

# Appendix 1

**(Suito Japanese Restaurant)**

90 Brick Lane  
London  
E1 6RL

**Licensable Activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment

**See the attached licence for the licence conditions**

**Signed by**

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

**Date: 21<sup>st</sup> October 2009**

**Licence amended following a review hearing by the licensing subcommittee  
on 11<sup>th</sup> January 2011**



TOWER HAMLETS

LICENSING ACT 2003

## Part A - Format of premises licence

Premises licence number

19961

### Part 1 - Premises details

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

(Suito Japanese Restaurant)  
90 Brick Lane

**Post town**  
London

**Post code**  
E1 6RL

**Telephone number**  
020 7247 9698

**Where the licence is time limited the dates**

N/A

**Licensable activities authorised by the licence**

The sale by retail of alcohol  
The provision of late night refreshment

**The times the licence authorises the carrying out of licensable activities**

**Sale of Alcohol:**

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

**The Provision of Late Night Refreshment:**

- Monday to Saturday, from 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hrs

**The opening hours of the premises**

- Monday to Saturday from 12:00 hrs to 00:00 hrs
- Sunday from 12:00 hrs to 23:30 hrs

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

On sales only

## **Part 2**

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

Md Altamasul Islam Khan  
60 St Olaves Road  
London  
E6 2PA

Mobile No. 07940745475

**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**

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

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

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

## 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
- a) 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. Alcohol to be consumed by customers with meals only.
2. Signs to be displayed stating no sale of alcohol to underage persons
3. Customers shall be asked to leave quietly to prevent public nuisance.
4. Doors to be kept closed at all times to prevent noise breakout.
5. No congregation of groups will be allowed outside the premises.



6. Complementary black coffees will be offered where appropriate to customers prior to leaving the restaurant.
7. Children shall not be allowed to order alcohol for adults
8. Children shall not be accommodated near the bar
9. All children must be accompanied by adults.

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

1. Last orders for late night refreshment shall be:  
On Monday to Saturday by 23:30 hrs  
Sunday by 23:00 hrs
2. Waste materials shall not be placed in the external bins during the night hours (23:00 hrs to 07:00 hrs the following day)
3. There shall be no collection or deliveries between 23:00 hrs and 07:00 hrs.
4. CCTV to be installed or maintained (one to be positioned outside the main door). The CCTV system shall incorporate a recording facility and any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days. A system shall be in place to maintain the quality of the recorded image and a complete audit trail maintained. The system will comply with other essential legislation, and all signs as required will be clearly displayed. The system will be maintained and fully operational throughout the hours that the premises are open for licensable activity. There must also be someone on the premises who can download the images and present them immediately on request by a police officer or other regulatory authority.
5. To adhere to licensing objectives, the DPS, the Premises Licence Holder or a manager who has written permission, which can be supplied to the police or other responsible authority, to be on the premise.

### **Conditions attached following the licensing subcommittee review hearing of 11<sup>th</sup> January 2011:**

6. No person shall be employed to solicit for custom or be permitted to solicit for custom for business for the premises in any public place within a 500 metres radius of the premises.
7. Clear signage to be placed in the restaurant windows stating that the premises supports the Council's 'No Touting Policy'.





**Part B - Premises licence summary**

**Premises licence number**

19961

**Premises details**

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

**(Suito Japanese Restaurant)**  
90 Brick Lane

**Post town**

London

**Post code**

E1 6RL

**Telephone number**

020 7247 9698

Where the licence is time limited  
the dates

N/A

Licensable activities authorised  
by the licence

The sale by retail of alcohol  
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

**Sale of Alcohol:**

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

**The Provision of Late Night Refreshment:**

- Monday to Saturday, from 23:00 hours to 00:00 hours
- Sunday, from 23:00 hours to 23:30 hrs

The opening hours of the premises

- Monday to Saturday from 12:00 hrs to 00:00 hrs
- Sunday from 12:00 hrs to 23:30 hrs

Name, (registered) address of holder of premises licence

Md Altamasul Islam Khan  
60 St Olaves Road  
London  
E6 2PA

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

On sales only

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

Not applicable

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

Md Altamasul Islam Khan

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

All children must be accompanied by adults

# Appendix 2



This form should be completed and forwarded to: Licensing Section, Mulberry Place (AH), PO Box 55739, 5 Clove Crescent, London E14 1BY with a cheque for the correct fee, made payable to the London Borough of Tower Hamlets.  
[http://www.towerhamlets.gov.uk/content\\_pages/pay\\_it.aspx](http://www.towerhamlets.gov.uk/content_pages/pay_it.aspx)

Or alternatively from <http://www.towerhamlets.gov.uk/> under 'Online Services'

**Application to vary a premises licence  
under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We MD ALTAMASUL ISLAM KHAN (Insert name(s) of applicant)

