

Appendix 1

London Borough of Tower Hamlets

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.

We Take it Cheesy Ltd

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
Funky Cellar
Old Spitalfields Market
10a Lamb Street
Post town London Post code E1 6EA
Telephone number at premises (if any)
Non-domestic rateable value of premises £67,000

Part 2 - Applicant Details

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

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

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

Please tick yes

- 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 type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

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		
I am 18 years old or over					<input type="checkbox"/> Please tick yes
Current residential address if different from premises address					
Post Town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					
Where applicable (if demonstrating a right to work via the Home Office online right to work checking service), the 9-digit 'share code' provided to the applicant by that service (please see note 15 for information)					

(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 Take it Cheesy Ltd
Address 12 Clevedon Road Twickenham England TW1 2HU
Registered number (where applicable) 11988128
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day	Month	Year
A	S	A P

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

Day	Month	Year

A

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

The premises is located within Old Spitalfields Market, with an entrance on to Lamb Street. The premises consists of a ground floor customer area and back of house facilities on the basement in accordance with plans drawing number OSM/2019/1041 Issue A1 showing ground and basement layouts and OSM/2019/1041 Issue A showing a site location plan. There is an existing external area as shown on the plan.

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

N/A

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

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

Provision of regulated entertainment (please read guidance note 2)

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

Please tick all that apply

-
-
-
-
-
-
-
-
-
-

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

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"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 4)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 5)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 6)		
Sat					
Sun					

B

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

C

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

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			Will the boxing or wrestling entertainment 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	Please give further details here (please read guidance note 4)		
Mon					
Tue					
Wed			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 5)		
Thur			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 6)		
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	<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)		
Mon					
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 5)		
Thur			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			Will the playing of recorded music 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	Please give further details here (please read guidance note 4)		
Mon	11:00	23:00			
Tue	11:00	23:00	State any seasonal variations for the playing of recorded music (please read guidance note 5)		
Wed	11:00	23:00			
Thur	11:00	23:00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 6)		
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	21:00			

G

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

J

Supply of alcohol Standard days and timings (please read guidance note 7)			Will the supply of alcohol be for consumption (Please tick box) (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)		
Mon	11:00	23:00			
Tue	11:00	23:00			
Wed	11:00	23:00			
Thur	11:00	23:00			
Fri	11:00	23:00			
Sat	11:00	23:00			
Sun	11:00	21:00			
			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 premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Marie-Laure Le Blais
Date of birth [REDACTED]
Address [REDACTED]
Postcode [REDACTED]
Personal Licence number (if known) [REDACTED]
Issuing licensing authority (if known) [REDACTED]

K

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

None

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			State any seasonal variations (please read guidance note 5)
Day	Start	Finish	
Mon	10:00	23:30	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 6)
Tue	10:00	23:30	
Wed	10:00	23:30	
Thur	10:00	23:30	
Fri	10:00	23:30	
Sat	10:00	23:30	
Sun	10:00	22:00	

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

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

The information provided in this box is solely for information only and not intended to be converted into conditions on the licence.

This premises previously benefitted from Premises Licence number 17415. Licence number 17415 lapsed when the Premises Licence Holder went into administration in April 2019.

The applicant is the new Tenant for the premises and is conscious of the premises' location within the Brick Lane CIZ. However this application seeks the exact same licensable activities, hours and conditions that were permitted under Premises Licence number 17415 and therefore the grant of this licence would not add to the cumulative impact zone, which was established prior to premises licence number 17415 lapsing..

The application seeks the sale of alcohol and regulated entertainment in the form of recorded music only from 11.00 to 23.00 hours Monday to Saturday and from 11.00 to 21.00 hours on Sunday. The proposed opening hours are from 10.00 to 23.30 hours Monday to Saturday and from 10.00 to 22.00 hours on Sunday.

The premises has historically operated with the permissions proposed in this application and therefore the applicant does not consider that the grant of this licence will have any adverse impact on the licensing objectives.

b) The prevention of crime and disorder

1. A CCTV system shall be installed and maintained at the premises. The CCTV system shall cover the bar areas.

c) Public safety

We understand our obligations under existing legislation and take our responsibilities seriously.

d) The prevention of public nuisance

2. Deliveries to the premises shall be after 08.00 hours and before 18.00 hours.
3. Refuse collection shall be from 08.00 hours to 18.00 hours on Monday to Friday, from 09.00 hours to 18.00 hours on Saturday and 09.00 hours to 17.00 on Sunday.
4. There shall be no vertical drinking on the pavement.
5. There shall be no standing smokers on the pavement.
6. There shall be no outside dining on the pavement.
7. There shall be no vertical or outside Lamb Street pavement drinking - not even for smokers.
8. There shall be no Lamb Street pavement tables.
9. The main door onto Lamb Street shall be kept closed during any regulated entertainment.

e) The protection of children from harm

10. There shall be a challenge 21 policy in operation at the premises.

Please tick yes

- I have made or enclosed payment of the fee or
- I have not made or enclosed payment of the fee because the application has been made in relation to the introduction of the late night levy
- 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 or my share code issued by the Home Office online right to work checking service (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 11). **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 14) 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, or have conducted an online right to work check using the Home Office online right to work checking service which confirmed their right to work (please see note 15)
Signature	
Date	18 September 2019
Capacity	Poppleston Allen – Solicitors for and on behalf of the applicant

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Rhian Todd
Poppleston Allen Solicitors The Stanley Building
7 Pancras Square

Post town London

Post code N1C 4AG

Telephone number (if any) [REDACTED]

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

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
2. In terms of specific regulated entertainments please note that:
 - **Plays:** no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - **Films:** no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - **Indoor sporting events:** no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - **Boxing or Wrestling Entertainment:** no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - **Live music:** no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - **Recorded Music:** no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

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

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

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

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

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this in one of two ways: 1) by providing with this application copies or scanned copies of the following documents (which do not need to be certified), or 2) by providing their 'share code' to enable the licensing authority to carry out a check using the Home Office online right to work checking service (see below)

Documents which demonstrate entitlement to work in the UK

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

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

Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold

comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

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

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

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

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

Home Office online right to work checking service

As an alternative to providing a copy of the documents listed above, applicants may demonstrate their right to work by allowing the licensing authority to carry out a check with the Home Office online right to work checking service.

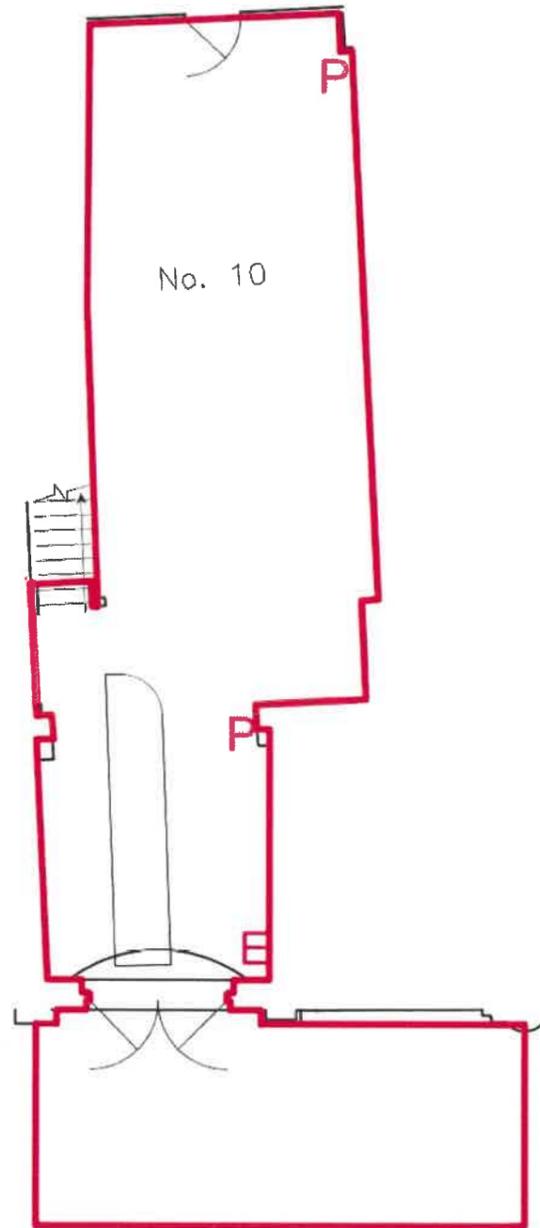
To demonstrate their right to work via the Home Office online right to work check service, applicants should include in this application their 9-digit share code (provided to them upon accessing the service at <https://www.gov.uk/prove-right-to-work>) which, along with the applicant's date of birth (provided within this application), will allow the licensing authority to carry out the check.

In order to establish the applicant's right to work, the check will need to indicate that the applicant is allowed to work in the United Kingdom and is not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity.

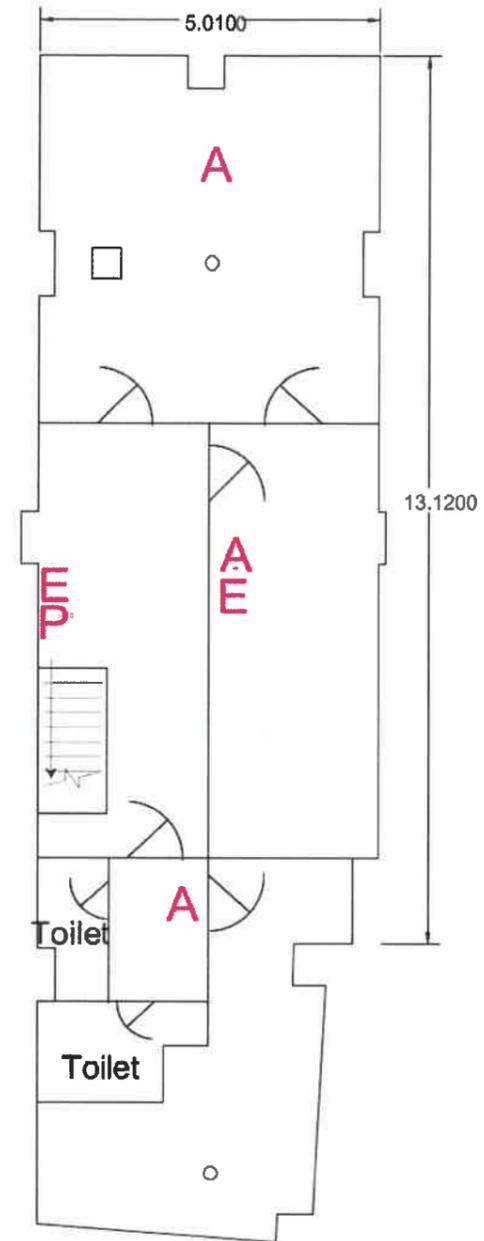
An online check will not be possible in all circumstances because not all applicants will have an immigration status that can be checked online. The Home Office online right to work checking service sets out what information and /or documentation applicants will need in order should submit copy documents as set out above.

Appendix 2

Lamb Street London E1



Ground Floor

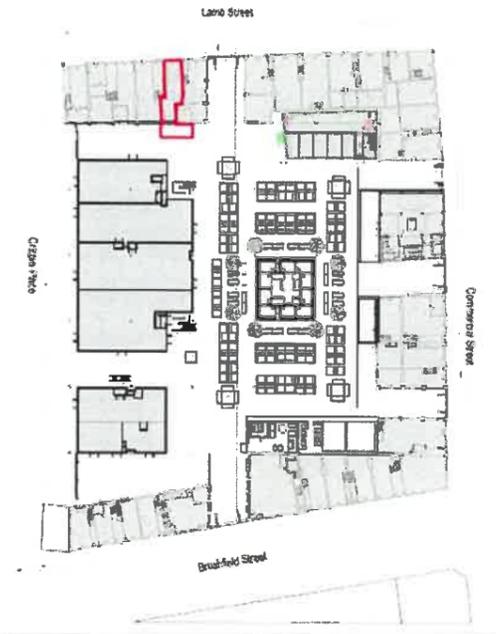


Basement

Legend	
A	Smoke Alarm
P	Fire Alarm Panel
E	Fire Extinguisher
	The area where licensable activities will take place.
The location and type of any fire safety and any other safety equipment is shown as at present. This may be varied from time to time with the agreement of the fire officer or after a fire risk assessment.	
Anything shown on this plan which is not required by the plans regulations is for illustrative purposes only, and does not form part of the Premises Licence.	

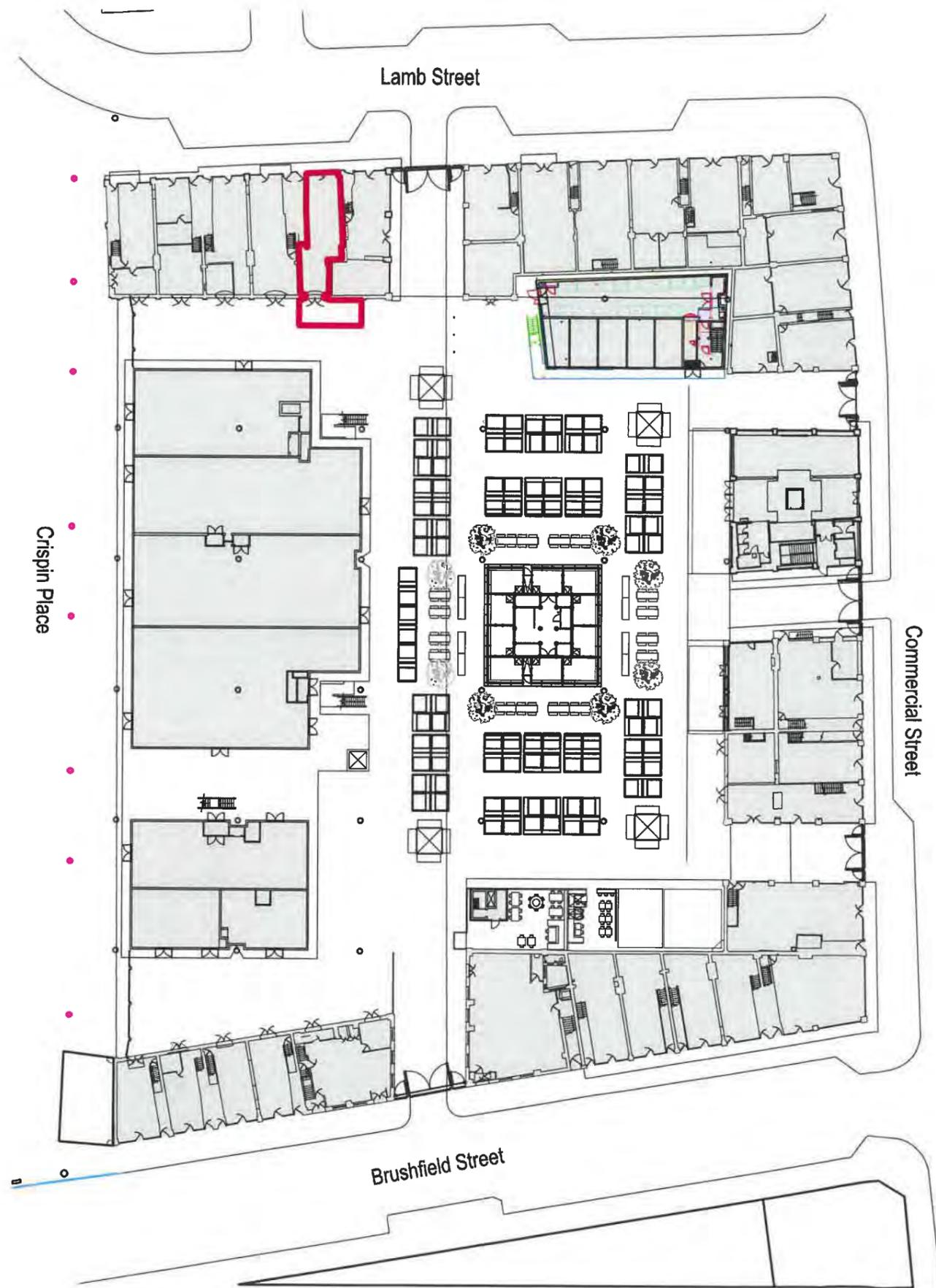
Premises Licence Plan
 Old Spitalfields Market
 10a Lamb Street
 London E1 6EA

