

LICENSING SUB COMMITTEE

Tuesday, 16 June 2015 at 6.30 p.m.

MP701, 7th Floor. Town Hall, Mulberry Place, 5 Clove Crescent,
London, E14 2BG

SUPPLEMENTAL AGENDA

This meeting is open to the public to attend.

Contact for further enquiries:

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agenda:



For further information, see the main agenda.

	PAGE NUMBER(S)	WARD(S) AFFECTED
5. APPLICATION FOR VARIATION OF A PREMISES LICENCE FOR LIBERTY LOUNGE AT 1A BELL LANE, LONDON, E1 7LA	1 - 62	Spitalfields & Banglatown

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Agenda Item 5

Committee :	Date	Classification	Report No.	Agenda Item No.
Licensing Sub Committee	16 June 2015	Unclassified	LSC 83/145	

Report of : David Tolley Head of Consumer and Business Relations Originating Officer: Andrew Heron Licensing Officer	Title: Licensing Act 2003 Application for variation of a Premises Licence for Liberty Lounge at 1a Bell Lane, London, E1 7LA Ward affected: Spitalfields and Banglatown
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1.0 Summary

Applicant: **Mr Andrew Kerr**
Name and **Liberty Lounge**
Address of Premises: **1a Bell Lane**
London
E1 7LA

Licence sought: **Licensing Act 2003: Increase in the hours of:**
The Sale of Alcohol
Late Night Refreshment
Regulated Entertainment

Objectors: **Local Resident**
Local Business Owner

2.0 Recommendations

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

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

Brief description of "background paper"

Tick if copy supplied for register

If not supplied, name and telephone number of holder

File Only

Andrew Heron
020 7364 2665

3.0 **Background**

3.1 This is an application for a variation of the premises licence for Liberty Lounge at 1a Bell Lane, London, E1 7LA.

3.2 A copy of the existing licence is enclosed as **Appendix 1**.

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

The current hours permitted on the licence are as follows:

Sale of Alcohol

- Monday and Tuesday from 12:00hrs to 22:40hrs
- Wednesday and Thursday from 12:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 12:00hrs (midday) to 01:00hrs (the following day)
- Sunday from 12:00hrs (midday) to 22:30hrs

The Provision for Regulated Entertainment Recorded music

- Sunday to Tuesday from 12:00hrs (midday) to 22:00hrs
- Wednesday and Thursday from 12:00hrs (midday) to 20:00hrs and from 23:00hrs to 00:00hrs (midnight)
- Friday from 12:00hrs (midday) to 20:00hrs and from 23:00hrs to 01:00hrs (the following day)
- Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

The Provision for Regulated Entertainment Live music

- Wednesday to Friday, from 20:00 hours to 23:00 hours

The Provision of Late Night Refreshments

- Wednesday and Thursday from 23:00hrs to 00:00hrs (midnight)
- Friday and Saturday from 23:00hrs to 01:00hrs (the following day)

The opening hours of the premises

- Sunday to Tuesday from 12:00hrs (midday) to 23:00hrs
- Wednesday and Thursday from 12:00hrs (midday) to 00:00hrs (midnight)
- Friday and Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

3.4 The applicant has described the nature of the variation as extending the opening hours and the provision of the following licensable activities:

- The sale of alcohol
- Late night refreshment
- Regulated entertainment

3.5 The hours that have been applied for on the original application are as follows:-

Sale of Alcohol (on sales):

- Monday and Tuesday from 12:00hrs (midday) to 23:40hrs
- Wednesday and Thursday from 12:00hrs (midday) to 01:00hrs (the following day)
- Friday and Saturday from 12:00hrs (midday) to 02:00hrs (the following day)
- Sunday from 12:00hrs (midday) to 23:30hrs

The Provision of Late Night Refreshment (indoors):

- Monday and Tuesday from 23:00hrs to 23:40hrs
- Wednesday and Thursday from 23:00hrs to 01:00hrs (the following day)
- Friday and Saturday from 23:00hrs to 02:00hrs (the following day)
- Sunday from 23:00hrs to 23:30hrs

Members may wish to note from the original application that the Applicant has commenced Late Night Refreshment hours to commence at 12:00hrs (midday), however, this does not occur in reality outside of the hours of 23:00hrs to 05:00hrs (the following day).