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

Premises Licence number 19961

**Part 1 – Premises details**

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

90 BRICK LANE  
LONDON

Post town LONDON

Post code E1 6RL

Telephone number at premises (if any)

Non-domestic rateable value of premises

£ 38,500/=

**Part 2 - Applicant details**

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address			
Post Town		Postcode	

**Part 3 - Variation**

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

Please tick yes

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

Day Month Year

--	--	--	--	--	--	--	--

Please describe briefly the nature of the proposed variation (please see guidance note1)

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

N/A
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## Part 4 Operating Schedule

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

### Provision of regulated entertainment

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

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

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

**In all cases complete boxes K, L and M**



**A**

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

**B**

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

**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<p><b>Please give further details here</b> (please read guidance note 3)</p> <p><b>State any seasonal variations for indoor sporting events</b> (please read guidance note 4)</p> <p><b>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</b> (please read guidance note 5)</p>
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			

**D**

<b>Boxing or wrestling entertainment</b> Standard days and timings (please read guidance note 6)			<p><b>Will the Boxing or wrestling entertainment take place indoors or outdoors or both - please tick</b> (please read guidance note 2)</p>	Indoors	
Day	Start	Finish		Outdoors	
Mon			Both		
Tue					
Wed					
Thur					
Fri					
Sat					
Sun					

**E**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here</b> (please read guidance note 3)	Both		
Tue						
Wed				<b>State any seasonal variations for the performance of live music</b> (please read guidance note 4)		
Thur						
Fri				<b>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</b> (please read guidance note 5)		
Sat						
Sun						

**F**

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

**G**

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

**H**

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

<b>Late night refreshment</b> Standard days and timings (please read guidance note 6)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick [X] (please read guidance note 2)</b>	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	
				Both	
Mon	23:00	1:00	<b>Please give further details here</b> (please read guidance note 4) WILL FOLLOW ALL RELEVANT LICENSING RULES WHILE IT WILL TAKE PLACE.		
Tue	23:00	1:00			
Wed	23:00	1:00			
Thur	23:00	1:00			
Fri	23:00	1:00			
Sat	23:00	1:00			
Sun	23:00	00:30			
			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4) N/A		
			<b>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</b> (please read guidance note 5) NONE		

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			<b>Will the supply of alcohol be for consumption – please tick [X] (please read guidance note 7)</b>	On the premises	
Day	Start	Finish		Off the premises	
				Both	<input checked="" type="checkbox"/>
Mon	12:00	1:00	<b>Please give further details here</b> (please read guidance note 4) WE WOULD FOLLOW RELEVANT LICENSING OBJECTIVES IN THIS MATTER.		
Tue	12:00	1:00			
Wed	12:00	1:00			
Thur	12:00	1:00			
Fri	12:00	1:00			
Sat	12:00	1:00			
Sun	12:00	00:30			
			<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4) N/A		
			<b>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</b> (please read guidance note 5) NONE -		

K

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

WE WILL ENSURE THAT ALL CHILDREN  
MUST BE ACCOMPANIED BY ADULTS.

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)	
Day	Start	Finish		
Mon	12:00	1:30	NONE	
Tue	12:00	1:30		
Wed	12:00	1:30		
Thur	12:00	1:30		<b>Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list</b> (please read guidance note 5)  NONE .
Fri	12:00	1:30		
Sat	12:00	1:30		
Sun	12:00	1:00		

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

NONE .

Please tick yes

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

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

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



## M

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

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

1. OPERATE THE CHALLENGE 21 POLICY,
2. MAINTAIN A REFUSAL BOOK,
3. CCTV CAMERAS WOULD BE IN OPERATION
4. ALL STAFFS WOULD BE TRAINED TO OPERATE DURING SELLS
5. THERE WOULD BE A TILL PROMPT CCTV CAMERAS TO CHECK ID.

### b) The prevention of crime and disorder

1. MAINTAIN A REFUSAL BOOK,
2. CCTV CAMERAS IN OPERATION,
3. TO MAINTAIN A SUITABLE SIGNAGE TO PROMINENTLY DISPLAYED INSIDE THE PREMISES TO ASK CUSTOMERS TO LEAVE THE PREMISES QUIETLY,
4. TO OPERATE THE CHALLENGE 21 POLICY.

### c) Public safety

1. CCTV CAMERAS IN OPERATION,
2. MAINTAIN A REFUSAL BOOK,
3. OPERATE CHALLENGE 21 POLICY,
4. ANY OTHER STEPS LICENSING POLICE INTEND TO TAKE PLACE.