Ground Floor and Basement



Drawing No OSM/2019/1041
 Issue A1 Sep-19

NOT TO SCALE



Old Spitalfields Market
 Location Plan
 10a Lamb Street
 London E1 6EA

Legend



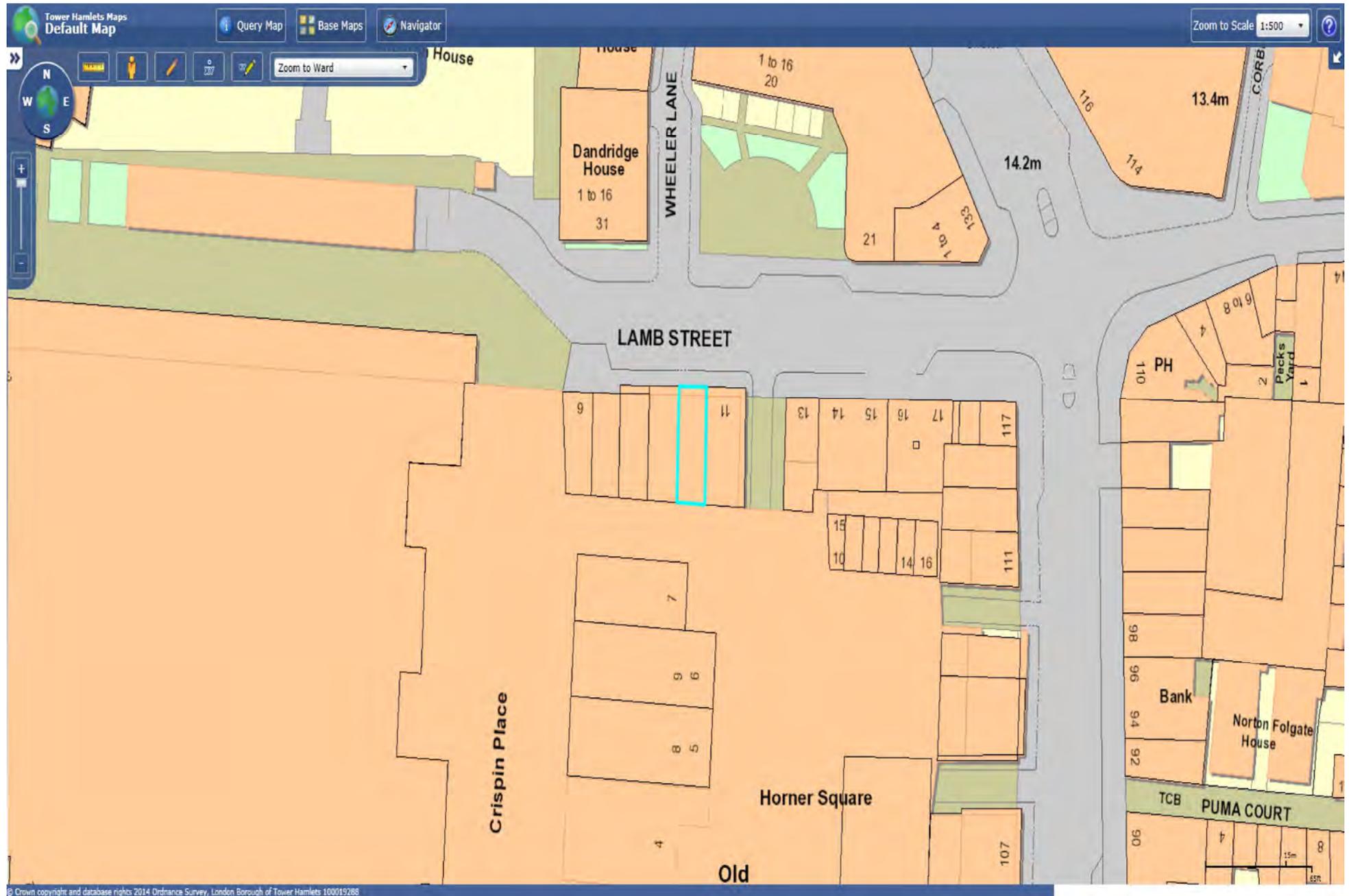
The area where licensable activities will take place.

Anything shown on this plan which is not required by the plans regulations is for illustrative purposes only, and does not form part of the Premises Licence.

Drawing No
 Issue A

OSM/2019/1041
 Sep-19

Appendix 3



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Appendix 4

Nearest licences: Funky Cellar, 10a Lamb Street

Name and address	Licensable activities and hours	Opening hours
<p>(The Butchery) 6 Lamb Street London E1 6EA</p>	<p>Sale by retail of alcohol (Off sales only)</p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 22:00 hours 	<ul style="list-style-type: none"> Monday to Sunday, from 06:00 hours to 23:00 hours
<p>(W B Spitalfields Ltd) 8-9 Lamb Street Spitafields London E1 6EA</p>	<p><u>The sale by retail of alcohol (on and off sales)</u></p> <ul style="list-style-type: none"> Monday – Saturday 10:00 hours to 00:00 hours (midnight) Sunday 12:00 hours to 23:30 hours <p><u>The sale by retail of alcohol (outside pavement area – on sale only)</u></p> <ul style="list-style-type: none"> Monday to Saturday 10:00 hours to 21:00 hours Sunday 12:00 hours to 21:00 hours <p><u>The Provision of Regulated Entertainment</u> (recorded music only)</p> <ul style="list-style-type: none"> Monday – Saturday 10:00 hours to 00:30 hours Sunday 12:00 hours to 00:00 hours (midnight) <p><u>The Provision of Late Night Refreshment</u></p> <ul style="list-style-type: none"> Monday – Saturday 10:00 hours to 00:30 hours Sunday 12:00 hours to 00:00 hours (midnight) 	<p>There are no restrictions on the hours during which this premises is open to the public</p> <p><u>Non Standard timings</u></p> <ul style="list-style-type: none"> Christmas Day 12:00 hours to 23:30 hours <p>On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on the following day (or, if there are no permitted hours on the following day, midnight on 31st December).</p>
<p>(The Golden Heart) 110 Commercial Street London E1 6LZ</p>	<p>Sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none"> Sunday to Thursday, from 06:00 hrs to 08:40 hrs and 11:00 hrs to 00:00 hrs Friday and Saturday, from 06:00 hrs to 08:40 hrs and 11:00 hrs to 00:30 hrs <p>Provision of regulated entertainment: <u>Recorded Music</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 11:00 hours to 00:00 hours <p><u>Anything of a similar description to recorded music</u></p> <ul style="list-style-type: none"> Monday to Sunday, from 06:00 hrs to 08:40 hrs & 11:00 hrs to 00:30 hrs 	<ul style="list-style-type: none"> Sunday to Thursday, from 06:00 hrs to 09:00 hrs & 11:00 hrs to 00:30 hrs Friday and Saturday, from 06:00 hrs to 09:00 hrs & 11:00 hrs to 01:00 hrs <p><u>Non-standard timings</u></p> <ul style="list-style-type: none"> New Years Eve until 02:00 hrs the following day

Nearest licences: Funky Cellar, 10a Lamb Street

<p>(Pilpel Spitalfields Market) Unit E, Pavilion Building Old Spitalfields Market London E1 6EW</p>	<p>The sale by retail of alcohol (On and off sales)</p> <ul style="list-style-type: none">Monday to Sunday, from 11:00 hours to 19:00 hours	<ul style="list-style-type: none">Monday to Sunday, from 11:00 hours to 19:00 hours
<p>(Bleecker St. Burger) Unit B, SP4 Pavilion Building Lamb Street Old Spitalfields Market London E1 6EA</p>	<p>The supply of alcohol (on sales)</p> <ul style="list-style-type: none">Monday to Sunday from 11:30 hours to 21:00 hours	<ul style="list-style-type: none">Monday to Sunday from 11:30 hours to 21:00 hours

Appendix 5

Section 182 Advice by the Home Office Updated on April 2018

Relevant, vexatious and frivolous representations

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

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

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

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

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

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

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

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

Appendix 6

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 11 October 2019 10:31
To: Mohshin Ali
Subject: FW: Take It Cheesy Ltd/Premises Licence Application/Restaurant (A3) and bar (A4) use/10a Lamb Street

From: Alan Williams [REDACTED]
Sent: 10 October 2019 14:22
To: Licensing
Subject: Take It Cheesy Ltd/Premises Licence Application/Restaurant (A3) and bar (A4) use/10a Lamb Street

Dear Licensing Officers

I have had no formal notice of the application by Take It Cheesy Ltd for a Premises Licence for the above property. But the application has come to my attention. It is not clear what is involved, but in the absence of anything specific, one has to fear the worst. My flat overlooks these premises and therefore would be affected, I submit adversely, by its granting.

The premises currently have, I understand, Planning Permission for A1 (Retail) Use, but not A3 (restaurant) or A4 (bar).

I write to object to any extension of the Licence to restaurant or bar use.

The licensing objectives require consideration of an application in the context of:

- a) the prevention of crime and disorder;
Yet another licensed premise can only attract more drinkers (indeed, that is its objective) and with the drinkers will come the possibility of more crime and disorder. You have heard enough from me and others about the disorder (and also see below) for me not to have to repeat it ad nauseam here. Hopefully, the venue will (be required to) put in place enough training to enable their staff to reduce this risk to a minimum.
- b) public safety;
- c) the prevention of public nuisance;
It cannot be conducive to public safety to have people who are drunk and disorderly wandering around a residential area, particularly late at night. Public nuisance and alcohol can go together; once again, you have heard from me and others who are affected by people who cannot control their alcohol intake, and then behave (in what is a residential area) very noisily late at night, urinating and defecating in public, in fact in ways that sometimes can only be described as 'like animals'. I have to add that it is usually a minority who behave in this unacceptable manner; but even a minority can be enough to disturb the peace of a residential area.
- d) the protection of children from harm.
For children to be exposed to this sort of behaviour is unacceptable, even in today's laissez faire times.

Finally, Lamb Street is within the Cumulative Impact Zone (CIZ) centred on Brick Lane. I have seen no argument that a grant of yet another licence is necessary.

In the light of the foregoing, I request that any application to extend the current licence be rejected.

On the other hand if you are minded to grant the application, please bear in mind the following: Lamb Street is residential with adjacent retail shop premises. And there are plenty of licensed premises nearby already. To add more to the current total is to accept that there will be many more people coming in, with the consequential extra noise and disturbance late at night when the rest of us are trying to sleep. Accordingly, if you *are* minded to extend the licences, please ensure that the rules banning external tables, or drinking, outside, are enforced; that doors and windows are kept closed and that the escape of noise, whether music or otherwise is kept to an acceptable minimum. Delivery and rubbish collection times should be limited to between 8am and 20.00, please.

Please redact my personal details as appropriate.

Many thanks.

Yours faithfully

Alan Williams

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

Appendix 7

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 15 October 2019 14:55
To: Mohshin Ali
Subject: FW: Change of format

From: Alex Brand [REDACTED]
Sent: 15 October 2019 14:21
To: Licensing
Subject: Change of format

Dear Sirs,

Objection: Premises Licence application Ref 122066 - Funky Cellar, 10a Lamb Street, E1 6EA

I am a resident at No [REDACTED] right above the shop No 10a and I am writing to register my objection to the application above. The basis for this opposition is that granting a licence for this premises will not promote the licensing objectives, particularly the prevention of Public Health and Safety and the Prevention of Crime and Nuisance.

In addition, the Old Spitalfields Market has in recent past supported their new tenants in A1 retail shop to apply for licences which many of them now have. It does not seem appropriate that being located in a CIZ area, more and more shops in the Market have been able to acquire alcohol licences.

Public Health and Safety:

A notice by OSM informed us that "Take it Cheesy Ltd" will open under the name "Funky Cellar" and had applied for a Premises Licence with conditions just as the one granted to the previous tenant at this address who also sold cheese, cold meat, alcohol and prepared meals.

To have permitted a licence had the following consequences on our livelihood:

Odour from the cheese made its way to our living room, kitchen (including inside the cupboards) and hallway. The smell became so invasive that we had to contact Environment & Health at LBTH.

It was further aggravated by music which could be heard so loud into our living room that watching and listening to television became impossible. The only insulation in our Listed Horner Buildings are plasterboard ceiling in the shops and a timber floor in our home. The vibration of the music could be felt through the brick walls & the floors.

As noise generate noise, intoxicated customers would shout, laugh loudly whilst eating their meals and the music being played and raised as the night went on.

With everyday service in the Market having drinking licences, it is making casual drinking available throughout the day and night. There are many children walking through the market that on their way home that literally see people drinking whilst buying cheese or meat, having their hair done. Some are from culture that do not associate drinking alcohol with every aspect of life.

Prevention of Crime and Nuisance:

The spread of licence premises has damaged our community life and lead to nuisance and criminal behaviour.

No 10a has no private toilets. As witnessed from our windows with customers from the previous tenants at No 10a, some would simply cross the street and urinate against the trees facing St George's flats. Customers during the course of their stay in the premises or when leaving it don't all make the effort to go through the Market and use the facilities there.