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

- Monday and Tuesday from 12:00hrs (midday) to 23:40hrs
- Wednesday and Thursday from 12:00hrs (midday) to 01:00hrs (the following day)
- Friday and Saturday from 12:00hrs (midday) to 02:00hrs (the following day)
- Sunday from 12:00hrs (midday) to 23:30hrs

Hours premises is open to the public:

- Sunday to Tuesday from 12:00hrs (midday) to 00:00hrs (midnight)
- Wednesday and Thursday from 12:00hrs (midday) to 01:00hrs (the following day)
- Friday and Saturday from 12:00hrs (midday) to 02:00hrs (the following day)

3.6 Maps showing the relevant premises are included as **Appendix 3**.

3.7 Members should note that the application has been amended upon agreement with the Metropolitan Police.

The new hours are as follows:

The sale of Alcohol and the Provision of Regulated Entertainment in the forms of Live and Recorded Music:

- Sunday to Tuesday from 12:00hrs (midday) to 23:30

- Wednesday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Late Night Refreshment:

- Sunday to Tuesday from 23:00hrs to 23:40hrs
- Wednesday to Saturday from 23:00hrs to 01:00hrs (the following day)

Opening Hours:

- Sunday to Tuesday from 12:00hrs (midday) to 23:30)
- Wednesday to Saturday from 12:00hrs (midday) to 01:00hrs (the following day)

Additional Conditions:

- SIA Door Staff x 1 Wednesday to Saturday from 20:00hrs to closing;
- No drinks to be taken outside;
- No more than 6 smokers outside at one time;
- Regulated entertainment shall not be audible at the façade or within any affected business or residential property (as relevant) so as to cause a nuisance.

3.8 An email of the Applicant agreeing the amended times and conditions is contained within **Appendix 4**.

3.9 Further, the Applicant has agreed with Environmental Health that the Love Music shall not be amplified. This is agreed via email contained within **Appendix 5**.

4.0 Licensing Policy and Government Advice

4.1 The Council has adopted a licensing policy and this is available from the Licensing Section, and at the hearing. The revised policy came into effect on 1st November 2013.

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

4.3 The Home Secretary has issued Guidance under Section 182 of the Licensing Act 2003. This is available on the Government's website, www.homeoffice.gov.uk. It was last revised in March 2015.

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

5.0 Representations

- 5.1 All representations have to meet basic legal and administrative requirements. If they fail to do so they cannot be accepted. When rejected the person sending in the representation must be written to, and an explanation for rejection given in writing
- 5.2 A responsible authority or other person can make a representation. There are two tests for other persons and only one for a responsible authority. The two tests are contained in Section 18 of the Act.
- 5.3 All representations must be “about the likely effect of the grant of the premises licence on the promotion of the licensing objectives.” Likely means something that will probably happen, i.e. on balance more likely than not.
- 5.4 Representations by responsible authorities do not have to meet the second test of not being vexatious and frivolous. Other persons have to meet this test.
- 5.5 The Home Office recommends that in borderline cases, the benefit of the doubt should be given to the interested party making the representation.
- 5.6 Section 182 Advice by the Home Office concerning relevant, vexatious and frivolous representations is attached as **Appendix 6**.
- 5.7 All the representations in this report have been considered by the relevant officer (Trading Standards and Licensing Manager) and determined to have met the requirements of the Licensing Act 2003.
- 5.8 This hearing is required by the Licensing Act 2003, because relevant representations have been made by local resident John Shapiro, on behalf of SPIRE and also Mr Saeed Malik, a local business owner. See **Appendices 7-8**.
- 5.9 Members may wish to note that the application also received representation from three other local residents. These applications were deemed as invalid by the Licensing Authority as the Objectors did not provide enough information. Each were written to in order to advise that additional evidence was required, however, appropriate responses were not forthcoming.
- 5.10 All of the responsible authorities have been consulted about this application. They are as follows:
 - The Licensing Authority
 - The Metropolitan Police
 - The LFEPA (the London Fire and Emergency Planning Authority).
 - Planning
 - Health and Safety
 - Noise (Environmental Health)