### d) The prevention of public nuisance

1. TO USE A SUITABLE SIGNAGE TO BE PROMINENTLY DISPLAYED INSIDE THE PREMISES TO ASK CUSTOMERS TO LEAVE THE PREMISES QUIETLY.
2. TRAIN STAFFS SO THAT CUSTOMERS ARE DEALT VERY PROFESSIONALLY.
3. ANY REQUIRED STEPS TO BE ADVISED BY LICENSING POLICE.

### e) The protection of children from harm

1. ALL CHILDREN MUST BE ACCOMPANIED BY ADULTS,
2. CCTV IN OPERATION.
3. MAINTAIN A REFUSAL BOOK.

**CHECKLIST:**

- I have made or enclosed payment of the fee Please tick  yes
- I have sent copies of this application and the plan (showing the area to be licensed) to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 5 – Signatures** (please read guidance note 10)

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

Signature	
Date	03-02-2018
Capacity	Owner / DIRECTOR

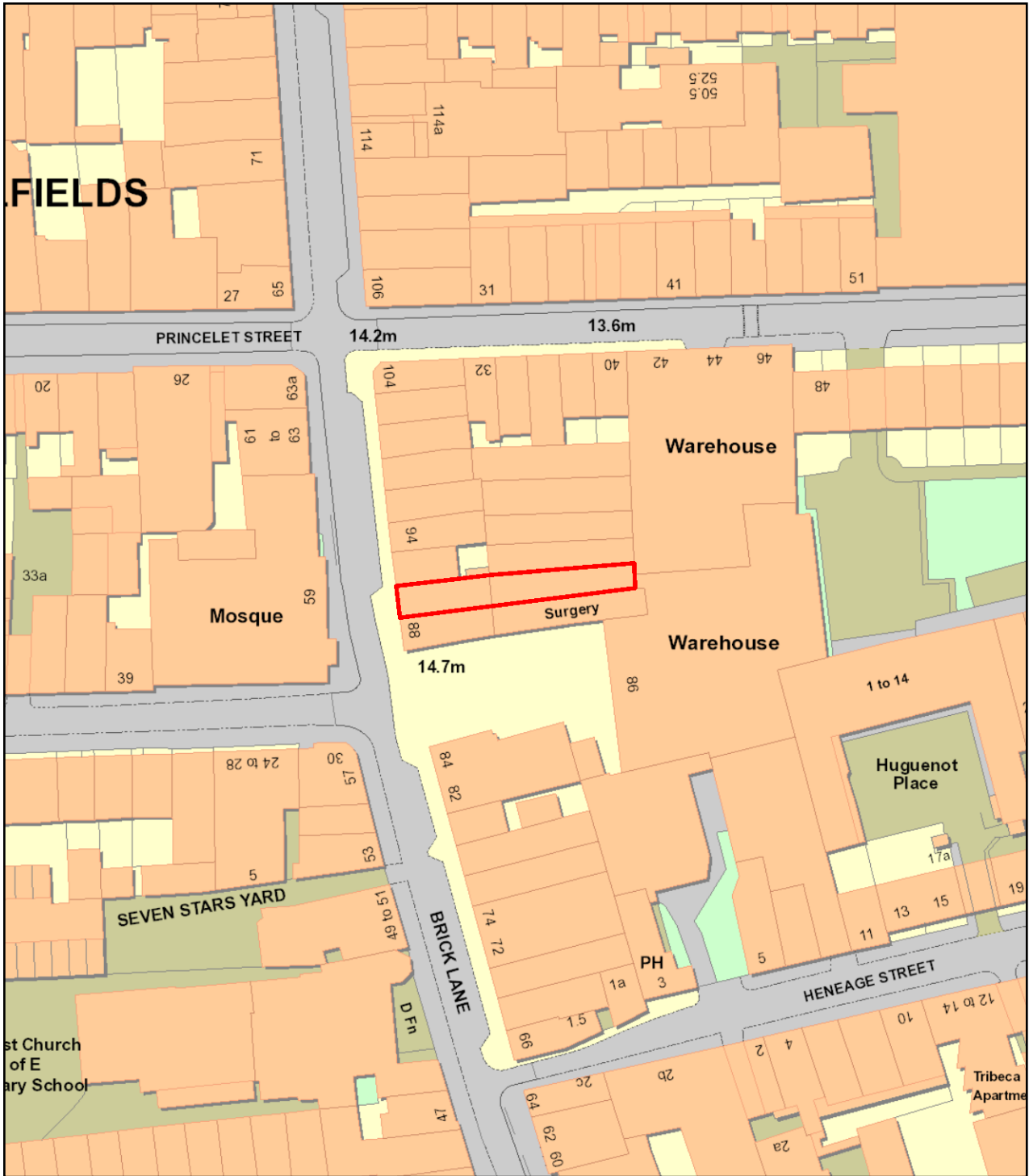
Where the premises licence is jointly held signature of 2<sup>nd</sup> applicant (the current premises licence holder) or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