The cumulative impact on our community has created ever increasing issues of perpetual nuisance for resident returning home from work and not being able to enjoy peaceful evening or weekends.

Being in a CIZ area has not prevented nuisance at all for myself and my family regardless of having complaint for years to the Lease holder of the Market who basically turned a blind eye on their tenant's activities and harassment. As the abuse lasted more or less the years the cheese shop was in activities we felt quite abandoned by the laws that are there to protect us.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours sincerely,

Alexander Brand

Kind Regards

Alexander Brand

Appendix 8

Mohshin Ali

From: Ben Williams [REDACTED]
Sent: 14 October 2019 10:28
To: Licensing
Subject: Funky Cellar (Take it Cheesy Ltd), 10a Lamb Street, London E1 6EA

Follow Up Flag: Follow up
Flag Status: Completed

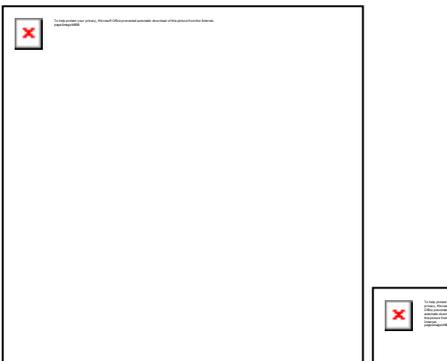
Dear Sir/Madam,

I am writing to object to the application for an on/off sales alcohol license at this property. I am in support of the letter 13 Oct 2019 written by the Spitalfields Market Residents Association and object on the grounds:

Prevention of Public Nuisance - Old Spitalfields Market is a blend of residential and commercial use. The former seems to be getting scant regard as noise levels rise and smells from cooking activities increases. The concerns of residents seem very much secondary to commercial activities. Will the applicant then be seeking additional temporary event notices? The previous operator of the premises closed its doors at 7pm. Now a late night, 11pm, operation is requested.

Public Safety - more and more alcohol outlets increases public safety concerns - hence it is call '*cumulative impact*'

Simply stating that because the premises had a similar license there will be no impact on the Brick Lane CIZ does not hold true. As licenses fall away, others are granted in different locations. Equally, given the prevalence of licensed premises in the CIZ any application should be viewed upon it own merits and not on whether there was a license in the past.



I note with concern that the number of licences in Old Spitalfields Market already exceeds the acceptable level noted in the Tower Hamlets report - PA/14/10/01898.

I note with concern that the applicant is unwilling to engage with residents to explain their project and hear residents' view prior to 16 October (the deadline for objections) despite having been advised that this would be the preferred course of action.

I note that other outlets managed by the applicant offer 'bistro' style food. The application does not state that there will be no kitchen facilities, requiring proper venting and an appropriate license. [We have heard about A1 licenses being exploited for A3 activities across London and perhaps a full review of this may be the topic of a wider review by Tower Hamlets].

Kind regards

Benjamin Williams
[REDACTED]
[REDACTED]

Appendix 9

Mohshin Ali

From: Carla Williams <[REDACTED]>
Sent: 14 October 2019 10:27
To: Licensing
Subject: Funky Cellar (Take it Cheesy Ltd), 10a Lamb Street, London E1 6EA

Follow Up Flag: Follow up
Flag Status: Completed

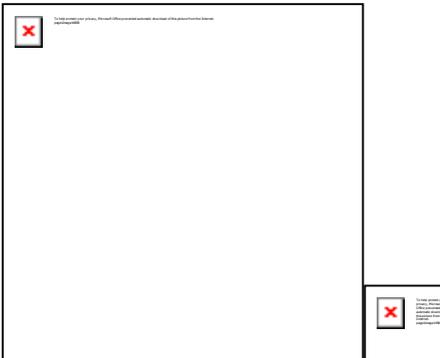
Dear Sir/Madam,

I am writing to object to the application for an on/off sales alcohol license at this property. I am in support of the letter 13 Oct 2019 written by the Spitalfields Market Residents Association and object on the grounds:

Prevention of Public Nuisance - Old Spitalfields Market is a blend of residential and commercial use. The former seems to be getting scant regard as noise levels rise and smells from cooking activities increases. The concerns of residents seem very much secondary to commercial activities. Will the applicant then be seeking additional temporary event notices? The previous operator of the premises closed its doors at 7pm. Now a late night, 11pm, operation is requested.

Public Safety - more and more alcohol outlets increases public safety concerns - hence it is call '*cumulative impact*'

Simply stating that because the premises had a similar license there will be no impact on the Brick Lane CIZ does not hold true. As licenses fall away, others are granted in different locations. Equally, given the prevalence of licensed premises in the CIZ any application should be viewed upon it own merits and not on whether there was a license in the past.



I note with concern that the number of licences in Old Spitalfields Market already exceeds the acceptable level noted in the Tower Hamlets report - PA/14/10/01898.

I note with concern that the applicant is unwilling to engage with residents to explain their project and hear residents' view prior to 16 October (the deadline for objections) despite having been advised that this would be the preferred course of action.

I note that other outlets managed by the applicant offer 'bistro' style food. The application does not state that there will be no kitchen facilities, requiring proper venting and an appropriate license. [We have heard about A1 licenses being exploited for A3 activities across London and perhaps a full review of this may be the topic of a wider review by Tower Hamlets].

Kind regards

Carla Corsini



Appendix 10

Mohshin Ali

From: Lavine Miller-Johnson on behalf of Licensing
Sent: 15 October 2019 17:01
To: Mohshin Ali
Subject: FW: Funky Cellar (Take it Cheesy Ltd) 10A Lamb Street, London E1 6EA

From: [REDACTED]
Sent: 15 October 2019 16:14
To: Licensing
Cc: [REDACTED]
Subject: Funky Cellar (Take it Cheesy Ltd) 10A Lamb Street, London E1 6EA

Dear Sir Or Madam,

I am writing as a resident of the [REDACTED]

I would like to object to the Licence of the above premises obtaining a Licence.

The area with in and its surrounds currently has many drinking and food suppliers which already cause smells and noise and anti-social behaviour.

The are is part of the CIZ to ensure and protect the quality of life of the residents. There are an excessive volume of licenced premises in the Horner Building which as stated above cause great nuisance to the people who live here.

The licence application requests sale of alcohol to 11.00 to 23.00 Monday to Saturday and 11.00 to 21.00 on a Sunday and music until 23.00. The combination of food and music with alcohol creates noise which goes on very late into the evening and causes a nuisance within the area. Also you state you are closing at 23.00 which is the same time as the market closes its gates. Therefore your customers will spill out on to the street smoking and talking.

The other problem is are there any bathroom facilities as there are a number of places who do have facilities therefore this adds to the over used facilities the market has.

I wish the Licence be rejected to protect the residential area which is part of the CIZ from nuisance from noise, alcohol anti-social behaviour.

Thank you

Deborah Guise
[REDACTED]
[REDACTED]

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

Appendix 11

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
15 October 2019

The Licensing Committee
Tower Hamlets Council, Mulberry Place
5 Clove Crescent, E14 2BG
13th October 2019
licensing@towerhamlets.gov.uk

Dear Sir, Madam

Funky Cellar (Take it Cheesy Ltd), 10a Lamb Street, London E1 6EA

I wish to make objections to the licence application for the above premises. The previous tenants whom opened as a cheese shop and acquired a license to sell alcohol to compliment the cheeses, then went on to operate as a full blown restaurant and caused endless disturbance for the neighbours.

Living in Old Spitalfields Market, whilst embracing the changes that are taking place, it is of some concern about the increasing dominance of alcohol being sold on premises in the market. The market is a place for all, including children, families and older people and the introduction of "Funky Celler" does not bode well in an area that is supposed to be within the CIZ.

When considering this application, please note the objections to yet another unit that could involve anti-social behaviour through drinking, where there are already plenty of other licensed premises both in the Market and locally.

Yours faithfully

Pamela Mossman

Appendix 12

Mohshin Ali

From: Paola Andrea Brand Gonzalez [REDACTED]
Sent: 30 September 2019 21:33
To: Licensing
Subject: CLC/EHTS/LIC/122066

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

I'm writing in regards of the license application made for 10a Lamb Street E1 6EA.

There's a few issues why we the resident of [REDACTED] object to this license to be issued.

First, I would like to make you aware that we live above the shop.

When the last tenants of the shop who also sold cheese we had lots of problems with them.

First starting with the smell. The shop itself is not sealed to stop the smell travelling up to our house. It was impossible for us to go into our living room. Our kitchen cupboards were all full of cheesy smell. I reported this to the environmental health department (which you can check) even though eventually the owners installed fans this still didn't help the smell in our corridor.

Secondly, we had lots of problem with the music. This became a living nightmare for us. It was impossible for to be able to sit down and watch tv or be in our living room with the music. This made it impossible for us to relax after a hard day at work or to sit down with our grand daughter to watch a film.

Also during the night he would be woken up by sound of the music and the customers being very lively whilst drinking alcohol and eating. We could hear the constant talking and laughing of the customers inside the shop.

When the customers would leave the shop we would also be woken up by people laughing and shouting as they would leave by the main entrance as the market entrance would be closed after 11pm.

We made constant complaints to Spitafield Security, police and Noise environment. I know a few letters were send to them by the noise environment but they would calm down for a few days and it all started again.

This problem carried on throughout the years that these people had the business and although the landlords would have word with them and threaten them with cancelling their contract nothing was really done. They just carried on and sometimes they would increase the noise just because they knew it would wind us up. Things became so bad that we felt intimidated and scared to walk in or out of our own home.

Our main concern and our main objection to this license is the opening hours(after 11pm) and the request for music and the late refreshment which I know it would be alcohol. This would mean that once again we are going to have problems with loud music and constant noise from customers. In my understanding all the shops and restaurants are meant to be open only until 11pm as the market closes after that.

The application for them to sell alcohol after 11pm on weekdays and late nights on weekend including Sunday just seems a complete nightmare for us. It would mean that we wont get a rest from the noise.

Another concern we have is that the application is made for the sell of hot food. I don't know how this is possible as this is shop and not a restaurante and it's not equipped to be a restaurant.

The previous tenants started off by selling cheese and bread and gradually they started selling alcohol and eventually they turned their shop into a small restaurant with tables inside (where there was no space). I understand that the new tenants want to use the basement of the shop as sitting area for their customers. I believe this is a Health & Safety issue as there wouldn't be an

emergency exit incase of an evacuation and there's no ventilation. Also please have in mind that as this is not a restaurant there's no toilet for the use of customers. Previous customers would come out and wee onto a tree outside the shop (it was pretty disgusting seeing this). For these reasons we fully object for the authorisation of this license to go ahead.

Tenants of number [REDACTED] Mr A Brand Mrs P Brand Mr An Brand

Yours sincerely

Paola Brand

Dear Sirs,

Objection: Premises Licence application Ref 122066 - Funky Cellar, 10a Lamb Street, E1 6EA

I am a resident at [REDACTED] right above the shop No 10a and I am writing to register my objection to the application above. The basis for this opposition is that granting a licence for this premises will not promote the licensing objectives, particularly the prevention of Public Health and Safety and the Prevention of Crime and Nuisance.

In addition, the Old Spitalfields Market has in recent past supported their new tenants in A1 retail shop to apply for licences which many of them now have. It does not seem appropriate that being located in a CIZ area, more and more shops in the Market have been able to acquire alcohol licences.

Public Health and Safety:

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As noise generate noise, intoxicated customers would shout, laugh loudly whilst eating their meals and the music being played and raised as the night went on.

With everyday service in the Market having drinking licences, it is making casual drinking available throughout the day and night. There are many children walking through the market that on their way home that literally see people drinking whilst buying cheese or meat, having their hair done. Some are from culture that do not associate drinking alcohol with every aspect of life.

Prevention of Crime and Nuisance:

The spread of licence premises has damaged our community life and lead to nuisance and criminal behaviour.

No 10a has no private toilets. As witnessed from our windows with customers from the previous tenants at No 10a, some would simply cross the street and urinate against the trees facing St George's flats. Customers during the course of their stay in the premises or when leaving it don't all make the effort to go through the Market and use the facilities there.

The cumulative impact on our community has created ever increasing issues of perpetual nuisance for resident returning home from work and not being able to enjoy peaceful evening or weekends.

Being in a CIZ area has not prevented nuisance at all for myself and my family regardless of having complaint for years to the Lease holder of the Market who basically turned a blind eye on their tenant's activities and harassment. As the abuse lasted more or less the years the cheese shop was in activities we felt quite abandoned by the laws that are there to protect us.

In view of the above, I would urge the Licensing Authority to refuse the application.

Yours sincerely,

Paola Brand

Appendix 13

To:
The Licensing Department,
Mulberry Place
5 Clove Crescent
London E14 2BG

16th October 2019

Re: 'Take it Cheesy Ltd', 10a Lamb Street, London E1 6EA

This letter is to register my concerns about the license applied for by the above named company.

The premises from which Take it Cheesy Ltd plan to operate their business will take over the whole of the ground floor and basement of this property above which are family residences.

Being a close neighbour, I am familiar with the structural peculiarities of the Horner (Market) Buildings and in the past have experienced noise transference from the shop operating below which was very disturbing at the time. Adding to such problems have been smells periodically penetrating our home that have lingered for several days when the businesses below have decided to redecorate or make improvements using paints or other finishes smelling strongly of chemicals. I hope that this illustrates the problems that could occur for our neighbours, although an establishment serving alcohol, cooking food and hosting numerous clients would present a much more serious problem in terms of smells and noise, especially with the long hours of operation on a daily basis throughout the year that are being requested.

This would seriously impact the everyday lives of those families living above – some including small children – and I think that granting the license being applied for would result in **public nuisance** for those living in the proximity as well as being potentially **harmful for children** who need undisturbed sleep for their healthy development and not be constantly woken by the hubbub of people drinking, eating and talking loudly, accompanied by recorded music late into every evening.

I would also like to mention that during the operation of the previous establishment (Androuet) the owners set up an eating area within the market at the rear of the premises and this narrowed the access way between the Old Spitalfields Market and Spitalfields Estate sections resulting in a lot of congestion, especially on busy days which, in my opinion, constituted a hazard to the **safe passage of the visiting public** and would continue to do so if Take it Cheesy is allowed to function in the same way.

In view of the above and the fact that 10a Lamb Street lies within the CIZ which was put in place because of the worries that local residents voiced about the high numbers of establishments serving alcohol, I urge you to reject the application made by Take it Cheesy Ltd.