- Trading Standards
- Child Protection
- Primary Care Trust

5.11 In addition the application was required to be advertised in a local newspaper and by a blue poster. Only objections that relate to the following licensing objectives are relevant:

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

5.12 The objections cover allegations of

- Anti-social behaviour on the premises
- Anti-social behaviour from patrons leaving the premises
- Noise while the premise is in use
- Disturbance from patrons leaving the premises on foot
- Close proximity to residential properties
- Noise leakage from the premises
- Unusual Drinking Hours (i.e. extensions of hours for unspecified days)
- The LBTH Cumulative Impact Zone

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

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

6.0 Licensing Officer Comments

6.1 The following is intended to advise Members of the relevant aspects of the Boroughs Licensing Policy, guidance from the Secretary of State, legislation and good practice. Members may depart from the Council's Licensing Policy and/or Government advice, provide they consider it appropriate to do so, and have clear reasons for their decision.

6.2 Guidance issued under section 182 of the Licensing Act 2003

- ❖ As stated in the guidance it is "provided to licensing authorities in relation to the carrying out of their functions under the 2003 Act." It is a key medium for promoting best practice, ensuring consistent

application and promoting fairness equal treatment and proportionality (1.7).

- ❖ Also “as long as licensing authorities have properly understood this Guidance, they may depart from it if they have good reason to do so and can provide full reasons. Departure from this Guidance could give rise to an appeal or judicial review, and the reasons given will then be a key consideration for the courts when considering the lawfulness and merits of any decision taken.” Therefore licensing authorities will need to give full reasons for their actions (1.9).
- ❖ Also Members should note “A Licensing Authority may depart from its own policy if the individual circumstances of any case merit such a decision in the interests of the promotion of the licensing objectives.” (1.12)
- ❖ Also, “The licensing authority may not impose any conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of a hearing (unless all parties agree a hearing is not necessary) that it is appropriate to impose conditions to promote one or more of the four licensing objectives.” Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be appropriate. (10.8)
- ❖ Necessary conditions should emerge from a risk assessment by the applicant, which should then be reflected in the operating schedule (10.4).
- ❖ The Guidance states: “Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested.” (10.14)
- ❖ Mandatory conditions must be imposed (10.27) and censorship avoided (10.17).
- ❖ The Guidance states: “It is still permitted to sell alcohol using promotions (as long as they are compatible with any other licensing condition that may be in force), and the relevant person should ensure that the price of the alcohol is not less than the permitted price. Detailed guidance on the use of promotions is given in the guidance document available on the Gov.uk website.” (10.60)
Also, “Licensing authorities should not attach standardised blanket conditions promoting fixed prices for alcoholic drinks to premises

licences or club licences or club premises certificates in an area.”
(10.21)

- 6.3 The Licensing Act 2003 permits children of any age to be on the premises which primarily sell alcohol providing they are accompanied by an adult. It is not necessary to make this a condition.
- 6.4 In all cases the Members should make their decision on the civil burden of proof, that is “the balance of probability.”
- 6.5 In all cases Members should consider whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 6.6 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff and standardised conditions should be avoided where they cannot be shown to be appropriate. (1.16/1.17)
- 6.7 The Council’s Licensing Policy generally expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.
- 6.8 In **Appendices 9-13** Members are given general advice, and also have explanations of the Council’s Licensing Policy, Government advice and other legislation relating to the matters previously identified.

7.0 Exemptions

- 7.1 There are a number of statutory exemptions from the operation of the Licensing Act 2003, and Members need to bear these in mind.
- 7.2 Schedule 1 Part 2 of the Act states that entertainment in churches, Morris dancing (and accompanying music if live and unamplified) and incidental music are not licensable activities-that is no conditions can be set for them.
- 7.3 Acts of religious worship, wherever performed are not licensable.
- 7.4 Section 177, (1) and (2) of the Act provides that where a premises (or club) is licensed for alcohol consumption on the premises and is primarily thus used, and the permitted capacity does not exceed 200, additional conditions relating to the music should only relate to public safety or the prevention of crime (or both). That is they should not relate to any “noise nuisance.”