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

Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

# Appendix 3

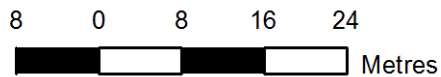


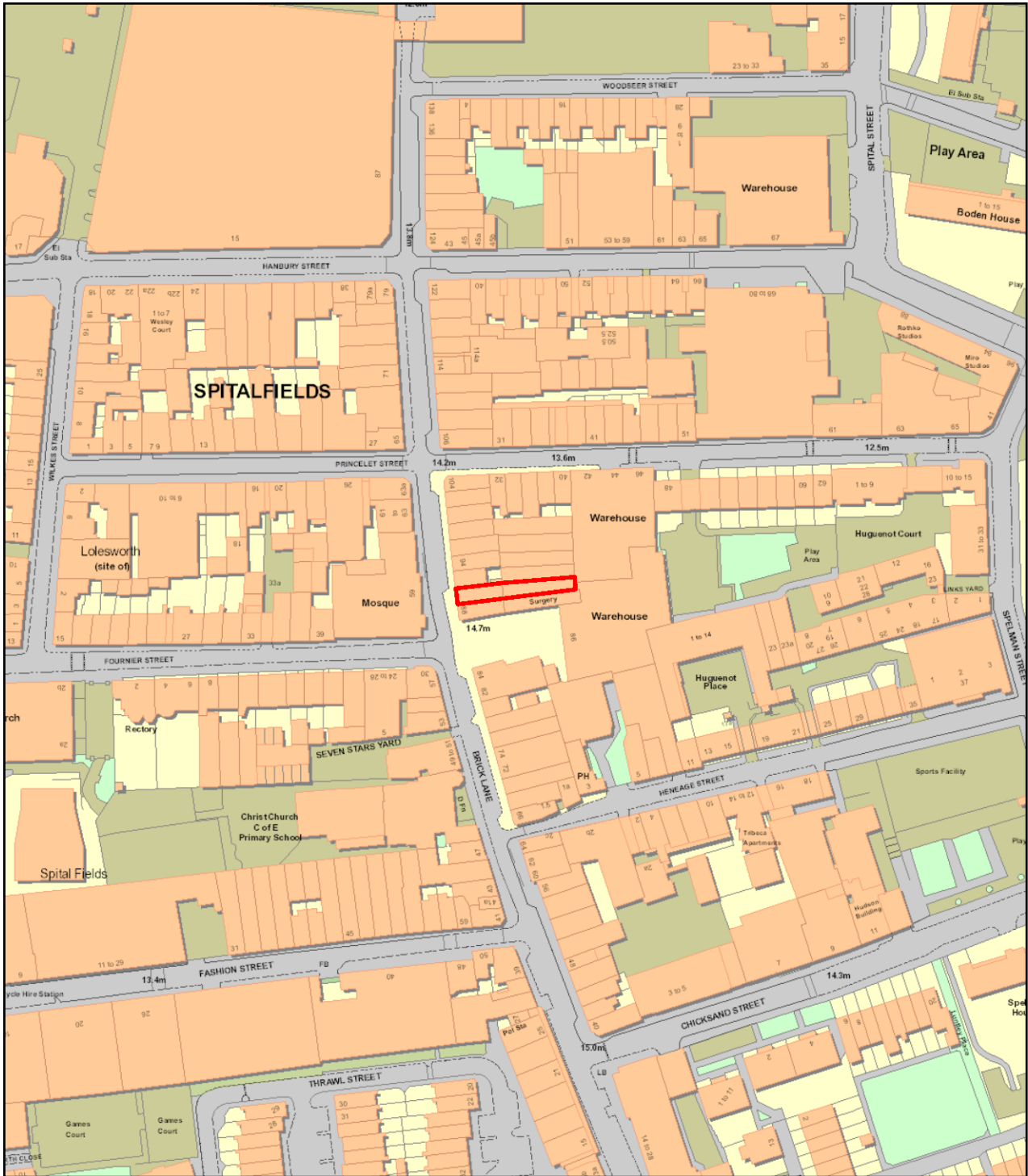
# 90 Brick Lane

## Map 1



Scale 1:895



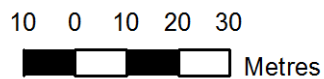


# 90 Brick Lane

## Map 2



Scale 1:1790



# Appendix 4

Name and Address	Licensable activities and hours	Opening hours
(Eastern Eye Restaurant) 63A Brick Lane London E1 6QL	<b>The sale by retail of alcohol</b> Monday to Saturday from 11:00hrs to 24:00hrs Sundays, other than Christmas Day or New Year's Eve, and on Good Friday: 12:00 hrs to 23:30	There are no restrictions on the hours during which this premises is open to the public
(Al Halal Fried Chicken) 63 Brick Lane London E1 6QL	<b>The provision of late night refreshment</b> Monday to Wednesday until 01:00 hrs Thursday to Saturday until 02:30 hrs	Monday to Wednesday until 01:00 hrs Thursday to Saturday until 02:30 hrs
(Pepe's Piri Piri) 82-84 Brick Lane London E1 6RL	<b>The provision of late night refreshment</b> Sunday to Thursday 23:00 hrs – 23:30 hrs. Friday & Saturday 23:00 hrs – 01:00 hrs the following day	Sunday to Thursday 23:00 hrs – 23:30 hrs. Friday & Saturday 23:00 hrs – 01:00 hrs the following day
(Hub by Premier Inn)- Hotel 86 Brick Lane London E1 6RL	<b>The sale by retail of alcohol</b> Sale of Alcohol (on and off sales) Monday to Sunday from 10:00hrs to 23:30hrs <b>The provision of regulated entertainment</b> Monday to Sunday from 23:00hrs to 23:30hrs <b>The provision of late night refreshment</b> Monday to Sunday from 10:00hrs to 23:30hrs  All Licensable activities will be available 24 hours a day, seven days a week for hotel residents, except that between the hours of 00:00 and 06:00 whilst there is a Late Night Levy in operation by the Local Licensing Authority for these premises, the provision of the sale of alcohol will only be supplied to persons staying in the premises for consumption on the premises.	<ul style="list-style-type: none"> <li>• Monday to Sunday from 06:00hrs to 00:00hrs (midnight)</li> <li>• The hotel shall remain open 24hours a day for hotel residents</li> </ul> <p>All Licensable activities will be available 24 hours a day, seven days a week for hotel residents, except that between the hours of 00:00 and 06:00 whilst there is a Late Night Levy in operation by the Local Licensing Authority for these premises, the provision of the sale of alcohol will only be supplied to persons staying in the premises for consumption on the premises</p>