Rose Sheldon



Appendix 14

Mohshin Ali

From: Samantha Neale
Sent: 16 October 2019 11:45
To: Mohshin Ali
Subject: FW: Funky Cellar - 10A Lamb St E1 6EA

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

From: Susan Kay [REDACTED]
Sent: 16 October 2019 11:03
To: Licensing
Cc: [REDACTED]; Margaret Gordon
Subject: Funky Cellar - 10A Lamb St E1 6EA

> Dear Sir, Madam,

>

> FUNKY CELLAR - 10A Lamb Street E1 6EA

>

> My name is Susan Kay and I am a local resident. I have been living on the [REDACTED] next to the Old Spitalfields Market for the past 20 years, firstly at [REDACTED] and for the past 3 years at [REDACTED].

>

> During those 20 years the area has changed dramatically and the OSM has become a magnet for overseas and local visitors. It is definitely, as is Shoreditch and Hackney a "Go to" area for young people to visit, day and night.

>

> The proliferation of bars, pubs and other premises that now offer on and off licences, throughout the day and night and even some, into the early hours of the morning, has caused much distress to local residential communities, who have had to put up with so much anti-social behaviour on a daily basis. It is for these reasons the Spitalfields area was declared a CIZ zone. This has certainly helped on many levels to control problems with over-inebriated visitors who came to drink in the area.

>

> However, residents have noticed that over a period of time, many retail outlets, especially those associated within Old Spitalfields Market itself, are now trying to obtain licenses in conjunction with their retail or service offer. The problem for local residents lies in the fact that these licences can be transferred to OSM on completion or break from the tenants contract with OSM. This then allows OSM to pass on the licence to any future tenant. This has happened to the Cheese Shop and Butcher's along Lamb Street, E1 6ED on the outer edge of the Market. New tenants can then ask for changes to be implemented to the licence they have inherited. These changes are often allowed to be added to the original licence and new tenants are using this loophole to bypass the CIZ rulings.

>

> We, residents, are seriously concerned, that if the retail units in this area are allowed to serve alcohol, firstly as a daily adjunct to their business, it will eventually turn the Market units into one huge drinking den!

>

> It is for these reasons that I OBJECT most vehemently to a licence being allocated to the new proposed cheese shop FUNKY CELLAR at the above address, (especially a late licence) which at the moment is HOPING to be able to SELL alcohol to their clients from 10am - 23.00 Mon -Sat and 10 am -10pm Sundays. Is this then a bar or a cheese shop? We know so little of their intentions!

>
> Yours sincerely
>
> Susan Kay

Appendix 15

Mohshin Ali

From: Mohshin Ali on behalf of Licensing
Sent: 15 October 2019 09:34
To: Mohshin Ali
Subject: FW: Objection to Premises Licence Application 'Funky Cellar' 10a Lamb st, E1

From: Sophie Stebbins [REDACTED]
Sent: 15 October 2019 08:38
To: Licensing
Subject: Objection to Premises Licence Application 'Funky Cellar' 10a Lamb st, E1

Dear Sir,

I sent my objection letter few days ago and I usually I receive a confirmation of the letter having being received. As I have not, I thought best to send it again as the date to object is tomorrow.

I apologize if you have indeed already received it.

Best regards.
Sophie

Mrs Sophie Stebbins
[REDACTED]
[REDACTED]

Dear Sirs,

This is a letter to object to the Licence application for Take it Cheesy Ltd, Funky Cellar, Old Spitalfields Market, 10a Lamb Street, E1 6EA

As referred to in the application, the previous business had a license but does it consequently justify in such simple terms giving one to the new tenant?

The effect of the licence which had been granted previously caused significant nuisance and anti-social behaviour. While I in no way infer that the new tenants will operate outside their remit and cause a similar impact, it remains important that the Licencing Committee consider the full importance of their decision in what is a mixed use Commercial and Residential environment.

It is somehow questionable that an A1 retail use class could obtain a license so systematically? Spitalfields is in a Cumulative Impact Zone, put in place to seek to prevent the increase in licensed establishments.

There seem to be a tendency for businesses who wish to sell alcohol to rent more affordable A1 retail sites and then apply for Premises License. These alternative ways increase licensed premises which add to the existing problems of anti-social behaviour suffered by the local residents.

As far as The Old Spitalfields Market is concerned, the number of units selling alcohol has exceeded the original conditions put in place as clearly stated in the report by a Tower Hamlets Council case officer Mrs Beth Eite in September 2014 (PA/14/01898). *(Report included)*

As a resident, I am concerned that the balance is now distorted. The Market which is as noted above a mixed-use premise both Commercial and Residential, is shifting towards becoming an ever-increasing licensed area.

If licensed again, the location and characteristics of this specific premises will have detrimental repercussions on the residents as occurred with the previous licenced tenant.

Mrs Brand and her family who live in the flat above the retail units have suffered some acute nuisance and prejudices which included an invasive smell of cheese in their home, vibrations and noise due to music. There was also anti-social behaviour by the owner themselves, their staff and the intoxicated customers *(see enclosed correspondence)*.

Life in our inadequately insulated homes located above the commercial units becomes dreadful when just plaster and floor boards are the only barrier to prevent noises and odour in this instance. These factors should be a concern for the authority as it represent not just a health and safety issue but also public nuisance.

Furthermore, no information was provided on the application as to the business model Take it Cheesy ltd/Funky Cellar will offer:

- Will it be a cheese shop with ancillary wine?
- Will it be a wine bar with ancillary cheese?
- Where will the customers seat considering that this retail shop is small?
- Will the necessary insulation and ventilation system be put in place to prevent noise and odours from causing nuisance to the neighbours?

Playing recorded music until 11 pm Monday to Saturday and until 9 pm on Sunday is unreasonable and inappropriate when combined with selling alcohol. These are sensitive period of the day when families have the right to enjoy their home. The cause and effect of consuming alcohol and eating with background music means that noise breeds noise.

There are 32 flats, homes to dozens of families, including elderly and children, located directly above the retail outlets. The Market needs to remain harmonious with a variety of businesses for the respect of everyone living and working under its roof. The more alcohol is provided in the Horner Buildings, the more it effects the residents' livelihood and would unbalance to great extent the equilibrium that has existed for years.

I request the understanding of the Licensing authority to ensure CIZ be respected and refuse another Licence application in The Old Spitalfields Market.

Best regards.

Sophie Stebbins

Sent from [Mail](#) for Windows 10

Appendix 16

Mohshin Ali

From: StGeorgeResidents'Association <[REDACTED]>
Sent: 20 September 2019 13:42
To: Licensing
Subject: Premises Licence Application - 10A Lamb St, E1 6EA

Follow Up Flag: Follow up
Flag Status: Completed

From Margaret Gordon - Chair, St George Residents' Association Spitalfields

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

Dear Licensing Team,

re Premises Licence Application, 10A Lamb St, E1 6EA by "Take It Cheesy Ltd", in "Funky Cellar"

The applicant suggests that the historical licence should continue with no adverse changes.

In order to be able to make any meaningful comment on this application, it would be helpful if we could know the nature of the proposed business.

Where within the premises is alcohol to be served? Is it to be primarily retail. or dining tables and/or a bar?

The previous occupant operated in the premises with A! (retail), the primary business being retail sale of cheese and wine for consumption by customers at home. When they applied for their premises licence, the 'restaurant' was initially described as a non-cooking operation - a glass of wine or beer with charcuterie and cheese.

I look forward to knowing more about the applicant's vision for the business.

Many thanks and best regards

Margaret Gordon - Chair, St George Residents' Association Spitalfields

Mohshin Ali

From: StGeorgeResidents'Association [REDACTED]
Sent: 11 October 2019 09:35
To: Licensing; Mohshin Ali
Subject: "Funky Cellar", 10A Lamb St, E1 6EA - Premises Licence application
Attachments: Funky Cellar Licence objection.docx

To LBTH Licensing Team
Environmental Health and Trading Standards
John Onslow House
1 Ewart Place
London E3 5EQ

From Margaret Gordon - Chair, St George Residents' Association Spitalfields

[REDACTED]
[REDACTED]
[REDACTED]

Dear Licensing Team,

re Premises Licence Application, 10A Lamb St, E1 6EA by "Take It Cheesy Ltd", t/a "Funky Cellar".

St George Residents' Association Spitalfields is for residents in 193 flats to the north side of Lamb Street, Folgate Street and Spital Square.

Please find attached our objection to the granting of a licence at 10A Lamb Street.

Yours faithfully

Margaret Gordon, Chair SGRAS

To LBTH Licensing Team
Environmental Health and Trading Standards
John Onslow House
1 Ewart Place
London E3 5EQ

From Margaret Gordon - Chair, St George Residents' Association Spitalfields

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

Dear Licensing Team,

re Premises Licence Application, 10A Lamb St, E1 6EA by "Take It Cheesy Ltd", t/a "Funky Cellar"

I am writing to object to the granting of a Premises Licence for sale of alcohol by "Funky Cellar" at 10A Lamb Street. The applicant suggests that the "historical licence" should continue with no adverse changes. I clearly remember the history of how 10a Lamb St became an **additional licensed premise in 2015 within the CIZ**.

10A Lamb Street had been a shop with **A1 (retail)** use. In March 2015 "Androuet" moved into 10A Lamb St from their restaurant at 107b Commercial Street. They sold cheese and wine, initially using a series of TENs, and applied for a new Premises Licence. The food to be offered was described as a non-cooking operation - a glass of wine or beer with cold charcuterie and cheese. This seemed to be permissible within A1 (retail) use because there would be no cooking. On that basis and with assurances about conditions, objectors were persuaded to withdraw. The street door from the shop onto Lamb Street was locked at 7pm, so evening clients entered via the 'rear' within Old Spitalfields Market, then exited onto Lamb St via the Mulberry or other OSM gates.

As time went by, hot food was offered at tables to the rear of the premises and into the space of OSM. A pavement board on Lamb Street indicated eat-in and take-away menus.

There is no indication on the current application how "Funky Cellar" intend to operate. Neighbours have been told that they will serve clients in the basement (previously a cheese storeroom). This implies that "Funky Cellar" hopes to cater for an increased number of customers drinking and eating. Clearly this would be beyond A1 Retail Planning Use. It would lead to an increase in numbers of customers leaving Mulberry Gate onto Lamb Street throughout the evening and after closing at 11:30pm.

It seems that "Funky Cellar" intends to be not simply a cheese retail shop with ancillary charcuterie/cheese plates, but will have greater focus on customers eating and drinking at the premises. Until such time as local residents are told more about the nature of the business, they can only assume that it will operate as a potential bar. If a licence is granted now, it will persist for future tenants at the address in an area saturated with licenced premises.

Therefore, on behalf of residents in about 50 flats opposite "Funky Cellar" facing onto Lamb Street, **we ask that a Premises Licence is not granted.**

Reasons -

- there will be an increase in late evening clients exiting onto Lamb Street after 11:30pm, increasing **noise nuisance**, adding to that caused by noisy people walking from Brick Lane, Hanbury St, and leaving other licensed premises within OSM.

- music will egress whenever the front door is opened as customers enter and leave.

- there is likely to be an increase in food courier bikes waiting in the street at all times of day and evening. Bikers gather on Lamb Street because of the many food outlets in OSM. They are **noisy** as they arrive and leave, ignoring one-way signs. They obstruct unloading bays and stand about on double yellow lines and corners, **making it difficult for vehicle drivers, cyclists and pedestrians.**

- it is **within the CIZ**. In March 2015 Androuet closed the restaurant at 107b Commercial St and the licence was transferred to the next tenant. Androuet was granted a **new** licence at 10A Lamb St, thereby **increasing** the number of licensed premises in OSM. LBTH granted other new licences after the CIZ was introduced in 2013.

If the premises is to be a **genuine 'retail' cheese and wine shop**, it would unlikely increase evening customers exiting onto the street. But they have given no assurance that it will not evolve into another bar/restaurant with all the disadvantages for local residents.

Thank you. Best regards

Margaret Gordon - Chair, St George Residents' Association Spitalfields.

Appendix 17

Mohshin Ali

From: Rose Sheldon <[REDACTED]>
Sent: 14 October 2019 16:15
To: Licensing
Subject: RE: License Application for 10a Lamb Street E1 6EA
Attachments: 10a Lamb Street Licensing Application.pdf; Tenant complaints No 10a Lamb st.pdf; Mrs Brand & Quentin EMAILS.pdf; LBTH Report Mrs B Eite Sept 2014.pdf; PopplestonAllen Letter to St George Residents' Association.pdf; Champagne + Fromage menu.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Please find attached Spitalfields Market Residents Association's representation and related documents regarding the application by 'Take it CheesyLtd' in respect of premises to be known as 'Funky Cellar', 10a Lamb Street E1 6EA.

Kind Regards, Jonathan Stebbins
Spitalfields Market Residents Association (Horner Buildings)



Spitalfields Market Residents' Association



Please help to protect the environment by not printing unnecessarily.

To:

The Licensing Committee

Tower Hamlets Council, Mulberry Place

5 Clove Crescent, E14 2BG

13th October 2019

licensing@towerhamlets.gov.uk

Dear Sir, Madam

Funky Cellar (Take it Cheesy Ltd), 10a Lamb Street, London E1 6EA

SMRA representing residents of the Horner Buildings, objects to this licence application.

Firstly, we would like to state that the Residents of the Market and the community in general are keen for, and support, a diversity of businesses successfully operating in Spitalfields market.

The SMRA have reached out to Funky Cellars to open a dialogue. Their initial response was that they would revert within a few days. After a week or so, we received an e-mail saying that their solicitors would revert, but not before the 16th October (see attached). Co-incidentally this is the same date by which objections must be submitted. So effectively, we have been prevented from having a proper dialogue to discuss matters.

Spitalfields Markets / The Horner Buildings are a mixed use Commercial and Residential space. As such there needs to be a suitable balance of operations allowing Commercial businesses to co-exist with Residents without detriment to Residents who should be able to enjoy their right to a peaceful existence.

To this end, a report by Tower Hamlets Council case office Mrs Beth Eite in September 2014 (PA / 14/10/01898) (report included), laid out the conditions of licences for Spitalfield Markets (*see extract from report*).

The Grounds for objection are -

- Prevention of Public Nuisance
- Public Safety

Prevention of public Nuisance:

1. The Market is a mixed use Commercial and Residential space. The excessive volume of Licenced premises in the Horner Buildings causes a general nuisance to its residents. As noted above, the number of licences already exceeds the acceptable level noted in the TH report - PA/14/10/01898.

CIZ is in place to ensure and protect the quality of life of the residents therefore increasing the number of premises licences in the Market does not keep anti-social behaviour at bay as we will demonstrate in this objection letter.

