

**Additional
Submissions
From
Applicant**

Licensing Sub Committee
C/o Antoinette Duhaney
Senior Committee Officer Tower Hamlets
Directorate of Law, Probity and Governance
Democratic Services
Town Hall
Mulberry Place
London
E14 2bG

Your ref:
Our ref:ADW
Direct dial:020 3319 3700
andrew.wong@keystonelaw.co.uk

17 February 2017

Dear Sirs,

Re: TIME OUT MARKET, 106 COMMERCIAL STREET – APPLICATION FOR NEW PREMISES LICENCE

We represent the applicant in respect of the above application. Following extensive discussions with the residents the applicant has agreed to modify the application and this letter sets out the modifications so far.

We are continuing discussions with all parties and will keep the committee updated of all agreements and compromises made in advance of the hearing.

We will be providing a full summary of conditions next week once we have finished the further conciliation meetings with residents but wanted the Licensing Committee and officers to know the latest position in respect of agreed compromises:-

- 1) The applicant agrees to withdraw **Recorded Music** from the application and to keep the noise limiter condition to provide additional comfort to the residents.
- 2) We attach a revised plan amending the key area of concern, namely the largest service counter "bar" on the ground floor. This has been redesigned to bring a new 'tapas' or a similar food concept to the market (see plan attached).

To reinforce that the premises will trade as a restaurant, we propose the following condition:-

The sale by retail of alcohol will be ancillary to food throughout the building, with the following exceptions -

- **Before 9pm, the ground floor area cross hatched black**

(on the recently served plan)

- The basement area cross hatched black (on the recently served plan).

3) The new plan above also shows the proposed smoking area that is proposed in addition to the condition on smoking that accompanied the application, namely:-

“9. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.”

Further, the applicant agrees to the following conditions:-

“The premises licence holder shall ensure that any patrons smoking outside the premises after 9pm are limited to the area cross hatched blue on the ground floor plan and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway

“Notices shall be prominently displayed at any area used for smoking requesting patrons to respect the needs of local residents and use the area quietly”.

4) The applicant also agrees the following additional conditions to address specific concerns raised and to ensure there is continued constructive dialogue:-

a. There will be at least 3 (Three) Time Out Ambassadors employed at the premises whose duties are solely to assist in promoting the four licensing objectives. They will be fully trained in respect of all aspects of the premises licence. They will assist the Time Out Market Operations Team monitor and manage customers’ behaviour.

b. A direct telephone number for the managers at the premises shall be publicly available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.

c. The license holder shall meet with local residents not less than once every month (as required by the local residents).



For completeness we have already amended the application following agreements reached with the responsible authorities and these are set out below. I also reattach an electronic version of the conditions that accompanied the application for your ease to add to the Licensing Committee Report:-

1. No off sales of alcohol.
2. No drinks in open containers to be taken outside for immediate consumption
3. SIA

Thursday-Friday : 4 SIA from 1800 until closing
Sat-Sun : 4 SIA from 1300 until closing
Bank Holidays : 4 SIA from 1300 until closing

or such lesser numbers as may be agreed with the police from time to time.

Should you have any further questions please do not hesitate to contact Andrew Wong on the above direct dial telephone number.

Yours faithfully,

Keystone Law

Keystone Law

CC: All Interested Parties



TIME OUT MARKET PROPOSED CONDITIONS

The following conditions are proposed for the application.

MANDATORY CONDITIONS

All applicable Mandatory Conditions

PROPOSED LICENSING CONDITIONS

Preventions of Public Nuisance

1. The premises shall operate in accordance with the Time Out Operational Management Statement. The Time Out Operations Management Statement shall be reviewed regularly and at least one every 3 months and a copy shall be made available for inspection by any responsible authority within a reasonable time of request.
2. Notices shall be prominently displayed at all exits requesting patrons to respect the needs of local residents and to leave the area quietly.
3. A noise limiter must be fitted to the musical amplification system set at a level determined by and to the satisfaction of a specialist acoustician, so as to ensure that no noise nuisance is caused to local residents or businesses. The operational panel of the noise limiter shall then be secured by key or password and access shall only be by persons authorised by the Premises Licence holder. The limiter shall not be altered without prior agreement with the satisfaction of the specialist acoustician. No alteration or modification to any existing sound system(s) should be effected without prior knowledge of the specialist consultant and records of any approvals shall be available for inspection by the Environmental Health Officers. No additional sound generating equipment shall be used on the premises without being routed through the sound limiter device.
4. During the hours of operation the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed and litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.
5. Substantial food and non-intoxicating beverages, including drinking water, shall be available in all parts of the premises where alcohol is sold or supplied for consumption on the premises.

Prevention of Crime and Disorder

6. The premises shall install and maintain a comprehensive CCTV system. 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 preceding 31 day period.

7. A staff member from the premises who is conversant with the operation of the CCTV shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police recent data or footage with the absolute minimum of delay when requested.
8. An incident log shall be kept at the premises and made available on request to an authorized officer of the London Borough of Tower Hamlets or the Police, which 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 refusal of sale of alcohol.
9. The premises licence holder shall ensure that any patrons smoking outside the premises do so in an orderly manner and are supervised by staff so as to ensure that there is no public nuisance or obstruction of the public highway.
10. A direct telephone number for the manager at the premises shall be publically available at all times the premises is open. This telephone number is to be made available to residents and businesses in the vicinity.
11. During the hours of operation of the premises, the licence holder shall ensure sufficient measures are in place to remove and prevent litter or waste arising or accumulating from customers in the area immediately outside the premises, and that this area shall be swept and or washed, and

litter and sweepings collected and stored in accordance with the approved refuse storage arrangements by close of business.

12. The approved arrangements at the premises, including means of escape provisions, emergency warning equipment, the electrical installation and mechanical equipment, shall at all material times be maintained in good condition and full working order.
13. The means of escape provided for the premises shall be maintained unobstructed, free of trip hazards, be immediately available and clearly identified in accordance with the plans provided.

14. All self closing doors shall be effectively maintained and not held open other than by an approved device.
15. The edges of the treads of steps and stairways shall be maintained so as to be conspicuous.
16. Curtains and hangings shall be arranged so as not to obstruct emergency signs.
17. The certificates listed below shall be submitted to the Licensing Authority upon written request.
 - a. Any emergency lighting battery or system
 - b. Any electrical installation
 - c. Any emergency warning system
18. Any special effects or mechanical installations shall be arranged and stored so as to minimise any risk to the safety of those using the premises.

Protection of Children from Harm

19. A challenge 21 proof of age scheme shall be operated at the premise where the only acceptable forms of identification are recognised photographic identification cards such as a driving licence, passport or proof of age card with the PASS hologram.
20. There will be no striptease or nudity and all persons shall be decently attired at all times unless the premises are operating under the provisions of a Sexual Entertainment Licence.