(Papadoms) 94 Brick Lane London E1 6RL	<b>Supply of Alcohol</b> Monday to Saturday, from 12:00 hrs to 23:30 hrs Sunday, from 12:00 hrs to 23:00 hrs  <b>Regulated Entertainment (Recorded music)</b> Monday to Saturday from 23:00 hrs to midnight Sunday from 23:00 hrs to 23:30 hrs  <b>Late Night Refreshment</b> Monday to Saturday from 12:00 hrs to 23:30 hrs Sunday from 12:00 hrs to 23:00 hrs	Monday to Saturday from 12:00 hrs to midnight Sunday from 12:00 hrs to 23:30 hrs
(Brick Lane Clipper Restaurant) 104 Brick Lane London	<b>The sale by retail of alcohol ( On Sale Only)</b> Sunday to Saturday from 11:00 hours until midnight On New Year's Eve from the end of permitted hours to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).  Note: However, New Years Eve is subject to the Regulatory Reform (Special Occasion Licensing) Order 2002. Which means that while that order is in effect the premises may remain open for the twelve hours between 11pm on New Years Eve and 11am on New Years Day.  <b>For provision of Late Night Refreshment:</b> Sunday, Monday, Tuesday, Wednesday, Thursday, Friday and Saturday from 11:00 hours until midnight	Sunday to Saturday from 11:00 hrs until 00.30 hrs

# Appendix 5



## Catrina Marshall

---

**From:** Nicola Cadzow  
**Sent:** 01 February 2018 15:21  
**To:** Licensing  
**Cc:** [REDACTED]  
**Subject:** 105688 MAU REPRESENTATION - Suito 90 Brick Lane

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Licensing

I have regarded the application for the Variation of License Application for Suito 90 Brick Lane and the potential impact of public nuisance and measures to prevent noise generated from within the premises or outside it which could cause disturbance to people in the vicinity, and also being that the premises is in a Cumulative Impact Zone, the proposed extension of hours are well beyond the Council's framework hours.

**The existing opening hours for the premises is:**

Sale of Alcohol: Monday to Saturday until 23:30 hours  
Sunday Midday until 23:00 hours

Late Night Refreshment : Monday to Saturday 23:00 to 00:00  
Sunday until 23:30 hours

With premises closing Monday to Saturday at Midnight, Sunday at 23:30 hours

**The premises is proposing to extend the hours as follows:**

Sale of Alcohol: Monday to Saturday until 0100 hours  
Sunday Midday until 00:30 hours

Late Night Refreshment : Monday to Saturday 23:00 to 01:00 hours  
Sunday until 23:00 until 00:30 hours

With premises closing Monday to Saturday at 01:30 hours, Sunday at 0100 hours (an extension of an hour and a half).

Within the last twelve months from the date of this application there has been noise complaints when TENs were granted until 01:30 hours due to behaviour of people arriving, leaving, drinking and congregating outside your event this causing annoyance to some residents.