2. Nuisance to Residential neighbours in the immediate vicinity. The Licence application requests for the sale of alcohol to 11:00 to 23:00 Monday to Saturday 11:00 – 21:00 on Sunday. Coupled with this, is regulated entertainment in the form of recorded music to 23:00. The combination of food & music with alcohol creates a level of noise which goes on till very late in the evening that causes a nuisance and is unacceptable to the residents in the flat immediately above.

We have enclosed email conversation between the shop tenant and the resident Mrs Brand. It is mentioned that the tenant wants to stop operating the restaurant by 23.30 pm. Will customers have left the premises by then or is it the time they will stop serving?

- OSM had agreed that the previous tenant's front door on Lamb Street had to close by 7pm to limit nuisance and the entrance to the shop had to be via the Market. The gates of the Market close at 11pm. If this rule is not followed it will certainly cause anti-social behaviour as it did previously with customers gathering on the pavement by the residents' door, smoking & talking.
- The gates of the market shut at 11pm therefore the shop can't remain open until 11.30pm.

The operation's previous tenant (Androuet) ran a licensed cheese establishment on a similar basis to the proposed operation by Funky Cellar. By the very nature of Androuet's business it caused considerable nuisance to the residents in the form of food odour, noise from music and antisocial behaviour from the tenants and their customers (*see complaint letters from Mrs Brand*).

The residents' home and retail units below are Victorian built with little effective (or no) insulation protecting from noise and odour. This has been a

prime source of nuisance for years. There is no indication of adequate works being carried out to protect the quality of life of the families from OSM's new tenant's professional activities. Therefore, the chance of the noise and smell nuisance is most likely going to be repeated.

Health and Safety:

1. PopplestonAllen's (*applicant's solicitor*) letter did send a letter to St Georges Residents Association. In it it stated that the main element is the retail of a rather extensive choice of food and the second element being a modest casual bistro style operation, so why has the tenant of the retail unit said to Mrs Brand that they would only open a pop-up shop and will not sign a long lease agreement unless they are granted a licence?
2. Furthermore, why would a shop which purports to be selling primarily food bear the name 'Funky Cellar'? The tenant has indicated to Mrs Brand that the bistro aspect of their operation was very much part of their strategy. A restaurant style operation with alcohol is not compatible with an A1 retail unit.

It would have been in the interest of both the Licensing committee and the residents if PopplestonAllen had forwarded more information about the "modest" element of the casual bistro-style operation.

- How many tables do they want to have on the premises?
- The floor area being rather small, if the main element of their business is the sale of food, where are the seating areas going to be located?
- If, indeed, they intend on transforming the basement, is the staircase suitable for customers entering/leaving not too mention food being carried away by staff?
- Are there sufficient fire exits?
- There are no toilets on the premises.

The applicant, as mentioned by PopplestonAllen, operates premises known as 'Champagne + Fromage' and they said that it has a similar situation to the site at 10a Lamb Street, and that they never have had issues with neighbours. It is irrelevant to compare the two as we have no relevant information to judge these facts eg. Is effective insulation in place for both noise and odour? Is there an in-restaurant toilet? Is there a designated smoking area away from residents' front doors? etc.

What is clear is the similarity of the business they wish to open in Spitalfields.

We have attached the menu of the operation in Covent Garden for your information. As you will see, there is cold and prepared food on the menu which necessitate a kitchen with proper extractor fans. That is not available or applicable at 10a Lamb Street.

Email (*copy enclosed*) from the tenant to Mrs Brand states that they intend on running a restaurant and cooking inside the market area on an allocated area which covers roughly 20 sqm².

- What cooking equipment will be used in the Market area considering it also has to allow passage for visitors walking through from one end of the market to the other, as well as the set-up of tables and chairs?
- The residents' windows & patios also face the inside of the market - will there be an extractor fan and where will the smoke/smell evacuate to since the Market is an enclosed area?
- How could music being played until 11pm inside the shop (which has no insulation) or outside in the terrace area just below the residents' windows be controlled?

From the various statements of OSM's new tenant and their solicitor, there is evidence that the business operation intended is not compatible with an A1 retail unit which primarily should be retail of goods. Any granted licence should not conflict with the planning permission in effect.

What is also unclear is the number of customers they intend to cater for and where or how they will be seated. Concerns are that it may become another bar, and that the licence will also be transferable to future tenants in an area already saturated with bars and restaurants.

No longer benefiting from a premises licence is a good opportunity to rectify the misery that the past one had on the residents of the Horner Buildings.

We ask that you refuse this application in order to protect the residential area, which is within the Cumulative Impact Zone, from an increase in alcohol-related antisocial behaviour and from noise nuisance resulting from more frequent later trading.

Jonathan Stebbins
Chair
Spitalfields Market Residents Association.

From: Oliver Gadd <[REDACTED]>

Date: 20 March 2017 at 10:27:17 GMT

To: Paola Andrea Brand Gonzalez <[REDACTED]>

"Rita.Craddock [REDACTED]"

Subject: RE: Vent turned off

Hi Paola

I will speak to Alex.

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

Cushman & Wakefield Site Services Ltd

[REDACTED]

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[REDACTED]

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

From: Paola Andrea Brand Gonzalez <[REDACTED]>

Sent: 19 March 2017 09:23

To: Rita.Craddock <[REDACTED]>; Oliver Gadd

Subject: Vent turned off

Morning, this morning we woke up to the horrible smell of cheese coming up . When went out we noticed once again that the vent had been off. This happens occasionally that they turn it off during the night. I will leave it in your hands.

From: Rita Craddock <[REDACTED]>

Date: 10 March 2017 at 15:49:28 GMT

To: Paola Andrea Brand Gonzalez [REDACTED] >
Subject: RE: Cheese smell

Hi Paola,

Apologies for the late reply but I had been on leave when your email came through. I have not heard anything from Leo regarding installation of the vent but this may be because I was on leave. Is there any update since March 6th; has Leo contacted you about this matter?

If not I can make arrangements to visit the shop next week to ascertain what action is proposed.

Thank you.

Kind regards,

Rita Craddock

Environmental Health Officer MCIEH
London Borough of Tower Hamlets

Room 2.7,
John Onslow House Offices
1 Ewart Place
London
E3 5EQ

[REDACTED]

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

From: Paola Andrea Brand Gonzalez [REDACTED]]
Sent: 06 March 2017 17:15
To: Rita Craddock
Subject: Cheese smell

Afternoon Rita,
Hope your well.

I just want to know if you've heard from Leon regarding the vent and the wall?
I wondered if you also an really chase them up in terms of putting the cheese away in the evening as they are just leaving them in the fridge over night.
Please let me know.

Regards
Paola Brand

From: Oliver Gadd <[REDACTED]>
Date: 7 March 2017 at 15:48:26 GMT

To: Paola Andrea Brand Gonzalez [REDACTED]

Subject: RE: Update?

Hi Paola

I couldn't see anything in their licence. I have asked the surveyor to check the lease.

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

Cushman & Wakefield Site Services Ltd

[REDACTED]

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Regulated by RICS

[REDACTED]

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

From: Paola Andrea Brand Gonzalez [REDACTED]

Sent: 07 March 2017 15:43

To: Oliver Gadd

Subject: Re: Update?

Hi Oliver ,

Thank you for your reply.

I understand they have a licence to sell alcohol but are they allowed to convert their shop in a restaurant after 7pm? Having people dining and drinking inside? From previous understanding we were told they are not allowed to do this. Please see photo below.

From: Rita Craddock <[REDACTED]>

Date: 9 September 2016 at 12:10:55 BST

To: Paola Andrea Brand Gonzalez [REDACTED]

Subject: RE: Extractor

Dear Paola,

Further to the complaint re: the non-use of the extraction unit at the Cheese Shop. Mr Androuet has emailed to advise that the reason the fan was not in use is due to a mechanical problem. As such an engineer has been booked to attend today to repair the fault. The extraction unit should be working effectively by this afternoon.

I discussed mitigation methods regarding odour with Mr Androuet over the telephone. The sealing works in the shop have been completed. Mr Androuet is looking at installing a new extract for the basement area. A further suggestion was made regarding 'over door ventilation'. If you look at the access door to the flat to the left of your property you will note the louvre ventilation above the access door to the flat. I think that this would be an effective way of providing air circulation in the hallway.

I am on leave from September 12th until September 19th. Could you and your husband think about this option and I can contact you to discuss on my return?

Thank you.

Kind regards,

Rita Craddock

Environmental Health Officer MCIEH
London Borough of Tower Hamlets

Room 2.7,
John Onslow House Offices
1 Ewart Place
London
E3 5EQ

[REDACTED]
[REDACTED]

From: Paola Andrea Brand Gonzalez [REDACTED]

Sent: 08 September 2016 16:55

To: Rita Craddock
Subject: Re: Extractor

Thank you

Regards
Paola Brand

On 8 Sep 2016, at 16:53, Rita Craddock [REDACTED] > wrote:

Dear Paola,

Thank you for your email. I have called the Cheese Shop and have spoken with Leo. Some maintenance to the extract unit was carried out two days ago and all appeared to be working well. Unfortunately there seems to be a problem with it this afternoon and it is not working properly. This may be due to a blown fuse. Leo advised that he would investigate this and book an engineer to service it if he cannot get it to work properly.

The extraction unit was not switched off deliberately.

I have asked for an update this evening before 6pm. Once I have received further information I can provide an update.

Kind regards,

Rita Craddock

Environmental Health Officer MCIEH
London Borough of Tower Hamlets

Room 2.7,
John Onslow House Offices
1 Ewart Place
London
E3 5EQ

[REDACTED]

From: Paola Andrea Brand Gonzalez [REDACTED]
Sent: 08 September 2016 16:38
To: Rita Craddock
Subject: Fwd: Extractor

Hi Rita please find attached the email that send Oliver today regarding the extractor fan. I've just arrived home and it's still off. These people really don't care what we have to put up with. It's ridiculous.

Regards
Paola Brand

Begin forwarded message:

From: Oliver Gadd [REDACTED] >
Date: 8 September 2016 at 12:36:46 BST
To: Paola Andrea Brand Gonzalez <[REDACTED]>
Subject: RE: Extractor

Hi Paola

I have asked them to keep this switched on.

Thanks

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

DTZ and Cushman & Wakefield have now merged

Cushman & Wakefield Site Services Ltd

[REDACTED]

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[REDACTED]

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

From: Paola Andrea Brand Gonzalez [REDACTED]]
Sent: 08 September 2016 07:52

To: Oliver Gadd
Subject: Extractor

Good morning Oliver

Could you please remind the cheesemongers to leave their extractor fan on. We arrived on Sunday from holidays and it was off, Monday it was off too so on Tuesday morning I asked the young man who's there in the morning if he could please ask his managers to leave it on, he said it was on (in the shop) I showed him the vent outside that it was off. He didn't say anything, anyway yesterday it was on but this morning it's off again. Please remind them of the smell that we have to live with daily. Some days it's absolutely horrendous and we really shouldn't be living with that smell 24/7. It's very frustrating.

Regards
Paola Brand

From: Rita Craddock <[REDACTED]>
Date: 2 August 2016 at 14:24:40 BST
To: Paola Andrea Brand Gonzalez <[REDACTED]>
Subject: RE: Smell

Dear Paola,

Thank you for your email. I have contacted Mr L. Androuet for an update on the works, I will contact you once I have received a reply.

Thank you.

Kind regards,

Rita Craddock

Environmental Health Officer
London Borough of Tower Hamlets

Room 2.7,
John Onslow House Offices
1 Ewart Place
London
E3 5EQ

[REDACTED]

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

From: Paola Andrea Brand Gonzalez <[REDACTED]>
Sent: 29 July 2016 10:41

To: Rita Craddock
Subject: Smell

Good morning Rita,

I was just wondering if you know if the people in the cheesemongers have finished all their other jobs (sealing their ceiling and their storage room in the basement) the smell in our corridor is really bad. I just had some work men and they said we don't want to be rude but what's that awful smell downstairs? It's so annoying that when you walk into my house that's the first thing people can smell.

Regards
Paola Brand

From: Rita Craddock [REDACTED]
Date: 24 June 2016 at 11:08:00 BST
To: Paola Andrea Brand Gonzalez [REDACTED]
Subject: App ref: 230618

Dear Paola,

I visited the Cheese shop yesterday and spoke with Alexandra Paeatiot. Alexandra is currently managing the shop as the owners are on leave. Alexandra was off duty on the day you reported that the extraction unit was turned off and advised that she would investigate the matter to ascertain who was responsible. Alexandra agreed to put up a sign by the switch to alert staff not to turn off the extraction unit without approval from management.

Alexandra also agreed to contact the Jetfreeze company again about the early morning deliveries. I have checked with the noise team and there is no service available to monitor noise on weekdays in the early hours of the morning.

Please can you update me next Wednesday June 29th to advise if the deliveries occur between 3-4am?

Thank you.

Kind regards,

Rita Craddock

From: Oliver Gadd <[REDACTED]>
Date: 8 June 2016 at 10:58:45 BST
To: Paola Andrea Brand Gonzalez [REDACTED], Rose Lamb Street
<[REDACTED]>
Subject: RE: Noise once again

Dear Paola

Was this to the Cheese shop again as I have spoken to them about this?

Kind regards

Oliver Gadd
Regional Facilities Officer
Asset Services

[REDACTED]

DTZ and Cushman & Wakefield have now merged

Cushman & Wakefield Site Services Ltd

[REDACTED]

Facebook | LinkedIn | Twitter | YouTube

Regulated by RICS

[REDACTED]

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

From: Paola Andrea Brand Gonzalez [REDACTED]
Sent: 08 June 2016 10:49
To: Oliver Gadd; Rose Lamb Street
Subject: Noise once again

Good morning,

Once again we got woken up this morning (3am-4am) by the delivery men. Once again they weren't only delivering but also making noise loading the small van from the big one.

I would like to know when is something is going to be done regarding the noise they make? I have put a complaint to the noise environment too.

It's not acceptable that this happening EVERY WEDNESDAY MORNING. If we were people that didn't work and could spend the day catching up on our sleep then maybe we could live with it but unfortunately my husband works early morning 6am and this is really causing problems because after he gets woken up at 3-4am he can't go back to sleep. Please do something about this. I wait to hear your reply.

From: Guy Robinson [REDACTED] >
Date: 6 May 2016 at 09:19:33 BST
To: Paola Andrea Brand Gonzalez <[REDACTED]>
Cc: Lauren Lewis [REDACTED], Oliver Hyman/GBR
[REDACTED]
Subject: RE: Noise 2

Good morning Paola,

Thanks for getting in touch and please don't apologise for doing so.

We shall pick this up with the tenant and make them aware that their staff should be considerate of your needs. They are required to not cause any nuisance to neighbours and so we can take action against them if they don't pay attention to that.

It does seem excessively early to have someone undertaking that kind of activity in the shop.