7.5 Section 177 (4) provides that where a premises licence (or club) has a capacity of not more than 200 and the only music is unamplified live music between 08:00hrs and midnight, no additional conditions should be set relating to the music.

7.6 Section 177 can be disapplied on a licence review if it is proportionate to do so.

8.0 **Legal Comments**

8.1 The Council's legal officer will give advice at the hearing.

9.0 **Finance Comments**

9.1 There are no financial implications in this report.

10.0 Appendices

Appendix 1	A copy the existing licence
Appendix 2	A copy of the application for variation
Appendix 3	Maps of the area
Appendix 4	Email between Applicant and Metropolitan Police agreeing replacement hours and additional conditions
Appendix 5	Email between Applicant and LBTH Environmental Health in relation to Live Music
Appendix 6	Section 182 Advice by the DCMS- Relevant, vexatious and frivolous representations
Appendix 7	Representations of local resident Mr John Shapiro
Appendix 8	Representations of local business owner Mr Saeed Malik
Appendix 9	Licensing Officer comments on Anti-Social Behaviour on the Premises
Appendix 10	Licensing Officer comments on Anti-Social Behaviour from Patrons Leaving the Premises
Appendix 11	Licensing Officer comments on Access and Egress Problems
Appendix 12	Licensing Officer comments on Licensing Policy Relating to Hours of Trading
Appendix 13	Licensing Officer comments on Special Cumulative Impact Policy for the Brick Lane Area

Appendix 1

1A Bell Lane
London
E1 7LA

Licensable Activities authorised by the licence

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

See the attached licence for the licence conditions

Signed by

John McCrohan 
Trading Standards and Licensing Manager

Date: 20th March 2007

- Licence varied following the licensing sub-committee hearing on 19th August 2010



Part A - Format of premises licence

Premises licence number

17658

Part 1 - Premises details

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

(Liberty Lounge)
1A Bell Lane

Post town
London

Post code
E1 7LA

Telephone number

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

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

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Monday and Tuesday, from 12:00 hours to 22:40 hours
- Wednesday and Thursday, from 12:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 12:00 hours to 01:00 hours the following days
- Sunday, from 12:00 hours to 22:30 hours

The Provision for Regulated Entertainment

(Recorded music)

- Sunday to Tuesday, from 12:00 hours to 22:00 hours
- Wednesday and Thursday, from 12:00 hours to 20:00 hours and
from 23:00 hours – 00:00 hours (midnight)
- Friday, from 12:00 hours to 20:00 hours and
from 23:00 hours to 01:00 hours the following day
- Saturday from 12:00 hours to 01:00 hours the following day

(Live Music)

- Wednesday to Friday, from 20:00 hours to 23:00 hours

The Provision of Late Night Refreshments

- Wednesday and Thursday, from 23:00 hours to 00:00 hours (midnight)
- Friday and Saturday from 23:00 hours to 01:00 hours the following days

The opening hours of the premises

- Sunday to Tuesday, from 12:00 hours to 23:00 hours
- Wednesday and Thursday, from 12:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 12:00 hours to 01:00 hours the following day

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

On sales only

Part 2

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

Mr Andrew Kerr
1A Bell Lane
London
E1 7TB

[REDACTED]

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

Not applicable

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

Dorian Meillan

[REDACTED]

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

[REDACTED]

Annex 1 - Mandatory conditions

1.

- (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on;
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

Effective from 10th October 2010:

4.
 - (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
5. The responsible person shall ensure that;
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

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

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

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

Annex 2 - Conditions consistent with the operating Schedule

1. Notices shall be displayed requesting the customers to leave the premises quietly.
2. The licence holder shall have an account with the taxi firm next to the premises to ensure the customers are not causing a nuisance on the street.
3. Staff shall monitor the noise levels outside the premises to ensure no nuisance is caused.
4. There shall be a litter patrol to ensure no empty bottles are immediately outside the premises.
5. No children shall be allowed entrance to the premises.