**Noise Sensitive premises:** residential and commercial premises in close proximity to 90 Brick lane.

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

- Noise breakout from the venue affecting neighbouring residents.
- Access & egress to and from the venue, of patrons, especially due to patrons likely to be in high spirits; and
- The hours of operation (inclusive of proposals)

**CONCLUSION**

Environmental Protection **does not** support the license application for Suito 90 Brick, as there is great likelihood of disturbance to residential premises at the noise sensitive hours sought.

Kind regards

Nicola Cadzow

[Redacted signature block]

# Appendix 6

**Place Directorate  
Public Realm**

Environmental Health and Trading Standards  
Head of Service: **David Tolley**

Tower Hamlets Licensing

Licensing Section  
John Onslow House  
1 Ewart Place  
London E3 5EQ

Tel: [REDACTED]  
Fax: **020 7364 0863**  
Enquiries to: **Corinne Holland**  
Email: [REDACTED]

05/02/18

[www.towerhamlets.gov.uk](http://www.towerhamlets.gov.uk)

My reference: P/LIC/105688

Dear Licensing

**Licensing Act 2003  
Re: Suito, 90 Brick Lane, London, E1 6RL**

The Licensing Authority has received an application for a Premises Licence variation to increase the licensable activities and opening times for Suito, 90 Brick Lane. This is a Japanese restaurant

The hours applied for are:

**Late Night Refreshments:**

Monday to Saturday 23:00 – 01:00hrs

Sunday 23:00 – 0:30hrs

**Sale of Alcohol:**

Monday to Saturday 12:00 – 01:00hrs

Sunday 12:00 – 00:30hrs

**Opening Hours:**

Monday to Saturday 12:00 – 01:30 hours

Sunday 12:00 – 01:00

This premise has applied for a number of Temporary Event Notices in the recent past. These are shown below:

<b>DATE OF TEN</b>	<b>HOURS APPLIED FOR</b>	<b>OBJECTION</b>	<b>RESULT</b>
24-25/3/16	23:30 – 0500 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 03:00 for L.A
17/4/16	00:01 – 05:00 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 02:30 for L.A
24/04/16	00:01 – 05:00 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 02:30 for L.A
15/05/16	01:01 – 04:00 hours	Reduced hours agreement with Environmental Protection	GRANTED as hours amended to 03:00 for L.A
17/07/16	01:01 – 08:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
30/10/16	00:01 – 0300 hours	No objection	GRANTED
27/11/16	00:01 – 03:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
04/12/16	00:01 – 03:00 hours	Reduced hours agreement with Environmental Protection	GRANTED to 01:00 hours
01/01/17	00:01 – 03:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
05/02/17	00:01 – 03:00 hours	Not seen by Environmental Protection until outside objection period	GRANTED
02/04/17	00:01 – 03:00 hours	Objection by Environmental Protection and Police	TEN withdrawn by applicant
24/04/17	00:01 – 02:00 hours	Objection by Environmental Protection	Late TEN - Counter notice served
02/07/17	00:01 – 01:30	N/A	GRANTED

The Licensing Authority received the following complaint from a local resident. The complaint makes reference to when the premises had a TEN granted for a birthday party on 02/07/17 to 01:30 hours. There was no TEN applied for on Friday 30<sup>th</sup> June – Saturday 1<sup>st</sup> July 2017:

*To - Licensing, Tower Hamlets Council.*

*Suito 90 Brick Lane E1 6RL*

*Friday 30 June - Suito remained open until sometime around 0130 Saturday morning, turning the lights off at some point after midnight with customers continuing to come in and out of the premises with drinks. From 2130 that evening there was considerable noise disturbance from large groups of customers drinking outside the premises, at times clustered around cars playing very loud music and finally dispersing around 0150. Some customers relocated directly outside my front door and other groups to nearby residential doorways.*

*Saturday 1 July: similar to the previous night. This was a TEN extension which ended with 50+ customers on the street from 0100 who took about an hour to disperse, a process that involved much noise disturbance.*

*All previous TENs at these premises have followed a similar pattern of disruptive behaviour. I hope you can look into this again.*

The previous complaint from this resident was made on 28/3/16 regarding noise at the premises until 04.30hours on 24<sup>th</sup> March 2016. A TEN had been applied for 5.00am on this occasion.

On 18<sup>th</sup> September 2013 Tower Hamlets adopted a Cumulative Impact Policy (CIP) in the Brick Lane Area. The Council has recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.

The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the Brick Lane Area as having a cumulative impact on the licensing objectives and has therefore declared a Cumulative Impact Zone.

The Licensing Authority recognises that there is a wide diversity of premises requiring a licence and will have full regard to the differing impact these will have on the local community. It therefore also recognises that, within this Policy, it may be able to approve licences that are unlikely to add significantly to the saturation, and will consider the circumstances of each individual application.