Regards

Guy

Guy Robinson MSc MRICS
Associate
Retail Asset Services



Regulated by RICS

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

From: Paola Andrea Brand Gonzalez [redacted] m]

Sent: 06 May 2016 07:04

To: Guy Robinson

Subject: Noise 2

Good morning Guy

Sorry for being such a pain and having to keep complaining about different things. I'm now also complaining about the cleaner from the oyster bar. This has been happening for a long time but my husband always goes down and speaks to Richard the owner. The problem is that the cleaner makes so much noise when he's cleaning banging the Hoover onto the furniture also he drags the furniture on the floor instead of lifting things up. The worst thing is that it happens ALWAYS between 3-4am!!!!!! This morning my husband went down at 3.40am to knock on the door and tell the cleaner to stop making noise. The cleaner had his headphones on (which doesn't help as he cant hear the noise he's making) when cleaner saw my husband he came to the door, my husband told him to stop making noise and all the cleaner could say is " well you teach me how to do my job!". As I said this has been going on for a long time and I also know my neighbour Syed from no9 has complaint. We are trying to be patient that's why we speak with Richard so he can sort his staff out but this is now too much our sleep is constantly getting disturb from both sides when is not the delivery man from the cheesemongers is the cleaner!!!

I would like to you, are people (like the cleaner) really allowed to be working at this time of the morning 3-4am? As far as I know he shouldn't. Please can you look into this and put a stop to this. Thank you

Regards
Paola Brand

From: Paola Andrea Brand Gonzalez [REDACTED]
Date: 10 March 2015 at 16:09:27 GMT
To: Lorraine Woods [REDACTED] >
Subject: Re: Odour from The Cheesemonger, 10a Lamb Street - APP 230618

Hi Lorraine,
It's just to let you know that the cheese monger haven't installed anything for the smell. They were supposed to do it yesterday but nothing. The problem is as I mentioned to you on the phone that during the day they open both doors of the shop and although the smell is still there it's not as bad as in the morning.
Please let me know what the next step is.
Thank you
Paola

On 25 Feb 2015, at 16:08, Lorraine Woods <[REDACTED]> wrote:

Hi Paola,

That's good news. Yes, get back if nothing has been installed in a couple of weeks.

From: Paola Andrea Brand Gonzalez [REDACTED]
Sent: 25 February 2015 16:00
To: Lorraine Woods
Subject: Re: Odour from The Cheesemonger, 10a Lamb Street - APP 230618

Hi Lorraine,
I just went into the shop and asked them what are they going to do.
I was told they've ordered a machine which absorbs odours and it cleans the air. They said it should arrive next week and then they will install it.
I wonder if we wait for them to sort it out and if in a couple of weeks nothing is done then I will email your colleague. What do you think?
Thank you
Paola Brand

On 25 Feb 2015, at 15:10, Lorraine Woods [REDACTED] > wrote:

Thank you.

From: Paola Andrea Brand Gonzalez [REDACTED]
Sent: 25 February 2015 14:04
To: Lorraine Woods
Subject: Re: Odour from The Cheesemonger, 10a Lamb Street - APP 230618

Thank you I will email you on Friday.
This is the email

[REDACTED]

If I don't hear anything by Friday I will then email Guy to tell him that I'm contacting the environmental dept.

Regards
Paola Brand

On 25 Feb 2015, at 13:36, Lorraine Woods [REDACTED] wrote:

Dear Ms Brand,

With reference to our phone conversation today regarding the above.

As you know I am off for a few weeks, if the shop landlord does not get back to you by the end of the week please do not hesitate to contact my Team Leader, Iain Pendrigh, who has been copied into this email, quoting the APP reference above.

In the meantime I would be grateful if you can send me the contact details for the landlord, Guy Robinson.

Regards

Lorraine Woods

**Lorraine Woods | Public Health Team | Environmental Protection | London
Borough of Tower Hamlets | E14 1BY | [REDACTED]**

[REDACTED]

From: Paul Davies [REDACTED] >
Date: 27 November 2017 at 16:24:46 GMT
To: Paola Andrea Brand Gonzalez [REDACTED] >
Subject: RE: 10 Lamb Street

Hi Paola

I am aware of the correspondence and the previous incidents. I have written to the retailer previously and I have a meeting with them this coming week.

Paul

Paul J Davies

Facilities & Real Estate Management

Tribeca Holdings

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

****PLEASE NOTE OUR NEW OFFICE ADDRESS AND E-MAIL CHANGE****

From: Paola Andrea Brand Gonzalez [REDACTED]

Sent: 27 November 2017 15:21

To: Paul Davies <[REDACTED]>

Subject: 10 Lamb Street

Hi Paul,

I hope you've had a chance to read my email from last night. I spoke to Toby today and he said that you would be dealing with this issue. Once again I would like to point out the stress that this is causing us. Is unacceptable the way Alex is making us feel. We shouldn't feel intimidated or scared to go out specially when he's high on his drugs.

My husband will be reporting this issue once again with the police officer who dealt with Alex in the summer. We would really like to know what you are going to do. If you could please keep us updated. Thank you.

Regards

Paola Brand

From: Paul Davies [REDACTED]
Date: 27 November 2017 at 16:23:54 GMT
To: Rose Sheldon [REDACTED] >, Toby Brown <[REDACTED]>, Oliver Gadd [REDACTED] >
Cc: Mike Myers [REDACTED] >, Paola Brand [REDACTED]
Subject: RE: 10 Lamb Street threatening behaviour

Hi Rose

I have a meeting arranged with Alex, this week. We can catch up on Thursday.

Paul

Paul J Davies

Facilities & Real Estate Management
Tribeca Holdings

[REDACTED]

****PLEASE NOTE OUR NEW OFFICE ADDRESS AND E-MAIL CHANGE****

From: Rose Sheldon [REDACTED]]
Sent: 27 November 2017 14:13
To: Toby Brown [REDACTED] Oliver Gadd [REDACTED] >; Paul Davies [REDACTED] >
Cc: Mike Myers <[REDACTED]>; Paola Brand <[REDACTED]>
Subject: Fwd: 10 Lamb Street threatening behaviour

Hello Oliver, Paul and Toby,

Think we need to talk about Androuet's latest so please let's discuss at the liaison meeting on Thursday morning. I really don't understand why Alex Guaneri, in particular, seems unable to be polite and professional despite all the Tribeca reprimands.

Thanks and see you on the 30th - Rose

Begin forwarded message:

From: Paola Andrea Brand Gonzalez [REDACTED] >
Subject: 10 Lamb Street threatening behaviour
Date: 26 November 2017 at 22:50:30 GMT
To: Toby Brown [REDACTED] >, Oliver Contractor [REDACTED] >, Rose Lamb Street [REDACTED] >

"paul.davies [REDACTED]"

Evening all,

Just wanted to mention something that happened about 10min(10.20pm). My husband went out to get something from the car, as he walked out of our door Alex and four others were standing outside smoking weed and Alex started shouting at my husband. He started shouting "hey Alex so sorry, we are not going to make fu..... noise tonight!" He repeated this 3 times swearing."

My husband felt threatened due to previous violent act of Alex and his friends towards him. My husband ignored him and just walked away as soon as he could.

My husband came back home and they were still standing there but he quickly walked in and locked the door before they could say anything to him again.

It's very upsetting and stressing to feel like this. Also with the feeling that we have to watch our back when we are walking in or out of our own house. I really don't know how much longer we have to put up with this.

We would really like you to put yourselves in our position and really think about if these people really do deserve to have such contract with everything that's happened and things that keep happening. This guy Alex is a violent and horrible person who's already tried to assault my husband twice and who's even tried to punch me once.

Please add this incident to your records. I hope Alex doesn't try anything else towards us. I don't even know if it's worth for you to speak to him about this incident or if it will make things worse. I will leave it in your hands.

Regards

Paola Brand

From: Toby Brown [REDACTED] >

Date: 22 December 2017 at 16:03:38 GMT

To: Paola Andrea Brand Gonzalez [REDACTED] >

Subject: Re: Loud Bass

Thanks Paola,
So all quiet now then ?
Please keep me posted
Thanks
Toby

Toby Brown

Old Spitalfields Market Limited

[REDACTED]

On 22 Dec 2017, at 14:48, Paola Andrea Brand Gonzalez [REDACTED] wrote:

Thanks Hughe was about to go too

Regards
Paola Brand

On 22 Dec 2017, at 14:43, Toby Brown [REDACTED] wrote:

Hannah Is looking in there right now to check.

Toby Brown

Old Spitalfields Market Limited
[REDACTED]

On 22 Dec 2017, at 14:37, Oliver Gadd [REDACTED] > wrote:

Hi Paola

I'll contact Alex and get Concierge to go over.

Kind regards

Oliver Gadd
Facilities & Real Estate Management
Tribeca Holdings
[REDACTED]

On 22 Dec 2017, at 14:33, Paola Andrea Brand Gonzalez <[REDACTED]>:

Hi all
Once again the bass
in so loud that I'm
here with my
granddaughter
trying to watch a
film and all we can
hear is the music
and the bass
vibrating our floor.
Please once again
can u tell them to
put it down . God

sake this is so
frustrating

Regards
Paola Brand

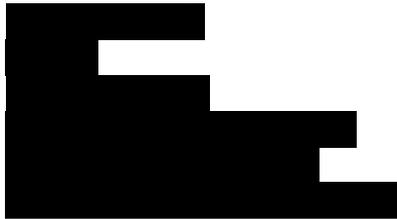
From: Oliver Gadd [REDACTED] >
Date: 20 December 2017 at 17:34:31 GMT
To: Paola Andrea Brand Gonzalez [REDACTED]
Cc: Toby Brown [REDACTED], Paul Davies <[REDACTED]>, [REDACTED] >
Subject: Re: Bass

Hi Paola

I'll speak to Alex again.

Kind regards

Oliver Gadd
Facilities & Real Estate Management
Tribeca Holdings



On 20 Dec 2017, at 17:30, Paola Andrea Brand Gonzalez <[REDACTED]> wrote:

Hi Oliver,
I'm really sorry I but the bass is back on. I've just spoken to the security on call and he told me that he would go and speak to them but when he's spoken to them before they've told him that they are within their rights to have the music on that high because it's not late. I told the security that it's fine for them to have music on but not with the bass that shakes our floor and we can't even hear our tv. He said he would try but he doesn't think they are going to pay any notice.

This is extremely frustrating as they know this. I would ask that either you or Paul to put this in writing for them. I know you've spoken to them already this afternoon but once again they don't take any notice of what they are told NOT to do. Thanks

Regards
Paola Brand

From: Oliver Gadd [REDACTED] >
Date: 20 December 2017 at 17:11:48 GMT

To: Paola Andrea Brand Gonzalez [REDACTED]

Subject: Re: Music Bass

Just before, but Alex mentioned it. Is it still an issue?

Kind regards

Oliver Gadd

Facilities & Real Estate Management

Tribeca Holdings

[REDACTED]

On 20 Dec 2017, at 17:03, Paola Andrea Brand Gonzalez <[REDACTED]> wrote:

Hi Oliver,
Was this before my email or after?

Regards
Paola Brand

On 20 Dec 2017, at 16:53, Oliver Gadd <[REDACTED]> wrote:

Hi Paola

I have already spoken to Alex this afternoon.

Kind regards

Oliver Gadd

Facilities & Real Estate Management

Tribeca Holdings

[REDACTED]

On 20 Dec 2017, at 16:25, Paola Andrea Brand Gonzalez <[REDACTED]> wrote:

Hi all,
Could you please be so kind and
have another word with the
cheesemongers and ask them to
please keep their bass down! I can
literally feel my floor vibrate. Early

this week the security had to go and ask them as well to put it down. It's ok to have music on but not with so much bass.

Thanks

Regards

Paola Brand

From: Quentin Coulombel du Beaudiez [REDACTED]
Date: 12 October 2019 at 16:13:39 BST
To: Paola Andrea Brand Gonzalez [REDACTED] >
Subject: Re: Léase

Dear Paola,

Sorry for late reply I've been rather busy with my restaurant in Sevenoaks.
Regarding the fan, yes we will put the fan on but when we went the electricity supply was cut, I believe is back now so we can put the fan on.

Also it is really tricky situation for us as we really want you to be happy and it is a bit out of our control.

I'll keep you updated if I know more.

Best
Quentin

Le mar. 8 oct. 2019 à 18:04, Paola Andrea Brand Gonzalez [REDACTED] > a écrit :

Hi Quentin

I don't know what Toby has said to you about the insulation but I spoke to him and he said that he's not going to insulate the shop until he knows if you are granted the license. I was very upset about this because we will have to put up with the smell until "December" at least.

I said to him that if you are granted the license if he's really going to carry out the work then! (I doubt it very much)

Could I please then ask you that from now you turn the ventilation on again. The last thing I want to do is to get the environmental health department involved again (I don't think this is fair because the ones that will get all the hassle is you guys and Toby will just clean his hands) this just clearly shows that Toby doesn't care one bit about the residents.

Regards
Paola Brand

On 8 Oct 2019, at 14:59, Quentin Coulombel du Beaudiez [REDACTED] > wrote:

Dear Paola,

Thank you for your email.

We do not have the lease yet we just start cleaning in the idea of a lease.

The plan now is to do a pop up till December while the licence getting processed.

If the licence do not get through we cannot operate our business and will have to stop.

I've asked Toby again yesterday regarding insulation I'm awaiting his for his plan.

I will keep you updated as soon as I know more.

All the best !
Kind regards

Quentin

PS: I hope we didn't bother you with the noise on Sunday ?

Le lun. 7 oct. 2019 à 12:54, Paola Andrea Brand Gonzalez <[REDACTED]> a écrit :

Afternoon Quentin

Hope you're well. Can I just ask you, do you guys already have the lease? Are you opening the shop next week?

Thanks all the best!

Regards

Paola Brand

From: Quentin Coulombel du Beaudiez <[REDACTED]>

Date: 30 September 2019 at 16:26:11 BST

To: Paola Andrea Brand Gonzalez <[REDACTED]>

Subject: Re: 10 Lamb Street

Hi Paola,

No problem.

Indeed we applied exactly for the same licence which state that Recorded music stops at 23.00 and restaurant closed at 23.30, and 21 for sundays.

In regard to hot food we do not plan to have a kitchen, but we will served melted cheese like raclette/fondue, **we plan to do this on the outside terrace.**

Many thanks

Quentin

Le lun. 30 sept. 2019 à 15:47, Paola Andrea Brand Gonzalez <[REDACTED]> a écrit :

Hi Quentin,

Sorry for the confusion.

One question I see that on the licence you are applying it says that you are applying for music after 11pm. What time are you planning to close the shop?

Also it there going to be hot food served?

