW: Licencing Section - Licence Application 62 Mellish Street

From: Cllr Andrew Wood [REDACTED]
Sent: 14 July 2018 17:39
To: Licensing
Cc: [REDACTED]
Subject: Re: Licencing Section - Licence Application 62 Mellish Street

Dear Licensing,

I agree with the points made below by Mr McMahon and would add that we have some experience of large groups of people leaving a venue late at night nearby which can also create noise even if they are trying to be quiet

Also if the windows are closed to keep noise in that will require on a hot night air conditioning to compensate which may also generate noise.

I therefore also wish to formally object although I do not object in principle to a karaoke facility in the ward but in a suitably sound proofed location,

Andrew Wood

Councillor for Canary Wharf Ward, London Borough of Tower Hamlets

✉ Tower Hamlets Council Town Hall, Mulberry Place, 5 Clove Crescent, London E14 2BG

① [REDACTED]

[REDACTED]

[REDACTED]

On 14 Jul 2018, at 10:54, G.McMahon [REDACTED] wrote:

Dear Sir/Madam,

I am writing in connection with the application for a Premises Licence for live music and karaoke at 62 Mellish Street.

The premises in question are situated in the heart of a residential area.

If permission is granted, the noise generated would be a severe noise nuisance to local residents.

The impact would be felt firstly by the site's immediate neighbours :

- 1 The premises is situated next door to John Tucker House which is a retirement home.
- 2 62 Mellish Street backs onto a four-storey block of flats in Janet Street.
- 3 The premises are situated on a corner site, therefore houses and flats in Mellish Street and Alpha Grove directly opposite the premises would be impacted by late night noise.

In addition :

- 4 There are many houses and flats close by in Janet Street, Alpha Grove and Mellish Street whose residents' quality of life would be severely affected by the noise such use of 62 Mellish Street would generate.
- 5 The proposed change of use at 62 Mellish Street has the potential to exacerbate even further the current parking problems in the area.

In the light of the above issues I wish to formally object to the requested Premises Licence application.

Yours faithfully

Gerard McMahon

████████████████████
████████████████████
████████████████████

Appendix 15

Draft Licence Conditions

Mailinda, 62 Mellish Street, London E14 8NS

Annex 1 – Mandatory Conditions

- 1) No supply of alcohol may be made under the Premises Licence –
 - a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence;
 - b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
- 2) Every supply of alcohol under the Premises Licence must be made authorised by a person who holds a Personal Licence.
- 3) The responsible person shall take all reasonable steps to ensure the staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- 4) In this paragraph an irresponsible promotion means anyone or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance or harm to children :-
 - a) Games or other activities which required or encouraged or are designed to require or encourage, individuals to: -
 - i) Drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol) or
 - ii) Drink as much alcohol as possible (whether within a time limit or otherwise).
 - b) Provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotional discount available to an individual in respect of alcohol for consumption at a table meal, and defined in Section 159 of the Act).
 - c) Provision of free or discounted alcohol or any other theme as a price drink to encourage or award the purchase and consumption of alcohol over a period of 24 hours or less.
 - d) Provision of any free or discounted alcohol in relation to the viewing on the premises of a sporting event, or the provision is dependent on :-
 - i) The outcome of a race or competition or other event or process or
 - ii) The likelihood of anything clearing or not clearing.

e) Selling or supply 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 glamorised antisocial behaviour or to refer to the effect of drunkenness in any favour or manner.

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

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

5)

a) The Premises Licence Holder shall adopt a Challenge 25 policy to retail of alcohol standard through advice for Off Licences and promote it through the prominent display posters.

b) Age restricted product training shall cover the following steps:- the assessment of age, how and when to challenge the proof of age, acceptable proof of age and how to check it, and recording refusals.

c) The Licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff shall ask to see a credited proof of age i.e. proof of age card carrying the "pass" logo (and no others), a passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

d) The responsible person challenge to ensure that:-

a) when any of the following alcoholic drink is sold or supplied for consumption on the premises (other than alcoholic drink sold or supplied having been made up in advance already for sale or supply in a securely closed container) it is available to customers in the following measures:

i) beer or cider half pint.

ii) gin, rum, voka or whisky (25ml or 35ml).

iii) still wine in a glass 125ml.

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

Annex 2 - Conditions consistence with the operating schedule

1) No nudity or semi nudity are permitted.

2) In the event that crime or serious disorder is, or appears to have been, committed on the premises, the manager will immediately ensure that :-

a) The Police, and, where appropriate, the London Ambulance Service, are called immediately.

b) As far as is safe and reasonable practical, all measures will be taken to apprehend any identified suspect pending the arrival of the police.

c) As far as is safe and reasonable practical, all measures will be taken to preserve any identified crime scene pending the arrival of the police.

d) Any and/or appropriate measures, are taken to fully protect the safety of all persons present on the premises at all times during operating hours.

3) An incident log shall be kept at the premises and made available on request to the police and authorised officer, which will record a) any and/or allegations of crime or disorder reported at the venue; b) any and/or complaints received by any party; c) any fault in the CCTV system; d) any visit by a relevant authority or emergency service; e) any and/or ejections of patients; f) any and/or seizures of drugs or offensive weapons; g) any refusal of the sale of alcohol.