The effect of this CIP is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the

premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the CIZ and a representation is received, the licence will be objected to by the Authority. To rebut this presumption the applicant is expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the CIZ.

The Licensing Authority is therefore making representation against this application on the grounds of the prevention of crime and disorder and the prevention of public nuisance as the premises lies within the CIZ and has received complaints when the licence has been extended by a TEN. There is nothing to show that the increased hours applied for will not add to the cumulative impact already being experienced in the area.

If the applicant is unable to prove to the Licensing Sub Committee, through the implementation of appropriate conditions within the Operating Schedule, that the granting of the application will not affect the cumulative impact of the area, then I ask the Committee to reject any increase in evening hours beyond their current licence.

If the licence is granted for any extended hours I request that the sale of alcohol is reduced to 'on the premises only' and not 'on and off alcohol sales'. Alcohol to be consumed off the premises may add to increased public nuisance as it could be consumed in the street.

I also request that the following condition '*Alcohol to be consumed by customers with meals only*' is replaced with

1. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.
2. The supply of alcohol shall be by waiter or waitress service only.

Regarding public nuisance the Local Authorities waste enforcement department contacted the Licensing Authority to obtain details of the current owner of the business as they have received several fixed penalty tickets for the dumping of waste, many of which remain unpaid. If the owner acts irresponsibly regarding the running of his business as far as waste disposal I would question if there is responsible management in place for operating a late night business within the Borough.

Yours sincerely,

A black rectangular redaction box covering the signature of Corinne Holland.

**Corinne Holland**  
**Licensing Officer**



# Appendix 7

## Catrina Marshall

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**From:** Glenn Leeder [REDACTED]  
**Sent:** 17 January 2018 18:03  
**To:** Licensing  
**Subject:** 90 Brick Lane - Licence Number 19961

I wish to object to the increase in opening hours for 90 Brick Lane. The applicant is asking to extend the sale and consumption of alcohol until 0100am or later, seven days per week. This will cause terrible disruption and anti-social behaviour to the residents living near Brick Lane.

### **Prevention of crime and disorder, Public Safety and Public Nuisance**

When drunk patrons leave an establishment, there is a likelihood neighbours will be disturbed. Living in Spitalfields means that people often urinate in our streets and some even vomit. Patrons leaving Brick Lane establishments cut down my street to catch public transport on Bishopsgate or at Liverpool Street Station. These people are often noisy and leave mess behind. Extending the hours of this licensed venue in Brick Lane will add to the disruption residents are forced to endure.

Please reject this application on your own set of rules which is the **Cumulative Impact Zone**. No new or extended liquor licences should be approved in the Brick Lane area as this has a detrimental effect on residents. This business has historically proven to be very poor at managing patrons leaving their premises quietly and has contributed to late night noise pollution and disorder, in and around Brick Lane.

Thank you.

Glenn Leeder  
[REDACTED]  
[REDACTED]

# Appendix 8

## Catrina Marshall

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**From:** StGeorgeResidents'Association [REDACTED]  
**Sent:** 26 January 2018 16:45  
**To:** Licensing  
**Subject:** Suito, 90 Brick Lane

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

To: Licensing Team  
London Borough of Tower Hamlets

Dear Licensing Team,

Re: Premises Licence Application, Suito, 90 Brick Lane..

SGRA represents residents in 193 flats in Folgate Street, Lamb Street Commercial Street and Spital Square. 90 Brick Lane is about 4 minutes walk from Lamb Street, so sale of alcohol to 1 am would produce more late night customers leaving Brick Lane to add to the nightly rowdy behaviour from people walking from the Brick Lane area along Lamb Street and Folgate Street towards Bishopsgate.

Suito is in the centre of the Brick Lane Cumulative Impact Zone so it should not be granted a licence to 1 am each day.

Therefore SGRA asks that Suito's application is REFUSED to prevent an increase in the incidence of crime and disorder, and noise nuisance for from alcohol-related antisocial behaviour until after midnight.

Yours faithfully,  
Margaret Gordon - [REDACTED].

# Appendix 9

## Catrina Marshall

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**From:** David Cunningham [REDACTED] t>  
**Sent:** 06 February 2018 15:05  
**To:** Licensing  
**Cc:** Jon Shapiro; [REDACTED]  
**Subject:** Suito 90 Brick Lane

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Suito 90 Brick Lane E16RL

your ref CLC/EHTS/LIC105688

I object to the licence variation application from Suito 90 Brick Lane on the grounds of public nuisance, public safety and crime and disorder. I live close to the premises and have been directly affected by problems caused by previous late night opening at the premises.

The applicant has not put forward adequate measures to promote the licensing objectives. Suito is in the Cumulative Impact Zone (CIZ) which requires positive reasons why a licence extension might be granted. These have not been put forward and the application makes no reference to the CIZ.