Annex 3 - Conditions attached after a hearing by the licensing authority
Conditions attached following the licensing subcommittee hearing of 19th August 2010:

1. A CCTV camera system covering both internal and external to the premises shall be installed.
2. The CCTV recordings shall be maintained for 30 days and shall be provided upon request to either a Police Officer or an officer of any other Responsible Authority.
3. At all times the premises is open, a person who can operate the CCTV system must be present on the premises.
4. No drinks (alcoholic or non-alcoholic) shall be sold on the premises for consumption off the premises.
5. There shall be no amplified live music at any time.
6. A lobby system shall be installed to the entrance within 6 weeks.

Annex 4 - Plans

The plans are those submitted to the licensing authority on the following date:

1st June 2010 – *Basement floor, plan dated 14.06.2010*



Part B - Premises licence summary

Premises licence number 17658

Premises details

Postal address of premises, or if none, ordnance survey map reference or description
1A Bell Lane

Post town London	Post code E1 7LA
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Telephone number
[REDACTED]

Where the licence is time limited the dates N/A

Licensable activities authorised by the licence The sale by retail of alcohol
The provision of regulated entertainment
The provision of late night refreshment

The times the licence authorises the carrying out of licensable activities

Sale of Alcohol

- Monday and Tuesday, from 12:00 hours to 22:40 hours
- Wednesday and Thursday, from 12:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 12:00 hours to 01:00 hours the following days
- Sunday, from 12:00 hours to 22:30 hours

The Provision for Regulated Entertainment

(Recorded music)

- Sunday to Tuesday, from 12:00 hours to 22:00 hours
- Wednesday and Thursday, from 12:00 hours to 20:00 hours and from 23:00 hours – 00:00 hours (midnight)
- Friday, from 12:00 hours to 20:00 hours and from 23:00 hours to 01:00 hours the following day
- Saturday from 12:00 hours to 01:00 hours the following day

(Live Music)

- Wednesday to Friday, from 20:00 hours to 23:00 hours

The Provision of Late Night Refreshments

- Wednesday and Thursday, from 23:00 hours to 00:00 hours (midnight)
- Friday and Saturday from 23:00 hours to 01:00 hours the following days

The opening hours of the premises

- Sunday to Tuesday, from 12:00 hours to 23:00 hours
- Wednesday and Thursday, from 12:00 hours to 00:00 hours (midnight)
- Friday and Saturday, from 12:00 hours to 01:00 hours the following day

Name, (registered) address of holder of premises licence

Mr Andrew Kerr
1A Bell Lane
London E1 7TB

Tel: 07771322666

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

On sales only

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

Not applicable

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

Dorian Meillan

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

No children shall be allowed entrance to the premises

Appendix 2



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

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/We MR ANDREW KERR (Insert name(s) of applicant)

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

Premises Licence number 17658

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<u>1a BELL LANE SHOREDITCH</u>	
Post town	Post code
<u>LONDON</u>	<u>E1 7TB</u>

Telephone number at premises (if any)

[Redacted]

Non-domestic rateable value of premises

£ 5000

Part 2 - Applicant details

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

Part 3 - Variation

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

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

Day	Month	Year

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

WE WOULD LIKE TO APPLY FOR AN INCREASE IN OPENING/TRADING HOURS. THE PROPOSED NEW HOURS WILL FINISH AT THE FOLLOWING TIMES:

- MONDAY + TUESDAY = 23.40 HOURS
- WEDNESDAY + THURSDAY = 01.00 HOURS
- FRIDAY + SATURDAY = 02.00 HOURS
- SUNDAY = 23.30 HOURS