4) CCTV shall be installed, operated and maintained, to function at all times that the premises is open for licence of all activities. The said CCTV will comply with the following criteria :- a) the Licensee will ensure that the system is checked every 2 weeks to ensure that the system is working properly and that the date and time are correct; b) a Record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request; c) the police will be informed if the system will not be operating for longer than 1 day of business for any reason; d) 1 camera will show a close up of the entrance to the premises, to capture a clear, full length in each of any one entering; e) the system will provide full coverage of the interior of the premises including the ground floor and the first floor premises of the rooms to be utilised for purposes of karaoke, and any exterior part of the premises accessible to the public; f) the system will record in real time and recordings will be date and time stand; g) at all times during operating hours, there will be at least one member of staff on the premises who can operate the system sufficiently to allow the police or any authorised council officer to view the footage on request; h) recording will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or any other authorised officers on request (subject to the Data Protection Act 1998) and within 24 hours of such request.

5) Delivery or sales are also required proof of age identification at the point of delivery and alcohol shall only be delivered to a residential business address where the customer is clearly a resident inside the building. No alcohol will be delivered to a person in a public place.

6) Alcohol will only be sold to and consumed by persons ancillary to a meal being consumed at a table.

7) Alcohol will only be supplied with a takeaway food order and will not be served or supplied to a customer waiting for a meal to be prepared.

8) Noise or vibration must not emanate from the premises so as to cause a nuisance to nearby properties.

9) The sound insulation properties on the premises must be maintained and kept in good order.

10) Noise and/ or odour from any flue used for the dispersal of cooking smells serving the building shall not cause a nuisance to the occupant of any properties in the vicinity.

11) No vertical drainage

12) Refuse such as bottles shall be placed into receptacles outside the premises at times that will minimise disturbance to nearby properties.

13) Deliveries and collections at the premises will take place that will minimise disturbance to nearby properties.

Appendix 16

Kathy Driver

From: Nicola Cadzow
Sent: 05 September 2018 11:56
To: Kathy Driver
Subject: FW: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Hi Kathy,

Please see email trail below

Regards

Nicola

From: Jacob zhao [REDACTED]
Sent: 17 July 2018 14:16
To: Nicola Cadzow
Cc: MARK.J.Perry@met.police.uk
Subject: Re: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Nicola

I apologise for the late reply. I can confirm the points you've set out. And I would like to arrange an appointment with you for you review our sound limiters. When would be convenience for you to take the review?

Thank you. My direct mobile number [REDACTED]

Xinran Zhao

62 Mellish Street

On 17 Jul 2018, at 13:35, "MARK.J.Perry@met.police.uk" <MARK.J.Perry@met.police.uk> wrote:

Hi,

As discussed please see e-mail from Nicola Cadzow from Tower Hamlets Council regarding your application, if you could reply to her she would appreciate it.

Kind Regards

Mark

PC Mark Perry
Police Licensing Officer
Bethnal Green Police Station
12 Victoria Park Square
E2 9NZ
Tel: 0207 161 8793

From: Nicola Cadzow
Sent: 10 July 2018 08:31
To: [REDACTED]
Subject: FW: New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Mr Sparrow,

Further to my email of the 25th June 2018 (as below), please could you provide confirmation to the points 1 & 2.

Kind regards

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

From: Nicola Cadzow
Sent: 25 June 2018 11:28
To: [REDACTED]
Subject: New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Mr Sparrow,

I have been reviewing the license application for Mailinda 62 Mellish Street, London - ref M/109761.

Looking at the application you have applied for all licensable activities to finish at the same time as closing.

However, I would expect that all licensable activities finish 30 minutes prior to closing and therefore:-

- (1) Licensable Activities (Films, live music, recorded music, anything similar, Late night refreshment, supply of alcohol):-

Monday to Saturday until 23:30 hours, with premises closing 30 minutes later at 24:00 hours (closing time as per original application)

Sunday until 22:30 hours, with premises closing 30 minutes later at 23:00 hours (closing time as per original application)

- (2) As a condition on the license is to install a sound limiter, I wish to arrange to visit Mailinda to check that the music levels are set and the noise limiter is secured to our satisfaction.

I look forward to confirmation of the above points.

Kind regards

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

Kathy Driver

From: Nicola Cadzow
Sent: 30 August 2018 09:29
To: [REDACTED] Driver
Cc: 'MARK.J.Perry@met.police.uk'; [REDACTED]
Subject: RE: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Dear Sir, Madam,

Further to the visit to the premises on the 24th July 18, with Mark and myself, it was clear that the sound limiter had not been installed. Although it was pointed out to us that sound insulation had been installed.

A condition on the License application for Mailinda 62 Mellish Street, London (ref M/109761) was that a sound limiting device was to be fitted to the satisfaction of the Environmental Health team. I would like to rearrange a visit to ensure the sound limiter has been installed in the premises to our satisfaction and to set the limits, and ensure that the operational panel is securely locked to prevent the music noise limits being altered. Thus ensuring the licensing objective for the prevention of public nuisance is adhered to.

I look forward to hearing from you at your earliest convenience.

Kind regards

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

From: Nicola Cadzow
Sent: 17 July 2018 15:11
To: [REDACTED]
Cc: MARK.J.Perry@met.police.uk
Subject: RE: : New Premise License Application for Mailinda 62 Mellish Street, London - ref M/109761

Xinran,

Great!

Look forward to seeing you at premises next Tuesday 24th July 2018.

Regards

Nicola

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

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 19

Noise while the premise is in use

General Advice

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

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

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

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 20

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 21

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

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