Thanks for emailing back.

Regards

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Also it there going to be hot food served?

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Regards

Paola Brand

REPORT

SITE AND SURROUNDS

The application site is a vacant commercial unit located on the southern side of Lamb Street. It forms part of Spitalfields Market and is part of the Horner Buildings which are grade II listed. The site is located within the Brick Lane and Fournier Street conservation area.

It is within the Central Activities Zone. There is a current 'Cumulative Impact Zone' or CIZ in place for the area, which is a licencing policy which seeks to prevent the increase in licensed establishments within the CIZ.

The site is highly accessible by public transport with a PTAL Index 6b (excellent). It is located close to Liverpool Street Main Line and Underground stations and Shoreditch High Street Overground station. London Transport buses serve Bishopsgate and Commercial Street.

There are residential properties located above the application site and across Lamb Street.

RELEVANT PLANNING HISTORY

PA/97/149 - Restoration, refurbishment and alterations to the existing buildings and the erection of single and two storey retail/ food and drink units under the existing market roof and the provision of an open market area and pedestrian malls and access. Approved 11/12/97

PA/02/1211 – Continued use of the central area for market, exhibition and public event purposes. Approved 23rd July 2004. This application was approved subject the following condition:

"The development is only to be carried out in accordance with the plans approved either by this permission or at a later stage or as otherwise amended in writing by the Local Planning Authority.

Reason: The Local Planning Authority considers that the carrying out of the development other than in the form presently approved would result in a development that would be detrimental to the character of the listed Horner Buildings and to the character and function of the area generally."

PA/02/738 – Erection of two, two storey buildings under existing market roof for retail (A1) and food and drink (A3) uses with bridge link at first floor level (pavilions SP1 and SP2). Approved 23/7/04.

PA/11/602 - Continued use of the central area for market, exhibition and public event purposes.

Variation of condition 2 attached to planning permission reference PA/02/1211 to allow market use in trading hall area on Saturdays. Approved 24/11/2011.

This application was a s73 to the 2002 application and re-issued the s106 agreement. Within this s106 agreement the subject property is defined as a local shop. There are 10 local shops defined within the plan attached to the s106 and the use is restricted to various uses within the A1 retail use class. When these units become vacant they must be re-let to another 'local shop' operator and in the event that these units remain vacant for 12 months the developer can serve a written notice on the Council that they intend to propose an occupier who is not a local shop operator. The Council can then notify the developer as to whether they agree that this is a reasonable business which would be of benefit to local people.

This s106 also restricts the number of A3 units, stating that they should not be in excess of 21 units and regardless of the number of units should not be in excess of 40% of the total non-residential floor place.

Currently there are 13 A3 units within Spitalfields market (not including those to the west of Crispin Place which form part of a separate application), however the floor space exceeds 40% as the units within the centre of the market are two storey and therefore count for a large proportion of floor area.

- The area is already saturated with A3/A4 uses and this proposal will add to anti-social behaviour
- The site is within the CIZ and as such, should be refused.

Internal/External Consultation Responses

1. Environmental health - This planning application cannot be supported. A noise assessment is required to confirm that the mechanical plant for the premises complies with BS4142, 10db below back background at 1m from the facade of the nearest noise sensitive residential premises. The acoustic report needs to have an appendix with the calibration certificate and the full raw data. There is the assumption that good design range is complied with under BS8233 and that Sound Insulation is above and beyond Building Regulations between the commercial and residential premises to minimise commercial premises impinging on residential occupants.
2. Licensing: The nature of this planning application will require a Premises licence under the Licensing Act 2003.

The premises falls within a CIZ (Cumulative Impact Zone). Brick Lane and its environs have the highest concentration of licensed premises in Tower Hamlets. This continued development and increased number of restaurants, late night takeaways, off licences and bars, have now placed a considerable strain on police resources and also that of other responsible authorities. This has lead to alcohol related violence, public disorder and anti-social behaviour (ASB). Some may be considered "low level" ASB but actions such as urinating in the street or groups of foreign students playing drums into the early hours of the morning has a debilitating effect on the local residents and blights their home lives.

The effect of a 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. The

government guidance also advises that other mechanisms such as planning controls both within and outside the remit of the licensing regime should be recognised for controlling cumulative impact. I therefore ask you to take into account the location of the premises and the above when making your decision on this Planning application

Margaret Gordon
c/o St George Residents' Association Spitalfields

Date: 10 October 2019

Our ref: DI/DI/L12571-22
Doc Ref: 2147276803

Your ref:

E-mail:

Direct line:

By e-mail only

Dear Ms Gordon

Funky Cellar, Old Spitalfields Market, 10a Lamb Street, London
New Premises Licence

We are instructed on the new premises licence application for Funky Cellar at 10a Lamb Street and we are in receipt of your enquiry to Tower Hamlets Licensing Authority regarding this.

The Applicant, Take It Cheesy Limited, is a part of Une Normandie a Londres, a long established family business specialising in imported artisan cheeses, cured meats and preserves from across Europe.

The proposed operation at 10a Lamb Street has two elements. The main element is the retail of European cheeses, charcuterie, pâtés, terrines and jams and the business would like to complement this with a selection of alcohol for sale. The second element is a modest, casual bistro-style offering based around cheeses and charcuterie, which again would be complemented by the sale of alcohol products for consumption on the premises.

The business already operates in various markets across London including Borough Market, Portobello Road and Hampstead. The Applicant also operates a premises known as Champagne + Fromage in Covent Garden, which has a very similar situation to the site at 10a Lamb Street being located in an old building with residential neighbours living immediately above the premises. The Applicant can confirm that the operation of Champagne + Fromage has never created issues for their neighbours.

As you may be aware, this premises benefitted from a premises licence until very recently. The previous premises licence lapsed when the Premises Licence Holder went into administration in April 2019. As such, this application is only seeking to permit the same activities, hours and footprint that were previously licensed and in force up until April this year.



Should you have any further queries regarding this application then please feel free to contact David Inzani of Poppleston Allen Solicitors at [REDACTED]

Yours sincerely

[REDACTED]

Poppleston Allen

CHAMPAGNE + FROMAGE

GREAT TOGETHER... ANY TIME

OPENING TIMES

Monday — 5PM - 10:30PM

**only cheese and meat boards after 9PM*

Tuesday - Saturday — 12PM - 10:30PM

Sunday — 12PM - 8:30PM

OUR LOCATIONS

Covent Garden — 22 Wellington Street, WC2E 7DD

Brixton — Unit 10-11 Brixton Village SW9 8PR

Greenwich — 34 Greenwich Church Street, SE10 9BL

Mercato Metropolitano — 42 Newington Causeway, SE1 6DR

Liverpool Grand Central Bazaar — 35 Renshaw Street, L1 2SF

Bath — 5 George Street, BA1 2EJ



SHARE YOUR EXPERIENCE



CHAMPAGNE BY THE GLASS - 110ml a glass

- | | |
|---|---|
| ▶ HOUSE CHAMPAGNE – MICHEL FURDYNA £9.00
Cuvée < Carte Blanche > Brut NV
70% Pinot Noir, 15% Chardonnay, 10% Pinot Blanc,
5% Meunier | ▶ ROSE – COLIN £15.00
Premier Cru < Rosé > Brut NV
85% Chardonnay, 15% Pinot Noir |
| ▶ ROSE – PERTOIS-MORISSET £14.00
Grand Cru < Rosé > Brut NV
92% Chardonnay, 8% Pinot Noir | ▶ BALANCED - COLIN £10.00
Cuvée < Alliance > Brut NV
65% Chardonnay, 35% Meunier |
| ▶ FRUITY – LACROIX £13.00
Cuvée < La Grande Réserve > Brut NV
60% Pinot Noir, 20% Meunier, 20% Chardonnay | ▶ VINTAGE – LACROIX £16.00
Cuvée Brut Vintage 2012
50% Chardonnay, 25% Meunier, 25%
Pinot Noir |



CHAMPAGNE FROM ANOTHER ANGLE

- | |
|---|
| ▶ RATAFIA - Fortified sweet wine from the Champagne region £7.00 |
| ▶ KIR ROYAL - Cassis cream and House Champagne £9.00 |
| ▶ CHAMPAGNE FLIGHT (3x70ml) - Blanc de Blancs or Blanc de Noirs, Classic Brut and Rosé £30.00 |

SOFT & HOT DRINKS

- | | |
|---|---|
| ▶ JUICES – Orange, Cranberry, Apple £2.25 | ▶ TEA – Breakfast tea, Earl Grey, Peppermint tea, Green Tea £1.85 |
| ▶ ORANGINA £2.50 | ▶ INFUSION – Camomille, Red fruits £1.85 |
| ▶ BADOIT – Sparkling 750 ml £2.95 | ▶ SINGLE ESPRESSO £1.85 |
| ▶ EVIAN – Still 750 ml £2.95 | |

SALADS

- | | |
|---|--|
| ▶ LA VAROISE – Mixed salad with fresh figs, nuts, toasted goat's cheese, and honey dressing £7.50 | ▶ LAPAYSANNE – Mixed salad with Comte cheese, sautéed potatoes, cooked ham, croutons and mustard sauce £7.00 |
| ▶ SIDE SALAD – Green salad served with traditional mustard dressing £2.95 | |

BOARDS

All cheese and charcuterie boards are served with bread (gluten free available) – first serve for free

FROMAGE

Boards of artisanal cheeses from different French regions. Served with grapes and quince paste. We select our boards from the families of cheese listed below.

Hard Creamy Pasteurised	Blue Washed Rind Mild	Goat Ewe Truffle
-------------------------------	-----------------------------	------------------------

- | | |
|------------------------|---------------|
| ▶ THREE CHEESES | £9.50 |
| ▶ FIVE CHEESES | £16.50 |

CHARCUTERIE

Boards of charcuterie from different French regions, served with butter and cornichons.



- | | |
|----------------------|---------------|
| ▶ THREE MEATS | £9.50 |
| ▶ FIVE MEATS | £16.50 |

OUR POPULAR SHARING BOARDS

- | |
|---|
| ▶ GASTROBOARD £25.00
<i>Three cheeses, three meats, cornichons and two tapenades</i> |
| ▶ DUO SPECIAL £18.50
<i>Two cheeses, two charcuteries, cornichons and a tapenade</i> |

DELI – NIBBLES

- | |
|--|
| ▶ BOROUGH OLIVES £3.95 |
| ▶ CORNICHONS £2.50 |
| ▶ TAPENADES AND BREAD
<i>Garlic and herbs, Goji berry, Figs and Olives</i> |
| Single : £2.50 Duo : £4.00 Trio : £6.00 |

MELTED CHEESE

- | | | | |
|--|---------------|--|---------------|
| ▶ MONTD'OR (<i>Serves 2, 25 min prep</i>)
<i>Baked whole Mont d'Or with garlic and champagne, served with charcuterie, potatoes, bread and salad</i> | £28.00 | ▶ TARTIFLETTE (<i>Serves 2, 20 min prep</i>)
<i>Reblochon on a bed of potatoes and onions
Served with baguette and charcuterie</i> | £25.00 |
| ▶ CANCOILLOTTE (<i>Serves 2, 15 min prep</i>)
<i>Served with potatoes, smoked sausages, salad and baguette</i> | £18.50 | ▶ RACLETTE DE SAVOIE
<i>Try our classic heart-warming dish - roasted potatoes topped with Raclette and served with charcuterie.</i> | £9.50 |



REGIONAL FRENCH SPECIALITIES

- | | | | |
|---|---------------|--|---------------|
| ▶ ONION SOUP
<i>With Parmesan on the top</i> | £6.50 | ▶ DUCK CONFIT DU SUD OUEST
<i>Roasted duck thigh served with baked potatoes and green salad</i> | £10.00 |
| ▶ HAM-BURGER <i>NEW!</i>
<i>Baked melted camembert, cooked ham, lettuce, portobello mushroom, red onions pickles served with potatoes</i> | £12.00 | ▶ SNAILS DE BOURGOGNE
<i>Ten snails baked with butter, garlic, parsley served on toasted bread</i> | £8.50 |



BAKED CAMEMBERT

Allow 15 minutes preparation — served with baguette

- | | | | |
|--|---------------|-------------------------------|--------------|
| ▶ BLACK TRUFFLE & PORT | £12.00 | ▶ FIGS & THYME | £9.00 |
| ▶ GARLIC & HERBS | £8.00 | ▶ HONEY & ROSEMARY | £8.50 |
| ▶ CHORIZO & SUNDRIED TOMATOES | £8.50 | | |

TARTINES

A toasted slice of sourdough bread topped with fine, French cheeses

- | | |
|---|--------------|
| ▶ AUVERGNE — <i>Melted Fourme d'Ambert with figs</i> | £9.50 |
| ▶ MONTBELIARDE — <i>Morbier cheese on top of Montbéliarde sausage, homemade shallot confit and Mustard</i> | £9.50 |
| ▶ SAVOYARDE — <i>Tomme Melted Raclette cheese with thinly sliced potatoes, creamy onions, Served with salami</i> | £9.50 |

DESSERTS

For any dessert bought, one glass of Ratafia at £4

- | | |
|--|--------------|
| ▶ ICE CREAM & SORBETS - <i>Vanilla Salted Caramel Cabecou Champagne Sorbet Raspberry Pear</i> | £3.95 |
| ▶ MACARONS - <i>Selection of five different flavours</i> | £4.50 |
| ▶ CREME BRULEE - <i>Goat's cheese and lavender Salted caramel</i> | £5.65 |
| ▶ CANELES SALTED CARAMEL FROM BORDEAUX - <i>Three Canelés, baked caramelised and soft custardy heart</i> | £5.95 |
| ▶ HOMEMADE RASPBERRY AND CHAMPAGNE TIRAMISU - <i>Pink biscuits from Reims and light champagne</i> | £6.50 |
| ▶ HOMEMADE FONDANT AU CHOCOLAT - <i>Signature dessert with a blue cheese twist !</i> | £6.50 |

AFTERNOON TEA

A selection to share of French cheeses, macaroons, pink biscuits, canelés served with a glass of champagne and a tea per person.



SINGLE — £24.00
FOR TWO — £48.00

WHY CHAMPAGNE
IS *PERFECT* WITH CHEESE ?