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

N/A

Part 4 Operating Schedule

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

Provision of regulated entertainment

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

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

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

In all cases complete boxes K, L and M

* THESE PROVISIONS WOULD BE SUBJECT TO CHANGE AS WE WOULD WANT THESE EXTENDED DUE TO EXTENSION OF HOURS OPEN

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Y
Day	Start	Finish		Outdoors	
Mon	12.00	23.40	<p>Please give further details here (please read guidance note 3)</p> <p>WE WOULD LIKE THIS TO BE EXTENDED IN LINE WITH OUR PROPOSED NEW CLOSING TIMES</p> <p>State any seasonal variations for the performance of live music (please read guidance note 4)</p> <p>N/A</p> <p>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 5)</p> <p>N/A</p>	Both	
Tue	12.00	23.40			
Wed	12.00	01.00			
Thur	12.00	01.00			
Fri	12.00	02.00			
Sat	12.00	02.00			
Sun	12.00	23.30			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Y
Day	Start	Finish		Outdoors	
Mon	12.00	23.40	<p>Please give further details here (please read guidance note 3)</p> <p>WE WOULD LIKE THIS TO BE EXTENDED IN LINE WITH OUR PROPOSED NEW CLOSING TIMES</p> <p>State any seasonal variations for playing recorded music (please read guidance note 4)</p> <p>N/A</p> <p>Non standard timings. Where you intend to use the premises for the playing of recorded music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</p> <p>N/A</p>	Both	
Tue	12.00	24.40			
Wed	12.00	01.00			
Thur	12.00	01.00			
Fri	12.00	02.00			
Sat	12.00	02.00			
Sun	12.00	23.30			

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)	Indoors	Y
Day	Start	Finish		Outdoors	
Mon	12.00	23.40	Please give further details here (please read guidance	Both	
Tue	12.00	23.40			
Wed	12.00	01.00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	12.00	01.00			
Fri	12.00	02.00	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 5)		
Sat	12.00	02.00			
Sun	12.00	23.30			

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick [Y] (please read guidance note 7)	On the premises	Y
Day	Start	Finish		Off the premises	
Mon	12.00	23.40	Please give further details here (please read guidance	Both	
Tue	12.00	23.40			
Wed	12.00	01.00	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Thur	12.00	01.00			
Fri	12.00	02.00	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 5)		
Sat	12.00	02.00			
Sun	12.00	23.30			

K

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

N/A

L

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	12.00	00.00	Non standard timings. Where you intend to the premises to be open at different times to those listed in the column on the left, please list (please read guidance note 5)
Tue	12.00	00.00	
Wed	12.00	01.00	
Thur	12.00	01.00	
Fri	12.00	02.00	
Sat	12.00	02.00	
Sun	12.00	00.00	

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

M

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

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

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

CHECKLIST:

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

Please tick b yes

<input checked="" type="checkbox"/>	/
<input checked="" type="checkbox"/>	/
<input checked="" type="checkbox"/>	/
<input checked="" type="checkbox"/>	/
<input checked="" type="checkbox"/>	/

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	[REDACTED]	
Date	15/4/15	
Capacity	OPERATIONS DIRECTOR	

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

Signature	
Date	
Capacity	

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

N/A

Post town	Post code
-----------	-----------

Telephone number (if any)

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

Appendix 3

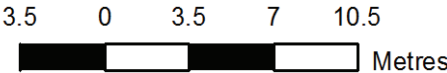


1a Bell Lane

Map 1



Scale 1:384



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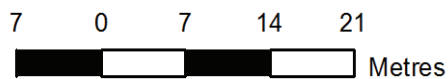


1a Bell Lane

Map 2



Scale 1:769



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1a Bell Lane

Map 3



Scale 1:1922

10 0 10 20 30



Metres



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Appendix 4

Andrew Heron

From: Andrew Kerr [REDACTED]
Sent: 18 May 2015 12:10
To: Licensing; [REDACTED]
Cc: Alkesh Solanki
Subject: AGREED NEW OPENING TIMES AND CONDITIONS DISCOUNT SUIT COMPANY

Follow Up Flag: Follow up
Flag Status: Completed

To whom it may concern,

After consultation with Alan Cruickshank the following terms of the new license for Discount Suit Company have now been agreed:

Alcohol / live music /recorded music/LNR(from 2300) / Opening times

Sun - Tuesday : 1200 - 2340
Wed - Sat : 1200 - 0100

Conditions:

SIA x 1 : Wed-Sat : from 2000 - closing

No drinks to be taken outside

No more than 6 smokers outside at one time

Regulated entertainment shall not be audible at the façade or within any affected business or residential property (as relevant) so as to cause a nuisance

Please let me know you have received and do not hesitate to contact me regarding any further information needed.