The addition of off sales to the premises licence will have a very negative impact on anti-social behaviour in the immediate area.

Over the last couple of years Suito has had a number of chaotically managed TEN licenses which have caused considerable late night anti social activity - noise disturbance and very aggressive behaviour from customers, loud music from cars and clear evidence of drug use. This activity spread beyond the premises, some of it happening directly outside my front door and other nearby residential doorways. Large groups of customers congregating outside the premises have taken up to an hour to disperse and leave the area after the premises closed, a breach of the existing license conditions.

Suito is signed up with a number of takeaway delivery firms which generates a regular flow of motorcycle deliveries causing additional noise disturbance. There is a late night noise problem developing in Brick Lane from groups of delivery motorcyclists congregating in the area for long periods, engine revving, much shouting and motorcycle alarms going off. One of the regular locations for this activity is outside Suito and it seems inevitable that late opening will exacerbate this problem.

The measures outlined to promote the licensing objectives are very basic and incapable of preventing customers causing problems outside the premises. I ask you to refuse this application as the licensing objectives can not be upheld.

yours

David Cunningham

[REDACTED]  
[REDACTED]

# Appendix 10

## **Section 182 Advice by the Home Office Updated on April 2017**

### 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 11

## Catrina Marshall

---

**From:** Kevin Maple  
**Sent:** 22 January 2018 11:10  
**To:** 'MMH'  
**Cc:** Licensing  
**Subject:** RE: Your application to vary your premises licence - Suito, 90 Brick Lane, London, E1 6RL - Our ref: M/105688

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Mr Md A I Khan,

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

I'm very appreciative.

Best regards,

Kevin Maple  
Consumer Services Officer  
Tower Hamlets Trading Standards

T: 020 7364 6699  
F: 020 7364 6901

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

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

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

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**From:** MMH [REDACTED]  
**Sent:** 20 January 2018 10:48  
**To:** Kevin Maple  
**Subject:** Re: Your application to vary your premises licence - Suito, 90 Brick Lane, London, E1 6RL - Our ref: M/105688

Dear Kevin Maple,  
Thank you for your email.

We confirm that we'll follow 'Challenge 25 policy' as per your advice. Thus we request you to update your record in this matter. We understand that the objective of 'protection of children from harm' is vital and Thais again to advice us.

It will be much helpful If you guide us.  
Thanks

M A I Khan

[Sent from Yahoo Mail for iPhone](#)

On Friday, January 19, 2018, 4:03 pm, Kevin Maple <[REDACTED]> wrote:

Dear Mr Md A I Khan,

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

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

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

I have therefore considered section M of your application in which you describe the additional steps you will take to take promote the Licensing objectives and you state that you “will operate the challenge 21 policy”.

Whilst your policy meets an acceptable standard I wish to advise you that many premises have adopted a ‘Challenge 25’ policy so that they have a robust procedure in place to prevent underage sales.

I would therefore like you to consider adopting the ‘Challenge 25’ policy. Please find further details of ‘Challenge 25’ attached.

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

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

We are able to provide you with support materials to assist you in adopting the 'Challenge 25' – please refer to the attached leaflet for further details.

I look forward to hearing from you.

Best regards,

Kevin Maple

[Redacted]

[Redacted]

T: [Redacted]

F: [020 7364 6901](tel:02073646901)

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

For help or advice or to make a complaint about a [Redacted]  
[Redacted]

To report fraud, attempted fraud or cyber crime & receive a police crime reference number call Action Fraud on [Redacted]

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\*\*\*\*\*

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London Borough of Tower Hamlets E-Mail Disclaimer.

# Appendix 12

## Noise while the premise is in use

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Police Powers

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

### Guidance Issued under Section 182 of the Licensing Act 2003

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

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

Licence conditions should not duplicate other legislation (1.16).

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

## Other Legislation

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

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



# Appendix 13

## **Prevention of Nuisance** – Licensing Policy, updated March 2015

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

# Appendix 14

## 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 15

## **Anti-Social Behaviour from Patrons Leaving the Premises**

### General Advice

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

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

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

### Licensing Policy

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

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

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

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

## Cumulative Impact

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

## Police Powers

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

## Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

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

## Other Legislation

### Crime and Disorder Act 1998

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

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



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

# Appendix 16

## **Planning**

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

# Appendix 17

## **Licensing Policy Relating to Hours of Trading**

All applications have to be considered on their own merits.

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

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

(see 15.8 of the Licensing Policy)

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

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

(See 15.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

# Appendix 18

## Licensing Policy

### **8 Special Cumulative Impact Policy for the Brick Lane Area**

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

Figure One

**The Cumulative Impact Zone in the Brick Lane area**

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