*Champagne works well with all cheeses. It's **light enough** to not overpower delicate goat cheese or nutty Comté, but it also has **enough acidity** to cut through the deeply savoury funky blue cheese or the creamy **baked Camembert and Mont d'Or**. With the effervescence of the bubbles scrubbing the palate between each bite and with the temperature it is served leaving a **pleasant and refreshing feeling**.*

GREAT TOGETHER *ANYTIME*

*We want to change the perception that champagne is for celebration only. Our **Independent Producers** make Champagne with **passion and exuberance**, following the traditional methods of artisanal winemaking where the focus is on the « terroir ». Champagne is a wine and as such can be drunk any time, by itself or with a meal.*

TASTING CALENDAR 2018 AT COVENT GARDEN

*Champagne and Cheese Tasting — £58 per pers
Tutored Tasting — 1-2 hours — 10 persons MAX*

BOOK ONLINE : champagneplusfromage.co.uk

Saturday 12th January - 12:30 PM
Wednesday 23th January - 7:30 PM
Saturday 9th February - 12:30 PM
Wednesday 27th February - 7:30 PM

Saturday 9th March - 12:30 PM
Wednesday 20th March - 7:30 PM
Wednesday 3th April - 7:30 PM

Saturday 27th April - 12:30 PM
Saturday 11th May - 12:30 PM
Wednesday 22th May - 7:30 PM

PRE-ORDER MENU FOR GROUPS (*minimum 8 pers*)

**MONT D'OR FONDUE & BLANC DE
BLANCS TO SHARE — £52 per pers.**

*Fondue Mont d'Or to share
Champagne Pertois-Moriset Blanc de Blancs
Grand Cru
2 scoop of ice-cream*

**CHAMPAGNE TASTING DINNER
MENU — £55 per pers**

*4 Grower Champagnes
(Classic Brut, Grand Cru, rosé and a Vintage)
Each of them will be served with Tartines, Cheeses
Board, cured Meat and a Macaroon selection or Ice
Cream !*

CORPORATE TASTINGS AVAILABLE AND PRIVATE HIRE POSSIBLE OF OUR BISTRO

Please ask a member of our staff for more information

Appendix 18

Mohshin Ali

From: David Inzani <[REDACTED]>
Sent: 14 October 2019 17:03
To: 'MARK.J.Perry [REDACTED]'
Cc: Mohshin Ali; Clare Eames
Subject: RE: Proposed conditions Funky Cellar - 10a Lamb Street

Dear Mark

Thank you for your time meeting with my client last week regarding the new premises licence application at 10a Lamb Street.

I am pleased to confirm that the applicant is happy to agree the three conditions in your email below relating to CCTV and an incident log. I understand that you have no further concerns regarding this application and would be grateful if you could confirm.

I am copying in Mohshin Ali from Tower Hamlets Licensing Department, who is the case officer for this application.

Mohshin, I would be grateful if you could acknowledge this and update the application accordingly. Please note that conditions 1 and 2 from Mark's email regarding CCTV should replace proposed condition 1 on the premises licence application, which also relates to CCTV.

Many thanks

David

David Inzani |Solicitor

Poppleston Allen

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG



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From: MARK.J.Perry [REDACTED]
Sent: 10 October 2019 11:24
To: David Inzani
Subject: Proposed conditions Funky Cellar - 10a Lamb Street

Dear all,

Please see proposed conditions:

1. The premises shall install and maintain a comprehensive CCTV system as per the minimum requirements of the Tower Hamlets Police Licensing Team. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Viewing of recordings shall be made available immediately upon the request of Police or authorised officer throughout the entire 31 day period.

2. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV images or data with the absolute minimum of delay when requested.

3. An incident log shall be kept at the premises, and be available on request to the Police or an authorised officer. It must be completed within 24 hours of any incident and will record the following:

- a) all crimes reported to the venue;
- b) all ejections of patrons;
- c) any complaints received concerning crime and disorder
- d) any incidents of disorder;
- e) all seizures of drugs or offensive weapons;
- f) any faults in the CCTV system, searching equipment or scanning equipment;
- g) any refusal of the sale of alcohol;
- h) any visit by a relevant authority or emergency service.



PC Mark Perry
Central East Licensing Unit
Metropolitan Police Service (MPS)

██████████ ██████████ ██████████
A: Licensing Office, 2nd Floor Bethnal Green Police Station E2 9NZ

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Appendix 19

Mohshin Ali

From: Nicola Cadzow
Sent: 25 September 2019 16:58
To: Licensing
Cc: 'bethany.ward [REDACTED]'; 'Lucy.E.Zappe [REDACTED]'; Licensing; 'Helen Ward'; Rhian Todd
Subject: RE: New premises licence application for Funky Cellar 10a Lamb Street - ref M/122066

Follow Up Flag: Follow up
Flag Status: Completed

Dear Licensing,

I have no objections to the new premises licence application for Funky Cellar 10a Lamb Street - ref M/122066, following additional/amendments noise conditions as follows:-

1. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons (to replace your condition 9 - the main door onto Lamb Street shall be kept closed during any regulated entertainment).
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.

Kind regards

Nicola Cadzow
Environmental Protection
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: Helen Ward [REDACTED]
Sent: 25 September 2019 16:28
To: Nicola Cadzow; Rhian Todd
Cc: 'bethany.ward [REDACTED]'; 'Lucy.E.Zappe [REDACTED]'; Licensing
Subject: RE: New premises licence application for Funky Cellar 10a Lamb Street - ref M/122066

Dear Nicola,

I hope this email finds you well.

Further to your email to my colleague, Rhian, I am pleased to confirm that my clients are happy with the proposed amendments to the conditions.

I have copied in Licensing Department so that they can update the application and if I can assist any further during the course of the consultation period, please do contact me.

Kind regards,

Helen

Helen Ward | Solicitor
Poppleston Allen

[Redacted]

London Office: The Stanley Building, 7 Pancras Square, London, N1C 4AG



From: Nicola Cadzow [Redacted]
Sent: 20 September 2019 16:58
To: Rhian Todd
Cc: [bethany.ward](#) [Redacted]; [Lucy.E.Zappe](#) [Redacted]
Subject: New premises licence application for Funky Cellar 10a Lamb Street - ref M/122066

Dear Rhian,

I have been looking at your client's new premises licence application for Funky Cellar 10a Lamb Street - ref M/122066.

I would only ask that the following additional noise conditions are applied to the licence as follows:-

1. All windows and external doors shall be kept closed when regulated entertainment takes place, except for the immediate access & egress of persons (to replace your condition 9 - the main door onto Lamb Street shall be kept closed during any regulated entertainment).
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and businesses and leave the area quietly.
3. No noise shall emanate from the premises nor vibration be transmitted through the structure of the premises, which gives rise to a nuisance.

I await your confirmation at your earliest convenience.

Kind regards

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

Appendix 20

Noise while the premise is in use

General Advice

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

The hours of operation also need to be considered (see below).
If Members believe that there is a substantial problem of noise while the premises are in use and it cannot be proportionately address by licensing conditions they should refuse the application.

Licensing Policy

The policy recognises that noise nuisance can be an issue, especially if a premises is open late at night. **(See Sections 9.1 of the Licensing Policy)**. While all applications will be considered on their merits, consideration will be given to imposing stricter conditions in respect of noise control where premises are situated close to local residents. **(See Section 14.10)**.

The Licensing Authority expects the applicant to have addressed all nuisance issues relating to the premises in their operating schedule and to have sought appropriate advice from the Council's Environmental Health Officers. **(See Section 9.2 of the Licensing Policy)**.

The Licensing Authority will consider attaching conditions to prevent nuisance. In particular Members may wish to consider (this list is not exhaustive):

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Licence conditions should not duplicate other legislation (1.16).

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

Other Legislation

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

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

Appendix 21

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 22

Anti-Social Behaviour on the Premises

Licensing Policy

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

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

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

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

Police Powers

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

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

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

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

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

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

Guidance Issued under Section 182 of the Licensing Act 2003

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

Guidance Issued by the Office of Fair Trading

This relates to attempts to control minimum prices.

Other Legislation

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

Appendix 23

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 24

Safety Problems

General Advice

Members need to bear in mind the substantial amount of primary legislation in this area, and to only impose conditions where they are both proportionate to identified problems and not adequately covered by primary legislation.

The larger and more complex a premises before Members, the more likely it is that specific conditions will be proportionate and necessary.

Licensing Policy

Premises should be constructed so as to minimise public safety risks. (See 7.1).

The Licensing Authority expects applicants to seek advice from both the relevant Health and Safety body and also the Fire and Emergency Planning Authority. (See 7.2). The applicant should identify where existing legislation is not adequate. (See 7.3).

The Licensing Authority will consider attaching conditions to ensure public safety and these may include Conditions drawn from the Model Pool of Conditions relating to public safety. (See Appendix 2 Annex E, F and J of the Licensing Policy). In particular Members may wish to consider the following headings: (this list is not exhaustive):

Annex E

- Adequate arrangements for people with disabilities, inc. their awareness of them.
- Escape routes
- Safety checks
- Curtains, hangings, decorations, upholstery etc.
- Accommodation limits
- Fire action notices
- Emergency procedures
- Water
- Emergency vehicle access
- First aid
- Lighting
- Temporary electrical installations
- Alterations to the premises
- Special effects

Annex F

This concerns Theatres and Cinemas

Annex J

The safe clubbing checklist

Guidance Issued under Section 182 of the Licensing Act 2003

The public safety objective “Licence holders have a responsibility to ensure the safety of those using their premises, as a part of their duties under the 2003 Act. This concerns the safety of people using a relevant premises rather than public health, which is addressed in other legislation” (2.6). For example, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.7, A number of matters should be considered in relation to public safety.

These may include:

- Fire safety;
- Ensuring appropriate access for emergency services such as ambulances;
- Good communication with local authorities and emergency services, for example communications networks with the police and signing up for local incident alerts (see paragraph 2.4 above);
- Ensuring the presence of trained first aiders on the premises and appropriate first aid kits;
- Ensuring the safety of people when leaving the premises (for example, through the provision of information on late-night transportation);
- Ensuring appropriate and frequent waste disposal, particularly of glass bottles;
- Ensuring appropriate limits on the maximum capacity of the premises (see paragraphs 2.11-2.12, and Chapter 10; and
- Considering the use of CCTV in and around the premises (as noted in paragraph 2.3 above, this may also assist with promoting the crime and disorder objective).

Safe capacities “should only be imposed where necessary for the promotion of public safety or the prevention of disorder.” (2.11). Therefore, conditions of a fire certificate must not be reproduced.

Other Legislation

- The Health and Safety at Work Act 1974, and various Regs.
- The Regulatory Reform Order (Fire Safety) 2005.

Other Guidance

- Model National and Standard Conditions for Places of Public Entertainment and Assoc. Guidance
- The Event Safety Guide
- Managing Crowds Safely
- 5 Steps to Risk Assessment
- Safer Clubbing
- Safety Guidance for Street Art etc.
- Various BS and ISO standards

Appendix 25

Underage Drinking or Other Harm to Minors

General Advice

If Members hear evidence that gives them cause for concern in relation to the licensing objective of protecting children from harm, and provided it is proportionate they should consider a licence condition that all under 18 year olds are excluded, and that a registered door supervisor is employed to check the age of all customers. This should be done where the activities to be carried on, previous history or lack of effective management justifies it.

There are also other licensing conditions that may be appropriate, as explained below. This may be appropriate where the premises may have children present and it is not primarily a place for consuming alcohol. For example a restaurant or a Cinema.

Of course, it is not necessary to restate the existing law in relation to any licensing conditions.

Licensing Policy

The policy recognises that children need to be protected (**See Section 9 of the Licensing Policy**).

The Licensing Policy expects applicants to have sought appropriate advice from the Area Child Protection Agency. (**See 9.3**).

The following are examples of premises that will raise concern:

- Where there have been convictions for serving alcohol to minors or with a reputation for underage drinking
 - With a known association with drug taking or dealing
 - Where there is a strong element of gambling on the premises
 - Where entertainment of an adult or sexual nature is provided
 - Where irresponsible drinking is encouraged or permitted
- (**See 9.4**).

The Licensing Authority expects all applicants who are supplying alcohol to have addressed the issues relating to the protection of children from harm, and to have robust measures in place to protect children. (**See Section 9.9**)

The policy expects all licence holders to comply with the Portman Group Code of Practice, and in particular the Retailer Alert Bulletin. (**See Section 9.8**).

The Licensing Authority will consider attaching conditions to protect children and these may include Conditions drawn from the Model Pool of Conditions relating to Protecting Children from Harm. (**See Appendix 2 Annex H of the Licensing Policy**). In particular Members may wish to consider the following: (this list is not exhaustive):

- Restricting access to premises where heavy or binge or underage drinking is a problem
- Restricting access where significant gambling, or adult entertainment is an issue
- There is a general presumption that where the public are allowed on a premises after 11pm children under 12 will not be allowed unaccompanied by an adult (for example a supermarket)-the applicant can however rebut this
- Restrictions may be applied at particular times, for example when adult entertainment takes place or “happy hours”
- Age restrictions that apply to cinema performances
- Age restrictions for theatres where the entertainment is “adult”
- Conditions relating to the safety of children at performances, or as performers-such as venue, fire safety, special effects and dangerous equipment
- The Portman Code relating to the naming, packaging and promotion of alcoholic drinks

Licensing Act 2003 (Part 7)

The Licensing Act 2003 only permits under 16 years olds onto premises exclusively or primarily used for the supply of alcohol when accompanied by adults.

Children under 16 years old must be accompanied by an adult to be present between midnight and 5am on all premises supplying alcohol.

Restaurants may serve wine, beer or cider for consumption to 16-18 year olds with a meal-this is the only significant exception to the prohibition of selling alcohol to minors, and the purchase itself must be by an adult.

The Licensing Act 2003 makes it a criminal offence to serve alcohol to minors (there is however a defence of due diligence). Applicants are always free to exclude minors if they wish to do so.

Other Legislation

The Children (Performances) Regulations 1968 sets out the requirements for protecting child performers

Appendix 26

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 27

Licensing Policy Relating to Hours of Trading

All applications have to be considered on their own merits.

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

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

(see 14.8 of the Licensing Policy)

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

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

(See 14.9 of the licensing policy)

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

- Theatres
- Cinemas
- Premises with club premises certificates

Appendix 28

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

- 19.1 As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy for the Brick Lane area was adopted on 18th September 2013 by the Council and came into effect on the 1st November 2013.
- 19.2 After consultation the Council recognised that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in Figure One, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- 19.3 The Council Cumulative Impact Zone (CIZ) was reviewed alongside this Statement of Licensing Policy by the Licensing Committee on 14th December 2017. Following this review and consultation in early 2018 the Council has decided to keep the Cumulative Impact Zone (CIZ). Local crime mapping showed that although there had been a reduction in crime and disorder linked to licensed premises within the CIZ since January 2015, the same crime mapping showed that the area of the CIZ is still higher than average in regards to crimes and disorder linked to licensed premises compared to the rest of the borough.

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

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

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

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

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

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

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

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

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

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

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

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

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

19.9 The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

Cumulative Impact Zone