Regards,

Andy Kerr
The Umbrella Project
[REDACTED]

Appendix 5

Andrew Heron

From: Andrew Kerr [REDACTED]
Sent: 18 May 2015 12:44
To: Alkesh [REDACTED]
[REDACTED]
Subject: Re: AGREED NEW OPENING TIMES AND CONDITIONS DISCOUNT SUIT COMPANY

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

I confirm That live music is restricted to unamplified.

Regards,

Andy

On 18 May 2015, at 12:39, Alkesh Solanki <[REDACTED]> wrote:

Please confirm Andy that live music is restricted to unamplified live music.

From: Andrew Kerr [[mailto:\[REDACTED\]](#)]
Sent: 18 May 2015 12:10
To: Licensing; [REDACTED]
Cc: Alkesh Solanki
Subject: AGREED NEW OPENING TIMES AND CONDITIONS DISCOUNT SUIT COMPANY

To whom it may concern,

After consultation with Alan Cruickshank the following terms of the new license for Discount Suit Company have now been agreed:

Alcohol / live music /recorded music/LNR(from 2300) / Opening times

Sun - Tuesday : 1200 - 2340

Wed - Sat : 1200 - 0100

Conditions:

SIA x 1 : Wed-Sat : from 2000 - closing

No drinks to be taken outside

No more than 6 smokers outside at one time

Regulated entertainment shall not be audible at the façade or within any affected business or residential property (as relevant) so as to cause a nuisance

Please let me know you have received and do not hesitate to contact me regarding any further information needed.

Appendix 6

Section 182 Advice by the Home Office Updated on March 2015

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 7

Andrew Heron

From: Jon Shapiro [REDACTED]
Sent: 17 May 2015 15:31
To: Licensing
Cc: [REDACTED]
Subject: Licensing Application by Liberty Lounge, 1a Bell Lane, Shoreditch, E1 7TB
Premises within the Brick Lane Area CIZ!

Dear Sir or Madam,

I would like to request that this Licence Application for extended hours should be wholly refused on the grounds of:

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance

as the premises is within the Brick Lane "Cumulative Impact Zone" (CIZ) and the Licence application asks for a Licence to 02.00 hours.

The very last thing needed in the Brick Lane area is yet another establishment open for the sale of food and alcohol beyond core hours. Indeed I believe that to grant any such licence for extended hours would be a clear breach of the Saturation Policy in the Brick Lane area CIZ.

The CIZ is already (by definition!) over-supplied with alcohol, and is stated by our Borough Police Commander to be the "number one policing problem in Tower Hamlets". Until and unless this area ceases to be such a policing problem I believe that no such licence should be granted to Liberty Lounge.

The Brick Lane area is plagued by Anti Social behaviour (ASB) and hospital admissions to A&E. Recent police action in response to violence at some Brick Lane restaurants just highlights this problem of ASB in the local area. I believe the Licensing Committee should be assisting the Police and other authorities in reducing the over-supply of alcohol in the area (particularly out of normal hours), alcohol which the driving force behind these problems.

For all the reasons quoted above I request **most strongly** that this Licensing Application should be **wholly rejected**. Since I believe firmly that this Licensing application is in breach of the CIZ Licensing Policy I would like to make this request as:

- 1) A resident of Spitalfields
- 2) Chair of the Police Ward Panel, and on behalf of the Ward Panel
- 3) Chair of SPIRE which now speaks on ASB matters for local resident and community groups representing over 700 local residents in the Brick Lane area, and on behalf of those 700+ local residents.

Yours faithfully,
Jon Shapiro.

[REDACTED]

[REDACTED]

[REDACTED]

Appendix 8

Andrew Heron

From: [REDACTED]
Sent: 14 May 2015 08:09
To: Licensing
Subject: Fwd: your ref tss/LIC/84292 Liberty Lounge 1a Bell Lane london E1 7TB, Discount Suit Company
Attachments: 20150512_103041.jpg

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

[REDACTED]

Sent: Wed, 13 May 2015 21:19
Subject: Fwd: your ref tss/LIC/84292 Liberty Lounge 1a Bell Lane london E1 7TB, Discount Suit Company

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

[REDACTED]

Sent: Wed, 13 May 2015 21:14
Subject: your ref tss/LIC/84292 Liberty Lounge 1a Bell Lane london E1 7TB, Discount Suit Company

to whom it may concern

we are Bina Shoes Limited

we trade [REDACTED]

We strongly object to the late licence application of the Liberty Lounge entrance on Bell Lane

and to the Discount Suit Company entrance next door to us on 29 wentworth street

we have been trading in wentworth street since 1983

we have never experienced any antisocial behaviour until the bar come lounge has opened a year ago

beer bottles are left outside , people come out for a smoke , block our shopfront window , when they finish they stamp out the cigarettes

leave them on the floor outside my shop leaving a heap of cigarettes

we have to sweep up the mess every morning , giving a late licence means people will be be drinking more causing more problems

urinating in our shop doorways , being sick after having excess alcohol

this is unacceptable , we have asked the bar owners to clean up but this was never done and I expect their mess will never be cleaned up

by the bar owners

I strongly oppose the this application and it should be refused

Saeed Malik

[REDACTED]

Appendix 9

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 - 2.7).

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 10

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 7 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 (2.14 – 2.20).

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 (2.18/2.20).

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 (13.13).

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 11

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. (2.19).

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. (2.20)

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 (2.22) 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 12

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	06:00hrs to 23:30hrs
Friday and Saturday	06:00hrs to 00:00hrs (midnight)
Sunday	06:00hrs to 22:30hrs

(See 12.8 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 applicants 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 12.8 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
- Premises licensed for off sales only

Appendix 13

Special Cumulative Impact Policy for the Brick Lane Area

- Section 8 of the LBTH Licensing Policy provides for the Cumulative Impact Policy for the Brick Lane Area.
- As with many other London Borough's the majority of late night licensed premises are concentrated within one area of the Borough. Following guidance issued under the Licensing Act 2003 a cumulative impact policy was adopted on 18th September 2013 by the Council.
- After consultation the Council recognises that because of the number and density of licensed premises selling alcohol, on and off the premises and the provision of late night refreshment (sale of hot food after 11pm) within the Brick Lane Area as defined in **Figure One**, there might be exceptional problems of nuisance, disturbance and/or disorder outside or away from those licensed premises as a result of their combined effect.
- The Licensing Authority is now of the view that the number, type and density of premises selling alcohol for consumption on and off the premises and/or the provision of late night refreshment in the area highlighted in Figure One is having a cumulative impact on the licensing objectives and has therefore declared a cumulative impact zone.
- The effect of this Special Cumulative Impact Policy is to create a rebuttable presumption for applications in respect of the sale or supply of alcohol on or off the premises and/or late Night Refreshment for new Premises Licences, Club Premises Certificates or Provisional Statements and applications for variations of existing Premises Licences, Club Premises Certificates (where the modifications are relevant to the issue of cumulative impact for example increases in hours or capacity). Where the premises are situated in the cumulative impact zone and a representation is received, the licence will be refused. To rebut this presumption the applicant would be expected to show through the operating schedule and where appropriate with supporting evidence that the operation of the premises will not add to the cumulative impact already being experienced. This policy does not act as an absolute prohibition on granting/varying new licences in the Cumulative Impact Zone.
- The Special Cumulative Impact policy will not be used to revoke an existing licence or certificate and will not be applicable during the review of existing licences.

The Cumulative Impact Zone in the Brick Lane area

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

Figure One



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